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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end 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, 1969, and specifies how they are affected.

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1969 ed.), as amended February 1, 1969 (34 F.R. 1586), June 3, 1969 (34 F.R. 8697), July 1, 1969 (34 F.R. 11081), and August 1, 1969 (34 F.R. 12561), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

TWO HOURS

Add: New Orleans, La.

THREE HOURS

Delete: New Orleans, La.

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Portal, N. Dak. (served from Kenmare, N. Dak.).

FOUR HOURS

Delete: Mauna, Oreg. (served from Portland, Oreg.).

FIVE HOURS

Add: Coos Bay, Oreg. (served from Roseburg, Oreg.).

Add: Mapleton, Oreg. (served from Roseburg, Oreg.).

SIX HOURS

Add: Newport, Oreg. (served from Roseburg, Oreg.).

Add: Wedderburn, Oreg. (served from Roseburg, Oreg.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 24th day of November 1969.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 69-14115; Filed, Nov. 26, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-251]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Import Quotas on Coffee From Nonmember Countries of the International Coffee Organization

The Treasury Department has been requested by the Department of State to establish import quotas on nonmember coffee for the quota year begining November 15, 1969, at the level of 6,207,316 pounds. The limitation of imports of coffee from nonmember countries is required by article 45 of the International Coffee Agreement, 1968, which continued the International Coffee Agreement, 1962.

The only country for which a specific quota is being maintained is Yemen, for which the quota is 1,851,864 pounds. The remainder is being allotted to the basket quota. The limitation on entering not more than 50 percent of each quota during the first 6 months of the quota year is being continued.

Section 12.71 (a) and (b) of the Customs Regulations is accordingly amended to read as follows:

§ 12.71 Import quotas on coffee produced in nonmember countries of the International Coffee Organization.

(a) The following import quota for the 12-month period beginning on November 15 in any year on coffee produced in a nonmember country of the International Coffee Organization is established pursuant to article 45 of the International Coffee Agreement, 1968, for the following country. Not more than 50 percent of the amount of the quota may be entered during the first 6 months of the year (November 15–May 14).

Country	*Quota in Pounds of Green Coffee*
Yemen	1,851,864

(b) All coffee not specifically identified as a product of or shipment from a member country and not charged to the quota of Yemen shall be charged to an annual basket quota of 4,355,452 pounds of green coffee, not more than 50 percent of which may be entered during the first 6 months of the year (November 15–May 14). Coffee from Yemen shall be charged to the basket quota during each 6-month period after the quota for that country has been filled.

* * * * *

(Sec. 302(1), 82 Stat. 1348; 19 U.S.C. 1356f (1). E.O. 11449, Jan. 22, 1969, 34 F.R. 917)

Effective date. This amendment shall become effective as of November 15, 1969.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: November 18, 1969.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14105; Filed, Nov. 26, 1969; 8:48 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Import Reg. 1, Rev. 5, Amdt. 1]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSES FOR IMPORTATION OF CERTAIN CHEESE AND OTHER PRODUCTS

Import Regulation 1, Revision 5, governing the manner in which licenses may be obtained and used for the importation of certain articles subject to import restrictions proclaimed pursuant to section 22, as amended, is amended to provide for the issuance of licenses on a nonhistorical basis for Italian-type cheese, made from cow's milk, not in original loaves (TSUS item 950.10A) and milk chocolate crumb (TSUS item 950.15) and to provide with respect to all nonhistorical quota shares, except those for which 1969 quota year eligibility was established, that each share will be permitted to be imported from only one country of origin and the quantity thereof shall not be less than 2,500 pounds.

1. Section 6.25(b) is amended by inserting "(1)" after the heading "Nonhistorical eligibility" and adding a new paragraph at the end thereof as follows:

2. Any person who is not eligible under paragraph (a) of this section to receive a license to import chocolate provided for in Group VII of appendix I shall be eligible to obtain a license to

import a quota share thereof upon submission of (i) evidence satisfactory to the Licensing Authority that such person, during the quota year preceding that for which application is made, imported for commercial processing chocolate provided for in items 156.25 or 156.47 of part 10, schedule 1, of the Tariff Schedules of the United States and (ii) a certification by such person that he is not a part of or an affiliate of the business of any other person eligible for an import license for chocolate provided for in Group VII of appendix I and is not an officer, member, partner, associate, or employee of such business.

§ 6.26 [Amended]

2. Section 6.26(a) is amended as follows:

a. The following is added to the table:

Italian-type cow's milk cheese in other than original loaves	950.10A	5,000
Milk chocolate crumb	950.15	20,000

b. The paragraph following the table is amended to read as follows:

A nonhistorical quota share shall be determined on the following basis:

(1) A quota share for an article may not exceed the applicable maximum quota quantity set forth above nor the quantity requested by applicant.

(2) A quota share may not be less than 2,500 pounds and may be imported from only one country of origin, *Provided*, That such limitation shall not be applicable to a quota share for which 1969 quota year eligibility was established.

(3) Beginning with the 1970 quota year no new applications for nonhistorical licenses will be accepted for an article listed in Group II or for an article listed in Groups III, IV, V, VI, and VII to be imported from a specified country, if such acceptance would result in quota shares of less than 2,500 pounds.

(4) Subject to (i), (ii), and (iii) the amount set aside for nonhistorical licensees shall be allocated proportionately among eligible applicants for such licenses. Any amounts unallocated on this basis shall be made available for distribution to historical licensees.

3. Appendix 1 to Import Regulation 1, Revision 5, is hereby amended by deleting footnote 6 and changing Groups VI and VII to read as follows:

Group VI:[5]		
Italian-type cheeses, made from cow's milk, not in original loaves (Romano made from cow's milk, Reggiano, Parmesano, Provolone, Provolette, and Sbrinz), and cheese and substitutes for cheese containing, or processed from, such Italian-type cheeses, whether or not in original loaves (Item 950.10A):		
Argentina	1,347,000	134,700
Italy	104,500	10,450
Australia	13,700	None
Other countries	28,800	28,800
Group VII:[5]		
Chocolate provided for in item 156.30, of part 10, schedule 1, if containing over 5.5 percent by weight of butterfat (except articles for consumption at retail as candy or confection) (Item 950.15):		
Ireland	9,450,000	945,000
United Kingdom	7,450,000	745,000
Netherlands	100,000	100,000
Other countries	None	None

It is hereby determined that the foregoing amendment of Import Regulation 1, Revision 5, is necessary and must be made effective immediately in order to give persons an opportunity to establish eligibility for nonhistorical quota shares for Italian-type cheese, made from cow's milk, not in original loaves (TSUS item 950.10A) and milk chocolate crumb (TSUS item 950.15) for which licenses will be issued for the first time on a nonhistorical basis as of January 1, 1970. In view of the time element it is hereby determined that, with respect to the quota shares for such articles, the provisions of § 6.25(c), which requires that evidence to establish eligibility be submitted no later than 30 days preceding the quota year for which the license to import such commodity is first requested, be waived and that evidence establishing such eligibility must be received no later than December 15, 1969.

Therefore, it is found upon good cause that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 553) is impracticable, unnecessary, and contrary to the public interest and that this amendment shall be effective upon publication.

Proposals for amendment or modification of this amendment are invited. They may be addressed to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. All proposals should be accompanied by a written statement in explanation and support of such proposal.

(Sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Proclamations 3548, 3558, 3562, 3597, 3709, 3790, 3822, 3856, 3870, and 3884 and sec. 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950); Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 24th day of November 1969.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[F.R. Doc. 69-14160; Filed, Nov. 26, 1969; 8:50 a.m.]

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

[Navel Orange Reg. 185]

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

Limitation of Handling

§ 907.485 Navel Orange Regulation 185.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), 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 November 25, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 28, 1969, through December 4, 1969, are hereby fixed as follows:

(i) District 1: 890,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 110,000 cartons.

(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: November 26, 1969.

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

[F.R. Doc. 69-14212; Filed, Nov. 26, 1969; 11:34 a.m.]

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

[Milk Order 11]

PART 1011—MILK IN THE APPALACHIAN MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Appalachian marketing area.

It is hereby found and determined that for the months of November 1969 through February 1970 the following provisions of the order no longer tend to effectuate the declared policy of the Act.

(1) In § 1011.11, "(1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February:";

(2) In § 1011.44, all of paragraph (c); and

(3) In § 1011.44(d), "located not more than 200 miles, by the shortest highway distance as determined by the market administrator, from the nearer of the city hall of Bluefield, W. Va., or from the city limits of Kingsport, Tenn.".

Statement of consideration. This suspension will permit unlimited diversion of milk during the months of November-December 1969 and January-February 1970 directly from dairy farmers to unregulated plants wherever located, and further provide for classification of such milk at its actual utilization.

Presently, the order limits the diversion of milk from a producer to not more than 15 days during the months of August through February. Current provisions also require automatic Class I utilization if milk is moved to an unregulated plant more than 200 miles from the near of the city hall of Bluefield, W. Va., or the city limits of Kingsport, Tenn.

Dairymen Inc., requested the suspension. This cooperative association, represents nearly all the producers in this market. This suspension order will tend to maximize returns to producers by increasing the opportunities to dispose of milk for fluid use. Also, it will reduce costs since it is more efficient to move milk directly from the farms of producers closest to unregulated plants (located more than 200 miles from either Bluefield or Kingsport) rather than receive such milk at a pool plant and then transfer the milk to distant unregulated plants.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions to maintain orderly marketing conditions in the marketing area in that it will permit much more economical and efficient handling of milk disposed of to unregulated milk plants;

(b) This suspension order is known to handlers and does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (34 F.R. 17776). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November 1969 through February 1970.

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

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 24, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-14057; Filed, Nov. 26, 1969; 8:45 a.m.]

[Milk Order 124; Docket No. AO 368]

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

Order Regulating Handling

Findings and determinations.—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Oregon-Washington marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk including a handler's own production;

(ii) Other source milk allocated to Class I milk pursuant to § 1124.46(a)(4) and (8) and the corresponding steps of § 1124.46(b); and

(iii) Class I milk disposed of from a partially regulated distributing plant in the marketing area on routes that exceeds Class I milk received during the month at such plant from pool plants and from other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than December 1, 1969, and fully effective not later than January 1, 1970. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued on July 30, 1969, and the decision of the Assistant Secretary containing all the provisions of this order was issued October 24, 1969. The provisions of the order, other than those relating to prices and payments must become effective prior to the fully effective date of the order to provide handlers the opportunity to adjust their operational and accounting procedures to the order provisions.

In view of the foregoing, it is hereby found and determined that good cause exists for making the order partially effective December 1, 1969, and fully effective January 1, 1970, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d) Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order;

(3) The issuance of the order, exclusive of the base and excess plan of payment to producers, is approved or favored by at least two-thirds of the producers who participated in a referendum and

who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) The issuance of the base and excess plan of payment to producers, which is included in this order, is approved or favored by at least two-thirds of the producers who participated in a separate referendum in which each individual producer had one vote and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Oregon-Washington marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

AUTHORITY: The provisions of this Part 1124 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1124.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1124.2 Department.

"Department" means the U.S. Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this order.

§ 1124.3 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers, and to perform the duties of the Secretary of Agriculture.

§ 1124.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1124.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales, or marketing milk or its products for its members.

§ 1124.6 Oregon-Washington marketing area.

"Oregon-Washington marketing area" hereinafter called the "marketing area", means all territories within the perimetric boundaries of the counties listed below, including all territory as is now occupied and as may be occupied in the future by Government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments. Where such an establishment is partly within and partly without the designated boundaries, the marketing area shall include the entire area encompassed by such establishment.

OREGON COUNTIES

Benton.	Deschutes.
Clackamas.	Douglas.
Clatsop.	Gilliam.
Columbia.	Hood River.
Coos.	Jackson.
Jefferson.	Multnomah.
Josephine.	Polk.
Klamath.	Sherman.
Lane.	Tillamook.
Lincoln.	Umatilla.
Linn.	Wasco.
Marion.	Washington.
Morrow.	Yamhill.

WASHINGTON COUNTIES

Benton.	Pacific.[1]
Clark.	Skamania.
Cowlitz.	Wahkiakum.
Franklin.	Walla Walla.
Klickitat.	Yakima.
Lewis (the town of Vader only).	

§ 1124.7 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) A cooperative association with respect to milk of its member producers which is diverted from a pool distributing plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association;

(e) A producer-handler; or

(f) Any person who operates an other order plant described in § 1124.61.

§ 1124.8 Plants.

(a) "Distributing plant" means a plant:

(1) That is approved by a duly constituted health authority for the processing or packaging of Grade A milk and which has route disposition in the marketing area during the month; or

(2) That processes or packages filled milk and has route disposition of filled milk in the marketing area during the month; and

(b) "Supply plant" means a plant from which filled milk or a fluid milk

[1] All territory south of T. 11 N. and Long Island and the North Beach Peninsula only.

product which has been approved by a duly constituted health authority for fluid consumption is shipped during the month to a distributing plant.

§ 1124.9 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section except the plant of a handler exempt pursuant to § 1124.60 or § 1124.61: *Provided*, That if a portion of a plant is physically separated from the Grade A portion of such plant, is operated separately and is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition, it shall not be considered as part of a pool plant pursuant to this section:

(a) A distributing plant which during the month:

(1) Has route disposition, except filled milk, in the marketing area of 15 percent or more of its total receipts of Grade A milk, except packaged fluid milk products from other plants qualified under this paragraph, and from other order plants, filled milk and receipts of diverted milk from other pool plants and from other order plants;

(2) Has total route disposition, except as filled milk, both inside and outside the marketing area, of 30 percent or more of such receipts: *Provided*, That all distributing plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this subparagraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested; and

(b) Any supply plant from which 30 percent of its dairy farm supply of Grade A milk is moved, except as filled milk, during the month to a plant(s) qualified under paragraph (a) of this section. Any plant which has qualified under this paragraph in each of the months of August through February (or would have so qualified had the order been in effect) shall qualify under this paragraph in each of the following months of March through July unless written request for nonpool status for any such month(s) is furnished in advance to the market administrator. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of March through July unless it fulfills the shipping requirements of this paragraph for such month.

§ 1124.10 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The term includes, but is not limited to the following categories of plants:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this order) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is not an exempt plant, an other order plant, or a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed in the marketing area on routes during the month.

(d) "Unregulated supply plant" means a nonpool plant which is neither an other order plant nor a producer-handler plant and from which fluid milk products are moved during the month to a pool plant qualified pursuant to § 1124.9.

(e) "Exempt plant" means a plant described in § 1124.60.

§ 1124.11 Producer.

"Producer" means any person (other than a producer-handler as defined in any Federal order, including this order) who produces milk approved by a duly constituted health authority for fluid consumption which milk is received at a pool plant or diverted to a nonpool plant within the limits set forth in paragraphs (a) and (b) of this section and subject to paragraphs (c), (d), (e), and (f). The term shall not include such person with respect to milk received at a pool plant from an other order plant by diversion if both buyer and seller have requested Class III milk classification in the reports of receipts and utilization filed with the respective market administrators:

(a) During March through July a cooperative association may divert for its account to a nonpool plant without limit the milk of any producer whose milk has been received previously at a pool plant. During the months of August through February such cooperative association may divert on others days the milk of any producer from whom at least three deliveries are received at a pool plant during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool distributing plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the 1st day of the month such agreement is effective. This request shall specify the basis for assigning any overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator;

(b) A handler in his capacity as the operator of a pool distributing plant may divert during any month of March through July for his account to a nonpool plant, without limit, the milk of any producer whose milk has been received previously at a pool plant other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section during the month. During the months of August through February such handler may divert on other days the milk of any producer from whom at least three deliveries are received during the month at his pool distributing plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at his pool distributing plant(s);

(c) In the event milk receipts from dairy farmers are diverted in excess of the applicable percentages pursuant to paragraphs (a) and (b) of this section, the diverting handler shall designate the dairy farmers whose milk was overdiverted and such overdiversions shall not be considered producer milk. If the handler fails to make such designation, only the milk of the dairy farmers which is physically received at a pool plant(s) by the diverting handler shall be producer milk for such month;

(d) For the purposes of the requirements of § 1124.9, milk diverted for the account of the operator of a pool distributing plant, except an operator which is also a cooperative association diverting milk in the same month pursuant to paragraph (a) of this section, shall be included in the receipts of the pool plant from which diverted;

(e) For the purposes of location adjustments pursuant to §§ 1124.52 and 1124.83, any milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted; and

(f) Milk moved from producers' farms to a nonpool plant may be diverted producer milk only if it is not fully subject to the pricing and pooling provisions of the other order and if both the diverting handler and the operator of the other order plant request Class III (or Class II) classification.

§ 1124.12 Producer-handler.

(a) "Producer-handler" means any person who operates a dairy farm and a milk processing plant from which there is route disposition in the marketing area during the month, and who receives no skim milk (including nonfat dry milk or condensed skim milk or skim milk recombined from nonfat dry milk or condensed skim milk) or butterfat from any source, other than his own production, for use in fluid milk products during the month: *Except* that such person may purchase from other pool plants packaged fluid milk products, other than whole milk, in an amount not in excess of an average of 100 pounds per day during the month; and

(b) Such person must provide proof satisfactory to the market administrator that the care and management of all the dairy animals and other resources necessary to produce the entire volume of fluid milk products (excluding receipts from pool plants) and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of such person.

§ 1124.13 Producer milk.

"Producer milk" means the skim milk and butterfat handled by a pool plant operator or a cooperative association handler pursuant to § 1124.7 (c) and (d) as follows:

(a) Producer milk of a handler operating a pool plant is skim milk and butterfat in milk:

(1) Received at such pool plant directly from producers and cooperative association handlers pursuant to § 1124.7 (d), except receipts of diverted producer milk of another pool plant operator or diverted milk from an other order plant if diversion is claimed by the diverting handler and if both handlers have requested Class III classification of such diverted milk in their reports filed pursuant to § 1124.30;

(2) Diverted by the operator of such pool plant for his account to a nonpool plant subject to the limits prescribed in § 1124.11; and

(3) Diverted by the operator of such pool plant to another pool plant if he claims such diversion and if operators of both plants have requested Class III classification of such diverted milk in their report filed pursuant to § 1124.30;

(b) Producer milk of a cooperative association pursuant to § 1124.7(c) is skim milk and butterfat in milk received by such cooperative association from producers' farms and diverted for its account to a nonpool plant, subject to the limits prescribed in § 1124.11; and

(c) Producer milk of a cooperative association handler pursuant to § 1124.7(d) is skim milk and butterfat in milk received by such cooperative association from producers' farms in excess of the quantity delivered to pool plants. Such milk shall be priced at the location of the pool plant to which most of the milk in the tank truck was delivered during the month.

§ 1124.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products from any source except producer milk and fluid milk products received from pool plants;

(b) Products (except Class II milk products received from pool plants) other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month; and

(c) Any disappearance of nonfluid milk products not otherwise accounted for pursuant to § 1124.33.

§ 1124.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, plain or flavored milk and milk drinks (unmodified or with added nonfat solids) including "dietary milk products" reconstituted milk or skim milk, filled milk, concentrated milk not in hermetically sealed all metal containers, and mixtures of cream and milk or skim milk containing less than 18 percent butterfat (such as "half and half") including those which are sterilized and aseptically packaged.

§ 1124.16 Route disposition.

"Route disposition" means delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a pool distributing plant from another distributing plant, and which are classified as Class I under § 1124.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under §1124.9(a) and the transferor plant shall be assigned in-area sales to the extent of such transfer but not in excess of the in-area sales of the transferee.

§ 1124.17 Oregon Base Plan.

"Oregon Base Plan" means the applicable provisions of Oregon Revised Statutes, Chapter 583.510 (1) and (2); 583.512; 583.515; 583.516; 583.525(2); 583.530(1)(c), and related provisions of Oregon Administrative Rules, Chapter 603–65–035; 65–040; 65–045; 65–050; 65–055; 65–060; 65–070; 65–075; 65–080; and 65–085.

§ 1124.18 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains not more than 6 percent nonmilk fat (or oil).

§ 1124.19 Base, base milk, and excess milk.

(a) "Base" means a quantity of milk expressed in pounds per day or per month, computed pursuant to § 1124.65 (a) and (b), respectively.

(b) "Base milk" means milk delivered by a producer during the month which is not in excess of:

(1) His daily base computed pursuant to § 1124.65(a) multiplied by the number of days of delivery in such month; or

(2) His monthly base computed pursuant to § 1124.65(b): *Provided*, That with respect to any producer with "every-other-day" delivery the days of nondelivery shall be considered as days of delivery for the purposes of this section and of § 1124.65(a).

(c) "Excess milk" means any delivery by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 1124.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1124.21 Powers.

The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1124.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties; in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such person as may be necessary to enable him to administer the terms and provisions of this order;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1124.87, the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1124.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends, and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1124.30 and 1124.31; or (2) payments pursuant to §§ 1124.80 through 1124.87;

(i) Publicly announce by posting in a conspicuous place in his office, and by

such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I milk price and Class I butterfat differential for the month, computed pursuant to §§ 1124.51(a) and 1124.53(a), respectively;

(2) On or before the 5th day of each month, the Class II and Class III milk prices, and the Class II and Class III butterfat differentials, for the preceding month, computed pursuant to §§ 1124.51 (b) and (c), and 1124.53 (b) and (c), respectively; and

(3) On or before the 14th day of each month, the uniform prices for all producer milk computed pursuant to § 1124.71, and the butterfat differential computed pursuant to § 1124.84, for the preceding month;

(j) On or before the 14th day after the end of each month:

(1) Notify each handler of his net pool obligation computed pursuant to §§ 1124.62 and 1124.70 and of any adjustments pursuant to § 1124.85; and

(2) Report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this order, and which do not reveal confidential information;

(l) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1124.46(a)(9), and the corresponding step of § 1124.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month, of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimates shall be based upon the most current available data and shall be final for such purposes;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1124.46, pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1124.30 Reports of receipts and utilization.

On or before the ninth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) Each handler who operates a pool plant(s) shall report for each such plant:

(1) The receipts of milk and the pounds of butterfat contained therein including the total quantities of base milk and excess milk;

(i) Received directly from producers;

(ii) Received from a cooperative association handler pursuant to § 1124.7(d);

(iii) Diverted to a nonpool plant within the limits prescribed in § 1124.11; and

(iv) Diverted to a pool plant within the limits prescribed in § 1124.13(a)(3);

(2) The quantities of skim milk and butterfat contained in receipts from other pool plants;

(i) In the form of fluid milk products;

(ii) In the form of Class II milk products; and

(iii) As diverted from another pool plant;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand, separately in bulk and in packages, at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement showing separately the in-area and outside area route disposition of filled milk and other Class I milk;

(6) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmer whose milk was so diverted;

(iii) The pounds of skim milk and butterfat contained in his milk so diverted;

(iv) The number of days his milk was received at a pool plant; and

(7) Such other information with respect to such receipts and utilization as the market administrator may prescribe;

(b) Each cooperative association shall report separately with respect to milk for which it is a handler pursuant to § 1124.7 (c) and (d) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants;

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler; and

(4) In the case of diversions to nonpool plants, the following additional information:

(i) The name of the plant to which diverted;

(ii) The name of the individual dairy farmer so diverted;

(iii) The pounds of skim milk and butterfat contained in his milk so diverted; and

(iv) The number of days his milk was received at a pool plant; and

(c) Each handler operating a partially regulated distributing plant shall report the information required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat in Class I milk disposed of in the marketing area on routes and the quantity of reconstituted skim milk in such disposition.

§ 1124.31 Payroll reports.

On or before the 9th day of each month, the following handlers shall report to the market administrator, as follows:

(a) Each handler who operates a pool plant(s) shall submit to the market administrator his individual account for milk received from producers at each of his pool plants, including milk diverted as producer milk for his account from such plant during the preceding month which shall show:

(1) The name and the days of delivery of each producer from whom milk was received during the month with the address of any producer for whom such information was not furnished previously other than one who is a member of a cooperative association which is a handler pursuant to § 1124.7(d);

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer reported in subparagraph (1) of this paragraph, identifying separately those producers for which a cooperative association is authorized to collect payments pursuant to § 1124.80(b);

(3) The nature and amount of any deductions or charges involved in such payments; and

(4) The pounds of base milk and the pounds of excess milk for each producer;

(b) Each handler who operates a partially regulated distributing plant and elects to make payments pursuant to § 1124.62(a), shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts from producers; and

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1124.7 (c) and (d) the name and the number of days of delivery, with the address of any producers not previously reported, the total pounds of milk and the average butterfat content thereof which was received from each producer.

§ 1124.32 Other reports.

Each producer-handler, each handler operating an exempt plant pursuant to § 1124.60 (a) and (b) or an other order

plant pursuant to § 1124.61, and each handler making payments pursuant to § 1124.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1124.33 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions, and the disbursement of money so deducted.

§ 1124.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1124.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1124.30 shall be classified by the market administrator pursuant to the provisions of §§ 1124.41 through 1124.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1124.41 Classes of utilization.

Subject to the conditions set forth in §§ 1124.42 through 1124.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraphs (b)(3) and (c)(3) of this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not accounted for as Class II milk or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of cream (sweet or sour) sterilized cream, aerated cream, and mixtures of cream and milk or skim milk containing at least 18 percent butterfat;

(2) Used to produce cottage cheese, frozen cream, plastic cream, ice cream, ice cream mix, frozen desserts, frozen dessert mixes, sour cream mixtures to which other ingredients have been added (commonly referred to as "dips"), eggnog, yogurt, aerated cream products and condensed milk or skim milk (either plain or sweetened) utilized for any purpose other than those specified in paragraphs (c) (1) and (4) of this section; and

(3) Disposed of in bulk in the form of fluid milk products or in the form of cream or mixtures of cream and milk or skim milk to a commercial food processing establishment for use in the manufacture of bakery products, candy, meat products, prepared foods in hermetically sealed metal containers, and prepared foods in dried or nonfluid form, all of which products are processed for general distribution to the public for consumption off the premises; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter, butteroil, anhydrous butterfat, condensed milk or condensed skim milk (either plain or flavored) used to produce another Class III product in a pool plant or in a nonpool plant located within the marketing area, condensed buttermilk, cheese, except cottage cheese, sterilized products in hermetically sealed all-metal containers, nonfat dry milk, dried whole milk, livestock feed and blends of dried milk products;

(2) Contained in products which contain 6 percent or more of nonmilk fat or oil;

(3) In fluid milk products dumped after prior notification to and opportunity for verification by the market administrator;

(4) Represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(5) In inventory of bulk fluid milk products on hand at the end of the month;

(6) In shrinkage at each pool plant allocated pursuant to § 1124.42(b)(1) not to exceed the following:

(i) Two percent of receipts directly from producers and receipts of diverted producer milk from another pool plant if the diversion is accounted for on the basis of farm weights; plus

(ii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1124.7(d), except that if the handler operating the pool plant files with the market administrator notice that he is receiving such milk on the basis of farm weights (determined from farm bulk tank calibrations and samples), the applicable percentage shall be two percent; plus

(iii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants including diverted milk unless the rate of 2 percent is applicable under subdivision (i) of this subparagraph; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class III utilization was requested by the handler; less

(vi) One and one-half percent of disposition in bulk to other milk plants either by transfers or diversions;

(7) In shrinkage allocated pursuant to § 1124.42(b)(2); and

(8) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1124.7 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts exclusive of those for which farm weights and tests are used as the basis of receipt at the plant to which delivered.

§ 1124.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each of his pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler at each of his plants; and

(b) If the pool plant has receipts of other source milk, shrinkage shall be prorated between:

(1) A quantity equal to 50 times the maximum that may be computed pursuant to § 1124.41(c)(6); and

(2) Skim milk and butterfat in other source milk in the form of fluid milk products exclusive of those specified in § 1124.41(c)(6).

§ 1124.43 Responsibility of handlers and reclassification of milk.

(a) Except as provided in paragraphs (b) and (c) of this section, all skim milk

and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) For the purposes of §§ 1124.41 through 1124.46, §§ 1124.50 through 1124.54, and §§ 1124.70 through 1124.71, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1124.7(d), shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1124.70;

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1124.7(d), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I milk and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1124.7 (d) shall be responsible for proving that such skim milk and butterfat shall be classified other than as Class I milk; and

(d) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1124.44 Transfers.

Skim milk and butterfat disposed of in the form of a fluid milk product (or a Class II milk product moved between pool plants) by a handler, including a handler pursuant to § 1124.7(c), shall be classified as follows:

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred or diverted from a pool plant to another pool plant, subject to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1124.46(a)(9) and the corresponding step of § 1124.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1124.46(a)(4), and the corresponding step of § 1124.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I milk utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1124.46(a) (8) or (9) and the corresponding steps of § 1124.46(b), the skim milk and butterfat so transferred shall be classified so as to assign to producer milk the greatest possible Class I utilization at both plants;

(b) As Class I milk if transferred as a fluid product in packaged form to a nonpool plant which is not an other order plant;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant which is not an other order plant, a producer-handler plant or an exempt plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph, except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1124.30, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1124.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I milk utilization disposed in the marketing area on routes shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(ii) Any Class I milk utilization disposed of in the marketing area of another order on routes issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I milk utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I milk utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk to the extent of such uses at the plant and then as Class III milk; and

(v) If any skim milk or butterfat is transferred to a second plant under this paragraph, the same conditions of audit, classification, and allocation shall apply;

(d) If transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph;

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred or diverted in bulk form, classification shall be in Class I milk, if allocated as a fluid milk product under the other order to Class I milk; in Class II milk, if allocated to Class II milk under an order which provides three classes; or in Class III milk, if allocated to Class III milk under the other order or if allocated to Class II milk under an order which provides only two classes (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class III milk to the extent of the Class III milk utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I milk subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1124.41; and

(e) As Class I, if transferred as a fluid milk product to a producer-handler or to an exempt plant under § 1124.60 (a) or (b).

§ 1124.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1124.30 and shall compute the skim milk and butterfat in each class at all pool plants of such handler and the pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1124.7(d) and was not received at a pool plant. Producer milk for which a cooperative association is the responsible handler

pursuant to § 1124.7(d) shall be treated separately from the operations of any pool plant(s) operated by such cooperative association for the purpose of allocation pursuant to § 1124.46, and computation of obligation pursuant to § 1124.70.

§ 1124.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1124.45, the market administrator shall determine each month the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk classified as Class III milk pursuant to § 1124.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Except for the first month this order is effective, or the first month in which a plant becomes a pool plant, subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below the pounds of skim milk in each of the following:

(i) From Class II, other source milk received in the form of a Class II product; and

(ii) From the remaining pounds of skim milk in each class in series beginning with Class III:

(a) Other source milk in a form other than that of a fluid milk product or a Class II product;

(b) Receipts of fluid milk products except filled milk for which Grade A certification is not established, or which are from unidentified sources;

(c) Fluid milk products received or acquired for distribution from a producer-handler as defined under this or any other Federal order;

(d) Receipts of fluid milk products from an exempt plant; and

(e) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(5) Subtract, in sequence beginning with Class III milk in the order specified below, from the pounds of skim milk remaining in Class III milk and Class II milk;

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class III milk utilization, but not in excess of the pounds of skim milk remaining in Class III milk and Class II milk; and

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subdivision (4)(ii)(e) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk by 1.25; and

(b) Subtract from the result the sum of the pounds of skim milk in producer milk, in receipts from pool plants of other handlers and in receipts in bulk from other order plants;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from another order plant in excess of similar transfers or diversions to such plant, but not in excess of the pounds of skim milk remaining in Class III milk (and Class II milk), if Class III milk utilization was requested by the transferee handler and the operator of the transferor plant requests the lowest class utilization under the other order;

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III milk, the pounds of skim milk in inventory of bulk fluid milk products (and, for the first month the order is effective or the first month in which a plant becomes a pool plant, the pounds of fluid milk products in packaged form) on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subdivision (4)(ii)(e) or subparagraph (5)(i) or (ii) of this paragraph;

(9) Subtract, beginning with Class III milk, from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case, of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (5)(iii) of this paragraph pursuant to the following procedure:

(i) Such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class III milk and Class II milk combined;

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1124.22(1); or

(b) The pounds of skim milk remaining in each class at a pool plant(s) of the handler;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received from pool plants of other handlers by transfer or diversion according to the classification assigned pursuant to § 1124.44(a); and

(11) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in milk received from producers, and from cooperative associations pursuant to § 1124.7(d), subtract such excess from the remaining pounds of skim milk in series beginning with Class III milk. Any amount so subtracted shall be known as overage;

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1124.50 Basic Formula price.

The basic formula price shall be the average price per huundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the butter price. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

§ 1124.51 Class prices.

Subject to the provisions of §§ 1124.52 and 1124.53, the class prices per hundredweight for the month shall be computed as follows:

(a) *Class I milk.* For the first 18 months from the effective date of this section, the Class I price shall be the basic formula price for the preceding month plus $1.75, plus an additional 20 cents;

(b) *Class II milk.* The Class II price shall be the Class III price for the month plus 25 cents; and

(c) *Class III milk.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows:

(1) Multiply by 4.2 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago as reported by the Department for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediately preceding month through the 25th day of the current month; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1124.52 Location adjustment to handlers.

(a) For producer milk and other source milk (for which a location adjustment is applicable) at a plant not located in the Oregon portion of the marketing area (except Umatilla County), or in the State of California which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, the Class I price computed pursuant to § 1124.51 (a) shall be reduced by the following amounts:

(1) For any plant located in Lewis, Pacific, Benton, Franklin, Grant, Yakima, and Walla Walla Counties, Wash., and Umatilla County, Oreg., 20 cents; and

(2) For any plant (other than as specified in subparagraph (1) of this paragraph) which is more than 100 miles from the Multnomah County Courthouse in Portland, Oreg., by shortest hard-surfaced highway distance as determined by the market administrator, such price shall be reduced by 15 cents, plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles; and

(b) For purposes of calculating such adjustment, fluid milk products received at a pool distributing plant from another pool plant shall be assigned to Class I milk at the transferee plant in that amount which is in excess of the sum of receipts from producers and cooperative associations pursuant to § 1124.7(d) and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1124.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1124.51 shall be increased or decreased, respectively, for each one-tenth of 1 percent of butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply by 0.12 the butter price described in subparagraph (c)(1) of § 1124.51 for the preceding month;

(b) *Class II milk.* Multiply by 0.115 the butter price described in subparagraph (c)(1) of § 1124.51; and

(c) *Class III milk.* Multiply by 0.115 the butter price described in subparagraph (c)(1) of § 1124.51.

§ 1124.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or from other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price required.

APPLICATION OF PROVISIONS

§ 1124.60 Exemptions.

Sections 1124.40 through 1124.46, 1124.50 through 1124.54, 1124.70 through 1124.72, and 1124.80 through 1124.87 shall not apply to a producer-handler or an exempt plant described in paragraph (a) or (b) of this section:

(a) A distributing plant operated by a Government agency; and

(b) Any distributing plant from which less than an average of 300 pounds of Class I milk per day is disposed of in the marketing area on routes during the month.

§ 1124.61 Other order plants.

The provisions of this order shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may request and allow verification of such reports by the market administrator:

(a) A plant meeting the requirements of § 1124.9(a) which also meets the pool plant requirements of another Federal order and from which, the Secretary determines, a greater quantity of Class I milk, except filled milk, was disposed of during the month in such other Federal order marketing area on routes than was disposed of in this marketing area on routes, except that if such plant was subject to all the provisions of this order in the immediately preceding month, it shall continue to be subject to all the provisions of this order until the third consecutive month in which a greater proportion of its Class I milk disposition on routes is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1124.9(a) which also meets the pool plant requirements of another Federal order on the basis of route distribution in such other marketing area, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month in this marketing area on routes than is so disposed of in such other marketing area, but which plant maintains pooling status for the month under such other Federal order; and

(c) A plant meeting the requirements of § 1124.9(b) which also meets the pool plant requirements of another Federal order and from which greater shipments, except filled milk, are made during the month to plants regulated under such other order than are made to plants regulated under this order.

§ 1124.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1124.30 and 1124.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1124.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III (or Class II) milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk should be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1124.70(e) and a credit in the amount specified in § 1124.81(b) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1124.30 and 1124.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1124.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant;

(2) From this obligation there will be deducted the sum of:

(i) The gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph; and

(ii) Any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing areas;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class III price), subtract its value at the uniform price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the location of the nonpool plant (not to be less than the Class III price) less the value of such skim milk at the Class III price.

DETERMINATION OF BASE

§ 1124.65 Computation of producer bases.

Subject to the rules set forth in § 1124.66, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer whose milk was received at a pool plant(s) or diverted as producer milk from a pool plant on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such 5-month period by the number of days from the date of his first delivery to the end of such 5-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided*, That for any dairy farmer:

(1) For whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant a daily base shall be computed pursuant to this paragraph; and

(2) Who was a producer-handler during the base-earning period his base shall be the daily average of his own production of milk for 120 days or more during the base-earning period; and

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a pool plant(s) during the month by the appropriate monthly percentage in the following table:

January	70	July	55
February	70	August	60
March	65	September	60
April	55	October	65
May	45	November	70
June	50	December	70

§ 1124.66 Base rules.

The following rules shall be observed in the determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to § 1124.65(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance, and utilize such base for the remainder of the period for which such base is effective pursuant to § 1124.65(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee producer from the same herd only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a pool plant(s) between August 1 and the last day of the base-earning period as specified in § 1124.65 (a), inclusive, from the same herd (whether by the transferor or transferee producer) shall be utilized in computing the base of the transferee producer pursuant to § 1124.65(a);

(3) It is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph, but in compliance with subparagraph (3) of this paragraph:

(i) A base, whether earned pursuant to § 1124.65(a) or received by transfer, may be transferred to a member of a baseholder's immediate family; and

(ii) In the case of a baseholder's death, a base earned pursuant to § 1124.65(a) by the baseholder or by a member of his immediate family may be further transferred to an outside party: *Provided*, That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to an outside party;

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to § 1124.65(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 1124.65 (b) until he can establish a new base in the manner provided in § 1124.65(a);

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 1124.65 (a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by § 1124.65(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to § 1124.65(a), for which such base was computed;

(d) On or before February 15 of each year notice of the amount of each producer's base shall be given by the market administrator to the producer, to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant;

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm; and

(f) Only producers as defined in § 1124.11 may establish or earn a base pursuant to the provisions of § 1124.65, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

§ 1124.68 Payments to producers under the Oregon base plan.

Notification shall be given by the market administrator to producers and cooperative associations of intent to make payment of producer returns attributable to producers who participate in the Oregon Base Plan in accordance with § 1124.82(c)(2). Producers who participate in the Oregon Base Plan shall be identified as follows:

(a) Any producer whose farm is located in Oregon and whose milk is received at a plant located in Oregon unless such producer notifies the market administrator in writing before the first day of any month for which he first elects to receive payment at the applicable uniform price(s);

(b) Any producer member of any cooperative association licensed or operating in Oregon unless such cooperative association notifies the market administrator in writing before the first day of any month for which it first elects to receive payment for its members' milk at the applicable uniform price(s); and

(c) Any producer whose farm is located outside Oregon but whose milk is received at a plant located in Oregon, or whose milk is sold through an Oregon licensed handler, and whose voluntary participation in the Oregon base plan is evidenced by a written agreement between such producer and such handler, unless such producer notifies the Market Administrator before the first day of any month for which he first elects to receive payment at the applicable uniform price(s).

DETERMINATION OF UNIFORM PRICES

§ 1124.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each handler pursuant to § 1124.7 (a), (c), and (d) during each month shall be a sum

of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1124.46(c), by the applicable class prices (adjusted pursuant to §§ 1124.52 and 1124.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1124.46(a)(11) and the corresponding step of § 1124.46(b), by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1), (2), and (3) of this paragraph:

(1) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(6) and the corresponding step of § 1124.46(b), for the current month;

(2) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II milk pursuant to § 1124.46(a)(6) and the corresponding step of § 1124.46(b), for the current month, or the hundredweight of skim milk and butterfat remaining in Class III milk after the calculation pursuant to § 1124.46(a)(9) and the corresponding step of § 1124.46(b), for the preceding month, less the hundredweight used in the computation pursuant to subparagraph (1) of this paragraph, whichever is less; and

(3) Multiply the difference between the appropriate Class I price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(3) and the corresponding step of § 1124.46(b). If the Class I price for the current month is less than the Class I price for the preceding month the result shall be a minus amount;

(d) Add an amount equal to the difference between the value at the Class I price applicable to the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I milk pursuant to § 1124.46(a)(4) and the corresponding step of § 1124.46(b) except that for receipts of fluid milk products assigned to Class I pursuant to § 1124.46(a)(4)(ii)(b) the Class I price should be adjusted to the location of the transferor plant; and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received (but the adjusted price not to be less than the Class III price), with respect to skim milk and butterfat subtracted from Class I milk pursuant to § 1124.46(a)(8) and the corresponding step of § 1124.46(b).

§ 1124.71 Computation of uniform and weighted average prices.

For each month the market administrator shall compute the uniform and weighted average prices per hundredweight of milk as follows:

(a) (1) Combine into one total the values computed pursuant to § 1124.70 for all handlers who filed the reports prescribed by § 1124.30 for the month and who made the payments pursuant to § 1124.81 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1124.83;

(3) Subtract, if the average butterfat content of the milk specified in paragraph (1) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1124.84 and multiplying the result by the total hundredweight of such milk;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1124.70(e); and

(6) Subtract not less than 4 cents nor more than 5 cents. The result shall be the "weighted average price." For all months prior to February 1970, the result shall also be the "uniform price" per hundredweight of producer milk of 3.5 percent butterfat content delivered to plants at which no location differential is applicable; and

(b) For February 1970 and all subsequent months the market administrator shall compute "uniform prices" for base and excess milk as follows:

(1) From the net amount computed pursuant to paragraph (a) (1) through (4) of this section, subtract the following:

(i) The amount computed by multiplying the hundredweight of milk specified in paragraph (a)(5)(ii) of this section by the weighted average price; and

(ii) The total value of the excess milk computed by assigning such milk in series beginning with Class III to the hundredweight of producer milk in each class, multiplying the quantities of milk so assigned to each class by the respective class prices for milk containing 3.5 percent butterfat content and adding together the resulting amounts;

(2) Divide the net amount obtained in subparagraph (1) of this paragraph by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content; and

(3) Divide the amount obtained in subparagraph (1)(ii) of this paragraph by the total hundredweight of excess milk and subtract any fractional part of 1 cent. This result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

Payments for Milk

§ 1124.80 Producer-settlement fund.

(a) The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund"; and

(b) All payments made by handlers pursuant to § 1124.62 (a) and (b) and § 1124.81 shall be deposited in the fund and all payments made pursuant to § 1124.82 shall be made out of such fund.

§ 1124.81 Payments to the producer-settlement fund.

On or before the 16th day after the end of each month, each handler shall pay to the market administrator his net pool obligation computed pursuant to § 1124.70, less:

(a) The amount of the deductions and payments authorized by individual producers or cooperative association which are itemized on the handler's producer payroll; and

(b) (1) The value at the weighted average price computed pursuant to § 1124.71(a) applicable at the location of the plant(s) from which received (not to be less than the Class III price) with respect to other source milk for which values are computed pursuant to § 1124.70(e); and

(2) In the calculation of the total amount of the deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than the total value of the milk received from such producer.

§ 1124.82 Payments from the producer-settlement fund.

(a) The market administrator shall compute the payment due each producer for milk received during the month from such producer by a handler(s) who made the payments for such month pursuant to § 1124.81 by multiplying the hundredweight of such milk by the appropriate uniform price(s) computed pursuant to § 1124.71 (a) or (b), whichever is applicable, adjusted by the location differential pursuant to § 1124.83 and the butterfat differential pursuant to § 1124.84, and less any charges or deductions made pursuant to § 1124.81(a);

(b) On or before the 20th day after the end of each month the market administrator shall pay direct to each producer who has not authorized a cooperative association to receive payment for such producer or for milk not subject to the Oregon Base Plan pursuant to § 1124.68, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section subject to the provisions of § 1124.86; and

(c) On or before the 18th day after the end of each month, the market administrator, subject to the provisions of § 1124.86, shall pay:

(1) To each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, and which is not subject to the Oregon Base Plan pursuant to § 1124.68, an amount equal to the aggregate of the payments calculated pursuant to paragraph (a) of this section for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments; and

(2) To the Director, Milk Audit and Stabilization Division, Oregon State Department of Agriculture, for each producer and cooperative association for milk subject to the Oregon Base Plan pursuant to § 1124.68, the aggregate of the payments otherwise due such individual producers and cooperative associations pursuant to paragraph (b) and subparagraph (c)(1) of this section.

§ 1124.83 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1124.82 the market administrator shall reduce the uniform price computed pursuant to § 1124.71(a) and the uniform price for base milk computed pursuant to § 1124.71(b)(2) by the location differential applicable at the plant where such milk was first physically received from producers, and the uniform prices of producer milk diverted to a nonpool plant according to the location of the nonpool plant, each at the rates set forth in § 1124.52; and

(b) For the purpose of computation pursuant to § 1124.81(b) the prices shall be adjusted at the rates set forth in § 1124.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1124.84 Butterfat differential to producers.

In making payments pursuant to § 1124.82 the applicable prices shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively at the rate determined by multiplying the pounds of butterfat in producer milk allocated to each class pursuant to § 1124.46 by the butterfat differential for such class, dividing the sum of such values by the pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

§ 1124.85 Adjustment of accounts.

(a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer, a cooperative association or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred; and

(b) Any unpaid obligation of a handler pursuant to §§ 1124.81, 1124.86, and 1124.87 or paragraph (a) of this section including obligation incurred under this paragraph, shall be increased one-half of 1 percent on the 1st day of the month next following the due date of such obligation and at a similar rate on the 1st day of each month thereafter until such obligation is paid.

§ 1124.86 Marketing services.

(a) In making payments to producers pursuant to § 1124.82, the market administrator shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, with respect to the milk of producers (except the own production of a handler) for whom the marketing services set forth in paragraph (b) are not being performed by a cooperative association; and

(b) The monies retained by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information and for the verification of weights, samples and tests of milk of producers for whom a cooperative association is not performing the same services on a comparable basis as determined by the Secretary.

§ 1124.87 Expense of administration.

As his pro rata share of the expense of administration of the order each handler shall pay to the market administrator on or before the 16th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk including a handler's own production;

(b) Other source milk allocated to Class I milk pursuant to § 1124.46(a)(4) and (8) and the corresponding steps of § 1124.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant in the marketing area on routes that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1124.88 Termination of obligation.

The provisions of this section shall apply to any obligation under this order for the payment of money;

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the skim milk and butterfat involved in such obligation unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the 1st day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received if an underpayment is claimed or 2 years after the end of the month during which the payment (including deduction or offset by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1124.90 Effective time.

The provisions of this order or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1124.91 Suspension or termination.

The Secretary shall, whenever he finds that this order or any provision of this order obstructs or does not tend to effectuate the declared policy of the Act,

terminate or suspend this order or such provision of this order. This order shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1124.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this order, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1124.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this order, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(b) If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1124.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this order.

§ 1124.101 Separability of provisions.

If any provision of this order or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

Effective date: Sections 1124.1 through 1124.46 and 1124.90 through 1124.101 shall be effective on and after December 1, 1969, and all the remaining provisions shall be effective on and after January 1, 1970.

Signed at Washington, D.C., on November 24, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-14059; Filed, Nov. 26, 1969; 8:45 a.m.]

[Milk Order 133; Docket No. AO 275-A20]

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

Order Amending Order

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the entire order is reprinted as follows:

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS, AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF UNIFORM PRICE

PAYMENTS

EFFECTIVE TIME, SUSPENSION OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1133 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1133.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

§ 1133.2 Secretary.

"Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1133.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1133.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1133.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 1133.11 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 1133.6 Inland Empire marketing area.

"Inland Empire marketing area" hereinafter called the "marketing area" means all of Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho; Spokane and Whitman Counties, Washington; that portion of Pend Oreille County, Washington, lying south of Township 35; and that portion of Stevens County, Washington, lying south of Township 37. This definition shall include all municipal corporations, Federal military reservations, facilities, and installations and State institutions lying wholly or partly within the above described area.

§ 1133.7 Plant.

"Plant" means the land, buildings, facilities, and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained primarily for receiving, processing or packaging of fluid milk and milk products (including filled milk). However, an establishment that is separate from the foregoing operating unit and used only for transferring bulk milk from one tank truck to another shall not be a plant under this definition.

§ 1133.8 Pool plant.

"Pool plant" means any plant described in paragraph (a) or (b) of this section, other than the plant of a producer-handler, or a plant with respect to which the handler is exempt pursuant to § 1133.61, which is approved by an appropriate health authority for the receiving of milk qualified for distribution as Grade A milk in the marketing area.

(a) Any plant, hereinafter referred to as a "distributing pool plant", in which fluid milk products are processed or packaged and from which during the month:

(1) Disposition of fluid milk products, except filled milk, on routes within the marketing area equals or exceeds the lesser of 150,000 pounds or 15 percent of the total receipts of Grade A milk from dairy farmers, cooperative associations pursuant to § 1133.15(d), and from pool supply plants and other plants forwarding the applicable percentage of receipts specified in paragraph (b) of this section to such plant and other pool distributing plants; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 40 percent or more of such receipts in any of the months of February through August, inclusive, and 50 percent or more of such receipts in any of the months of September through January, inclusive.

(b) Any plant, hereinafter referred to as a "supply pool plant", from which there is forwarded in the form of fluid milk products, to a pool distributing plant(s) 50 percent or more each of the skim milk and butterfat in its dairy farm supply of Grade A milk except filled milk, during the current month during the period of September through November, or 20 percent or more during the current month during the period December through August. Any such plant which has forwarded in the form of fluid milk products, more than 50 percent of such receipts except filled milk, for the entire period of September through November shall be a pool plant for the months of December through August immediately following unless the operator of such plant files with the market administrator, prior to the first day of any month(s), a written request to withdraw such plant from pool plant status for such month(s); and

(c) For the purposes of computing the percentages specified in this section the following shall apply:

(1) Receipt of milk from dairy farmers shall not include, at either plant involved, milk diverted pursuant to § 1133.15(c)(2);

(2) If a plant operated by a cooperative association meets the requirements of paragraph (a)(1) of this section, bulk milk delivered to distributing pool plants of other handlers shall be added to disposition on routes for purposes of computing the percentage specified in paragraph (a)(2) of this section; and

(3) If a handler operates more than one distributing plant meeting the requirements of paragraph (a)(1) of this section, the aggregate route disposition and receipts of all such plants shall be used to compute the percentage specified in paragraph (a)(2) of this section for each of such plants.

§ 1133.9 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that forwards fluid milk products during the month to a pool plant, but is neither an other order plant nor a producer-handler plant.

§ 1133.10 Dairy farmer.

"Dairy farmer" means any person who operates a farm engaged in the production of milk.

§ 1133.11 Producer.

"Producer" means any dairy farmer, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, or (b) diverted as producer milk pursuant to § 1133.12.

§ 1133.12 Producer milk.

"Producer milk" of each handler means all skim milk and butterfat produced by producers:

(a) With respect to receipts at a pool plant:

(1) Received directly from such producers;

(2) Diverted from such pool plant to a nonpool plant for the account of the operator of the pool plant, subject to the limitations and conditions of paragraph (c) of this section; and

(3) That to be classified pursuant to § 1133.44(b);

(b) With respect to additional receipts of a cooperative association:

(1) For which such cooperative association is the handler pursuant to § 1133.15(c)(1), subject to the limitations and conditions of paragraph (c) of this section; and

(2) For which the cooperative association is the handler pursuant to § 1133.15 (c)(2) and (d); and

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account, under paragraph (b)(1) of this section, the milk of any member producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of its total member milk received at all pool plants or diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account under paragraph (a)(2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk under subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of December through March, and 20 percent in the months of September through November, of the milk received at or diverted from such pool plant during the month from producers who are not members of a cooperative association which diverts milk under subparagraph (1) of this paragraph;

(3) The operator of a pool plant may divert the milk of any producer member of a cooperative association which is commingled on a tank truck at the time of delivery from the farm with milk of nonmember producers if the association and the plant operator each has filed in writing with the market administrator prior to any such diversion an agreement to such an arrangement designating the producer(s) involved. In such case, the total quantity of milk deliveries on which the diversion limits for the association are based shall be reduced by the total deliveries and diversions of member producers whose milk is diverted by the plant operator and the diversion limits for the plant operator shall be increased by a like amount;

(4) Milk diverted in excess of the limits specified shall not be considered as producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler;

(5) Producers eligible for diversion are those whose milk has been received at the pool plant prior to diversion from such plant (but not necessarily in the current month). Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the current month; and

(6) For the purpose of location adjustments pursuant to §§ 1133.53 and 1133.81, diverted milk shall be considered to have been received at the location of the plant from which diverted.

§ 1133.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source except (1) producer milk; or (2) receipts from other pool plants; and

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed in connection with, or converted to, another product in the plant during the month, and any disappearance during the month of nonfluid milk products not otherwise accounted for.

§ 1133.14 Other order milk.

"Other order milk" means all skim milk and butterfat received at a pool plant in the form of a fluid milk product which is subject to the pricing and payment provisions of any other order issued pursuant to the Act.

§ 1133.15 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) A cooperative association with respect to the milk of its member producers caused to be diverted for its account:

(1) From a pool plant to a nonpool plant; and

(2) From a pool plant to another pool plant to which such cooperative association delivers no milk pursuant to paragraph (d) of this section during the month, and not exceeding a period of 90 consecutive days for any producer; and

(d) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notifies the market administrator and the operator of the pool plant to whom the milk is delivered in writing prior to the first day on which the milk is delivered, that it elects to be the handler for all such milk. Milk so delivered shall be considered to have been received by the cooperative association at the location of the plant to which delivered.

(e) A producer-handler, or any person who operates an other order plant described in § 1133.61.

§ 1133.16 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a processing plant from which fluid milk products are distributed on routes in the marketing area but who receives no fluid milk products during the month from other dairy farmers or from any other source except by transfer from a pool plant, and who receives no milk products other than fluid milk products for reconstitution into fluid milk products. Such person must provide proof satisfactory to the market administrator that the maintenance, care and management of the dairy animals and other resources necessary to produce his own farm milk production and the operation of the processing and distribution business is the personal enterprise and risk of such person.

§ 1133.17 Fluid milk product.

"Fluid milk product" means milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drinks, filled milk, concentrated milk, skim milk or milk drinks (not including evaporated milk, condensed milk or condensed skim milk), fortified milk or skim milk (including "diet" foods), cream (sweet or sour), any mixture in fluid form of cream and milk or skim milk (except ice cream mix, frozen dessert mix, cocoa mixes, a product which contains 6 percent or more nonmilk fat (or oil), aerated products, eggnog and yogurt), which are neither sterilized nor in hermetically sealed metal containers.

§ 1133.18 Route.

"Route" means any delivery, including delivery by a vendor or disposition from a plant, plant store or distribution point, of fluid milk products to retail or wholesale outlets other than delivery to a milk plant or distribution point, or pursuant to § 1133.41(c)(3).

§ 1133.19 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

MARKET ADMINISTRATOR

§ 1133.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of, the Secretary.

§ 1133.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1133.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1133.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1133.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 1133.30 to 1133.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 1133.80 to 1133.88, inclusive;

(i) On or before the 16th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk delivered by such cooperative association pursuant to § 1133.15(c)(2) and (d) or from its member producers to each handler. For the purpose of this report, the milk caused to be so delivered by such cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 1133.70 of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 1133.70(e);

(iii) The uniform price;

(iv) The totals of the amounts computed in the manner provided by § 1133.80;

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 1133.87 and 1133.88.

(2) Each handler whose total value of milk is computed pursuant to § 1133.62 of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to § 1133.51(a) and the Class I butterfat differential pursuant to § 1133.52(a), both for the current month; and the respective minimum prices for Class II milk and Class III milk pursuant to § 1133.51 (b) and (c) and the Class II and III butterfat differential pursuant to § 1133.52(b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 1133.71 and the butterfat differential computed pursuant to § 1133.82, both applicable to producer milk received during the preceding month.

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

(m) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(n) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1133.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(o) Furnish to each hander operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1133.30 Reports of receipts and utilization.

On or before the 7th day of each month, each handler except a producer-handler or a handler making payments pursuant to § 1133.62(b), shall report to the market administrator in the detail and on the forms prescribed by the market administrator the following information for the preceding month:

(a) Each handler operating pool plants shall report the quantities of skim milk and butterfat in:

(1) Receipts of each such plant in:

(i) Producer milk, showing separately that to be classified pursuant to § 1133.44(b);

(ii) Fluid milk products received from other pool plants; and

(iii) Other source milk, including other order milk;

(2) Opening inventories of fluid milk products;

(3) The utilization in each class of the quantities required to be reported, including separate statements of quantities (i) in inventories of fluid milk products on hand at the end of the month, (ii) in route disposition outside the marketing area, and (iii) of in-area and outside area route disposition of filled milk; and

(4) Such other information with respect to receipts and utilization as the market administrator may request.

(b) Each handler specified in § 1133.15 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1133.15 (c) and (d) as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) Utilization of milk for which it is the handler pursuant to § 1133.15(c)(1);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1133.15 (c)(2) and (d); and

(4) Such other information as the market administrator may require.

§ 1133.31 Payroll reports.

On or before the 20th day of each month, each handler except one exempt pursuant to § 1133.61 or one making payments pursuant to § 1133.62(b), shall submit to the market administrator his producer payroll (or in the case of a handler making payments pursuant to § 1133.62(a), his payroll for dairy farmers delivering Grade A milk) for deliveries made the preceding month which shall show for each producer:

(a) The name and address of the producer or dairy farmer;

(b) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from such producer and the number of days on which milk was received from such producer; and

(c) The price, amount and date of payment with the nature and amount of any deductions.

§ 1133.32 Other reports.

(a) Each producer-handler, each handler required to report pursuant to § 1133.61 and each handler making payments pursuant to § 1133.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler dumping skim milk shall give the market administrator not less than 6 hours' notice of intention to make such disposition and of the quantities of skim milk involved. In addition, each handler dumping skim milk shall mail or deliver to the market administrator within 48 hours following each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was made and the quantity dumped, such report to be signed by both the person who dumped the skim milk and the person authorized to sign reports for the handler made pursuant to § 1133.30 (if the latter person is not available to sign the report within the 48-hour period, the signature of the plant manager or plant superintendent shall be substituted on the report).

§ 1133.33 Records and facilities.

Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of skim milk and butterfat depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The information required to be reported pursuant to §§ 1133.30, 1133.31, and 1133.32;

(b) The weights and tests for butterfat and other contents of all milk, filled milk, and milk products handled, including filled milk; and

(c) Payments required to be made pursuant to §§ 1133.80 through 1133.88.

§ 1133.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8(c)(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1133.35 Handler reports to producers and cooperative associations.

(a) In making payments to producers pursuant to § 1133.80(b), each handler on or before the 17th day after the end of each month, for milk received during such month, shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate at which payment to such producer is required pursuant to § 1133.80;

(4) The rate which is used in making payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(b) In making payments to a cooperative association pursuant to § 1133.80(c) each handler upon request shall furnish to the cooperative association on or before the 20th day of the month with respect to milk received during the first half of the month and on or before the 7th day of the month with respect to milk received during the last half of the previous month for each producer for whom such payment is made, the information specified in subparagraphs (1), (2), and (5) of paragraph (a) of this section, and the daily weights of milk purchased from each of the association's member producers.

CLASSIFICATION

§ 1133.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received within the month for which utilization is required to be reported pursuant to § 1133.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1133.41 through 1133.45. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

§ 1133.41 Classes of utilization.

Subject to the conditions set forth in §§ 1133.42, 1133.43 and 1133.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product (including those reconstituted) except:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of milk, skim milk, or cream of the same butterfat content; and

(ii) As classified pursuant to paragraphs (c)(2) and (3) of this section; or

(2) Not otherwise specifically accounted for as Class II or Class III utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes and cottage, pot and bakers' cheese; and

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product or a Class II product;

(2) In skim milk:

(i) Disposed of for livestock feed;

(ii) Dumped pursuant to the conditions specified in § 1133.32(b); and

(iii) In fluid milk products which are excepted from Class I milk pursuant to paragraph (a)(1)(i) of this section;

(3) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(4) Contained in inventories of fluid milk products on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant

to § 1133.42(b)(1) but not to exceed the following:

(i) Two percent of receipts at a pool plant of producer milk pursuant to § 1133.12(a) (1) and (2) and, with respect to a cooperative association, producer milk for which it is the handler pursuant to § 1133.15 (c) or (d); plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1133.15 (c) or (d), except that if the handler operating the pool plant files with the market administrator notice that he is purchasing such milk on the basis of farm weights determined by farm bulk tank calibrations, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts in bulk tank lots from other pool plants; plus

(iv) 1.5 percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) 1.5 percent of disposition in bulk tank lots to other milk plants (when the exception specified in subdivision (ii) of this subparagraph applies, the applicable percentage shall be 2 percent); and

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1133.42(b)(2).

§ 1133.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) If a handler has receipts of other source milk, shrinkage shall be prorated between: (1) Skim milk and butterfat in amounts respectively equal to 50 times the maximum amount that may be computed pursuant to § 1133.41(c)(5); and (2) skim milk and butterfat in other source milk received in the form of fluid milk products, exclusive of that specified in § 1133.41(c)(5).

§ 1133.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I unless the handler who first receives such skim milk or butterfat can establish to the satisfaction of the market administrator that such skim milk or butterfat should be classified otherwise;

(b) The burden shall rest upon each handler to establish the sources of milk and milk products (including filled milk) required to be reported by him pursuant to § 1133.30; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1133.44 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, except as provided in paragraph (b) of this section, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to any class shall be limited to the amount thereof remaining in such class in the plant(s) of the transferee handler after computations pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b);

(2) If the transferor handler received during the month other source milk to be allocated pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1133.46(a)(7) or (8) and the corresponding step of § 1133.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As producer milk in the transferee plant, if transferred as bulk milk to the pool plant of another handler by a cooperative association in its capacity as a handler pursuant to § 1133.15 (c)(2) or (d). Such milk shall be excluded from producer milk to be classified as that of the cooperative association;

(c) As Class I milk, if transferred from a pool plant to a producer-handler;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1133.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Class II utilization shall next be assigned to remaining receipts in the sequence provided in subdivision (iii) of this subparagraph (3). To the extent that neither Class I nor Class II utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class III milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III to the extent of the Class III utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for only two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to Class II under the other order shall be classified as Class III; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1133.41.

§ 1133.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler at all of his pool plants.

§ 1133.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1133.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1133.41(c)(5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class III milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2a) Subtract from the total pounds of skim milk in Class II the pounds of skim milk in products other than fluid milk products that are used (directly or as a reconstituted fluid milk product) to produce Class II products;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (that was not subtracted pursuant to subparagraph (2a) of this paragraph) in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, in sequence beginning with Class III from the pounds of skim milk remaining in Classes II and III, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph;

(a) For which the handler requests Class II or Class III utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph;

(ii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, if Class II or Class III utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (3)(iv) or (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraphs (3)(v) or (4)(ii) of this paragraph:

(i) In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1133.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1133.44(a); and

(10) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1133.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department for the month. The basic formula price shall be rounded to the nearest full cent. For the purpose of computing Class I prices from the effective date hereof, the basic formula price shall not be less than $4.33.

Subject to the differentials provided in §§ 1133.52 and 1133.53 the following are the minimum prices per hundredweight to handlers for Class I milk, Class II milk, and Class III milk:

(a) *Class I milk price.* For each month the price for Class I milk shall be the basic formula price for the preceding month plus $1.75 and plus 20 cents.

(b) *Class II milk.* The price for Class II milk shall be the price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be that computed by the market administrator from the formula set forth in subparagraphs (1), (2), and (3) of this paragraph.

(1) Add 3 cents to the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, and multiply the result by 4.8: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents plus five times the butterfat differential computed pursuant to § 1133.52(b), and round to the nearest cent.

§ 1133.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk, computed pursuant to § 1133.45, for any handler for any month differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1133.51) for each one-tenth of one percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department during the preceding month, multiply by 0.123, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

(b) *Class II milk and Class III milk.* The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at Chicago, as reported by the Department, during the month, multiply by 0.115, and round to the nearest tenth of a cent: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter.

§ 1133.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 90 miles by shortest highway distance as measured by the market administrator, from the City Hall in Spokane, Wash., and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1133.51(a) shall be reduced by two cents for each 10 miles or fraction thereof, up to 200 miles and one cent for each 10-miles or fraction thereof, in excess of 200 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such plant to the City Hall, Spokane, Wash.; and

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and cooperative associations pursuant to § 1133.15(c)(2) and (d), and the volume assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1133.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1133.60 Producer-handlers.

Sections 1133.40 through 1133.45, 1133.50 through 1133.53, 1133.70, 1133.71, and 1133.80 through 1133.88 shall not apply to a producer-handler.

§ 1133.61 Plants subject to other Federal orders.

(a) Except as specified in paragraphs (b) and (c), the provisions of this part shall not apply to any distributing or supply plant which would be subject to the classification, pricing and payment provisions of another order issued pursuant to the Act, unless a greater volume of fluid milk products, except filled milk, are disposed of on routes or to pool plants in the Inland Empire marketing area than in the marketing area regulated pursuant to such other order.

(b) The operator of a plant specified in paragraph (a) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(c) Each handler operating a plant specified in paragraph (a), if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class III price.

§ 1133.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1133.30(b) and 1133.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1133.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk shall be valued at the Class III price. There shall be included in the obligation so computed a charge in the amount specified in § 1133.70(e) and a credit in the amount specified in § 1133.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1133.30(b) and 1133.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1133.8(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as

for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class III price.

§ 1133.63 State institutions.

A State owned and operated institution or establishment which processes or packages skim milk and butterfat distributed solely on its premises or those of other State institutions or establishments shall be exempt from all provisions of this part. Skim milk and butterfat received from institutions at pool plants shall be treated as other source milk received from a producer-handler, and fluid milk products disposed of by a handler to such institutions shall be classified on the same basis as though disposed of to a producer-handler.

Determination of Uniform Price

§ 1133.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1133.46(c), by the applicable class prices (adjusted pursuant to §§ 1133.52 and 1133.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1133.46(a)(10) and the corresponding step of § 1133.46(b) by the applicable class prices;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The pounds of skim milk and butterfat subtracted from Class II milk pursuant to § 1133.46(a)(5) and the corresponding step of § 1133.46(b) for the current month; or

(ii) The pounds of skim milk and butterfat remaining in Class III milk after the calculations pursuant to § 1133.46(a)(8) and the corresponding step of § 1133.46(b) for the preceding month, less the pounds used in computation pursuant to subparagraph (1) of this paragraph;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1133.46(a)(3) and the corresponding step of § 1133.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1133.46(a)(3)(iv) and (v) and the corresponding step of § 1133.46(b) the Class I price shall be adjusted to the location of the transferor plant;

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1133.46(a)(7) and the corresponding step of § 1133.46(b); and

(f) Add or subtract the amount necessary to correct errors disclosed by the verification of reports of receipts and utilization of skim milk and butterfat in previous months for which payment has not been made.

§ 1133.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1133.70 for all handlers who filed the reports prescribed by § 1133.30 for the month and who made the payments pursuant to § 1133.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1133.81;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1133.82 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1133.70(e);

(f) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average price", and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) Subtract during each of the months of April, May and June, an amount computed by multiplying the total hundredweight of producer milk for such month by 30 cents;

(i) Add during each of the months of September, October and November, one-third of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

Payments

§ 1133.80 Time and method of payment to producers and cooperative associations.

Except as provided in paragraph (c) of this section, each handler shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment with respect to milk received during the first 15 days of the month at not less than the Class III price for the preceding month.

(b) On or before the 17th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 1133.71 subject to the butterfat differential computed pursuant to § 1133.82 and location adjustment computed pursuant to § 1133.81, and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1133.87, and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 1133.85, he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator;

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payments for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association;

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination;

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1133.15(c)(2) and (d), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at not less than the Class III price for the preceding month; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less payment made pursuant to subparagraph (1) of this paragraph; and

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provisions of the Act.

§ 1133.81 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, at the rates set forth in § 1133.53; and

(b) For purposes of computations pursuant to §§ 1133.84 and 1133.85 the weighted average price shall be adjusted at the rates set forth in § 1133.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1133.82 Producer butterfat differential.

In making payments pursuant to § 1133.80(b) the uniform price shall be adjusted for each one-tenth of 1 percent of butterfat content in the milk of each producer above or below 3.5 percent as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1133.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1133.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1133.61, 1133.62, 1133.84, and 1133.86 and out of which he shall make all payments to handlers pursuant to §§ 1133.85 and 1133.86.

§ 1133.84 Payments to the producer-settlement fund.

On or before the 14th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of

(1) The total of the net pool obligation computed pursuant to § 1133.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1133.80(d);

(b) The sum of

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1133.80; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1133.70(e).

§ 1133.85 Payments out of the producer-settlement fund.

On or before the 15th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1133.84(b) exceeds the amount computed pursuant to § 1133.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1133.86 Adjustments of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 1133.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1133.80(b), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator on or before the 14th day after the end of the

month. Such moneys shall be expended

§ 1133.89 Termination of obligations.

month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1133.80(b) the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 16th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 1133.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 14th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect (a) to producer milk (including that classified pursuant to § 1133.44(b)) and such handler's own farm production, (b) other source milk allocated to Class I pursuant to § 1133.46(a) (3) and (7) and the corresponding steps of § 1133.46 (b) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1133.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money:

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the skim milk and butterfat involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1133.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1133.91.

§ 1133.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1133.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1133.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1133.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1133.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Effective date: January 1, 1970.

Signed at Washington, D.C., on November 24, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-14058; Filed, Nov. 26, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,526]

PART 523—MEMBERS OF BANKS

Liquidity

NOVEMBER 17, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) for the purpose of reducing from 6 percent to 5½ percent of savings the required amount of cash and obligations of the United States that institutions which are members of a Federal home loan bank must maintain, hereby amends said § 523.12 by changing the numeral "6" to "5½" each time it appears. As so amended, § 523.12 reads as follows, effective December 1, 1969:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies, at any time when the aggregate of its cash and obligations of the United States is not at least equal to 5½ percent of its policy reserve required by state law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 5½ percent of the obligation of the member on withdrawable accounts. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal home loan bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" shall mean all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for institutions which are members of a Federal Home Loan Bank to have available as soon as possible the reduction in the required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-14116; Filed, Nov. 26, 1969; 8:49 a.m.]

[No. 23,527]

PART 545—OPERATIONS

Liquidity

NOVEMBER 17, 1969.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the desirability of amending § 545.8–2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8–2) for the purpose of reducing from 6 percent to 5½ percent of savings the required amount of cash and obligations of the United States that Federal savings and loan associaitons must maintain, hereby amends said § 545.8–2 by changing the numeral "6" to "5½" in the first sentence thereof. As so amended, § 545.8–2 reads as follows, effective December 1, 1969:

§ 545.8–2 Holdings of cash and obligations of the United States.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 5½ percent of the association's capital. For the purposes of this section:

(a) A loan shall be deemed to have been made as of the date of the note or bond evidencing the same, and a loan shall be deemed to have been purchased as of the date of payment therefor.

(b) The term "cash" means cash on hand, unpledged deposits in a Federal Home Loan Bank or State bank performing similar reserve functions, and unpledged demand deposits in domestic banks, not under the control or in the possession of appropriate supervisory authority.

(c) The term "obligations of the United States" means all unpledged evidences of indebtedness issued by the United States and all unpledged evidences of indebtedness issued by any agency or instrumentality of the United States which are by statute fully guaranteed as to principal and interest by the United States.

(Sec. 5A, 47 Stat. 727, as added by 64 Stat. 256, as amended, sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1425a, 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

Resolved further that, since the Board determines it desirable in the present economic climate for Federal savings and loan associations to have available as soon as possible the reduction in required holdings of cash and obligations of the United States which is made available by this amendment, the Board finds that notice and public procedure on the amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since the amendment relieves restriction, publication in the FEDERAL REGISTER for not less than 30 days prior to the effective date as specified in 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary; and the Board determines that the amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 69-14117; Filed, Nov. 26, 1969; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 69-EA-145; Amdt. 39-878]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to the Piper PA–30 type aircraft.

This airworthiness directive was previously issued by airmail distribution on an emergency basis to all owners of PA–30 aircraft effective upon receipt. The PA–30 type airplanes have been found to be in noncompliance with CAR 3.105, 3.106, and 3.111. The minimum single-engine control speed V_{MC} of 80 m.p.h. (CAS), as stated in the FAA approved AFM is not correct. FAA reinvestigation of V_{MC} has resulted in 90 m.p.h. (CAS), applicable to all takeoff flap settings for the basic configuration as well as turbocharged and tip tank configurations (Ref. STC No. SA727–WE and No. SA787–WE).

Since a situation exists which requires the expeditious publication of this airworthiness directive, notice, and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Therefore, pursuant to the authority of the Federal Aviation Act of 1958, sec. 313 and 601, delegated by the Administrator (14 CFR 11.89; 31 F.R. 13697), § 39.13 of Part 39 is amended by adding the following new airworthiness directive:

Applies to Piper PA-30 type airplanes certificated in all categories. Before further flight, change the existing V_{MC} placard to reflect the following:

"Minimum Single-Engine control Speed, 90 m.p.h.".

This amendment is effective November 27, 1969.

Issued in Jamaica, N.Y., on November 17, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-14114; Filed, Nov. 26, 1969; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9976; Amdt. 677]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, 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 view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to delete low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Aniak, Alaska—Aniak, ADF 1, Amdt. 2, 10 Apr. 1969 (established under Subpart C).
Springfield, Ohio—Springfield Municipal, ADF 1, Amdt. 6, 10 Apr. 1965 (established under Subpart C).
Fredericksburg, Va.—Shannon, VOR 1, Orig., 24 Aug. 1963 (established under Subpart C).
Lapeer, Mich.—Dupont-Lapeer, VOR 1, Orig., 3 June 1967 (established under Subpart C).
Wink, Tex.—Winkler County, VOR 1, Amdt. 5, 27 July 1963 (established under Subpart C).

2. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing BRV VORTAC.
Ironsides Int	BRV VORTAC (NOPT)	Direct	2000	Climb to 2000', left turn, direct to Brooks VOR and hold.
Locust Grove Int	BRV VORTAC	Direct	2000	Supplementary charting information: Hold NE on BRV R 053°, 1 minute, left turns Inbnd crs 233°.
				Runway 23, TDZ elevation, 85'.

Procedure turn S side of crs, 053° Outbnd, R 233° Inbnd, 2000' within 10 miles of BRV VORTAC.
FAF, BRV VORTAC. Final approach crs, 233°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over BRV VORTAC, 2000'.
MSA: 000°-090°—1900'; 090°-180°—1800'; 180°-270°—1900'; 270°-360°—1900'.

NOTE: Radar vectoring.
*Use Quantico altimeter setting, if not available, use Washington National altimeter and increase MDA 100'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	*HAT	MDA	VIS	HAT	VIS	VIS
S-23*	620	1	535	620	1	535	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C*	660	1	575	660	1	575	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Fredericksburg; State, Va.; Airport name, Shannon; Elev., 85'; Facility BRV; Procedure No. VOR Runway 23, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. VOR 1, Orig.; Dated, 24 Aug. 63

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 6.7 miles after passing GUC VORTAC.
Cottonwood DME Fix	Almont DME Fix	Direct	16,400	Climbing right turn to 12,000' direct GUC VORTAC and hold.*
Almont DME Fix	Parlin DME Fix	Direct	15,300	
Parlin DME Fix	GUC VORTAC	Direct	12,000	Supplementary charting information:
Powderhorn DME Fix	GUC VORTAC	Direct	14,500	*Hold SW, 1 minute, left turns, 031° Inbnd.
				LRCO, 122.1, 123.6.

Procedure turn W side of crs, 211° Outbnd, 031° Inbnd, 11,000' within 10 miles of GUC VORTAC.
FAF, GUC VORTAC. Final approach crs, 031°. Distance FAF to MAP, 6.7 miles.
Minimum altitude over GUC VORTAC, 9900'.
MSA: 000°-360°—14,600'.
NOTES: (1) Procedure not authorized if Gunnison altimeter not available. (2) Final approach from holding pattern not authorized. Procedure turn required.
#Alternate minimums not authorized, except operators with approved weather reporting service.
%Climb clear of clouds, over airport, to 9000' continue climb direct to GUC VORTAC.
$Night minimums not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C$	9060	2¼	1393	9060	2¼	1393	9060	2¼	1393	9100	3	1433
A	3000.#		T 2-eng. or less—1400-2%				T over 2-eng.—1400-2%					

City, Gunnison; State, Colo.; Airport name, Gunnison County; Elev., 7667'; Facility, GUC; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 18 Dec. 69

Terminal routes			Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.4 miles after passing Lapeer Int/16-mile DME Fix.
R 340°, FNT VORTAC CW	R 077°, FNT VORTAC	10-mile Arc	2500	Left-climbing turn to 2500' and return to Lapeer Int/16-mile DME Fix and hold.**
R 172°, FNT VORTAC CCW	R 077°, FNT VORTAC	10-mile Arc	2700	
Elba Int/10-mile DME Fix	Lapeer Int/16-mile DME Fix (NOPT).	R 077°	2500	Supplementary charting information:
				**Hold W, 1 minute, left turns, 077° Inbnd.
FNT VORTAC	Elba Int	Direct	2500	1053' tower 2 miles SW of airport.
PTK VORTAC	Elba Int	Direct	2700	
Kings Mill Int	Lapeer Int/16-mile DME Fix	PTK R 032° and FNT R 077°.	2500	

Procedure turn N side of crs, 257° Outbnd, 077° Inbnd, 2500' within 10 miles of Lapeer Int/16-mile DME Fix.
FAF, Lapeer Int. Final approach crs, 077°. Distance FAF to MAP, 5.4 miles.
Minimum altitude over Lapeer Int/16-mile DME Fix, 2500'.
MSA: 045°-135°—2500'; 135°-225°—2800'; 225°-045°—2600'.
NOTES: (1) Use Flint altimeter setting. (2) Dual VOR receivers or DME required.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	VIS
C	1400	1	556	1400	1¼	556	1400	1¼	556	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Lapeer; State, Mich.; Airport name, Dupont-Lapeer; Elev., 844'; Facility, FNT; Procedure No. VOR-1, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 3 June 67

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.9 miles after passing Wink VORTAC.
				Right turn, climbing to 4800' direct INK VORTAC and hold.
				Supplementary charting information:
				Hold NW of INK VORTAC on R 330°, 150° Inbnd, right turns, 1 minute.

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4800' within 10 miles of Wink VORTAC.
FAF, Wink VORTAC. Final approach crs, 150°. Distance FAF to MAP, 5.9 miles.
Minimum altitude over INK VORTAC, 4600'.
MSA: 090°-270°—4400'; 270°-090°—4600'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-13	3260	1	442	3260	1	442	3260	1	442	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	3320	1	502	3320	1	502	3320	1½	502	NA
A	Standard.		T 2-eng. or less.—Standard.				T over 2-eng.—Standard.			

City, Wink; State, Tex.; Airport name, Winkler County; Elev., 2818'; Facility, INK; Procedure No. VOR Runway 13, Amdt. 6; Eff. date, 18 Dec. 69; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 27 July 63

3. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.6 miles after passing HTO VOR.
				Make immediate right-climbing turn to 1500' direct to HTO VOR and hold. Supplementary charting information: Hold E on HTO VOR R 096°, 1-minute left turns, 276° Inbnd.

Procedure turn not authorized.
One-minute holding pattern SW HTO VOR, 056° Inbnd, right turns, 1500'.
FAF, HTO VOR. Final approach crs, 064°. Distance FAF to MAP, 3.6 miles.
Minimum altitude over HTO VOR, 1500'.
MSA: 000°–090°—1600'; 090°–180°—1600'; 180°–270°—1600'; 270°–360°—1600'.

NOTES: (1) Use Suffolk County AFB altimeter setting. (2) Night operations authorized on Runways 10–28 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAA	MDA	VIS	HAA	VIS	VIS
C	540	1	485	540	1	485	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Not authorized.	

City, East Hampton; State, N.Y.; Airport name, East Hampton; Elev., 55'; Facility, HTO; Procedure No. VOR-1, Amdt. 4; Eff. date, 18 Dec. 69; Sup. Amdt. No. 3; Dated, 2 May 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP 5 miles after passing Donaldson Int.
OXI VOR	Donaldson Int (NOPT)	Direct	2400	Climb straight ahead to 2400' within 10 miles, return to Donaldson Int. Supplementary charting information: Tower 1062', 1.6 miles SW of airport.

Procedure turn S side of crs, 259° Outbnd, 079° Inbnd, 2400' within 10 miles of Donaldson Int.
FAF, Donaldson Int. Final approach crs, 079°. Distance FAF to MAP, 5 miles.
Minimum altitude over Donaldson Int, 2400'.
MSA: 000°–090°—3000'; 090°–180°—2300'; 180°–360°—2200'.

NOTES: (1) Use South Bend altimeter setting. (2) Dual VOR receivers required. (3) Circling S of airport not authorized for Category C aircraft.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-10	1400	1	604	1400	1	604	1400	1	604	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1400	1	604	1400	1	604	1400	1½	604	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Plymouth; State, Ind.; Airport name, Plymouth Municipal; Elev., 796'; Facility, OXI; Procedure No. VOR Runway 10, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 24 July 69

4. By amending § 97.25 of Subpart C to amend localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 5.2 miles after passing Barton 6-mile DME Fix.
R 354°, ORL VORTAC CW	LOC crs	9-mile Arc ORL, R 054° lead radial.	2000	Climb to 2000' direct to OR LOM and hold.
R 162°, ORL VORTAC CCW	LOC crs	9-mile Arc ORL, R 077° lead radial.	2000	Supplementary charting information: Hold SW, 1 minute, right turns, 067° Inbnd.
9-mile Arc	Barton 6-mile DME Int	LOC (BC)	2000	1549' tower 13.4 miles E of ORL VORTAC. ORL VORTAC. TDZ elevation, 113'.

Procedure turn not authorized.
FAF, *Barton 6-mile DME Int. Final approach crs, 247°. Distance FAF to MAP, 5.2 miles.
Minimum altitude over *Barton 6-mile DME Int, 2000'.

NOTES: (1) ASR. (2) Radar required for aircraft not DME equipped.
*Radar Fix in lieu of Barton 6-mile DME Fix will be provided upon pilot's request.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-25	460	¾	347	460	¾	347	460	¾	347	460	1	347
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	540	1	427	580	1	467	580	1½	467	700	2	587
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Orlando; State, Fla.; Airport name, Herndon; Elev., 113'; Facility, I-ORL; Procedure No. LOC (BC) Runway 25, Amdt. 6; Eff. date, 18 Dec. 69; Sup. Amdt. No. 5; Dated, 13 Mar. 69

5. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ANI NDB.
				Climbing left turn to 2300' on 219° bearing from ANI NDB within 15 miles. Supplementary charting information: Final approach crs 388° left of centerline, 3000' from threshold. 958' mountain 2.8 miles N of airport. 615' hill 1.6 miles N of ANI NDB. 657' terrain 2.5 miles W of ANI NDB.

Procedure turn S side of crs, 094° outbnd, 274° Inbnd, 2500' within 10 miles of ANI NDB.
Final approach crs, 274°.
Minimum altitude over ANI NDB, 800'.
MSA: 000°–090°—4400'; 090°–180°—4700'; 180°–270°—4200'; 270°–360°—3000'.

NOTES: (1) Circling not authorized N of Runways 10/28. (2) When control zone not effective, use Bethel altimeter setting; circling and straight-in MDA becomes 1200', visibility 2 miles; alternate minimums not authorized.
% IFR SID available.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-28	800	1	714	800	1	714	800	1	714	800	1	714
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	800	1	714	800	1	714	800	1½	714	800	2	714
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Aniak; State, Alaska; Airport name, Aniak; Elev., 80'; Facility, ANI NDB; Procedure No. NDB (ADF) Runway 28, Amdt. 3; Eff. date, 18 Dec. 69; Sup. Amdt. No. ADF 1, Amdt. 2; Dated, 10 Apr. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BRW NDB.
PBA NDB	BRW NDB	Direct	1500	Climb to 1500′ on 064° bearing from BRW NDB within 15 miles. Supplementary charting information: 155′ tower 1.4 miles NE of airport.

Procedure turn S side of crs, 244° Outbnd, 064° Inbnd, 1500′ within 10 miles of BRW NDB.
Final approach crs, 064°.
MSA: 000°-360°—1300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-6	420	1	377	420	1	377	420	1	377	420	1	377
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	417	500	1	457	500	1¼	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43′; Facility, BRW; Procedure No. NDB (ADF) Runway 6, Amdt. Orig.; Eff. date, 18 Dec. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: BRW NDB.
PBA NDB	BRW NDB	Direct	1500	Climb to 1500′ on 244° bearing from BRW NDB within 15 miles. Supplementary charting information: 155′ tower 1.4 miles NE of airport. Runway 24 threshold elevation, 31′.
PBA NDB	Trail Int	Direct	1500	

Procedure turn S side of crs, 064° Outbnd, 244° Inbnd, 1500′ within 13 miles of BRW NDB.
FAF, Trail Int. Final approach crs, 244°.
Minimum altitude over Trail Int., 600′.
MSA: 000°-360°—1300′.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	520	1	480	520	1	480	520	1	480	520	1	480
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	520	1	477	520	1	477	520	1¼	477	600	2	557
	Dual ADF Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-24	460	1	429	460	1	429	460	1	429	460	1	429
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	417	500	1	457	500	1¼	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43′; Facility, BRW; Procedure No. NDB (ADF) Runway 24, Amdt. Orig.; Eff. date, 18 Dec. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: COV NDB.
Indianhead VORTAC	COV NDB	Direct	4600	Left-climbing turn to 3500' on heading 235°, then left turn direct to Connellsville NDB and hold.
Garard Int	COV NDB	Direct	4000	
Newton Int	COV NDB	Direct	4000	
Chalkhill Int	COV NDB	Direct	4300	Supplementary charting information:
Morgantown VORTAC	COV NDB	MGW, VORTAC, R 027°	4300	Hold SW, 1 minute, left turns, 055° Inbnd. Final approach crs intercepts runway centerline 3200' from threshold. Chart 2260' terrain 2.5 miles SE of airport. Runway 5, TDZ elevation, 1265'.

Procedure turn N side of crs, 235° Outbnd, 055° Inbnd, 3500' within 11 miles of COV NDB.
Final approach crs, 055°.
MSA: 000°-090°—4100'; 090°-180°—4300'; 180°-270°—3200'; 270°-360°—3100'.
NOTE: Use Morgantown, W. Va., altimeter setting.
* Night takeoff Runway 14 not authorized.
% IFR departure procedure: Runways 5, 23, and 32, climb on runway heading; Runway 14, immediate left-climbing turn to heading 235°; climb to 3000' or above then continue climb as cleared.
CAUTION: Unlighted ridge E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS	
S-5	1940	1	675	1940	1	675	1940	1¼	675	NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	2020	1	753	2180	1¼	913	2260	1½	993	NA	
A	Not authorized.			T 2-eng. or less—* Runway 14, 800-2; % Standard all others.			T over 2-eng.—* Runway 14, 800-2; % Standard all others.				

City, Connellsville; State, Pa.; Airport name, Connellsville; Elev., 1267'; Facility, COV; Procedure No. NDB (ADF) Runway 5, Amdt. Orig.; Eff. date, 18 Dec. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 2.6 miles after passing SGH NDB.
Mechanicsburg Int	SGH NDB	Direct	2800	Climb to 2800', left turn, direct to SGH NDB and hold.
South Solon Int	SGH NDB	Direct	2800	
DAY VORTAC	SGH NDB	Direct	2800	Supplementary charting information: Hold NE, 1 minute, right turns, 237° Inbnd. Runway 23, TDZ elevation, 1049'.

Procedure turn N side of crs, 057° Outbnd, 237° Inbnd, 2800' within 10 miles of SGH NDB.
FAF, SGH, NDB. Final approach crs, 237°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over SGH NDB, 1900'.
MSA: 000°-090°—2900'; 090°-180°—2600'; 180°-270°—3100'; 270°-360°—2600'.
NOTES: (1) Radar vectoring. (2) When Springfield altimeter setting is not available, use Patterson AFB altimeter setting and increase straight-in and circling MDA 40'. (3) Inoperative table does not apply to ALS, Runway 23.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-23	1460	1	411	1460	1	411	1460	1	411	1460	1	411
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1480	1	428	1520	1	468	1520	1½	468	1620	2	568
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Springfield; State, Ohio; Airport name, Springfield Municipal; Elev., 1052'; Facility, SGH; Procedure No. NDB (ADF) Runway 23, Amdt. 7; Eff. date, 18 Dec. 69; Supp. Amdt. No. ADF1, Amdt. 6; Dated, 10 Apr. 65

6. By amending § 97.27 of Subpart C to amend nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing PBA NDB.
				Climb to 1500' on 199° bearing from PBA NDB within 15 miles of PBA NDB. Supplementary charting information: Tower 155', 1.4 miles NE of airport.

Procedure turn W side of crs, 019° Outbnd, 199° Inbnd, 1500' within 10 miles of PBA NDB.
FAF, PBA NDB. Final approach crs, 199°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over PBA NDB, 700'.
MSA: 000°-360°—1300'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	417	500	1	457	500	1½	457	600	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Barrow; State, Alaska; Airport name, Wiley Post-Will Rogers Memorial; Elev., 43'; Facility, PBA; Procedure No. NDB (ADF)-1, Amdt. 2; Eff. date, 18 Dec. 69; Sup. Amdt. No. 1; Dated, 5 June 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: OEO NDB.
Stacy Int	OEO NBD	Direct	2800	Climb to 2800' on 289° bearing from NDB within 10 miles; return to NDB. Supplementary charting information: Final approach crs intercepts runway centerline 3000' from threshold. Runway 28, TDZ elevation, 896'.

Procedure turn N side of crs, 109° Outbnd, 289° Inbnd, 2800' within 10 miles of OEO NDB.
Final approach crs, 289°.
Minimum altitude over OEO NDB, 1660'.
MSA: 045°-135°—2400'; 135°-225°—2600'; 225°-315°—2000'; 315°-045°—2400'.
NOTE: Use Minneapolis altimeter setting.
CAUTION: Runways 4/22 unlighted.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S-28	1660	1	764	1660	1¼	764	1660	1¼	764	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1660	1	764	1660	1¼	764	1660	1¼	764	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.			

City, Osceola; State, Wis.; Airport name, Osceola Municipal; Elev., 896'; Facility, OEO; Procedure No. NDB (ADF) Runway 28, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 25 Apr. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 3.1 miles after passing RCT NDB.
HIC VOR	RCT NDB	Direct	2800	Right-climbing turn to 2600', proceed direct to RCT NDB and hold.*
RCT VOR	RCT NDB	Direct	2600	Supplementary charting information: *Hold S, 1 minute, right turn, 354° Inbnd, 1308' tower 5000' SE of airport.

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 2600' within 10 miles of RCT NDB.
FAF, RCT NDB. Final approach crs, 174°. Distance FAF to MAP, 3.1 miles.
Minimum altitude over RCT NDB, 1900'.
MSA: 045°–135°—2700'; 135°–315°—2500'; 315°–045°—4000'.

NOTE: Use Traverse City, Mich., altimeter setting, except operators with approved weather reporting service. Operators with approved weather reporting service may reduce all MDA's by 220'.
%Departures Runway 17, climb to 1600' on runway heading before proceeding on crs.
#Air carrier reduction not authorized.
**Standard alternate minimums for operators with approved weather reporting service.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	VIS
S–17	1740	1	685	1740	1	685	1740	1¼	685	NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	
C	1840	1	785	1840	1	785	1840	1½	785	NA
A	Not authorized.**		T 2-eng. or less—Standard Runway 35; Runways 8, 17, and 26.%#				T over 2-eng.—Standard Runway 35; Runways 8, 17, and 26.%#			

City, Reed City; State, Mich.; Airport name, Miller; Elev., 1055; Facility, RCT; Procedure No. NDB (ADF) Runway 17, Amdt. 3; Eff. date, 18 Dec. 69; Sup. Amdt. No. 2; Dated, 6 Feb. 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: RCR NDB.
Claypool Int	RCR NDB	Direct	2400	Climb straight ahead to 2400', return to NDB.
OXI VOR	RCR NDB	Direct	2400	Supplementary charting information: Final approach crs intercepts runway centerline 2000' from end of runway. TDZ elevation, 790'.
OKK VORTAC	RCR NDB	Direct	2400	

Procedure turn N side of crs, 097° Outbnd, 277° Inbnd, 2400' within 10 miles of NDB.
Final approach crs, 277°.
Minimum altitude over NDB, 1400'.
MSA: 000°–360°—2300'.

NOTE: Use Grissom AFB altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C	D
	MDA	VIS	HAT	MDA	VIS	HAT	VIS	VIS
S–29	1400	1	610	1400	1	610	NA	NA
	MDA	VIS	HAA	MDA	VIS	HAA		
C	1400	1	610	1400	1	610	NA	NA
A	Not authorized.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.	

City, Rochester; State, Ind.; Airport name, Fulton County; Elev., 790'; Facility, RCR; Procedure No. NDB (ADF) Runway 29, Amdt. 2; Eff. date, 18 Dec. 69; Sup. Amdt. No. 1; Dated, 1 May 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: 4.8 miles after passing HP LOM.
Kingston VOR	Peekskill Int	Direct	2700	Climbing left turn to 2000' on crs 090° to intercept CMK VOR R 200°, via R 200° to CMK VOR and hold.
Brewster Int	Peekskill Int	Direct	2100	
Peekskill Int	LOM (NOPT)	Direct	2000	

Supplementary charting information: Hold NE 1-minute right turns, 237° Inbnd. Runway 16, TDZ elevation, 439'.

One-minute holding pattern N of HP LOM, 162° Inbnd, right turns, 2000' in lieu of procedure turn.
FAF, HP LOM. Final approach crs, 162°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over HP LOM, 2000'.
MSA: 000°–090°—2800'; 090°–180°—2100'; 180°–270°—2800'; 270°–360°—2900'.

NOTE: ASR.
fTakeoff on Runways 5/23, 12/30, 360-1. Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	1000	¾	561	1000	¾	561	1000	¾	561	1000	1	561
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1000	1	561	1000	1	561	1000	1¼	561	1000	2	561
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.f					

City, White Plains; State, N.Y.; Airport name, Westchester County; Elev., 439'; Facility, HP; Procedure No. NDB (ADF) Runway 16, Amdt. 14; Eff. date, 18 Dec. 69; Sup. Amdt. No. 13; Dated, 6 Mar. 69

7. By amending § 97.29 of Subpart C to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 2370'; LOC 3.8 miles after passing BFD NDB.
BFD VORTAC	BFD NDB	Direct	3600	Climb to 3600' on crs 322° within 10 miles. Return to BFD NDB and hold.

Supplementary charting information: Hold SE, 1 minute, left turns, 322° Inbnd. 2261' light beacon 1500' down Runway 32 from threshold and 1375' left of centerline. Steel tower 6.5 miles NE BFD NDB, 2663'. Runway 32, TDZ elevation, 2120'.

Procedure turn W side of crs, 142° Outbnd, 322° Inbnd, 3600', within 10 miles of BFD NDB.
FAF, BFD NDB. Final approach crs, 322°. Distance FAF to MAP, 3.8 miles.
Minimum glide slope interception altitude, 3600'. Glide slope altitude at OM, 3357'; at MM, 2311'.
Distance to runway threshold at OM, 3.8 miles; at MM, 0.5 mile.
MSA: 000°–360°—3800'.

NOTES: (1) Sliding scale not authorized. (2) Air carrier will not reduce landing visibility due to local conditions. (3) Inoperative table does not apply to HIRL Runway 32.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-32	2370	¾	250	2370	¾	250	2370	¾	250	2370	¾	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	2420	1	300	2420	1	300	2420	1	300	2420	1	300
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2580	1	437	2600	1	457	2600	1¼	457	2700	2	557
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, Bradford; State, Pa.; Airport name, Bradford Regional; Elev., 2143'; Facility, I-BFD; Procedure No. ILS Runway 32, Amdt. 1; Eff. date, 18 Dec. 69; Sup. Amdt. No. Orig.; Dated, 16 Oct. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 967'; LOC 4.6 miles after passing LOM.
CLT VORTAC	LOM	Direct	2300	Turn right, climb to 3000' on CLT VORTAC R 063° to Bradley Int and hold; or, when directed by ATC, right turn climb to 2300' on FML VORTAC R 007° to FML VORTAC and hold S, 1 minute, right turns, 006° Inbnd.
Fort Mill VORTAC	Clover Int	Direct	2300	
Clover Int	LOM (NOPT)	Direct	2100	
Union Int	York Int	Direct	2300	
Bradley Int	LOM	Direct	3000	
Mount Holly Int	LOM	Direct	3000	
Fort Mill VORTAC	LOM	Direct	2300	Supplementary charting information: Bradley Int, hold NE, 1 minute, right turns, 219° Inbnd. REIL Runway 36. Runway 5, TDZ elevation, 717'.
Bethany Int	LOM	Direct	2300	
York Int	Clover Int	Direct	2300	

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2300' within 10 miles of CL LOM.
FAF, CL LOM. Final approach crs, 050°. Distance FAF to MAP, 4.6 miles.
Minimum glide slope interception altitude, 2300'. Glide slope altitude at OM, 2090'; at MM, 917'.
Distance to runway threshold at OM, 4.6 miles; at MM, 0.5 mile.
MSA: 000-090°—3000'; 090°-180°—2300'; 180°-270°—2900'; 270°-360°—2900'.
NOTES: (1) ASR. (2) LOC back crs unusable.
%RVR 24', Runway 5.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-5	967	RVR 24	250	967	FVR 24	250	967	RVR 24	250	967	RVR 24	250
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-5	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 24	363	1080	RVR 24	363
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1220	1	472	1220	1	472	1220	1¼	472	1300	2	552
A	Standard.		T 2-eng. or less—Standard.%				T over 2-eng.—Standard.%					

City, Charlotte; State, N.C.; Airport name, Douglas Municipal; Elev., 748'; Facility, I-CLT; Procedure No. ILS Runway 5, Amdt. 24; Eff. date, 18 Dec. 69; Sup. Amdt. No. 33; Dated, 10 July 69

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 244'; LOC 4.8 miles after passing AK LOM.
KG LFR	AK LOM	Direct	1800	Climb to 3000' on E crs I-AKN LOC within 15 miles.
AKN VORTAC	AK LOM	Direct	1800	
R 030°, AKN VORTAC CCW	AKN LOC crs (NOPT)	10-mile Arc AKN, R 302° lead radial.	2000	Alternate missed approach: When directed by ATC, climb to 3000', right turn to R 165° AKN VORTAC within 15 miles.
R 205°, AKN VORTAC CW	AKN LOC crs (NOPT)	10-mile Arc AKN, R 280° lead radial.	2000	
				Supplementary charting information: 280' tower 0.8 mile NW of airport. 190' towers 1.1 miles W of airport. Runway 11, TDZ elevation, 44'.

Procedure turn S side of crs, 291° Outbnd, 111° Inbnd, 1800' within 10 miles of AK LOM.
FAF, AK LOM. Final approach crs, 111°. Distance FAF to MAP, 4.8 miles.
Minimum altitude over AK LOM, 1700' (LOC); over KG LFR, 440'.
Minimum glide slope interception altitude, 1700'. Glide slope altitude at OM, 1645'; at MM, 299'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.6 mile.
MSA: 000°-090°—3700'; 090°-180°—3500'; 180°-270°—1400'; 270°-360°—1900'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-11	244	½	200	244	½	200	244	½	200	244	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-11	360	½	316	360	½	316	360	½	316	360	¾	316
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	580	1	523	580	1	523	580	1¼	523	620	2	563
A	Standard.		T 2-eng. or less—Standard.				T over 2-eng.—Standard.					

City, King Salmon; State, Alaska; Airport name, King Salmon; Elev., 57'; Facility, I-AKN; Procedure No. ILS Runway 11, Amdt. 10; Eff. date, 18 Dec. 69; Sup. Amdt. No. 9; Dated, 13 Nov. 69

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 209', LOC 4.5 miles after passing Portland NDB/OM.
MIA VORTAC	Portland NDB/OM	Direct	1500	Climb to 1500' on LOC (BC) 087° to Bayshore VHF Int.
BSY VOR	Portland NDB/OM	Direct	1500	
Bayshore VHF Int	Portland NDB/OM	Direct	1500	Supplementary charting information:
PRR NDB	Portland NDB/OM	Direct	1500	VASI, Runway 12.
Krome Int	Portland NDB/OM (NOPT)	Direct	1300	TDZ elevation, 9'.

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 1500' within 10 miles of Portland NDB/OM.
FAF, Portland NDB/OM. Final approach crs, 087°. Distance FAF to MAP, 4.5 miles.
Minimum glide slope interception altitude, 1500'. Glide slope at altitude OM, 1248'; at MM, 192'.
Distance to runway threshold at OM, 4.5 miles; at MM, 0.6 mile.
MSA: 000°-090°—2000'; 090°-180°—1400'; 180°-270°—2000'; 270°-360°—1300'.
NOTE: ASR.
% RVR 24', Runways 9L, 27L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-9L	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-9L	360	RVR 40	351	360	RVR 40	351	360	RVR 40	351	360	RVR 40	351
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	460	1	451	460	1	451	460	1¼	451	560	2	551
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, Miami; State, Fla.; Airport name, Miami International; Elev., 9'; Facility, I-MFA; Procedure No. ILS Runway 9L, Amdt. 7; Eff. date, 18 Dec. 69; Sup. Amdt. No. 6; Dated, 19 Sept. 68

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH 209'; LOC 4.4 miles after passing Orange NDB/OM.
BSY VOR	Orange NDB/OM	Direct	1500	Climb to 1500' on LOC (BC) 267° to Glades Int.
MIA VORTAC	Orange NDB/OM	Direct	1500	
PRR NDB	Orange NDB/OM	Direct	1500	Supplementary charting information:
Golden Beach Int	Orange NDB/OM	Direct	1500	VASI Runway 12.
Dania Int	Orange NDB/OM	Direct	2000	TDZ elevation, 9'.
Oceanside Int	Orange NDB/OM (NOPT)	Direct	1300	
Guppy VHF/LF Int	Orange NDB/OM	Direct	1500	

Procedure turn S side of crs, 087° Outbnd, 267° Inbnd, 1500' within 10 miles of Orange NDB/OM.
FAF, Orange NDB/OM. Final approach crs, 267°. Distance FAF to MAP, 4.4 miles.
Minimum glide slope interception altitude, 1300'. Glide slope altitude at OM, 1261'; at MM, 200'.
Distance to runway threshold at OM, 4.4 miles; at MM, 0.5 mile.
MSA: 090°-180°—1400'; 180°-270°—2000'; 270°-090°—2000'.
NOTE: ASR.
% RVR 24', Runways 9L, 27L.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-27L	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200	209	RVR 24	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-27L	480	RVR 40	471	480	RVR 40	471	480	RVR 40	471	480	RVR 40	471
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	471	480	1	471	480	1¼	471	560	2	551
A	Standard.		T 2-eng. or less—Standard. %				T over 2-eng.—Standard. %					

City, Miami; State, Fla.; Airport name, Miami International; Elev., 9'; Facility, I-MIA; Procedure No. ILS Runway 27L, Amdt. 7; Eff. date, 18 Dec. 69; Sup. Amdt. No. 6; Dated, 19 Sept. 68

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Terminal routes				Missed approach
From—	To—	Via	Minimum altitudes (feet)	MAP: ILS DH, 639'. LOC, 4.8 miles after passing HP LOM.
Kingston VOR	Peekskill Int	Direct	2700	Climbing left turn to 2000' on crs 090° to intercept CMK VOR R 200°, via R 200° to CMK VOR and hold.
Brewster Int	Peekskill Int	Direct	2100	
Peekskill Int	LOM (NOPT)	Direct	2000	
				Supplementary charting information.
				Hold NE, 1 minute, right turns, 257° Inbnd.
				Runway 16, TDZ elevation, 439'.

One-minute holding pattern N of HP LOM, 162° Inbnd, right turns, 3000' in lieu of procedure turn.
FAF, HP LOM. Final approach crs, 162°. Distance FAF to MAP, 4.8 miles.
Minimum glide slope interception altitude, 2000'. Glide slope altitude at OM, 2000'; at MM, 632'.
Distance to runway threshold at OM, 4.8 miles; at MM, 0.5 mile.
MSA: 000°–090°—2800'; 090°–180°—2100'; 180°–270°—2600'; 270°–360°—2900'.
NOTES: (1) Back crs unusable. (2) ASR.
*Inoperative components table for ALS does not apply for Categories A, B, C, 1-mile visibility required for inoperative ALS.
#Takeoff on Runways 5/23, 12/30, 300-1. Sliding scale not authorized.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-16	639	½	200	639	½	200	639	½	200	639	½	200
LOC:	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16*	940	¾	501	940	¾	501	940	¾	501	940	1	501
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	940	1	501	940	1	501	940	1¼	501	1000	2	561
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.#					

City, White Plains; State, N.Y.; Airport name, Westchester County; Elev., 439'; Facility, I-HPN; Procedure No. ILS Runway 16, Amdt. 14; Eff. date, 18 Dec 69; Sup. Amdt. No. 13; Dated, 6 Mar. 69

8. By amending § 97.31 of Subpart C to amend precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)										Notes
From—	To—	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	
000°	360°	0–50	2500							For all runways: Descend aircraft to MDA after passing FAF 6 miles from runway threshold. Radar will provide 1000' vertical separation within 3-mile radius of following towers: 1849'—10 miles NE. 1849'—13 miles NE. 1852'—13 miles ENE. 2100'—21 miles SSE. TDZ elevations: Runway 4L—783'. Runway 13R—796'. Runway 22R—797'. Runway 31L—791'.

Missed approach:
Runway 4L—Left-climbing turn to 3000' and proceed direct to IND VORTAC.
Runway 13R—Climb to 2400' and proceed direct to CO LOM.
Runway 22R—Climb to 2400' and proceed direct to IN LOM.
Runway 31L—Climb to 3000' and proceed direct to IND VORTAC.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-4L	1180	RVR 24	397	1180	RVR 24	397	1180	RVR 24	397	1180	RVR 50	397
S-13R	1200	¾	404	1200	¾	404	1200	¾	404	1200	1	404
S-22R	1200	½	403	1200	½	403	1200	½	403	1200	1	403
S-31L	1160	RVR 24	369	1160	RVR 24	369	1160	RVR 24	369	1160	RVR 50	369
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	1240	1	443	1200	1	463	1200	1¼	463	1360	2	563
A	Standard.			T 2-eng. or less—RVR 24', Runways 4L, 31L; Standard all other runways.				T over 2-eng.—RVR 24', Runways 4L, 31L; Standard all other runways.				

City, Indianapolis; State, Ind.; Airport name, Indianapolis Municipal (Weir-Cook); Elev., 797'; Facility, Weir-Cook Radar; Procedure No. Radar-1, Amdt. 17; Eff. date, 18 Dec 69; Sup. Amdt. No. 16; Dated, 9 Jan. 69

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 13, 1969.

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

[F.R. Doc. 69-13797; Filed, Nov. 26, 1969; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950- - - -)

Subpart B—Quarters of Coverage and Insured Status

MISCELLANEOUS AMENDMENTS

Subpart B of Regulations No. 4 is amended as set forth below.

1. Section 404.101 is revised to read as follows:

§ 404.101 Insured status; general.

The insured status of an individual is a basic factor in determining entitlement on his earnings record to monthly benefits, special age 72 payments, the lump-sum death payment, and the establishment of a period of disability. For example, an individual must be "fully insured" (see §§ 404.108–404.113) to qualify for old-age insurance benefits, and either "fully" or "currently" insured (see § 404.114) for mother's insurance benefits or the lump-sum death payment to be payable on his earnings account. An individual is "fully" or "currently" insured when he has acquired sufficient "quarters of coverage" (see § 404.103) to give him such status. If an individual is neither "fully" nor "currently" insured, no monthly insurance benefit or lump-sum death payment is payable on the basis of his earnings record. Subpart D of this part explains which benefits are based on a fully insured status, which are based on a currently insured status, and which are based on both a "fully" and "currently" insured status.

2. Section 404.103 is amended by revising paragraphs (a) and (d) to read as follows:

§ 404.103 Quarters of coverage.

(a) *General.* A calendar quarter may be credited as a quarter of coverage if at least a specified minimum amount of wages are paid (or earned, under certain conditions—see paragraph (e) of this section) in such quarter, or if at least a specified amount of self-employment income is credited to such quarter, or if such quarter occurs in a year in which an individual has a specified amount of wages or self-employment income or a combination of both. However, certain calendar quarters may not be credited as quarters of coverage even though the wage or self-employment income requirements may be met in such quarters. Calendar quarters are credited as quarters of coverage in accordance with the rules in the following paragraphs of this section but subject to the limitations described in § 404.104. (See Subpart K for a definition of "wages" and "self-employment income." See section 229 of the Act for wages deemed to have been paid a member of the uniformed services.)

* * * * *

(d) *Quarters of coverage based on wages paid, or self-employment income derived, in a year.* An individual is credited with quarters of coverage based on the amount of wages paid or self-employment income derived, or a combination of both, in a year, as follows:

(1) *Based on wages.* An individual is credited with a quarter of coverage for each quarter in a calendar year (subject to the limitations in § 404.104) if such quarter occurred in a calendar year:

(i) After 1967, and he has been paid wages equal to $7,800 in such year;

(ii) After 1965 and prior to 1968, and he has been paid wages equal to $6,600 in such year;

(iii) After 1958 and prior to 1966, and he has been paid wages equal to $4,800 in such year;

(iv) After 1954 and prior to 1959, and he has been paid wages equal to $4,200 in such year;

(v) After 1950 and prior to 1955, and he has been paid wages equal to $3,600 in such year;

(vi) Prior to 1951, and he has been paid wages equal to $3,000 in such year and the conditions described in § 404.105 are met. If the conditions of § 404.105 are not met, then only those quarters in such year which occur after a quarter of coverage established in accordance with paragraph (b)(1) of this section, and prior to the quarter in which the individual became entitled to a primary insurance benefit, or died, are credited as quarters of coverage.

(2) *Based on self-employment income, or combination of self-employment income and wages.* In a case in which an individual has self-employment income, or a combination of self-employment income and wages, during a taxable year, he is credited with a quarter of coverage for each calendar quarter wholly or partly in such taxable year (subject to the limitations in § 404.104) if such taxable year:

(i) Ends after 1967 and the total of his self-employment income derived, and wages paid, in such year equals $7,800;

(ii) Ended after 1965 and prior to 1968 and the total of his self-employment income derived, and wages paid, in such year equals $6,600;

(iii) Ended after 1958 and prior to 1966 and the total of his self-employment income derived, and wages paid, in such year equals $4,800;

(iv) Ended after 1954 and prior to 1959 and the total of his self-employment income derived, and wages paid, in such year equals $4,200;

(v) Began after 1950 and ended prior to 1955 and the total of his self-employment income derived, and wages paid, in such year equals $3,600.

* * * * *

3. Section 404.109 is amended by redesignating present paragraphs (d) and (e) as paragraphs (e) and (f) and by inserting after paragraph (c) the following new paragraph (d) to read as follows:

§ 404.109 Fully insured status; beginning August 1961.

* * * * *

(d) *Deemed quarters of coverage based on wages prior to 1951*—(1) *General.* For purposes of paragraph (a) of this section and the provision in paragraph (b) of this section requiring a minimum of six quarters of coverage, an individual shall be deemed to have one quarter of coverage for each $400 of his total wages prior to 1951. (For definition of "total wages prior to 1951," see subparagraph (2) of this paragraph.) This rule is applicable in the case of an individual who applies for old-age insurance benefits after January 2, 1968, or who dies after such date without being entitled to old-age or disability insurance benefits. However, it does not apply where (i) such individual would not be a fully insured individual on the basis of the number of quarters of coverage derived under this rule plus the number of quarters of coverage derived from the wages and self-employment income credited to him for periods after 1950, or (ii) such individual's elapsed years (for purposes of paragraph (a)(1) of this section) are less than seven.

(2) *"Total wages prior to 1951" defined.* For the purpose of subparagraph (1) of this paragraph "total wages prior to 1951" with respect to an individual means the sum of (i) remuneration credited to such individual prior to 1951 on the records of the Secretary, (ii) wages deemed paid prior to 1951 to such individual under section 217 of the Act (relating to benefits in case of veterans), and (iii) compensation under the Railroad Retirement Act of 1937 prior to 1951 creditable to him pursuant to title II of the Act.

4. Section 404.113a is amended by revising paragraphs (a), (b), and (c)(2) and (5) to read as follows:

§ 404.113a Transitional insured status.

The provisions of paragraphs (a), (b), and (c) of this section are applicable in the case of monthly benefits under title

II of the Act for months beginning September 1965 on the basis of applications filed after June 1965.

(a) *Old-age insurance benefits.* (1) Quarters of coverage required: For purposes of entitlement to an old-age insurance benefit by individuals who attain age 72 before 1969, the six quarters of coverage referred to in § 404.109(b) shall instead be three. Thus, an individual who attains the age of 72 before 1969, who does not have the quarters of coverage required by § 404.109(b) for a fully insured status, may nevertheless qualify for an old-age insurance benefit of $40 ($35 prior to February 1968), upon attainment of age 72, if he or she has one quarter of coverage for each calendar year elapsing after 1950 and before the year of attainment of age 65, in the case of a man, or age 62, in the case of a woman, subject to reduction if § 404.109 (c) is applicable. In no case, however, may an individual qualify for an old-age insurance benefit if he or she has less than three quarters of coverage.

(2) The following table may be used to determine the quarters of coverage required for a man under subparagraph (1) of this paragraph when no period of disability is involved.

Year Attained Age 65	*Quarters of Coverage Required*
1954 or earlier	3
1955	4
1956	5
1957 or later	Table in § 404.109(f) applies.

(3) The following table may be used to determine the quarters of coverage required for a woman under subparagraph (1) of this paragraph when no period of disability is involved.

Year Attained Age 62	*Quarters of Coverage Required*
1954 or earlier	3
1955	4
1956	5
1957 or later	Table in § 404.109(f) applies.

(4) Effect of period of disability: If the worker on whose earnings the benefit is based has established a period of disability which reduces the elapsed years below 6 in accordance with § 404.109(c), the claimant may qualify for an old-age insurance benefit under this paragraph on the basis of fewer than six quarters of coverage (but not less than 3) provided the claimant attains age 72 before 1969.

(5) Amount of benefit: For each month for which an individual is entitled to an old-age insurance benefit on the basis of subparagraph (1) of this paragraph, the amount of his old-age insurance benefit shall, notwithstanding the provisions of § 404.305, be $40 ($35 prior to February 1968).

(b) *Wife's insurance benefits.* If an individual is entitled to old-age insurance benefits at age 72 under the provisions of paragraph (a)(1) of this section, his wife, as defined in section 216(b) of the Act (but not a divorced wife as defined in section 216(d)(1) of the Act), may become entitled to wife's insurance benefits upon attainment of age 72 and upon filing application for such benefits, if she attains such age before 1969. For each month for which her husband is entitled to an old-age insurance benefit on the basis of paragraph (a)(1) of this section, the amount of her wife's insurance benefit payable under this paragraph, shall, notwithstanding the provisions of § 404.315, be $20 ($17.50 prior to February 1968).

(c) *Widow's insurance benefits.* * * *

(2) The following table may be used to determine the quarters of coverage required for entitlement to widow's insurance benefits under the transitional insured status provision when the worker died before September 1, 1965, and no period of disability is involved.

Year of deceased husband's death or attainment of age 65 (if earlier)	Deceased husband's required quarters of coverage if widow attains age 72 in—		
	1966 or earlier	1967	1968
1954 or earlier	3	4	5
1955	4	4	5
1956	5	5	5
1957 or later	Table in § 404.109(f) applies.		

(5) Amount of benefit: The amount of the widow's insurance benefit under this paragraph for each month shall, notwithstanding the provisions of § 404.330 (and section 202(m) of the Act), be $40 ($35 prior to February 1968).

4. Section 404.116 is amended by revising paragraphs (a) and (b) to read as follows:

§ 404.116 Disability insured status.

(a) *Period of disability.* For the purpose of establishing a period of disability, an individual has disability insured status as of a calender quarter if such individual:

(1) Would have been fully insured (see § 404.108ff) had the individual attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such quarter; and

(2)(i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (c) of this section) which ends with such quarter, or

(ii) Effective with respect to applications for disability determinations filed after June 1965:

(*a*) Such quarter ends before the individual attains (or would attain) age 31 and, with respect to applications for disability determinations filed prior to January 1968, he is under a disability by reason of blindness (as defined in section 216(i)(1) of the Act), and

(*b*) Not less than one-half of the quarters during the period ending with such quarter and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

(b) *Disability insurance benefits.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in a month if:

(1) He would have been fully insured (see § 404.108 ff.) had he attained age 65 (if a man) or age 62 (if a woman) and filed application for old-age insurance benefits on the first day of such month; and

(2)(i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (c) of this section) which ends with the quarter in which such month occurred, or

(ii) Effective with respect to benefits for months after August 1965 on the basis of an application filed after June 1965:

(*a*) Such month ends before he attains (or would attain) age 31 and, with respect to benefits for months before February 1968 (and benefits for February 1968 and subsequent months if based on an application filed before January 1968), he is under a disability by reason of blindness (as defined in section 216(i)(1) of the Act), and

(*b*) Not less than one-half of the quarters during the period ending with the quarter in which such month occurred and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

* * * * *

(Secs. 205, 213, 214, 216, 223, 228, and 1102, 53 Stat. 1368, as amended, 64 Stat. 504, as amended, 64 Stat. 505, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 80 Stat. 67, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 413, 414, 416, 423, 428, 1302)

5. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: October 31, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: November 20, 1969.

ROBERT H. FINCH,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 69-14104; Filed, Nov. 26, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

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

Zearalanol; Effective Date Correction

An order providing for the use of zearalanol for the subcutaneous ear implantation of beef steers to increase rate of gain and improve feed efficiency was published in the FEDERAL REGISTER of November 14, 1969 (34 F.R. 18243), providing an effective date 30 days following its publication in the FEDERAL REGISTER.

The order was published pursuant to the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act and, therefore, should become effective on the date of its publication.

Therefore, pursuant to the provisions of the Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the effective date provision for said order is corrected to read as follows:

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: November 24, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-14162; Filed, Nov. 26, 1969; 8:50 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Sec.
203.1 Purpose and function.
203.2 Application for registration.
203.3 Conditions of registration.
203.4 Certificates of registration.
203.5 Validation of programs, projects, and services.
203.6 Acceptance and termination of registration.
203.7 Saving clause.

AUTHORITY: The provisions of this Part 203 issued under sec. 621, 75 Stat. 424, as amended; 22 U.S.C. 2381; E.O. 10973, 3 CFR, 1959–63 Comp.

§ 203.1 Purpose and function.

To foster the public interest in the field of voluntary foreign aid and the activities, other than religious, of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development (referred to in this part as the Committee) is authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information; (b) to enable the Committee to facilitate the programs and projects of the registrants; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 203.2 Application for registration.

Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, technical assistance, and welfare in the fields of health, education, agriculture, industry, emigration, and resettlement, may volutarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 203.3 Conditions of registration.

To establish that the primary purpose of an applicant is to further or engage in volutary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States, at which shall be maintained books and records covering its operations;

(b) It is controlled by an active and responsible body composed principally of U.S. citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Internal Revenue Service to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It will only engage in activities or enterprises consistent with the fulfillment of the purposes and objectives as set forth in the application, or in any programs, projects, or services subsequently filed with the Committee;

(e) The funds and resources of the registrant will be obtained, expended, and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising, and administration at home and abroad;

(f) Fund raising drives and attendant publicity will be timed, insofar as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the U.S. Treasury, or similar campaigns of accepted general national interest;

(g) It will notify the Committee of any programs, projects, or services which involve contractual support of United States or international governmental organizations in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's directive of May 14, 1946;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. Registrant will give prompt written notice to the Committee of material changes in its organization, purposes, governing personnel or overseas program activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made available for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 203.4 Certificates of registration.

Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in section 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the U.S. Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been filed under the terms set forth in section 203.5. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

§ 203.5 Validation of programs, projects, and services.

(a) To qualify for subventions provided by law in furtherance of the purposes and objectives of their organizations, registrants will submit applications upon forms provided by the Committee or otherwise as may be required, for the validation of specific country programs, projects, or services of relief, rehabilitation, technical assistance, and welfare in the fields of health, education, agriculture, industry, emigration, and resettlement. Written notice of acceptance will be issued to the registrant by the Committee as supplements to certificates of registration: *Provided that*:

(1) The specific program, project, or service is within the scope of any agreement that has been concluded between the U.S. Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1) of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program, project or service including (*a*) acceptance of the specific program, project, or service; (*b*) the supplies approved in support of the program, project, or service are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource; (*d*) the identification of the supplies, to the extent practicable, as to their United States origin; and (*e*) insofar as practicable the reception, unloading, warehousing and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by the registrant for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them, or in special cases and following notice to the Committee, for sale to recipients at nominal cost or as payment for work performed to promote projects of self-help and economic development, but in no case shall supplies be withheld from needy persons because of their inability to pay or work; and (*b*) distribution is made solely on the basis of need without regard to race, color, religion or national origin under the supervision of U.S. citizens specifically charged with the responsibility for the program or project, or by non-U.S. citizens upon notification to and approval by the Committee of justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

§ 203.6 Acceptance and termination of registration.

(a) Registration shall remain in force until

(1) Relinquished voluntarily by the registrant upon written notice to, and acceptance by, the Committee of the relinquishment of registration, or

(2) Terminated by the Committee for failure of the registrant to fulfill and maintain the conditions of registration.

(b) Whenever a registration is relinquished voluntarily owing to dissolution of the registrant, acceptance of relinquishment of registration shall be subject to submission of final reports to the Committee, including plans for disposition of the registrant's residual assets acquired in support of its programs.

(c) Termination proceedings pursuant to paragraph (a)(2) of this section shall include prior written notice to the registrant of the grounds for the proposed termination and opportunity for it to show cause why its registration should not be terminated.

(d) A formal notice of termination of registration shall be published in the FEDERAL REGISTER.

§ 203.7 Saving clause.

The Administrator of the Agency for International Development may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

JOHN A. HANNAH,
Administrator.

NOVEMBER 19, 1969.

[F.R. Doc. 69-14088; Filed, Nov. 26, 1969; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter V—Smithsonian Institution

PART 503—NATIONAL GALLERY OF ART REGULATIONS PERTAINING TO CLAIMS

Part 503, Title 36, is added to the Code of Federal Regulations as follows:

Sec.
503.1 Authority to settle.
503.2 Procedure for filing.
503.3 Place of filing.

AUTHORITY: The provisions of this Part 503 are issued under sec. 1(a), 80 Stat. 306; 28 U.S.C. 2672.

§ 503.1 Authority to settle.

The Administrator of the National Gallery of Art, with the advice of the General Counsel of the National Gallery of Art, is authorized to settle any tort claim for money damages against the United States for damage to, or loss of property, or for personal injury, or death caused by the negligent or wrongful act, or omission of any employee of the National Gallery of Art while acting within the scope of his office, or employment which is cognizable under the Federal Tort Claims Act, as amended, and within the monetary limits therein prescribed. Claims accruing on or after January 18, 1967, shall be settled in accordance with the provisions of the regulations issued by the Department of Justice on December 29, 1966 (28 CFR Part 14), which are adopted and implemented by this part.

§ 503.2 Procedure for filing.

For purposes of the regulations in this part, a claim is deemed to have been presented when the Gallery receives from the claimant, his duly authorized agent or legal representative, an executed "Claim for Damage or Injury," Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury or death alleged to have occurred by reason of the incident.

§ 503.3 Place of filing.

A claimant shall mail or deliver his claim to the Administrator, National Gallery of Art, Washington, D.C. 20565.

KENNEDY C. WATKINS,
Acting Secretary.

[F.R. Doc. 69-14080; Filed, Nov. 26, 1969; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

In the appendix to Subchapter C the following changes are made:

1. In the country item "Bhutan" under Postal Union Mail, amend paragraphs *Registration* and *Prohibitions* to read as follows:

Registration. Fee, 80 cents. Maximum indemnity, $8.17. Return receipt: 15 cents to return by surface, 28 cents to return by air. See Part 242 of this chapter.

Prohibitions. Coins, paper money, values payable to bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry or other precious articles.

Dutiable articles in letter packages. Perishable biological materials.

2. In the country item "Canada" under Parcel Post, amend the fifth paragraph under *Observations* to read as follows:

The Canadian customs authorities require commercial invoices for all parcel post or postal union mail packages, regardless of value, except casual noncommercial shipments. For shipments valued at less than $100, the sender's regular business invoice may be used; if the value is $100 or over, the commercial invoice must be prepared on Canadian forms M-A or N-A. Four copies of the invoice, one of them signed by the sender in ink, must be sent by letter mail to the addressee.

3. In the country item "Libya", change the title to read as follows:

LIBYA (ARAB REPUBLIC OF) (TRIPOLITANIA AND CYRENAICA)

4. In the country item "Maldive Islands" make the following changes:

a. Revise the title to read as follows:

MALDIVES (REPUBLIC OF)

b. Under Postal Union Mail, amend *Observations* to read as follows:

Observations. The Postal Administration of Ceylon, where mail is sent for forwarding to the Maldives, assumes no responsibility for registered articles after dispatch from Colombo.

5. In the country item Muscat (Including Oman) under Parcel Post, amend the second paragraph of *Prohibitions* to read as follows:

Coins, paper money, securities, other values payable to bearer, and articles of gold or platinum exceeding 100 rupees ($21) in value.

6. In the country item New Zealand under Parcel Post, in the paragraph *Import restrictions*, amend the following paragraphs to read as stated:

(a) Bona fide gifts not exceeding 40 New Zealand dollars (U.S. $44.80).

(b) Merchandise for the addressee's personal use, not for his business or professional use or for sale or trade, and not exceeding 20 New Zealand dollars (U.S. $22.40) in value.

(c) Canceled stamps, uncanceled stamps not valid in New Zealand, and coins for collection.

7. In the country item of Venezuela (Republic of) under Parcel Post, amend paragraph 2 of *Observations* by adding the following sentence:

A pound equals 453.5 grams; an ounce equals 28.35 grams. A kilogram (1,000 grams) equals 2 pounds 3 ounces.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14081; Filed, Nov. 26, 1969; 8:47 a.m.]

SUBCHAPTER E—TRANSPORTATION OF THE MAILS

PART 521—STAR ROUTE SERVICE

Miscellaneous Amendments

I. In § 521.2 *Postal services*, the following changes are made:

1. Paragraph (a)(2)(iii) is amended to change the designation of a postal official; and subdivision (iv) thereof is amended to add a sentence regarding key retentions.

(iii) Postmasters shall obtain a signed receipt for each key furnished to star route contractors or carriers for use in exchanging mail through the lobby or locker of the post office. Reclaim the key and surrender the receipt when key is no longer needed. When old keys are recovered or new ones issued, notify the designated administrative postmaster of the route, who will maintain a current record of all outstanding keys.

(iv) Keys furnished to star route contractors or carriers must be protected against theft at all times. Do not allow examination of the key or its possession by an unauthorized person. Where feasible, keys should not be retained by drivers between trips, but should be turned in to the headout installation for safekeeping.

* * * * *

NOTE: The corresponding Postal Manual sections are 521.212c and .212d.

2. Paragraph (a)(4)(ii) is amended to delete a reference to a postal official.

(ii) The director, postal operations division, will arrange for and keep record of, METRO padlocks and keys issued for use by star route contractors or carriers who are authorized to make collections from collection boxes. The METRO keys will be issued to the administrative postmaster of the star route on which collections are authorized. Such postmaster will be responsible for issuing the keys to the contractors and recovering the keys when no longer needed for collections. See sub-paragraph (2)(iv) of this paragraph.

NOTE: The corresponding Postal Manual section is 521.214b.

II. In § 521.3 *Contracts*, make the following changes in paragraph (c):

1. In subparagraph (2)(iii)(*g*), relating to surety companies acceptable on bonds and contracts, make the following changes:

a. Insert in proper alphabetical order the following companies:

Century Indemnity Co., New York, N.Y.
Farmers Elevator Mutual Insurance Co., Des Moines, Iowa
First National Insurance Co., of America, Seattle, Wash.
Iowa Surety Co., Des Moines, Iowa
John Deere Insurance Co., New York, N.Y.
Midland Insurance Co., New York, N.Y.
Oklahoma Surety Co., Tulsa, Okla.
Pekin Insurance Co., Pekin, Ill.
Puerto Rican-American Insurance Co., San Juan, P.R.
Security Mutual Casualty Co., Chicago, Ill.
State Farm Fire and Casualty Co., Bloomington, Ill.
Surety Co. of the Pacific, Los Angeles, Calif.

b. Delete the following:

Central Mutual Insurance Co., Van Wert, Ohio
Fulton Insurance Co., New York, N.Y.
Guarantee Co. of North America, New York, N.Y.
Superior Insurance Co., Indianapolis, Ind.

c. The locations of the principal offices of the following companies are amended to read as stated:

Birmingham Fire Insurance Company of Pennsylvania, New York, N.Y.
Camden Fire Insurance Association, Philadelphia, Pa.
Manhattan Fire and Marine Insurance Co., San Francisco, Calif.
National Union Fire Insurance Co., of Pittsburgh, Pa., New York, N.Y.
National Union Indemnity Co., New York, N.Y.
Pennsylvania Insurance Co., Boston, Mass.
Summit Fidelity & Surety Co., Des Moines, Iowa

d. Change "Commercial Union Insurance Co. of New York, New York, N.Y." to "Commercial Union Insurance Co. of America, Boston, Mass."

2. In subparagraph (3) subdivisions (i) and (iii), change "director, transportation division" to "director, logistics division."

3. In subparagraph (5) amend subdivision (i) to read as follows:

(i) Directors, logistics divisions.

4. Amend subparagraph (6) to read as follows:

(6) *Submitting bids.* Bids must be submitted as follows:

(i) Each proposal must be sent in a sealed envelope addressed Director, Logistics Division, Post Office Department, City _____, State _____, and endorsed Mail Proposal, Route from City _____ to City _____, to State of _____, Advertisement No. _____.

(ii) If bond is to be executed by a surety company, the proposal should be properly prepared, other than the bond, and transmitted directly to the bonding company in ample time to have it completed and filed in the office of the director, logistics division, within the time limit stated in the advertisement.

(iii) When bond is to be executed by a surety company, the certificate as to bidder may be executed prior to the completion of the bond. (See certificate and note on back of proposal, Form 5468.)

5. Subparagraph (7) is amended to read as follows, in order to furnish additional information on bids and modifications received after advertisement expires:

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received in the office of the director, logistics division, at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) Bids must be mailed in time to reach the director, logistics division, at the address and within the time limit specified in the advertisement. Bids and modifications received after that specified time limit will not be considered unless they are received before award is made and either of the following conditions exist:

(*a*) They are sent by registered mail, or by certified mail for which an officially dated post office stamp (postmark) on the original receipt for certified mail has been obtained. The bid opening committee must determine that late receipt was due solely to delay in the mail for which the bidder was not responsible.

(*b*) If sent by mail other than registered or certified the bid opening committee must ascertain that they were received at the installation in which the office designated in the advertisement is located before expiration of the advertisement. They must also determine that late receipt at the office designated in the advertisement was due solely to mishandling by the Government at the installation where that office is located. Timely receipt at such installation shall be established by examination of the appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it.

However, a modification which makes the terms of the otherwise successful bid more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(iii) Bidders using certified mail are cautioned to obtain a receipt for certified mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late bid was timely mailed.

(iv) The time of mailing late bids submitted by registered or certified mail

shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the receipt for certified mail unless the bidder furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is:

(*a*) Where the receipt for certified mail identifies the post office station of mailing, evidence furnished by the bidder which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or

(*b*) An entry in ink on the receipt for certified mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original receipt for certified mail does not show date, the bid shall not be considered.

NOTE: The corresponding Postal Manual section is 521.33.

III. In § 521.3 *Contracts*, make the following changes in paragraph (d), *Award of contracts:*

1. Amend subparagraph (1) to read as follows (so as to conform to 39 U.S.C. 6411(a)):

(1) *Requirements for award.* (i) Formal contracts for transportation of mail are required to be made after advertising shall:

(*a*) be awarded to the lowest responsible bidder with sufficient guarantee for faithful performance whereby the term of advertisement; and

(*b*) require due celerity, certainty, and security in the performance of the service.

(ii) The Postmaster General may disregard the bid of a person who wilfully or negligently failed to perform a former contract.

(iii) The Post Office Department may award a contract at any time within 60 days after the date stated in the advertisement as the closing date for the receipt of bids. A contract may be awarded during an additional 60-day period on written consent of the bidder and his sureties at their bid price.

2. Amend subparagraph (5) to read as follows (to change a title only):

(5) *Filing contract.* The successful bidder must execute and file his contract with the director, logistics division, within 60 days from the date of acceptance of bid.

NOTE: The corresponding Postal Manual section is 521.34.

IV. In § 521.5 *Record of performance*, amend paragraph (d) by deleting "transportation division" and in lieu thereof inserting "logistics division".

NOTE: The corresponding Postal Manual section is 521.54.

V. In § 521.6 *Certification of exceptional contract service performed*, delete "transportation division" and in lieu thereof insert "logistics division".

NOTE: The corresponding section in the Postal Manual is 521.6.

VI. In § 521.7 *Responsibilities and duties of postmasters*, make the following changes:

1. In paragraphs (d), (e), and (g) change "transportation division" to "logistics division".

2. Paragraph (f) is amended to require preparation of Form 5407 in duplicate instead of triplicate:

(f) Make inspection of non-box delivery star routes during the fall of the year prior to the renewal on July 1 of the following year. Report inspection on Form 5407, Survey of Star Route. Prepare in duplicate, and submit original to the director, logistics division, and retain the other copy.

NOTE: The corresponding Postal Manual section is 521.7f.

3. New paragraph (j) is added to require administrative postmasters to keep a current record of keys issued to star route contractors or carriers.

(j) Maintain a current record of all outstanding keys issued to star route contractors or carriers for use in exchanging mail through lobbies or lockers of post offices. (See § 521.2(a)(2).)

NOTE: The corresponding Postal Manual section is 521.7j.

VII. In § 521.8 *Screening contractors, subcontractors, and certain employees*, make the following changes:

1. Amend paragraph (a) to read as follows (in order to change two 30-day periods to 10 days):

(a) *Who must be screened.* Each contractor, subcontractor, or person employed by a contractor or subcontractor, to handle mail or drive mail vehicle, except those enumerated in paragraph (b) of this section, must complete Form 2025, Contract Personnel Questionnaire, and have this fingerprints taken on Form FD–258 (Fingerprint Chart), within 10 days after beginning service. The 10-day limit may be extended by the director, logistics division, in unusual circumstance.

NOTE: The corresponding Postal Manual section is 521.81.

2. In paragraph (b) the following changes are made:

a. Subparagraph (1) is amended to read as follows, for purposes of classification:

(1) Certificated interstate common carriers and their employees, if the director, logistics division and the postal inspector in charge approve the contractor's own security screening procedures.

b. Subparagraph (3) is amended to read as follows, so as to add a cross-reference:

(3) Persons who have been screened previously for another route. (See paragraph (f) of this section.)

NOTE: The corresponding Postal Manual section is 521.82.

3. In paragraph (e) change the title of Form 5415 to read: Form 5415, Post Office Department Screening Program.

4. Add the following to paragraph (f): "If a person claims that he has been screened on another route (as outlined in paragraph (b)(3) of this section) the administrative postmaster will submit the case to the highway transportation branch."

NOTE: The corresponding Postal Manual section is 521.86.

5. Amend paragraph (g)(2) to read as follows:

(2) When forms are in order, the administrative postmaster will send original Form 2025, stapled to Form FD–258 to the Personnel Security Officer, Bureau of Chief Postal Inspector, Post Office Department, Washington, D.C. 20260. The copy of Form 2025 will be filed alphabetically by name in a locked cabinet. The forms will be retained for 1 year after the contractor, subcontractor, or employee is separated for any reason.

6. Amend paragraph (h) to read as follows:

(h) When no derogatory information is developed or when only minor traffic offenses are involved, forms will be returned without comment to the director, logistics division, by the Personnel Security Officer. The remainder will be reviewed by the Director, Traffic Management Division, and returned to the director, logistics division, with instructions to retain or remove. The original of Form 2025 and Form FD–258 will be filed in the office of the postmaster at the city where the director, logistics division is located.

NOTE: The corresponding Postal Manual sections are 521.81, .82, and .86.

(5 U.S.C. 301, 39 U.S.C. 501, 6101, 6401, 6402)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69–14082; Filed, Nov. 26, 1969; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 9—USE OF HEW RESEARCH FACILITIES BY ACADEMIC SCIENTISTS, ENGINEERS, AND STUDENTS

Part 9 of Subtitle A of Title 45 of the Code of Federal Regulations is revised to read as follows:

Sec.
9.1 Purpose.
9.2 Policy.
9.3 Delegations of authority.
9.4 Criteria.
9.5 Restrictions.

AUTHORITY: The provisions of this Part 9 issued under 27 Stat. 395, as amended; 20 U.S.C. 91.

§ 9.1 Purpose.

To enhance the availability of DHEW scientific research and study facilities to academic scientists, engineers, and qualified students.

§ 9.2 Policy.

It is the policy of the Department of Health, Education, and Welfare in accordance with the policy of the President announced on February 21, 1969, to make research and study facilities of the Department readily available to the scientific community, especially qualified academic scientists and engineers. Unique, unusual, and expensive-to-duplicate facilities at laboratories and other study and research facilities of the Department will be made available to the national scientific community, to the maximum extent practical without serious detriment to the missions of those facilities. It is also the policy of the Department to permit qualified students and graduates of institutions of learning in the several States, and territories, as well as the District of Columbia, to use study and research facilities of the Department. When such facilities are used by academic scientists, engineers, and students, the costs incurred for the operation of the unique or unusual research facilities, as well as of the other facilities, should be funded by the operating agency responsible for the operation of that facility, except for any significant incremental costs incurred in support of research not directly related to an HEW mission.

§ 9.3 Delegations of authority.

(a) The heads of operating agencies are delegated authority for negotiations and decisions as to the use of Department facilities by qualified academic scientists, engineers, and students.

(b) The heads of operating agencies may (and are encouraged to) redelegate to the heads of their respective component organizations, with the power to further redelegate to laboratory directors, the authority for negotiations and decisions as to the use of departmental facilities. Appropriate use shall be made of advisory groups in formulating their decisions.

§ 9.4 Criteria.

(a) The official permitting use of Department facilities must determine that it would be consistent with the programs of his activity to participate. Facilities may be made available provided the use of such facilities will be of direct benefit to the objectives of the academic scientist, or engineer, or student, with the prospect of fruitful interchange of ideas and information between Department personnel and the academic scientist, or engineer, or student, and such use will not interfere with the Department program.

(b) The official permitting use of Department facilities will furnish the non-Government user with safety requirements or operating procedures to be followed. Such requirements or procedures are to include the requirement to report to the permitting official any accident involving the non-Government user.

(c) The official delegated authority for approving the use of Department facilities will not permit the use of laboratory facilities unless he determines:

(1) That facilities are available for the period desired; and

(2) That the proposed research will not interfere with regular Department functions or needs, nor require the subsequent acquisition of additional equipment by the Department.

§ 9.5 Restrictions.

(a) Each individual authorized to use Department facilities will be expected to use the facilities and equipment with customary care and otherwise conduct himself in such manner as to complete his research or study within any time limits prescribed.

(b) Each individual authorized to use HEW facilities may not be authorized to sign requisitions for supplies and equipment.

(c) Any official approving the use of HEW facilities should seek an agreement, executed by non-Government users, absolving the Federal agency of liability in case of personal injury, death, and failure or damage to the non-Government user's experiments or equipment. The agreement must also contain a statement that the non-Government user will comply with all safety regulations and procedures while using such facilities.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Approved: November 20, 1969.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 69-14103; Filed, Nov. 26, 1969; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18628; FCC 69-1285]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations Docket No. 18628, RM-1406, (Columbus, Miss.).

Report and order. 1. The Commission invited comments herein on a proposal to assign UHF Channel 27 to Columbus, Miss., in response to a petition of Messrs. Charles K. Irby and Sam H. Sanders, a partnership, doing business as Irby and Sanders, Columbus. (See notice of proposed rule making, released August 8, 1969, FCC 69-859, published August 13, 1969, in the FEDERAL REGISTER at 34 F.R. 13112.) No comments were filed.

2. Currently, only VHF Channel 4, occupied by Station WCBI-TV is assigned to Columbus, a city with a 1960 population of 46,639, located near the eastern Mississippi-Alabama border. The nearest other television stations are at Tupelo, Miss. (VHF Station WTWV), about 57 miles north of Columbus; at Meridian, Miss. (VHF Station WTOK-TV and UHF Station WHTV-TV), about 70 miles south of Columbus; at Tuscaloosa, Ala. (UHF Station WCFT-TV), about 55 miles southeast of Columbus, and at Birmingham, Ala. (VHF Stations WBRC-TV, WAPI-TV, and WBIQ, an educational station, and UHF Station WBMG), about 90 miles east of Columbus, none of which place a signal of Grade B intensity over Columbus.

3. As the notice informed, the Columbus Channel 27 proponents represented in their petition that they seek a UHF assignment at Columbus for a new local television station and that they intend to apply for authority to construct and operate on Channel 27 if it is assigned. The notice also advised that Columbus is in an area where UHF channel availabilities are considered ample to meet any foreseeable needs and that Channel 27 at Columbus would meet all mileage separation requirements, would require no changes in other assignments, and would be the most efficient assignment from the standpoint of least impact upon available assignments.

4. In these circumstances, we believe that the public interest would be served by assigning Channel 27 to Columbus. We emphasize, however, that in making this assignment, weight has been given to the consideration that prompt application for it could be expected in light of the petitioners' representations and demonstrated interest in applying for the channel.

5. In light of the foregoing, and pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That effective December 31, 1969, the television Table of Assignments in § 73.606(b) of the Commission's Rules is amended, insofar as the city below is concerned, to read as follows:

City	*Channel No.*
Columbus, Miss.	4-, 27

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

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: November 19, 1969.

Released: November 21, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-14099; Filed, Nov. 26, 1969; 8:48 a.m.]

[1] Chairman Burch not participating; Commissioner Wells absent.

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Kesterson National Wildlife Refuge, Calif.

In F.R. Volume 34, Number 206, dated Saturday, October 25, 1969, on page 17334, (§ 32.12) *Special Conditions* should be amended to read as follows:

(1) Hunting is permitted Wednesdays, Saturdays, and Sundays for the duration of the State season.

(2) A permit is required for hunting and is available from the Refuge Manager at the Kesterson Refuge Hunting Area Checking Station.

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

NOVEMBER 14, 1969.

[F.R. Doc. 69-14055; Filed, Nov. 26, 1969; 8:45 a.m.]

PART 32—HUNTING

De Soto National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER.

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

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the De Soto National Wildlife Refuge, Nebr. is permitted on December 27 and 28, 1969, but only on the area designated as open to hunting. This open area, comprising 3,350 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of deer. The taking of coyotes as legal game shall also be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 28, 1969.

JAMES W. SALYER,
Refuge Manager, De Soto National Wildlife Refuge, Missouri Valley, Iowa.

NOVEMBER 21, 1969.

[F.R. Doc. 69-14078; Filed, Nov. 26, 1969; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 151]

DISPOSITION OF MAIL ADDRESSED TO POST OFFICE BOXES CLOSED BY ORDER OF GENERAL COUNSEL

Notice of Proposed Rule Making

Section 151.3(h) of title 39, Code of Federal Regulations, provides that post office boxes are not to be used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for the purposes of a lottery, or so that the safety of the mail is endangered by its continued use or for purposes other than the receipt of mail or official postal notices. It further provides that if the General Counsel finds that a box is being used for such purposes he may order the box closed. The section does not, however, contain any provision for the disposition of mail addressed to the box in the event of an order closing it. To correct this omission and to effectuate the purpose of the closing order it is proposed to provide for the holding of mail addressed to the closed box at General Delivery for 10 days following the notification to the boxholder. During this time he may give the postmaster a Change of Address Order which will permit the forwarding of mail from the box for 60 days. At the end of this period, or at the end of the 10-day period if no Change of Address Order is submitted, all mail addressed to the box will be returned to the sender.

Therefore, notice is given that under the authority of 5 U.S.C. 301 and 39 U.S.C. 501 it is proposed to amend § 151.3(h) of title 39, Code of Federal Regulations, by adding at the end the following subparagraph (5):

(5) *Disposition of mail.* When a box has been closed by order of the General Counsel pursuant to subparagraph (4) of this paragraph, the postmaster shall notify the boxholder and transfer mail addressed to the box to General Delivery. The mail will be held at General Delivery for a period of 10 days following the notification to the boxholder, during which period he may claim his mail at General Delivery. If a Change of Address Order is received during this period it shall be honored for a period of 60 days. Any Change of Address Order received prior to the effective date of this subparagraph shall be honored for a period of 60 days from the effective date of this subparagraph. At the end of the applicable period all mail addressed to the box shall be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 123.3(b) of this chapter.

Interested persons may submit written data, views and arguments concerning the proposal to the Director, Classification and Special Services Division, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 69-14083; Filed, Nov. 26, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-29; Notice 2]

WINDSHIELD AND FORWARD-FACING WINDOW RETENTION REQUIREMENTS

Advance Notice of Proposed Motor Vehicle Safety Standard

On September 16, 1969, the FEDERAL REGISTER published an Advance Notice of Proposed Rule Making, Docket No. 69-29, Notice No. 1 (34 F.R. 14438), stating that the Federal Highway Administrator was considering amending Standard No. 212, Windshield Retention—Passenger Cars, to establish retention requirements for windshields and forward-facing windows in multipurpose passenger vehicles, trucks, and buses and motor vehicle equipment containing windows, i.e., slide-in campers, pickups, pickup canopies, pickup covers. The notice as it appeared in the FEDERAL REGISTER was entitled "Windshield Retention—Passenger Cars." This title may have been misleading and therefore the notice is being republished below for the convenience of interested persons and the time to submit comments is being extended 90 days from the date this notice appears in the FEDERAL REGISTER.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in § 1.4(c) of Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

Issued on November 18, 1969.

F. C. TURNER,
Federal Highway Administrator.

The Federal Highway Administrator is considering rule making to amend Part 371, Federal Motor Vehicle Safety Standards, Standard No. 212, Windshield Retention—Passenger Cars, issued August 13, 1968 (33 F.R. 11652). Standard No. 212 which becomes effective January 1, 1970, establishes the retention requirements for passenger car windshields in their mountings and is part of an integrated program aimed at accomplishing the widely accepted goal of keeping occupants within the confines of the passenger compartment during a crash.

The proposed amendment to Standard No. 212 being considered by the Administrator would extend the scope and applicability of Standard No. 212 to include requirements for windshield retention in multipurpose passenger vehicles, trucks, and buses, and requirements for retention of forward facing windows in multipurpose passenger vehicles and motor vehicle equipment containing windows, i.e., slide-in campers, pickup caps, pickup canopies, and pickup covers.

Interested persons are invited to submit written data, views, or arguments.

An association, in commenting on the advance notice of proposed rule making on Docket No. 2-8 (32 F.R. 14281), which resulted in the issuance of Standard No. 212, indicated that crash data for trucks was being gathered which would be helpful in setting performance requirements and test procedures. If such crash data is available it should be submitted in order to aid the Federal Highway Administrator in setting realistic performance requirements and test procedures. In commenting it is asked that special attention be given to: The degree of retention that should be required for the various areas proposed to be covered by the amendment, human force capability of overcoming retention requirements for purposes of egress from a vehicle, alternatives to the barrier collision test procedure now required by Standard No. 212, a method of setting forth retention requirements for vehicles used for off-road purposes in which extraordinary torsional stresses are encountered, and a proposed effective date of January 1, 1971.

It is requested that comments contain supporting statements and data to justify all conclusions and recommendations. Comments must identify the docket number (69-29) and notice number (1) and be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 512, 400 Sixth Street SW., Washington, D.C. 20591. All comments received on or before the close of business 90 days from the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of

1966 (15 U.S.C. 1392, 1407) and the delegation of authority contained in § 1.4(c) of part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR 1.4(c)).

[F.R. Doc. 69-14084; Filed, Nov. 26, 1969; 8:47 a.m.]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 8; Notice 69-8]

CENTRAL-MOUNTAIN STANDARD TIME ZONE BOUNDARY IN KEARNY COUNTY, KANS.

Proposed Relocation

The Department of Transportation has received a petition for the relocation of a section of the central-mountain time zone boundary from its present location on the eastern line of Kearny County, Kans., to the dividing line between Unified School Districts No. 215 and 216 in that county, so as to place Unified School District No. 216 (the eastern one-fourth of Kearny County including the community of Deerfield) in the central time zone. The petition contains 216 signatures, which the petition's preamble indicates are those of "duly qualified voters of Unified School District No. 216".

The petition states that "The west boundary of Unified School District No. 216 is approved by the Kansas State Board of Education and thus offers a workable solution to the needs of residents of this part of Kearny County, Kansas". By separate correspondence the Mayor and City Clerk of the City of Deerfield have advised the Department of Transportation that the City Council of Deerfield, at regular session on July 7, 1969, passed a resolution favoring the inclusion of Deerfield in the central time zone.

On June 11, 1969, the Department of Transportation published in the FEDERAL REGISTER (34 F.R. 9213) a notice of proposed rule making requesting comments on a proposal which would have relocated all of Kearny County along with all or parts of 20 other western Kansas counties in the central time zone. The comments received convinced the Department that all the other 20 counties should be in the central time zone and on August 13, 1969, the central-mountain time zone boundary was relocated (34 F.R. 13415) so as to make that change effective on October 26, 1969. However, with respect to Kearny County, the comments received indicated that Kearny County residents as a group preferred their county to be in the mountain time zone (2.6 to 1). For this reason the relocation that became effective on October 26, 1969, placed the time zone boundary so as to keep all of Kearny County in the mountain time zone.

In view of the present proposal which, if adopted, would split Kearny County between the central and mountain time zones it is appropriate to analyze the geographic makeup of the comments received from Kearny County concerning the earlier proposal. Of each 10 comments received, approximately seven were from the western part of the county which includes the community of Lakin (the largest community in the county and the county seat) and three were from the eastern part of the county including Deerfield. Of each seven comments from the western part, approximately six favored mountain time and one favored central time. Of each three comments from the eastern part approximately two favored central time and one favored mountain time. County officials and the Mayor and City Council of Lakin favored mountain time while the Mayor and City Council of Deerfield favored central time.

While it is the policy of the Department to establish time zone boundaries along State or county lines, so far as possible, it should be noted that Kearny County presents a unique problem because of Deerfield's nearness to and its social and economic ties with Garden City, a community of significant size a few miles to the east in the central time zone, and because of its corresponding remoteness from Lakin.

Under the time zone Act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the foregoing, it is evident that the Department should submit the relocation proposal for public comment. It is therefore proposed that § 71.6(d) of Title 49, Code of Federal Regulations, be amended by relocating the boundary line between the central and mountain time zones in Kearny County, Kans., so as to place so much of that county as lies within Unified School District No. 216 in the central time zone.

It is further proposed that should the foregoing proposal be adopted the operating exception granted for the Atchison, Topeka, and Santa Fe Railroad with respect to Kearny County in § 71.6(f) of Title 49, Code of Federal Regulations be amended accordingly.

Before taking final action to adopt, deny, or modify the boundary the Secretary of Transportation will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted to the: Docket Clerk, Office of the General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590. The proposal may be changed in the light of the comments received.

Communications received on or before January 12, 1970, will be considered before final action is taken on this proposal. In addition, all communications received before the date of this notice will be so considered and it will not be necessary for persons who have previously commented to comment again. All docketed comments will be available for examination by interested persons, both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced daylight saving time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement, by law applicable to the entire State. No political subdivision of a State may prescribe a time that is inconsistent with this requirement. The Department of Transportation had no administrative authority with respect to this matter.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.8(i)(1) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.8(i)(1)).

Issued in Washington, D.C., on November 21, 1969.

JAMES A. WASHINGTON, Jr.,
General Counsel.

[F.R. Doc. 69-14123; Filed, Nov. 26, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222; FCC 69-1269]

STANDARD METHOD FOR CALCULATING RADIATION

Further Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage and overlap of mutually prohibited contours in the standard broadcast service.

1. This proceeding was initiated by a notice of proposed rule making adopted on October 6, 1965. The notice limited the periods during which comments and reply comments might be filed to January 14, 1966, and January 31, 1966, respectively. The Commission's proposals therein became the subject of exhaustive and protracted study by a number of engineering organizations, which resulted in repeated requests for additional time for the preparation and submission of comments. The Commission, by appropriate orders, granted

these requests. As extended, the deadline for filing comments became June 14, 1968, and for reply comments, September 16, 1968.

2. The following parties filed timely comments. They are listed approximately in the order of filing dates:

A. E. Towne (Towne).
E. Harold Munn, Jr. (Munn).
Pete Johnson Consulting Engineers (Johnson).
Columbia Broadcasting System (CBS) (comments and supplementary comments).
Robert A. Jones (Jones).
Clear Channel Broadcast Service (CCBS).
J. B. Hatfield (Hatfield).
Department of Commerce (Commerce).
Association of Federal Communications Consulting Engineers (AFCCE).
A. D. Ring and Associates (Ring).
Association on Broadcasting Standards, Inc. (ABS).
Jules Cohen and Associates (Cohen).
Edward F. Lorentz (Lorentz).
A. Earl Cullum, Jr., and Associates (Cullum).

Reply comments were submitted by:

A. Earl Cullum, Jr., and Associates.
Columbia Broadcasting System.
Clear Channel Broadcasting Service.
Storer Broadcasting Company.

All comments and reply comments have been fully considered. Generally speaking, the comments fall in two groups—those filed prior to the submission by AFCCE, and those filed subsequent to the AFCCE filing. The earlier comments take as a point of departure the Commission proposal. The later comments were filed with a general knowledge of the contents of the AFCCE pleading, which is a detailed counterproposal to the FCC's proposal. These generally support, take exception to, or suggest changes in the AFCCE proposal. Because of the number of comments and the detail contained in many of them, we will not attempt to summarize these comments individually; rather we will consider the views of the parties in connection with the various aspects of the problem to be discussed below.

The problem. 3. It is well known that the radiation pattern of an operating directional antenna array will deviate, sometimes substantially, from the pattern developed mathematically. There are, fundamentally, three causes of these deviations: (1) the basic assumptions which are common to every antenna design (such as that of a perfectly reflecting earth and sinusoidal current distribution along the array elements) are always, to some degree, in error; (2) there are various environmental factors whose effect, if foreseen, can only be estimated in the theoretical design (e.g., ground losses), or are of such a nature that they cannot be provided for specifically in the design; (3) inevitable variations in the values of the electrical components of the antenna system with temperature and time result in fluctuations of radiation about a mean value, or a progressive drift of radiation values from those originally established.

4. Because of the commonly experienced difficulty in accurately establishing and maintaining the extremely low values of radiation which might be indicated in certain azimuths on a theoretical antenna pattern, the Commission, a number of years ago, amended section 73.150 of its rules and regulations to provide for the superposition of the theoretical pattern of MEOV's[1] which, particularly over sectors including the null areas of the theoretical pattern, depict radiation values in excess of those shown on the theoretical pattern, but values which the engineer designing the antenna expects will not be exceeded in actual operation. In the initial computation of the level of interference caused to other stations, the appropriate MEOV value, rather than the corresponding pattern value of radiation is employed. MEOV's for the individual radiation pattern are established by the design engineer on any basis he desires. While, in some cases, a closed line completely enveloping the theoretical pattern establishes MEOV's for all azimuths, and may sometimes have a definite mathematical relationship to the theoretical pattern, in the usual case MEOV's are selected on the basis of engineering judgment, and encompass only those sectors of the theoretical pattern where the values of radiation are critical to the protection of other stations. While the MEOV's are essential to the depiction of the performance of the directional array, as presently established they cannot be programed on a computer for interference studies, an ultimate objective of the Commission in this proceeding.

5. A further objection to the present system of establishing MEOV's is that it offers no curb on the occasional tendencies of an optimistic engineer to overestimate his ability to adjust an array to extremely low radiation values, and to propose MEOVs which are subsequently exceeded in the adjustment of the array. When this occurs a serious problem is presented, as the excess radiation may result in interference to an existing station of a level which, had it been depicted in the original application, would have precluded the granting of the application.

6. In addition to the difficulties which result when too great suppression is incorporated and relied on in the original radiation pattern, are those caused by an inaccurate prediction of pattern size. Where the RMS value of the proof pattern substantially exceeds that of the theoretical pattern a distortion of the radiation pattern occurs, mainly in the ratio of maximum to minimum values; the latter, in most cases, must be held close to the theoretical values or MEOV's to maintain the required protections for other stations. Not many severe cases of this kind have occurred in recent years, probably because of the now consistent practice of most engineers of developing the RMS of the array as a function of the array design. However, the Commission's files contain many older patterns in which the design RMS value was apparently "taken out of a hat" and is substantially exceeded in the measured pattern. Where excessive proof pattern size does occur under present conditions, it can usually be ascribed to the fact that an unduly pessimistic estimate was made of operating losses in the original pattern design.

7. Where excessively large proof patterns have been produced the Commission could have required that the input power of the array be lowered to the degree necessary to reduce the proof pattern to the size of the theoretical pattern. It has heretofore not been willing to follow this practice. Instead, because the proof patterns of many AM stations differ substantially from the theoretical patterns for these stations, it has required that domestic interference between stations be computed on the basis of proof patterns. In computing skywave interference, this has made necessary the questionable practice of estimating radiation from the proof at angles above the horizontal by applying a ratio of horizontal to pertinent angle radiation derived from the theoretical pattern.

8. In addition to the distortions attributable to excessive size, existing measured patterns may have other distortions and asymmetries, major and minor. While many of these irregularities may reflect actual deviations from the theoretically determined radiation values, viewed in the light of latter experience it appears likely that irregularities in some earlier patterns may depict to some extent the result of faulty measurement and analysis procedures.

9. Because the establishment of international priorities for U.S. stations requires the notification of new stations, and changes in existing stations at the earliest date possible, i.e., at the time of the grant of a construction permit, only theoretical patterns are notified, and interference studies to stations in neighboring countries are made on the basis of these patterns. The employment of different patterns for domestic and foreign interference studies is cumbersome and generally undesirable. Furthermore, the measured patterns cannot practicably be computerized.

10. Accordingly, the aim of the Commission in this proceeding is to develop rules pursuant to which each directional radiation pattern will be computed with

[1] MEOV stands for "maximum expected operating value". The name implies that it represents a level of radiation which will not be exceeded in the day to day operation of the array. However, the MEOV is generally treated in the examination of array proofs-of-performance as an "adjustment value", i.e., the Commission may accept a proof showing radiation in a particular azimuth equal to the MEOV at that azimuth. Nevertheless, many consulting engineers make it a practice, where possible, to adjust the radiation to some value lower than a given MEOV, to provide for minor changes which are likely to occur in the adjustment of the array, and in sources of reradiation, as well as to allow for variations in signal propagation between the array and a monitoring point established at a particular azimuth to control the field radiated at that azimuth. The fact that it is not the present practice of the Commission to assign, in the station license, monitoring point values sufficiently high to allow the licensee to take full advantage of the tolerance between the MEOV and adjustment value is a source of complaint from several of the parties commenting.

adjustment or operating tolerances included in a mathematically expressible form, and will be of such size and configuration as to encompass, in the usual case, the actual measured radiation. Measured patterns would no longer be used for interference computations.

11. Therefore, it proposed that the pattern RMS be computed with an assumed loss resistance of 1 ohm at the base of each tower, which was taken to represent the effect of operating losses in a system of better than average construction. The resulting pattern would be of a size which, it was believed, would not likely be exceeded in actual operation. Operating (or adjustment) tolerances would be provided for by a factor added in quadrature to the basic pattern of such size that null adjustments within its limits could, in all probability, be achieved. The Commission proposed that the orthogonal component be equal to 10 percent of the RMS or RSS field of the array. Comments were requested on whether the RMS or RSS value should be used.

12. The orthogonal addition of a factor of this magnitude would have little effect on the overall size of the pattern, but null fill-in would occur to the extent that at no point on the pattern would a radiation value less than 10 percent of the RMS (or RSS) field be depicted. The Commission did not discuss the question of what, if any, negative departures from the computed pattern would be tolerated in the measurement and adjustment of an array, although it did not propose any change in section 73.189 (b)(2) of the rules, which specifies the minimum effective fields for stations of various classes.

Comments of the parties. 13. A number of the parties commenting urge that no strictures whatever be placed by rule on the design engineer—that he enjoy complete freedom to determine pattern size and amount of null suppression in each individual case in the light of environmental conditions at the antenna site, the electrical and physical design of the array, and the monitoring facilities provided. Each array, they argue, is necessarily unique, and requires the exercise of unhampered engineering judgment in the development of suitable array designs for each particular situation.

14. On the other hand, other engineers argue that general aim of the proposed rules is highly desirable, and action in this area is long overdue. However, there were varying opinions as to what should be the specific requirements of the rules. Even among those favoring adoption of rules of the general type proposed, are many who desire a specified procedure for obtaining waivers of one or more of any rules adopted on the basis of special showings.

15. The Commission is also urged to consider that the level of interference caused by one station to another depends on propagation losses which vary with time and other conditions, and are not susceptible to precise measurement, and the measurement of the performance of the directional array itself is accomplished by methods which are of limited accuracy. Accordingly, it is held to be unrealistic to impose unduly rigid requirements on the design and performance of a directional array.

16. Towne suggests that, instead of such requirements, the Commission's rules should be framed to insure that the physical construction of an array (e.g., use of ground screens, welded joints in towers, etc.) and the operating parameters (no unduly low base resistances) are such to insure stable operation of the array.

17. In summarizing the comments of the parties, it appears that they can conveniently be divided into basic topics, viz.:

1. The size of the original "calculated" pattern, and the factors which should be considered in determining its size.
2. The way null "fill-in" is to be achieved, the components producing this "fill-in" and their magnitudes.
3. Reconciliation of measured and computed patterns.
4. Procedures applicable when the measured pattern exceeds the calculated pattern.
5. Application to exsting stations.
6. Showings required to obtain waiver of any basic rules adopted.

Pattern size. 18. While the majority of the parties commenting agree that a 1 ohm resistance in each tower should be assumed in the computation of the original pattern, there is general agreement that the loss should be assumed to occur at the current loop in the tower, rather than at the tower base, which the Commission proposed. However, several parties urged that the engineer designing the array be permitted to select the loss resistance which he considers most appropriate in the light of the electrical and physical design of the array. In fact, AFCCE indicated that a "substantial number" of its members believe that the proposed rule change is unnecessary, and that the present rules have served "reasonably well".

19. Storer believes that the real sources of losses in directional arrays are the coupling and phasing networks, and holds that the convention of adding loss resistance to loop radiation resistance is based on a fictitious assumption. It favors computation of the pattern RMS with no assumed losses by the Poynting vector method.

20. CCBS favors a no-loss calculation of a "three-dimensional RMS", apparently equivalent to that referred to by Storer. It recognizes that the "assumption of 100 percent efficiency is unrealistic" but, "this matter is reconciled with Rule 73.54(5)(e) by assuming the efficiency allowed by this Rule in theoretical calculations."

21. Commerce states that power losses in an operating array result principally from the flow of base currents through a finitely conducting earth. It cites theoretical and experimental studies of the magnitude of these losses, and notes that it is dependent on frequency, ground conductivity, tower height, and ground system size. It suggests that appropriate curves be adopted, or tabulations adaptable to computer use, which will provide information as to the loss resistance to be assumed in each case, based on the applicant's showing of the applicable parameters in that case.

22. Both Jones and Johnson furnish information in the form of curves indicating the effect on assumed tower loss resistance of variations in certain parameters. Each suggest that such information be incorporated in the rules for use by engineers in the design of arrays. Jones states it is much more difficult to attain low losses at higher than at lower broadcast frequencies. He furnishes a curve, based on his experience, which indicates an effective tower loss resistance of about ¾ ohm at 550 kc/s and 2 ohms at 1600 kc/s.

23. Johnson furnishes several graphs, based on information obtained from a number of sources, purporting to show the magnitude of the effective loss resistance as affected by tower height, ground system size, ground conductivity, and frequency. Generally speaking, except for cases of extremely short towers or ground systems which would be patently substandard, the range of tower loss resistance approximates those shown on Jones' curves, although the frequency effect alone is not as marked as Jones depicts.

24. Johnson proposes that a theoretical pattern be designed using the most accurate estimate of effective loss resistance available. In recognition of the fact that lower losses might be achieved in practice, and that terrain effects could also contribute to upward deviations from the theoretical radiations, he would provide for such deviation by a 10 percent expansion of the theoretical pattern size.

25. Munn, like Storer, urges that no lumped loss resistance be used in the pattern computation. He is of the view that in many array designs a reduction of the assumed tower loss resistance from two or more to 1 ohm will not significantly increase the pattern RMS, and that the major contributor to the situation where a measured pattern exceeds its theoretical counterpart in size is the fact that coupling and feeder system losses are usually substantially less than the allowance for such losses provided for in the Commission's rules. Consequently, the effective input power to the array exceeds that used in the computation of the theoretical pattern, and a larger than expected measured pattern results.

26. Munn furnishes a list of 21 stations, operating on frequencies between 1500 and 1550 kc/s, whose measured patterns significantly exceed their theoretical patterns in size. It is perhaps significant to note that all of those stations operate in a frequency range where Jones would expect the effective tower losses to be the greatest.

27. Lorentz believes that the design engineer should be permitted to select a pattern size meeting allocation requirements, with a ceiling established by a minimum 1 ohm loss resistance, and a floor by the efficiency requirements of § 73.189 of the rules.

28. He sees the need for deliberately introducing losses, as in an instance when

tall towers, selected solely for the purpose of attaining relatively lower values of radiation at angles above the horizontal, would otherwise produce an excessively large horizontal pattern.

29. CBS cites an additional factor which it believes should be considered in determining the original pattern size. In the design of an array it is rather customary to assume that the electrical and physical heights of each tower are the same, even though the speed of propagation of the wave along the tower is less than in free space. While computations made on the basis of this assumption may not involve serious errors where the towers are one quarter wavelength or less in height, this is not true for higher towers; the resulting tower fields (and the pattern RMS) can be substantially understated in such cases unless a more accurate asssesment of the electrical height of the towers is made. CBS suggests that the relative speed of propagation be assumed as 0.93 (i.e., the electrical height of the antenna be assumed to be 1/0.93 times its physical height in wavelengths).

30. AFCCE, in a submission which it states represents a consensus of its membership, has presented what is in effect a counterproposal to that contained in the notice in this docket. Insofar as the question of pattern size is concerned, AFCCE proposes that a loss resistance of 1 ohm per tower be used in the computation of the theoretical pattern and that such patterns be further amplified in size by the linear addition at each azimuth of a value equal to 5 percent of the theoretical field at that azimuth. A further minor increase in the size of the envelope would result from the orthogonal addition of a fixed component intended principally, as in the Commission's proposal, to produce null "fill-in". This particular feature of the proposal will be discussed more fully in the section devoted to that subject.

31. AFCCE does not articulate the reasons for its selection of the 5 percent augmentation factor. Its purpose is apparently pragmatic—its view that the application of this factor, together with employment of a 1 ohm loss resistance will provide an envelope of sufficient size to accommodate the largest measured pattern likely to be produced, together with such minor departures from pattern symmetry as are ordinarily encountered.

32. Ring and ABS support the use of a factor of this size. However, ABS would allow the use of some other factor in particular cases, if there is engineering justification for its employment. Cohen, agreeing to the linear addition of an augmentation factor, believes that its magnitude should be determined by the engineer designing the array. Cullum believes that the design engineer should retain full freedom to select and specify all factors which control pattern size, subject to a full engineering justification of the reasons for their selection.

33. Discounting those oppositions which appear to be based on the belief that the Commission is unjustifiably interfering with the free exercise of independent engineering judgment, the objections to the adoption of a uniform assumed loss resistance of 1 ohm per tower may be classified as those based upon a fear that the value specified may be in many instances (1) too large, or (2) too small. Thus, in the first category, Munn believes that measured patterns tend to exceed theoretical patterns in size because the power input to the antenna exceeds that assumed in the theoretical design. The inclusion of any loss factor in the pattern design only aggravates this disparity. Jones and Johnson indicate that 1 ohm exceeds the effective tower losses in short towers and/or at low frequencies. When those factors are pertinent, the result of using 1 ohm loss resistance may be the same as Munn foresees—a measured pattern larger than the theoretical pattern.

34. The more general fear, however, appears to be that, in many cases, power losses reasonably foreseen will not be adequately provided for by the use of a 1 ohm effective loss resistance. Even though the undesirable aspects of such a situation are not fully articulated by any of the parties, it is not difficult to perceive the hardships which are inherent. The engineer may be required in some cases to have the acceptability of his engineering proposal assessed on the basis of a proposed directional pattern which may indicate fields exceeding, perhaps by a substantial degree, those which, in his considered judgment, could be attained in the operating array. Under any particular set of circumstances, this can make more difficult the design of an array for one station providing the necessary computed protection for others. On top of this, he faces the possibility that the measured pattern may be so small as not to meet the minimum requirements of § 73.189 of the rules. In this connection, Hatfield urges that if the engineer is required to use a specified loss resistance, it should be made clear that the minimum fields required by section 73.189 need be achieved only in the theoretical design, and not in actual operation. The inhibitions involved in this situation are inherent in the AFCCE proposal to determine pattern size to a greater degree than is the Commission's, although it would avoid the question of compliance with § 73.189 by not requiring a measured pattern.

Null fill-in. 35. The Commission proposed the orthogonal addition to the theoretical pattern of a factor equal to 10 percent of the computed RMS or RSS value of the pattern. This would produce a pattern whose minimum indicated radiation would never be less than 10 percent of the RMS (or RSS) value of the pattern. CBS and CCBS are of the opinion that this floor is none too high for situations where skywave interference is involved. Both cite the results of a test conducted by Subcommittee I–A of the 1949 NARBA Preparatory Committee which indicate that directional arrays supposedly having highly restricted radiation at angles pertinent to skywave signal transmission to particular locations produce interfering skywave fields at these locations substantially higher than would be predicted on the basis of the computed radiation at the pertinent angles. Other parties urge that the floor proposed by the Commission is unrealistically and prohibitively high, and CBS and CCBS, with some reservation, believe this may be the case where only groundwave fields are to be considered.

36. The majority of the parties agree that an inability to attain and maintain theoretically predicted radiation values in the null areas of operating arrays is attributable largely to the effects of scattering, reradiation, and array instability, and that the magnitude of these effects is more closely related to the RSS, rather than to the RMS value of the array. Those who favor the use of the RMS generally do so because it is a more readily available value for each antenna pattern.

37. AFCCE does not discuss this question, but proposes that null "fill-in" be obtained by adding in quadrature to the theoretical pattern a component equal to 3.5 percent of the theoretical RMS value of the pattern, or 6 mv/m, whichever is greater, multiplied by the vertical form factor ($F(\emptyset)$) for the shortest tower in the array.

38. Ring supports the basic AFCCE proposal, with the following exception: Should the RSS to RMS ratio of a specific array exceed 1.4, it proposes that the RSS value be used in the computation of the orthogonal component. No justification is given for the selection of this particular ratio as a criterion, other than the fact that Ring has examined assignments on 600 kc/s and 1260 kc/s, and found that the directional antennas of a majority of stations on these frequencies have RSS/RMS ratios of less than 1.4. Ring submits a study of skywave interference among stations on these channels, using RSS orthogonal components for those stations having RSS/RMS ratios exceeding 1.4, which indicates station limitations would not be substantially greater than are computed using the AFCCE formula. Whatever rule is adopted, however, Ring believes waivers should be granted in special cases on the basis of an adequate technical justification.

39. In Cohen's experience, directional radiation of less than 5 percent of the pattern RMS "is difficult to achieve and even more difficult to maintain". Accordingly, Cohen states, a special showing should be required to justify any directional proposal involving suppressions more severe than the application of the 5 percent factor would permit. Subject to this qualification, each engineer should be free to specify the degree of suppression which is appropriate in each case.

40. Hatfield suggests the addition of 5 percent of the RMS in quadrature but only to those portions of the theoretical pattern that show radiation of less than 50 percent of the pattern RMS.

41. ABS also favors 5 percent of the RMS orthogonal factor as a floor to radiations shown in the original pattern design, using, in general, the AFCCE

approach, but avers that other (presumably lower) values than 5 percent should be permitted if evidence as to site, reradiation, array stability, and similar factors warrant it. Its computation procedures differs from AFCCE's in that it applies the 5 percent pattern size expansion factor (advocated by AFCCE and previously discussed) after addition of the orthogonal component. This, however, does not produce a result significantly different from AFCCE's. (The minimum radiation computed for a given value of the orthogonal component would be, as a maximum, 5 percent higher than AFCCE would propose.) ABS emphasizes that it supports, with some modification, the AFCCE approach as a method for computing a radiation envelope for new stations. It would "grandfather in" each existing station so that it enjoys right to maintain, if necessary, in each direction, the radiation shown on its present measured radiation pattern, not only at its present transmitter site, but in the event circumstances require that it move locally at a new site.

42. CBS submits a study of the relationship of the width of the required angle of protection (as exemplified in the protection of the skywave service area of a Class I station) and the maximum degree of signal suppression required to achieve protection over that angle. It concludes that few antennas have been initially adjusted to minimums as low as 2 percent of the pattern RMS. It accordingly favors the 3.5 percent of RMS orthogonal component proposed by AFCCE as providing a reasonable allowance for the effects of scattering and reradiation. However, it sees the need for an additional component to provide for the variations in relative phases and amplitudes which occur in even a well constructed array, and proposes the addition, in quadrature, of 3 percent of the RSS field of the array. This value was arrived at by assuming that the effect of such variations is related to the RSS, rather than the RMS field of the array, that they are random in nature, and that the maximum uncorrected excursions which might occur, with phase monitors of the usual accuracy, are ±3 percent in current ratio and ±2° in relative phase. CBS contemplates the possibility that a proposed directional array indicating greater suppression than would be computed with the addition of the above components might be acceptable if supported by a detailed engineering study demonstrating that the proposed antenna environment, its constructional details, and the nature of the monitoring system are such as to make probable the practical realization of the proposal.

43. Commerce would add to the theoretical pattern in each direction an amount equal to 10 percent of the computed radiation in that direction, to provide for measurement and analysis errors in establishing the inverse fields in the operating array and a further factor consisting of 0.023 of the RSS value of the array. The constant 0.023 is based on Commerce's assessment of the monitoring capabilities of available measuring equipment, and is held to represent the effect of departures of 2 percent in tower current ratios, and 0.6° in relative phasing.

44. Cullum would tailor the null "fill-in" to each antenna proposal. Its amount would reflect the effects of two factors (1) reradiation and (2) excursions of tower currents and phases from their specified values. The amount of reradiation would be predicted from (a) an identification of all likely sources of significant amounts of reradiation in the general vicinity of the proposed site and (b) an assessment of the probable level of reradiation from each such source, either by computation or by illumination of the sources with a test transmitter and the measurement of the resulting radiation. The magnitude of the second factor would be determined principally by a numerical evaluation of the accuracies of the phase and current monitoring system employed, with the result modified by a probability factor whose size depends on what assumption is made as to the proportion of time excursions in array parameters will occur which are not detected and corrected.

45. The computed effects of reradiation and array variations are combined in quadrature, and applied to theoretical array fields through a procedure which takes into account the statistical nature of these additional factors.

46. While this procedure, outlined above very generally, appeared to constitute Cullum's proposal for all new antenna designs, his reply comments contain what is, in effect, a substantial modification of the original proposal. As modified, it would give the design engineer complete freedom over all aspects of array design, provided only that the resulting pattern would lend itself readily to computer checking and use, that the basis for determining pattern size was fully documented, and the pattern itself met the requirements of section 73.189. In the event, however, that the minimum value of radiation shown on the pattern was less than 5 percent of its RSS or RMS value, whichever is higher, a special showing as to array stability, monitoring system adequacy, and site suitability would be required.

47. Johnson is the only party other than Commerce that proposes linear addition of the component to produce null fill-in. His component represents only the effect of variations in tower phases and current. Its size is proportional to the linear sum of the individual tower fields; the proportionality factor depends on the magnitude of the variations in phases and currents which will be presumed to occur in the operating array. On the assumption that relative field variations will be held to 1 percent and relative phases to 0.6°, a proportionality factor of 0.02 is specified.

48. Johnson recognizes that reradiation and terrain effects at a particular site may indicate the need to specify greater minimum fields than would be computed through application of the procedure described above, and proposes that the design engineer make a supplementary showing in appropriate instances.

49. CCBS recommends that the effects of local scattered fields be included in any theoretical prediction of nighttime interference. However, it is not clear whether it favors specific provision for such effects to the extent practicable in the original pattern design.

Reconciliation of measured and calculated patterns. 50. Of the parties who discussed this question, AFCCE submitted what is probably the simplest proposal—that the adjusted array must produce radiation values "which fall completely within" the "calculated" pattern. No measured pattern would be submitted, the radiation values developed from the proof-of-performance being submitted in tabular form. Thus only the "calculated" pattern would be available for coverage and interference computations. As we interpret this proposal, it permits adjustment of the radiation from an array in any particular direction to any value not exceeding that indicated on the "calculated" pattern for the array in that direction.

51. As previously discussed, CBS has proposed that the original array design include, in the orthogonal component, not only 3.5 percent of the RMS, as proposed by AFCCE, but an additional factor equal to 3 percent of the RSS value of the array, to provide a tolerance for pattern variations caused by the fluctuations with time of phase and current relationships. The radiation pattern thus produced is referred to by CBS as the "MEOV pattern". The "adjustment pattern" "must fall inside the MEOV pattern" in each direction by an amount at least equal to the contribution of the RSS component in that direction. ABS would also require an adjustment tolerance. As previously noted, it would include a RMS orthogonal component of 5 percent of the original pattern design (a lower value might be specified if supported by an adequate technical showing). However, the array would be initially adjusted to radiation values computed with the orthogonal component reduced linearly by a value equal to 1.5 percent of the pattern RMS value. Its reasons for requiring an adjustment tolerance are the same as those cited by CBS. ABS "does not believe the public interest would be served by an arbitrary requirement that all directional patterns must be symmetrical". (To our knowledge, no such requirement has been proposed.)

52. On the other hand, Cullum, in whose comments the concept of pattern augmentation on any arbitrary basis was rejected, and who favored an original pattern design including components reflecting the predicted effects of reradiation and array instability, in his reply comments submits that the proof-of-performance be required to demonstrate only that (1) the RMS of the theoretical pattern is achieved within a tolerance of plus or minus 5 percent, and (2) the shape of the theoretical pattern is achieved with a tolerance of plus 5 percent (a negative tolerance would not be specified). With these tolerances met, the

theoretical pattern would be used in all allocation studies.

53. It is generally recognized by those commenting that there will inevitably be instances where a measured pattern in a particular direction or directions will have fields exceeding the envelope proposed by AFCCE and others, or perhaps the positive tolerance proposed by Cullum, because of terrain effects or reradiation, which could not be fully foreseen and provided for in the original pattern. In such an instance, Ring would require a showing that the deviation is unavoidable and not subject to correction (as by treating sources of reradiation), and that the indicated excess radiation will not result in objectionable interference to another station. Assuming a satisfactory showing is made, the deviation would be ignored and allocation studies be based on the calculated radiation pattern.

54. With the same proviso that the excessive measured radiation would not result in objectionable interference, AFCCE would apply a mathematically computed "patch" to the calculated pattern, which would accommodate the measured excess over the calculated pattern over a sector whose span would be determined by the engineer. The addition of the "patch" (or "patches", if measured radiation exceeded that shown on the calculated pattern in more than one direction) would produce a new radiation envelope, which would thenceforth be used in all allocation and coverage computations. It should be noted that while the formula for sector augmentation is one that apparently can be included in a computer program without difficulty, it cannot be made a part of the basic pattern formula. Other engineers, while recognizing the need, in some instances, for modification of the original or calculated pattern when measurements indicate radiation beyond its limits, urge that they not be required to follow the procedure suggested by AFCCE to achieve this end, but rather they be allowed freedom to choose any method (such as the addition of "phantom" towers) which produces a mathematically realizable envelope of the desired characteristics.

55. Storer suggests the employment of a "seeking" type of computer program to achieve a mathematically reproduceable version of the measured pattern.

56. ABS gives particular attention to the problems of existing stations, which, in increasing numbers are, in effect, forced to make local changes in transmitter sites when shifts in population patterns, re-routing of highways and the like, make such changes highly desirable or imperative. ABS urges that in such cases the requirements for pattern design for new stations should not apply, and that an existing station enjoy the right at its new site or with its modified pattern to radiate in each direction a field as high as was produced at its old site or with its original pattern. Interfering signals to other stations would be computed on the basis of theoretical patterns, after augmentation by the method urged by ABS, but these signals would only be determined for the purpose of establishing nominal limits to other stations, not to determine the acceptability of the proposed change. Any change in the level of interference to another station resulting from changes of its orientation and distance with respect to the new site of the first station would be considered acceptable, even though, as we understand it, increased objectionable interference to the other station would be predicted. Changes in the radiation pattern of an existing station at its existing site, or at a new site, should be permitted if the radiation from the new pattern "in any critical drection, i.e., a direction toward a station required to be protected, does not exceed that produced by its then authorized antenna. This standard would also govern where no changes are contemplated, but new proofs of performance are conducted for whatever reason."

57. Subject to the stipulations mentioned with respect to changes, a pattern augmented in the manner advocated by ABS for new stations, and discussed above, would be prepared for each existing station, and thenceforth be used for interference studies. If the measured radiation pattern exceeded the augmented pattern in praticular directions, such excesses would be permitted to continue. The radiation shown on the measured pattern would be permitted even though subsequent proofs of performance, and even though a site change intervened.

58. While ABS advocates the submission by an applicant of a modified augmented pattern in the event the measured pattern fails to fall within the computed pattern, it would appear, in the light of the above, that this procedure is intended to apply only to new stations.

59. No other party discusses in detail the application of the proposed new rules to existing stations but AFCCE does note "It is expected that ultimately the Commission will require that all stations now operating with directive antennas submit a calculated pattern which will supersede and cancel all previous patterns. The calculated pattern determined by the procedure described in Appendix A [AFCCE's technical proposal] will contain completely the proved pattern and authorized values which the station is desirous of maintaining."

Discussion. 60. Preliminary to an analysis of the specific proposals of the parties with respect to the design of a computed pattern, we will dispose of two matters which affect the basic course of this proceeding (1) the essential question of whether any new rules should be adopted and (2) the question of the application of measurement and operating tolerances.

61. In paragraphs 3 to 9, above, we discussed the considerations which engendered this proceeding. In so doing, we believe we have answered to a large extent those parties who plead for the continued right of each engineer to design directional arrays in a manner which reflects his best engineering judgment, unhampered by new strictures imposed by the Commission's Rules. We recognize, with the reservoir of expertise and experience presently reposing in engineers who practice before the Commission, that a better correspondence between measured and theoretical patterns is generally achieved than was possible at a time when the arrays of many of the older stations were engineered, and there was less information on and appreciation of the factors which affect pattern size, produce dissymmetries and limit null suppression. However, as broadcast band occupancy more and more closely approaches complete saturation, additional assignments become possible only with directional antennas incorporating increasingly high degrees of null suppression. The problem of attaining and maintaining measured fields of low intensity is a continuing one for the Commission and the consulting profession alike. We therefore must reject what is essentially a plea for the status quo, or something approaching it.

62. Several parties have alluded to the vagaries in skywave propagation, and to a lesser extent, in groundwave propagation, and the difficulty in making accurate measurements of skywave and groundwave signals. These considerations are cited by some of those commenting as militating against the adoption of unduly strict requirements for the design and performance of directional arrays, and by others in justification for imposing more rigid requirements. Those taking the first position argue that the delivered interfering signal will never, except fortuitously, have the value predicted by the use of skywave or groundwave curves and other average data, and even if measured at a particular time, will vary from the measured value, perhaps substantially, at other times. Furthermore, they urge, since the methods used to establish the performance of directional antennas are of limited accuracy, is is unnecessary and futile to apply rigid standards in proving and maintaining directional systems. The second group argue that because of propagation variations and measurement errors, it is essential that ample tolerances be provided in the design and operation of such antennas—for instance, they would require any antenna designed to afford skywave protection for other stations be quite limited in the amount of suppression it can indicate at angles above the horizontal plane.

63. We do not think that the placing of fixed and specific limits on the permissible radiation from directional arrays is unrealistic and useless, even though propagation variations may be of much greater magnitude than the variations in array radiation. While our system of allocation for standard broadcast stations obviously does not guarantee that a station will receive protection at all times, or at any time, for that matter, to a specified field intensity contour, the station is entitled to that degree of protection which it gains through application of the engineering standards. While

it may not be achieved, the computed degree of protection is more nearly approached if the factors in the interference equation which are subject to control are controlled as closely as practicable. Thus, if one station radiates toward another a signal 10 percent stronger than that which is computed to be the maximum permissible, the other station will receive an average level of interference 10 percent higher than would otherwise be the case.

64. With respect to the limited accuracy of present methods of adjusting the radiation from directional arrays, we would note that the regulatory scheme inevitably requires that we set specific limits, and rely on the best means available to determine that radiation stays within these limits. The present system of analysis is subject to improvement—Commerce has certain suggestions in this regard—and this might be the subject for a later proceeding. In any event, we do not see the deficiencies in the present procedure as a reason for permitting positive tolerances in array adjustment, and accepting measured radiation exceeding prescribed limits. Rather, if accuracy limitations are to receive any recognition, they should be applied in negative fashion—in keeping the measured array radiation within the prescribed limits by the amount of the estimated measurement error.

65. There are divergences in the approach of various parties to the question of the manner in which expected variations in radiation resulting from fluctuations in the relative phases and currents in the towers of an array should be treated in the original adjustment of the array. While there is rather general agreement that one of the principal reasons for requiring null fill-in in the computed pattern is to provide for array instability, only two parties, CBS and ABS, propose that the measured pattern should be made to fall inside the computed pattern by the amount of fill-in allowed for instability in array operation.

66. We will not adopt the CBS or ABS proposals in this respect, not because the logic behind these proposals is other than impeccable, but for purely practical reasons, the principal one being that it would saddle us with another two pattern system (in CBS's parlance, the "MEOV pattern" and the "adjustment pattern") in lieu of the present theoretical and proof pattern system. It is an important aim of this proceeding to achieve a single pattern system.

67. Even if it were not for this overriding consideration, we think it would be unrealistic to require a pattern component of fixed size to provide for relative phase and current variations, since, in each case, the extent of these excursions will depend on the accuracy of the monitoring system employed, and the ability of station operators to effect immediate corrections in such excursions as are detected.

68. We therefore propose to permit the measured array to be adjusted to a radiation in each direction equal to but not exceeding the value depicted on the computed pattern. In so doing, we recognize there is an equal probability that at any azimuth on the pattern the actual radiation may be more or less than the computed value by the amount of measurement and analysis errors. With respect to variations in array parameters, however, the probabilities are not equal—in the null sectors of the radiation pattern it is much more likely that phase and current deviations from the original adjustment will cause increases rather than decreases in radiation. Nevertheless, normal fluctuations may not result in many cases in radiation so great as to result in objectionable interference to other stations.

69. We believe we have provided a factor of safety against the grosser increases in radiation resulting from variations in array parameters by requiring null fill-in to be based on the RSS value of the array, as we discuss below. Thus, radiation patterns for arrays having high RSS to RMS ratios must include a considerable degree of null fill-in. If the measured array is adjusted to the full amount of fill-in the adjustment should be relatively stable—if adjusted to less than the computed pattern value an operating tolerance will be provided.

70. In any event, we will continue to be concerned when an applicant proposes a directional pattern barely providing the required protection for another station, and will require a showing, through the hearing process or otherwise, of the measures to be taken to insure that the depicted pattern radiation in the critical direction is not exceeded in day-to-day operation.

Pattern size. 71. Our original proposal with respect to pattern size contemplated the specification of design requirements which would insure that the computed pattern would be at least as large as was likely to be achieved in practice. We would accomplish this by requiring that all arrays be designed with an assumed loss resistance of 1 ohm per tower (while our notice indicated that this would be added to the tower base resistance, we agree with those who urge that it be added to the tower loop resistance). One ohm is a value as low as ordinarily used in array computations (the more usual value is 2 ohms).

72. AFCCE, CBS, ABS, and others who favor the "big pattern" approach believe that we cannot rely on a specification of loss resistance alone to produce computed patterns large enough to take care of the practical vagaries in measured pattern size which might be experienced, and favor a computed pattern which would be 5 percent larger than a theoretical pattern whose RMS value is based on a 1 ohm loss (although ABS would permit some other expansion factor to be used on the basis of a special showing). While none of these parties document the reasons for this expansion, several are suggested by the comments of others. Munn states that the 8 percent surplus power input permitted by the rules to provide for line and coupling equipment losses is often not fully dissipated in losses; under such circumstances, the actual input power to the antenna (and the resultant measured pattern size) is greater than that on which the theoretical pattern is based. Jones and Johnson have pointed out that in certain instances, e.g., when short towers are employed, particularly at the lower frequencies, the effective tower loss resistance may be less than 1 ohm. CBS has urged that, for tall towers, failure to take into account the difference in the electrical and physical height of the towers can result in a marked understatement of the RMS value of the horizontal pattern. There are instances, also, where the guy wires, even when insulated from the tower, apparently contribute a certain amount of top loading, and increase effective antenna height. Finally, even if the expected RMS value of a pattern is not exceeded, provision should be made for minor dissymmetries which often occur in the measurement of theoretically symmetrical patterns, principally because of reradiation or terrain effects.

73. We believe that the 5 percent factor, used either as a positive measurement tolerance, as proposed by Cullum, or to increase the original pattern size, is a reasonable value, and is sufficiently large to take care of deviations commonly encountered. The possible exception is the effect cited by CBS. We are convinced that this may be substantial in some cases, and recommend that engineers designing arrays using towers with heights appreciably exceeding one-fourth wavelength keep it in mind when estimating the individual radiation efficiency of the towers of such an array.

74. Assuming that the same tower loss resistance is used in both cases, the difference in the effect of using the 5 percent factor either as an adjustment tolerance or to increase the basic pattern size is that, in the first instance, computations of interference and coverage would be made with a pattern which generally shows 5 percent more radiation in all directions than in the second. As a general matter, the ability to employ a smaller pattern could, in many instances, facilitate the "squeezing in" of a new station.

75. As Munn has pointed out, the RMS value of some radiation patterns may be little affected, whether 2 ohms, 1 ohm, or no tower loss is assumed in the pattern computation. However, the examples he gives are generally of simple arrays, having low ratios of RSS to RMS.[3] As this ratio increases, the effect of an assumed tower loss of a given value becomes progressively greater. The computations of all patterns on a no-loss basis, as Munn and Storer urge, would result in many instances in theoretical patterns very substantially larger than can reasonably be expected to be achieved in practice.

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[3] The point has been made by certain of the parties that an assumed lumped tower loss resistance is "ficticious". This is, of course, true. The loss is not lumped, and does not occur principally in the towers themselves. However, the assumption of a lumped loss in array computations has been found to be a convenient method for accounting for the effect of losses (mainly incurred in the ground system) which occur in an operating array.

76. This also may be the case if the design engineer is required to use a 1 ohm loss when he has reason to believe the effective value in a particular situation will be substantially greater. If this, in practice, turns out to be so, the measured pattern may fall well inside the theoretical pattern.

77. This poses a further question which was not raised in the Commission's notice and not discussed to any extent in the comments—whether there should be a limit specified on the minimum size of the measured pattern. There were one or two suggestions that the RMS of the measured pattern be demonstrated to be at least of the value specified in § 73.189 of the rules for the class of station concerned. It is possible, of course, to design a directional pattern with towers of moderate height and with an assumed 1 ohm loss per tower which has an RMS value more than 30 percent higher than the minimum value specified for Class II and Class III stations in § 73.189. An applicant may specify an array with a horizontal gain of this order, rely on the radiation shown on the large computed pattern to serve the business and residential areas of the community to which his station is assigned, and then fall substantially short of achieving the minimum required signals in the measured pattern. It may also be that the applicant was precluded by the rules from using in the design of the pattern a loss resistance higher than 1 ohm, although, in the particular circumstances, he may have believed that a higher value would have resulted in a pattern of more realistic size. (It can be argued, of course, in such a case prudence should have dictated that adequate signal margins should have been provided, so the smaller measured pattern which he expected would still provide the minimum required service.)

78. The problem does not have to be faced in individual cases if we accept the proposal of AFCCE and others that the original "calculated" pattern be used for all interference and service computations. As described above, AFCCE would not even require a proof pattern—a tabulation of measured fields would be submitted to the Commission in lieu of a measured pattern. This proposal has the very real advantage that the only pattern on file for each station would be the calculated pattern, and any confusion as to the pattern which should be employed in allocation studies would be avoided.

79. However, its adoption could result, in some cases, in undetected discrepancies between proposed and realized coverage so large as to result in inadequate service. For this reason we do not now adopt this AFCCE proposal, but invite comment on the problem. In any event, in the light of the above considerations we are of the opinion that the applicant should enjoy the right to specify the loss resistance employed in the computation of the pattern, as long as it is at least 1 ohm per tower. However, whatever loss resistance is employed must be specified, and an engineering justification for its selection must be made.

80. Since there are limitations on the closeness with which an estimated array RMS can be attained in practice, and we wish to provide for minor dissymmetries in the measured pattern, as well, we propose to require that the computed pattern have a size larger than that of the theoretical pattern, which will be achieved by adding 5 percent of the theoretical radiation in each direction to the theoretical radiation in that direction. This is the degree of expansion recommended by AFCCE, and supported by a number of the other parties. The depth of nulls on this computed pattern will be limited by a procedure discussed below.

81. The possibility exists that, in certain instances, the measured radiation from the array will exceed in some directions that indicated by the envelope developed in accordance with the procedure described above. The steps to be taken in such an event are described later in this discussion.

Null fill-in. 82. With respect to null "fill-in" there appear to be the following matters to be decided:

(1) How it is to be included in the computed pattern.

(2) The magnitude and composition of the fill-in factor.

(3) The adjustment of the measured pattern with respect to the computed pattern, i.e., the question of whether an operating tolerance should be required.

83. All of the parties commenting with respect to the first matter, save Johnson and Commerce favored orthogonal addition of the "fill-in" component. Both of the latter proposed linear addition of the component to the theoretical radiation. With orthogonal addition the component has its greatest effect on minimum radiation values; it has progressively less effect as the radiation values to which it is added increase. Linear addition results in a radial expansion of the pattern in all azimuths by the amount of the component. Since there is rather general agreement that an additional component is needed in the antenna design to provide for the effects of reradiation and scattering and/or operating instabilities in the array (Johnson's proposal covers only operating instabilities), and that these effects are reflected principally in those sectors of the radiation pattern where the radiated fields are lowest, it seems clear that the orthogonal addition of the component will produce a computed pattern more nearly approximating the conditions which will be found to result in the operating array. To the extent Johnson's and Commerce's proposals would provide a desirable expansion in overall pattern size, we would provide for this by the 5 percent radial increase previously discussed.

84. Opinion is divided as to whether the orthogonal component should be a percentage of the RMS value of the theoretical pattern, a percentage of the RSS value of the pattern, or a combination of the two. Ring would use the RMS of the pattern in all instances where the RSS/RMS ratio does not exceed 1.4/1 and the RSS in instances where this ratio is exceeded. AFCCE utilizes a percentage of the RMS of the pattern, but indicates no reason for basing "fill-in" on the RMS rather than the RSS value of the array. We do not think that an argument that the RMS value should be used because it is ordinarily derived in the design of the array is alone sufficient reason to employ it—the RSS value is as easily available.

85. Most of those commenting on the matter agree that severity of the effects of reradiation and variations in the parameters of an array are more nearly related to the RSS value of its radiation, than to its RMS value. To the extent the RMS is proposed as the basis for computing the orthogonal component, the purpose seems largely pragmatic—for instance, AFCCE apparently believes that most arrays ordinarily can be adjusted for radiation as little as 3.5 percent of the RMS value of their patterns. On the basis of its study of a number of DA's, CBS agrees that this is the case, but favors design of the original pattern with minimum indicated radiation obtained by orthogonal addition of 3.5 percent of the RMS value and 3.0 percent of the RSS value to the theoretical pattern. The measured pattern would be adjusted within this calculated pattern by the value contributed by the RSS component. ABS would design the radiation pattern with an orthogonal component of 5 percent of the pattern RMS, but require that the radiation from the measured pattern not exceed that produced by the theoretical pattern with a 3.5 percent orthogonal component.

86. In comparing two arrays having the same tower heights and equivalent ground systems, each having the same RMS value, but the second having a substantially higher RSS value than the first, there is, of course, good reason to expect that it will be more difficult in the second array than in the first to adjust to low values of radiation, and to maintain these values. The second array has lower effective radiation resistance than the first, and loss resistance forms a larger part of the total operating resistance.[3] Accordingly, any change in the effective value of the loss resistance has a greater effect on the performance of the second array than on the first. The currents in the elements of the second array are relatively large, and produce fields which are correspondingly high. Nulls produced by the vector difference in these fields are more greatly affected by a given percentage change in one or more of the fields than would be the case if the fields were lower.

87. While reradiation from sources comparatively distant from either array, and which are subjected to the vector sum of the fields from the individual

[3] That losses have a disproportionate effect in arrays having high RSS/RMS ratios is amply documented in the Commission's files by cases where realized RMS values in such arrays are substantially and sometimes disasterously lower than the no-loss values.

elements, may not be substantially affected by the RSS/RMS ratio of the array, sources nearby the array are exposed to the fields of the individual elements. In the second array, these fields are higher than in the first, and accordingly reradiated fields can be expected to be higher.

88. We therefore agree with the parties who believe that the null fill-in should be based on the RSS value of the pattern. We see no particular virtue in basing fill-in on a combination of RMS and RSS percentages, or employing the RSS value in one particular case and the RMS value in another.

89. In considering the effect of basing the null fill-in on the RSS value rather than the RMS it may be noted that 2 element arrays of practical design have RSS values which may be as little as 0.8 of their RMS values, or as high as 1.5 times the RMS values. Many well designed multi-element arrays may have RSS/RMS ratios of less than 2, but there are operating arrays which have ratios approaching 4. Typically, in the latter cases, the arrays are in-line end-fire arrays with narrow main lobes, having very high no loss horizontal gains, but again, typically, showing very substantial differences between no-loss RMS's and those attained in the operating array.[4] Because the designer has a high no-loss RMS with which to work, such arrays may still, in operation, meet the minimum RMS's required by § 73.189 of the rules. However, for the reasons outlined above, comparative difficulty may be expected in adjusting to and maintaining low values of radiation in these arrays. The magnitude of the problems encountered of course will depend to a considerable extent on conditions obtaining at the actual site utilized in each case.

90. If, therefore, null fill-in is based on a given percentage of the RSS of the element fields, rather than on the same percentage of the pattern RMS, a radiation pattern computed for an array design with a high RSS/RMS ratio will show considerably higher levels of radiation in the null areas than otherwise would be the case. To the extent that this will make more difficult the employment of such a design in situations where the permissible values of radiation in certain directions are very low, the option is open to the engineer to use a more conservative, although perhaps more elaborate, array design having a lower RSS value.

91. Since we propose to employ the RSS rather than the RMS value as advocated by AFCCE in behalf of its membership, we think it may be reasonable to lower somewhat the percentage of the pattern value for this orthogonal component, since the absolute value of this component will, in any event, be higher than 3.5 percent of the RMS for the less stable arrays. We shall set this at 3 percent of the RSS value of the pattern, retaining the 6 mv/m floor proposed by AFCCE. This value would be multiplied by the vertical form factor $F(\theta)$ of the shortest tower in the array in extending "fill-in" above the horizontal plane.

Reconciliation of measured with computed patterns. 92. It generally was recognized that even with a computed pattern of such size that it will accommodate the normally expected deviations from theoretically predicted performance, there will be instances where measured radiation will exceed the limit of the computed envelope. In such an instance, AFCCE contemplates that a modified computed pattern of such size and configuration as to encompass the measured pattern would be prepared and would supersede the originally computed pattern for all allocation purposes. We propose to adopt this procedure.

93. AFCCE proposes a system of "augmentation", which we have previously mentioned, which can be applied feasibly in preparing a modified pattern in instances where the measured pattern is not systematically larger than the computed pattern, but exceeds it in one or more specific directions. Other parties have asked that they not be restricted to this particular method of adjusting the original pattern, but be free to use any method which will produce a computed envelope of the necessary size and shape. We initially considered the AFCCE proposal as somewhat undesirable because the augmentation factors do not become a part of the basic pattern formula—each factor operates only over that section of the pattern where augmentation is proposed. This might not present a problem in a computer program where the factor is inserted in the computation automatically at appropriate azimuths, and perhaps not for domestic purposes.

94. However, it appeared to present a problem when the augmented pattern is distributed internationally. Existing broadcasting treaties require as a part of the notification of a directional radiation pattern that "the electrical and physical dimensions" of the array be specified. The recipient country is thereby furnished the necessary data with which to verify the submitted pattern, or to compute specific radiation in a particular direction. Obviously this data cannot be employed to produce a pattern augmented in the manner suggested by AFCCE. While we might attempt to submit, in each case, only the horizontal and vertical plane patterns without further substantiation, not only would this be contrary to the regional broadcasting agreements, but such a practice undoubtedly would not be acceptable to the recipient countries. On further consideration, however, we have determined that the problems may be avoided if the modified pattern depicts not only the augmented radiation in pertinent directions, but also the radiation originally computed in these directions, together with radial indications of the limits of each augmented sector. The augmentation then takes on the aspect of an MEOV, with which our neighboring countries are familiar, but which, unlike many MEOVs as presently used, specifically has determinable limits. (The formulas for the augmented sectors may or may not be notified; this matter we can leave for later decision.) Used in this manner, the system of augmentation proposed by AFCCE should be acceptable for international use, and has advantages over systems employing "phantom" towers, which produce a pattern which cannot be duplicated by computations employing only those array elements having physical existence. For this reason, we prefer the AFCCE system of augmentation and would adopt it as the standard where the required expansion is in discrete sectors of the pattern. Where the measured radiation systematically exceeds the computed radiation (this may be somewhat more likely to occur if the design engineer is free to choose the tower loss resistance, as we now propose, than if the loss were set at 1 ohm) the modification might take the form of a new computed pattern with a larger RMS value than the original computed pattern.

95. It is essential that a station's measured radiation values, or its computed pattern modified to include measured values, not produce objectionable interference to other stations.[5] If, in fact, such interference is caused and there is no other feasible means to eliminate it, the Commission proposes that the input power to the antenna be reduced to a level at which objectionable interference is not caused. The modified pattern will then be based on such conditions of operation. The applicable parameters in such instances will be stated on the station's instrument of authorization.

96. While the Commission has heretofore required, in certain instances, that the input power to an antenna be reduced below the normal level to limit interference, it has coupled this with a requirement that the normal output power of the transmitter be maintained. This has necessitated the dissipation of the excess power in a resistor, an expedient which is unnecessary and wasteful. We shall henceforth permit the output power of the transmitter to be reduced to the level necessary to achieve the desired end.

97. Radiation from a directional array at angles above the horizontal is not measured in the usual proof, and the principal assurance that the actual radiation at these angles approximates the computed values rests in achieving a close correspondence between the computed and measured pattern in size and shape. For this reason, Cullum's proposal to apply a system of tolerances in conforming measured with computed patterns has considerable merit. However,

[4] High losses occur in end-fire designs where the engineer attempts to achieve too narrow a main lobe for a given number of elements and element spacing.

[5] It should be noted that the modified pattern must afford adequate protection, not only for stations in operation or authorized at the time the original computed pattern was authorized, but for a station subsequently authorized, i.e., the modified pattern can indicate no greater radiation toward such a station than the original computed pattern, if such radiation raises the level of objectionable interference to that station.

it does not solve the problem completely—there is no tolerance for negative departures from computed pattern values. The 5 percent positive tolerance proposed, in effect is incorporated in the 5 percent pattern expansion proposed by AFCCE, and which we propose to adopt. Should an applicant's measured pattern fall below the 5 percent tolerance which Cullum would place in achieving the computed RMS, the expedients available to him to correct this deficiency appear limited. While an excess of more than 5 percent in the measured RMS value over the computed value could be corrected by a reduction in input power to the antenna, the usual transmitter has a limited capability for power output in excess of its rated power (and "make up" power) and could not be relied on to boost a substantially deficient measured pattern RMS to its computed value.

98. We believe that the approach of conforming computed and measured patterns, were necessary by subsequent modification of the computed pattern, as discussed above, have the virtues of greater flexibility and susceptibility of achievement.

Application to existing stations. 99. ABS has discussed extensively the treatment of patterns for existing stations, and generally favors the "grandfathering" of present radiations as indicated on measured patterns, even in instances where an existing station makes a local change in site; however, it would require the preparation of a new pattern for each existing station based on its theoretical pattern augmented in the manner proposed by ABS. We presume that this would include specific augmentation in particular sectors, in the manner proposed by AFCCE, and accepted by ABS, should the measured pattern exceed the theoretical pattern as expanded by the use of specified radial and orthogonal components.

100. The computer program of the FCC will require the preparation of suitable computed patterns for existing stations. While it would be desirable to apply the same system of pattern preparation and augmentation to existing stations as to new stations, this procedure must necessarily be modified to take into account both the actual characteristics of many of the measured patterns, the equities established by existing stations with respect to the fields they presently radiate, and the protection requirement between existing stations.

101. We need not, at this time, establish the procedure to be followed in preparing computed patterns for existing stations for inclusion in the computer catalog. However, it is necessary to establish standards to be applied in the preparation of radiation patterns by existing stations proposing changes in site and/or modifications in presently authorized patterns.

102. We propose to require that a modified radiation pattern for an existing station be prepared in accordance with the general procedure specified for a new station. The modified pattern may take into account, to an extent that is reasonable and practicable, radiations established by the existing proof—for instance, if the proof pattern has an RMS value higher than the theoretical pattern, the modified pattern size can be based on this RMS value. However, radiation in excess of that shown on the original theoretical pattern may not be depicted on the modified pattern if it would result in objectionable interference to a foreign station, which would not be computed on the basis of theoretical pattern radiation.

103. Measured pattern distortions, other than those of size, should not be taken into account. There is no assurance that a new proof would reveal such distortions—this is particularly true of an older station, which may not have made a complete proof for many years. It is possible that some of the distortions found in older patterns may have resulted from faulty measurement techniques. Even if the distortions were real, the conditions which caused them may have changed over the years. If measurements made subsequent to authorization of pattern changes reveal continued distortion in particular pattern sectors, a further modified pattern, providing for these distortions by the augmentation method proposed by AFCCE, can be submitted.

104. A special problem is presented by an existing Class II station which provides adequate protection for a Class I station only with radiation values which are below the 3 percent of the RSS value specified as a minimum for new stations. In such an instance the orthogonal component utilized must be small enough that the required protection is afforded.

Showings to obtain waivers of rules adopted. 105. A number of those commenting have urged that whatever rules be adopted, an opportunity be offered to apply other standards on the basis of an adequate showing that the proposed radiation pattern can be attained and maintained in actual practice. We think, in the light of the rules which we propose to adopt that further relaxation should be permitted only in the most exceptional cases. These rules will afford flexibility to the design engineer in choosing the tower loss resistance which he considers appropriate. A number of parties have urged that this latitude be afforded. With respect to the size of the orthogonal component, we believe that the value we have specified as a minimum is about the lowest to which the average directional array can be expected to be adjusted and maintained, neglecting the effect of fluctuations about a specified phase and current adjustment. As we have previously stated, such an adjustment does not allow for such fluctuations, and unless a reasonable tolerance is provided between the radiation indicated in a particular direction on the pattern and that required to afford protection to a station in that direction, we will question the feasibility of the directional proposal. Any commitment to utilize a precision phase monitor in such an instance must be accompanied by a complete showing of details of the sampling system, and the constructional and operating techniques which will be employed to insure that the indications of the phase monitor accurately reflect conditions in the array. It must also be demonstrated that controls for the correction of deviations detected by the monitor will be available immediately to the operator on duty, that the procedure for accomplishing corrections is simple and straightforward, and that an adequate maintenance and monitoring program will be instituted.

106. Should an applicant propose a directional system in which the radiation is reduced to a value lower than 3 percent of the array RSS value, not only must the showing on monitoring facilities described above be made, but a complete site survey must be submitted, demonstrating that there are no uncorrected sources of reradiation on or near the antenna site, and that there are no terrain features likely to cause scattering or other anomalies. Finally, a stability study will be required showing that with the array adjusted within the submitted pattern and with largest variations in phase and current ratios likely to occur with the particular monitoring and maintenance system used, objectionable interference will not result from the proposed operation.

107. Since the procedure we presently favor differs substantially from that set forth in the original notice, we desire to obtain further advice from interested parties before reaching a final decision in this matter. Accordingly, comment is invited on the proposals contained herein. We will not attempt, at this time, to set forth the specific rule amendments necessary to effectuate these proposals; we believe that their substance and effect is clear, and their incorporation into appropriate rules can be readily achieved if they are eventually adopted.

108. For convenience, the basic proposal is summarized in attached Appendix A. The AFCCE plan for the sector augmentation of radiation patterns, whose substance we propose to include in the amended rules is set forth in Appendix B.

109. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), and 303 of the Communications Act of 1934, as amended.

110. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 9, 1970, and reply comments on or before March 13, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

111. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other

documents shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

1. The pattern to be used for all allocation and service determinations will be designed with an assumed loop loss resistance of at least 1 ohm for each tower, and include the effect of an orthogonal component of such magnitude that the minimum radiation at any azimuth will be no less than 6 mv/m, or 3 percent of the RSS value of the element fields, whichever is higher. Either value will be multiplied by the vertical form factor $F(\theta)$ of the shortest tower in the array. The RMS of the computed pattern shall be 1.05 times the theoretical RMS for the tower loss assumed. The theoretical RMS value must equal or exceed the applicable minimum values specified in § 73.189(b)(2) of the rules. The data and information submitted shall include the following:

(1) The value of tower loss assumed, and a justification for its use, if it is other than 1 ohm.

(2) The no-loss radiation efficiency assumed for each tower, and a justification for its use.

(3) The RMS value of the pattern, before applying the expansion factor.

(4) The RSS value of the fields from the towers.

2. To be acceptable, the measured pattern must show no greater radiation in any direction than that depicted on the computed pattern, and must have an RMS value at least as great as that specified in § 73.189 of the rules for the class of station proposed.

3. If the measured pattern depicts greater radiation than the computed pattern, but objectionable interference is not caused, a modified computed pattern must be submitted of such shape and size as to encompass the measured pattern.[1]

4. If the measured pattern shows greater radiation than the computed pattern, and such greater radiation results in objectionable interference to other stations, the station will be licensed with antenna input power specified at a level such that the measured radiation will not exceed that shown on the computed pattern.

APPENDIX B

AFCCE PROPOSAL FOR COMPUTED PATTERN AUGMENTATION WHEN MEASURED RADIATION EXCEEDS COMPUTED RADIATION IN PARTICULAR SECTORS OF THE PATTERN[2]

* * * * *

5. The mathematical procedure employed in this procedure utilizes the following three factors for each direction to be augmented. These three factors will become part of the antenna parameters which will subsequently be included on the station's licensed pattern. This will facilitate complete and precise mathematical reproduction of Pattern No. 2 by any party in the future. These three factors are:

a. The azimuth direction of augmentation.

b. The augmentation factor is a number which expresses the amount by which Pattern No. 1 is to be increased at the bearing of A_2.

c. The span (or arc) centered at azimuth A_1 over which augmentation is desired. The augmentation will taper to zero at the edges of the arc defining the span and will have no effect on azimuth angles outside the span.

6. The following formula is used. The meanings of the variables are contained in the table which follows the formula.

$$(E_2)^2=(E_1)^2+(Q\times F(\theta)\times\cos(\frac{180}{S}\times ABS(D))^2$$

Where D is determined by subtracting the azimuth being computed, A_2, from the azimuth of augmentation, A_1; except that, if $ABS(D)$ exceeds 180, substitute the angle 360 minus $ABS(D)$ for $ABS(D)$ in the above formula.

NOTE: However, that this calculation should not be carried out for values of azimuth outside the span.

If, however, there is more than one augmentation factor, the above formula should be expanded by adding an additional term similar to the second term for each additional augmented direction but confining the calculation to azimuths within a span.

7. The meanings of the variables in the above equation are as follows:

A=The stated direction of augmentation
Q=A quadrature fill which when added will produce the desired augmented field value on the ground in direction A_2 to be augmented
S=The span in degrees
A_2=The azimuth being calculated
E_1=The Pattern No. 1 value at the azimuth and elevation angle being calculated
E_2=The Pattern No. 2 value being calculated
$F(\theta)$=The vertical function for the shortest tower at the elevation angle being calculated
$ABS(D)$=The absolute value of the variable within the parenthesis

EXAMPLE OF THE USE OF A PATTERN NO. 2

1. Assume the calculated Pattern No. 1 field at azimuth 20° and at $\theta=0$ is 18 mv/m.

2. Further assume that the best that can be obtained in adjustment in this direction has been found to be 31.

3. Since 31 mv/m exceeds the value of calculated Pattern No. 1, it will be necessary to file a Pattern No. 2. To do this with the AFCCE procedure, one must determine three numbers. These will be:

1. A direction of augmentation (A_1)=20°.

2. A span (S); 80° is assumed to be advisable in this instance for (S).

3. An augmentation factor Q to build up the quadrature fill at 20° until the resulting field for Pattern No. 2 will produce 31 mv/m. We will run through this for a hypothetical case described below:

As an example the Pattern No. 2 field will be computed at an azimuth of 350° and an elevation angle of $\theta=10°$ which is within the span of augmentation.

Assume, for the calculations, that the Pattern No. 1 value (E_1) at azimuth 350° and $\theta=10°$ is 15 mv/m and that the height of the shortest tower is 90°.

First Q is computed:

$$Q^2+18^2=31^2;\ Q=25.2$$

$$ABS(D)=ABS(20-350)=ABS(330)$$

$$\therefore ABS(D)=360-ABS(330)=30$$

$$F(\theta)=\frac{\cos(90°\sin 10°)}{0.9848}=0.98$$

$$(E_2)^2=(E_1)^2+(Q\times F(\theta)+\cos(\frac{180}{S}\times ABS(D))^2$$

$$(E_2)^2=324+(25.2\times 0.98\times\cos(\frac{180}{80}\times 30))^2=413$$

E_2=20.3 mv/m at azimuth 350° and $\theta=10°$

[F.R. Doc. 69-14100; Filed, Nov. 26, 1969; 8:48 a.m.]

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[4] Chairman Burch not participating; Commissioner Cox abstaining from voting.

[1] If the computed pattern is generally too small to contain the measured pattern, a modified computed pattern with a higher RMS may be called for. However, if deviations of the proof beyond the computed pattern occur only in particular sectors, augmentation of the original pattern to produce a modified pattern by the AFCCE method (see Appendix B) may be appropriate.

[2] This description of the method is reproduced verbatim from AFCCE's comments. In the description "Pattern No. 1" is the computed pattern originally authorized. "Pattern No. 2" is the computed pattern as augmented to encompass deviations of the measured pattern beyond the radiation limits set by "Pattern No. 1".

[47 CFR Part 81]

[Docket No. 18739; FCC 69-1258]

WATCH REQUIREMENTS APPLICABLE TO LIMITED COAST AND MARINE UTILITY STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 81 of the Commission's rules with respect to the 156.8 Mc/s watch requirements applicable to limited coast stations and marine utility stations on shore and to make editorial changes to § 81.104(c)(2).

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. In review of numerous petitions for exemption from the 156.8 Mc/s watch requirements of § 81.191(d) of the Commission's rules, need for modifications of the rule in the following respects were noted:

(a) The requirement of § 81.191(d) that limited coast stations operating in the 156–162 Mc/s band keep watch while transmitting on other frequencies than 156.8 Mc/s is difficult to comply with without special arrangement because of radio interference between the station's transmissions on its working frequencies and reception on 156.8 Mc/s. Furthermore, the attention of the operator while actually speaking into a microphone would be diverted from the watch on 156.8 Mc/s and an efficient watch during the actual transmission would not be practicable.

(b) The marine utility stations operating as limited coast stations have low power and are usually hand carried. For these reasons it would be difficult to comply with the 156.8 Mc/s watch requirements and the watch would not add substantially to the 156.8 Mc/s distress system.

(c) The 156.8 Mc/s watch requirements contained in § 81.104(c)(2) are redundant and out of place. The watch requirements contained in this section are now properly contained in § 81.191(d).

3. For the reasons stated above, it is proposed to:

(a) Amend § 81.191(d) to delete the requirement that a limited coast station must keep an efficient watch on 156.8 Mc/s while transmitting on another frequency, and

(b) Except marine utility stations operating as limited coast stations from meeting the 156.8 Mc/s watch requirement. It should be noted, however, that it is not proposed to except marine utility operating as limited coast stations from the requirements to be equipped to transmit and receive on this frequency, since it is believed that they should be capable of participating in the VHF safety system in the event it becomes necessary.

(c) Delete the watch requirement contained in § 81.104(c)(2)(ii) because it is redundant.

4. The proposed amendments, as set forth in the attached Appendix, are issued pursuant to the authority contained in section 4(i) and sections 303(b), (h), and (r) of the Communications Act of 1934, as amended.

5. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 2, 1970, and reply comments on or before January 12, 1970. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 19, 1969.

Released: November 24, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 81.104, the note following paragraph (c)(2) is deleted and paragraph (c)(2) is amended to read as follows:

§ 81.104 Facilities required for coast stations.

* * * * *

(c) * * *

(2) Each coast station equipped with radiotelephony to operate in the authorized bands between 156–162 Mc/s shall be able to transmit and receive Class F–3 emission on the Distress, Safety and Calling frequency 156.8 Mc/s and on one or more working frequencies.

* * * * *

2. In § 81.191, paragraph (d) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(d) Each limited coast station, other than marine utility stations operating as limited coast stations, licensed to transmit by telephony on one or more working frequencies in the band 156–162 Mc/s shall, during its hours of service, maintain an efficient watch for reception of class F–3 emission on 156.800 Mc/s, whenever such station is not being used for transmission on other frequencies: *Provided*, That the Commission may exempt any coast station from this requirement if it considers that circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary for the purpose of this paragraph. In the event 156.800 Mc/s is being used for distress, urgency or safety, such station shall keep an additional watch on each assigned working frequency except in the case of duplex operation, where watch shall be kept on the associated ship frequency.

* * * * *

[F.R. Doc. 69–14101; Filed, Nov. 26, 1969; 8:48 a.m.]

[1] Chairman Burch not participating; Commissioner Johnson concurring in the result.

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED NONMEMBER STATE BANKS

Notice of Proposed Rule Making

Correction

F.R. Doc. 69–13702 appearing at page 18472, in the issue of Thursday, November 20, 1969, should be corrected as follows:

1. The ninth line of § 335.3(b), in the third column on page 18474, should read: "and reports required by § 335.4 (exclusive of".

2. In § 335.7(f)(2), in the first column on page 18477, "Schedule VI" should be changed to read "Schedule VII".

3. The first paragraph under "Item 4—Exhibits" in the second column on page 18478 should read: "List all exhibits filed as a part of the registration statement".

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1131]

[Ex Parte No. MC–67]

MOTOR CARRIER TEMPORARY AUTHORITIES

Notice of Proposed Rule Making

NOVEMBER 24, 1969.

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of November 1969.

It appearing, that by order entered in Ex Parte No. MC–67, Motor Carrier Temporary Authorities, 98 M.C.C. 483, on April 7, 1965, the entire Commission promulgated and adopted certain rules and regulations (49 CFR Part 1131) governing the filing, processing, and determination of applications by motor common and contract carriers for temporary authority under section 210a(a) of the Interstate Commerce Act;

It further appearing, that by joint petition filed April 1, 1969, American Trucking Associations, Inc., and 14 motor carriers[1] seek modification of the rules adopted on April 7, 1965, by elimination therefrom of portions of § 1131.2(c) which except the Department of Defense from the requirements of (1) filing supporting statements with a field office of the Commission at the time an application for temporary authority is filed and (2) certification; that the adoption of such modifications of the rule is requested to terminate procedural problems which have arisen under the present rule and to assure the accuracy of supporting statements;

It further appearing, that notice of the filing of the petition for modification of § 1131.2(c) was published in the FEDERAL REGISTER on May 1, 1969, and that in the notice any person or persons desiring to participate in the proceeding were directed to file representations supporting or opposing the relief sought by petitioners on or before June 16, 1969;

It further appearing, that pursuant to the notice published separate representations in support of the relief sought were filed by National Automobile Transporters Association and the firm of Graham and James, of San Francisco, Calif.; and separate representations in opposition to the relief sought were filed by (1) the Chief of the Regulatory Law Division, Office of the Judge Advocate General, Department of the Army for the Department of Defense,[2] and (2) Salem Transportation Co., Inc.;

And it further appearing, that there is reason to believe that it may be advisable to modify the rules governing temporary authority applications under section 210a(a) of the Interstate Commerce Act;

Accordingly, under the authority of part II of the Interstate Commerce Act and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), notice is hereby given of the Commission's proposal to amend § 1131.2(c) of Part 1131, (49 CFR 1131.2(c)) to read as follows:

§ 1131.2 Filing of applications.

* * * * *

(c) *Supporting statements.* Each application for temporary authority must be accompanied by a supporting statement(s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each

[1] Ashworth Transfer, Inc., Bell Lines, Inc., C. I. Whitten Transfer Co., Consolidated Freightways, Garrett Freightlines, Inc., McLean Trucking Co., Merchants Fast Motor Lines, Inc., Roadway Express, Smith Transfer Corp., of Staunton, Va., Southwestern Motor Transport, Inc., Texas-Oklahoma Express, Inc., T.I.M.E.-D.C., Inc., Transcon Lines, and Yellow Freight System, Inc.

[2] Although the pleading filed by the Department of Defense is titled Motion to Dismiss and Response, this Commission is required by appropriate statute to accord any interested person the right to petition for the issuance, amendment, or repeal of a rule, and, therefore, the pleading will be treated as a representation.

such shipper's statement, except those submitted by the Department of Defense, must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for motor carrier service.

* * * * *

It is ordered, That all for-hire carriers by motor vehicle operating in interstate or foreign commerce subject to the Interstate Commerce Act, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no-oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that carriers or any other interested person may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the modification mentioned above, or any other subjects pertinent to this proceeding. It should be noted that the modification proposed will also alter the present procedure utilized by the Department of Defense in furnishing support in emergency temporary authority applications, and statements should be addressed to this aspect of the proposal.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before December 30, 1969, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list the Commission will fix the time within which initial statements and the replies must be filed.

And it is further ordered, That a copy of this order be served on petitioners and all parties which have filed representations herein; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-14118; Filed, Nov. 26, 1969; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 270]

[Release Nos. 34-8743, IC-5874]

RULES AND REGULATIONS REGARDING INVESTMENT COMPANY ACT OF 1940 AND SECURITIES EXCHANGE ACT OF 1934

Notice of Withdrawal of Proposed Rules

The Securities and Exchange Commission today announced that the following rule proposals have been withdrawn:

a. Proposed amendment of Rule 10b-7 (17 CFR 240.10b-7) under the Securities Exchange Act of 1934 (Release No. 34-6127 of Nov. 30, 1959; Release Nos. 33-4757, 34-7517 of Jan. 22, 1965, 30 F.R. 1010) to make it unlawful to effect any stabilizing transaction except for the purpose of facilitating a particular distribution of securities;

b. Proposed Rule 16d-1 (17 CFR 240.-16d-1) under the Securities Exchange Act of 1934 (Release No. 34-7905 of June 16, 1966, 31 F.R. 8926) to define the terms "securities held in an investment account" and "transactions made in the ordinary course of business and incident to the establishment or maintenance of a primary or secondary market";

c. Proposed revision of Rule 17d-1 (17 CFR 270.17d-1) under the Investment Company Act of 1940 (Release No. IC-5128 of Oct. 13, 1967, 32 F.R. 14970, No. IC-5173 of Nov. 21, 1967) to require that Commission approval be obtained before certain affiliated persons of an investment company could participate in transactions with the investment company or its controlled company; and

d. Proposed Rule 10b-10 (17 CFR 240.-10b-10) under the Securities Exchange Act of 1934 (Release No. 34-8239 of Jan. 25, 1968, 33 F.R. 2397, No. 34-8261 of Feb. 21, 1968, 33 F.R. 3651) to prohibit investment company managers from directing brokers executing transactions for an investment company to divide their compensation in any way with other brokers unless the benefits of such division accrue to the investment company and its shareholders.

By the Commission, November 7, 1969.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-14090; Filed, Nov. 26, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Department of the Army

LIBBY DAM AND RESERVOIR, MONT.

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within the exterior boundaries of the Kootenai National Forest, Mont., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture subject to the granting of a right-of-way easement to the State of Montana for relocated State Highway 37 and subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the construction, protection, and unrestricted operation, maintenance, and administration of the water storage, electric power generation, and flood control facilities and functions of the Libby Dam and Reservoir.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Kootenai National Forest, Mont., are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to interests outstanding in third parties and such rights of access as are mutually determined to be necessary for National Forest purposes.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Libby Dam and Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to the lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order will be effective as of date of publication in the FEDERAL REGISTER.

Dated: October 1, 1969.

STANLEY R. RESOR,
Secretary of the Army.

Dated: October 8, 1969.

J. PHIL CAMPBELL,
Under Secretary of Agriculture.

EXHIBIT A

LAND TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

Those lands under the jurisdiction of the Department of the Army for or in connection with the Libby Dam and Reservoir in Montana, being more particularly described in three parts as follows:

Part I. All of the following tracts as shown on the indicated map segments:

Segment 3, Tracts 303 and 304.
Segment 4, Tracts 400 and 401.
Segment 5, Tracts 501 and 504.
Segment 6, Tract 600.
Segment 7, Tract 700.
Segment 8, Tract 800-1.
Segment 10, Tract 1000.
Segment 17, Tract 1702.
Segment 18, Tracts 1803 and 1806.
Segment 20, Tract 2002.
Segment 23, Tract 2300.
Segment 24, Tract 2403.
Segment 36, Tract 3600.

Part II. All of that portion of Tract 601, Segment 6, lying westerly of the east right-of-way line of the relocated Montana State Highway No. 37.

Part III. All of that portion of Tract 801, Segment 8, lying easterly and northerly of the west right-of-way line of the proposed Forest Development Road No. 92.7.

All lands transferred herein consist of 3,301.08 acres more or less. Real Estate Segment Maps depicting the locations of the transferred tracts and legal descriptions are on file in the Office of the Forest Supervisor, Kootenai National Forest, Libby, Mont.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Montana Principal Meridian

T. 31 N., R. 29 W.,
Sec. 28, SW¼NE¼SW¼; S½NW¼NE¼SW¼; SW¼NE¼NE¼SW¼; W½SE¼NE¼SW¼; W½E½SE¼NE¼SW¼; lot 7, except the south 800 feet of the east 700 feet; that portion of the SW¼SW¼ lying easterly of east right-of-way line of the proposed Forest Development Road No. 92.7.

All lands transferred herein consist of 80 acres more or less. A Real Estate Segment Map depicting the location of the transferred tracts and legal descriptions are on file in the Office of the District Engineer, U.S. Army Corps of Engineers, Seattle, Washington, and the Office of the Forest Supervisor, Kootenai National Forest, Libby, Mont.

[F.R. Doc. 69-14060; Filed, Nov. 26, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

STEEL BARS, REINFORCING BARS, AND SHAPES FROM AUSTRALIA

Determination of Sales at Less Than Fair Value

NOVEMBER 25, 1969.

Information was received on May 3, 1968, that steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, were 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 September 9, 1969.

I hereby determine that for the reasons stated below, steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, are being, or 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. Analysis of information from all sources reveals that the appropriate basis of comparison is betwen purchase price and home market price.

Purchase price was calculated by deducting ocean freight, insurance, and inland freight in Australia from the c.i.f. price to the United States.

The home market price was based on the price list price in the country of exportation, with adjustments made for a trade discount and all inland freight from the mill to the place of delivery. With respect to reinforcing bars, an adjustment was made for difference in quality between the product sold in the home market and that sold for exportation to the United States.

Purchase price was found to be lower than the home market price.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

[F.R. Doc. 69-14178; Filed, Nov. 26, 1968; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Utah 0148813]

UTAH

Notice of Termination of Proposed Withdrawal and Reservation of Lands

NOVEMBER 19, 1969.

Notice of a U.S. Department of Agriculture, Forest Service, application, U-0148813, for withdrawal and reservation of lands for recreation sites and an administrative site, was published as F.R. Doc. 66-3594, on page 5385 of the issue for April 5, 1969. The applicant agency has canceled its application insofar as it affects the following described lands:

SALT LAKE MERIDIAN

SLATE CREEK ADMINISTRATIVE SITE

T. 2 S., R. 7 E.,
Sec. 19, E½E½NE¼;
Sec. 20, NW¼NW¼, W½SW¼NW¼.

The areas described aggregate 100 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on December 29, 1969, will be relieved of the segregative effect of the above mentioned application.

J. E. KEOGH,
Acting State Director.

[F.R. Doc. 69-14054; Filed, Nov. 26, 1969; 8:45 a.m.]

[Serial No. I-1663]

IDAHO

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1:30 p.m. m.s.t., on Wednesday, January 14, 1970, at the Idaho Land Office, Room 380 Federal Building, 550 West Fort Street, Boise, Idaho 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 12 S., R. 13 E.,
Sec. 24, SE¼SW¼.

The area described contains 40 acres.

The appraised value of the tract is $2,000 and the publication cost to be assessed is $10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702, prior to 1 p.m., m.s.t., on Wednesday, January 14, 1970. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publications costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I-1663, Sale of January 14, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

If no bids are received for the sale tract on Wednesday, January 14, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning February 4, 1970.

Any adverse claimants to the above described lands should file their claims or objections, with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-14077; Filed, Nov. 26, 1969; 8:47 a.m.]

[Montana 14225]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 19, 1969.

The Forest Service, U.S. Department of Agriculture, has filed application, M 14225, for the withdrawal of lands described below from all forms of appropriation under the public land laws, except the mining and mineral leasing laws.

The applicant desires to add the lands to the Custer National Forest for multiple use management in conjunction with adjacent national forest lands. These lands are primarily valuable for watershed purposes.

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, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide 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 applications 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 the purpose 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:

PRINCIPAL MERIDIAN, MONTANA

T. 6 S., R. 17 E.,
Sec. 5, Lot 4, S½NW¼ and W½SW¼;
Sec. 8, Lots 4, 5, 6, and 7;
Sec. 17, All;
Sec. 21, W½W½.

The above described lands aggregate 1,163.51 acres located in Stillwater County, Montana.

T. 6 S., R. 18 E.,
Sec. 30, Lots 3 and 4;
Sec. 31, Lot 1.
T. 7 S., R. 19 E.,
Sec. 24, NW¼SW¼ and S½S½.
T. 7 S., R. 20 E.,
Sec. 19, Lot 4, SE¼SW¼ and SW¼SE¼.

The above described lands aggregate 417.13 acres located in Carbon County, Montana.

ROLAND F. LEE,
Acting Land Office Manager.

[F.R. Doc. 69-14112; Filed, Nov. 26, 1969; 8:48 a.m.]

Fish and Wildlife Service

[Docket No. G-459]

OLAN B. WARD, SR.

Notice of Loan Application

NOVEMBER 20, 1969.

Olan B. Ward, Sr., 111 Avenue C, Apalachicola, Fla. 32320, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 51-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will

be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,
Chief,
Division of Financial Assistance.

[F.R. Doc. 69-14079; Filed, Nov. 26, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LIBBY DAM AND RESERVOIR, MONTANA

Joint Order Interchanging Administrative Jurisdiction of the Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document affecting the above subject matter, see Department of Defense, Department of the Army, F.R. Doc. 69-14060, *supra*.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ARKANSAS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00585-01-77030. Applicant: Arkansas State University, Office of Finance, State University, Ark. 72467. Article: Nuclear magnetic resonance spectrometer, Model JNM-C-60H. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for the following:

A. Rates and activation energies of exchange of a magnetic nucleus between two structural sites in a molecule in which it has a different chemical shift in each of the two environments.

B. Kinetic studies of the rates and activation energies of protolysis reactions of various alkylphosphonium ions in solution.

C. Temperature effects of ligand exchange between the solvent and the primary coordination sphere of some complexes of cobalt, chromium, and iron.

D. Studies of the rates and activation energies of addition reactions involving alcohols and boron trifluoride.

E. Determination of the temperature dependence of enzyme catalyzed hydrolysis of polypeptides.

F. Routine determination of the spectra of large numbers of samples of the various extracts of snake venom.

G. Characterization of the fatty acids isolated from fat tissue of animals subjected to different feeding experiments.

H. Determination of the variation of fatty acid types in soybean oils as function of soybean plant growth variables.

I. Instructural use in connection with freshman chemistry, introductory organic, and instrumental analysis.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has both an internal and external lock. The most closely comparable domestic nuclear magnetic resonance spectrometer is the Model HA 60-1L manufactured by Varian Associates (Varian), which offers either an external or internal lock but not both in the same instrument. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 4, 1969, and the National Bureau of Standards (NBS) in a memorandum dated July 24, 1969, that an external lock is required to perform routine determinations of the spectra of large numbers of samples and to achieve the educational purposes described by the applicant. We are further advised that the remaining experiments described by the applicant will require the superior stability of the internal lock. Therefore, the combined internal-external lock capability possessed by the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the Varian Model HA 60-1L is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14063; Filed, Nov. 26, 1969; 8:46 a.m.]

MILTON S. HERSHEY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00590-33-46040. Applicant: The Milton S. Hershey Medical Center of the Pennsylvania State University, 500 University Drive, Hershey, Pa. 17033. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for research and educational purposes in the Department of Anatomy. Current research efforts include the following:

1. An analysis of the events of the secretion of insulin and glucagon by the pancreatic islets of various subhuman primates and the abnormal secretion in certain secretory tumors of man.

2. A study of the crystal lattice organization in electron micrographs of the insulin-containing granules of the pancreatic islets.

3. A study of the ultrastructure of mechanoreceptors in a variety of mammals.

4. A study of the microtubules found in the supporting cell of the cochlea of certain reptiles.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corporation of America (RCA) and is currently being supplied by Forgflo Corp. (Forgflo). The RCA Model EMU-4B has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) For the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. The foreign article also provides a magnification suitable for taking good photographs ranging from a magnifying power of 220 to a power of 550,000 without the need to change pole pieces. The RCA Model EMU-4B can provide magnification for the production of good electron micrographs in the range of 500 to 240,000, but a change of pole pieces is required at magnifications below 1,400X (the lower limit of the magnification range with the standard pole piece). We are advised by the Department of Health, Education, and Welfare (HEW) in its

memorandum dated August 5, 1969, the capability of producing good micrographs from 220X to 200,000X without the need to exchange pole pieces is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14064; Filed, Nov. 26, 1969; 8:46 a.m.]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00589-01-42900. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Superconducting magnet system. Manufacturer: Oxford Instrument Co., Ltd., United Kingdom. Intended use of article: The magnet system will become a part of a pulsed nuclear magnetic resonance spectrometer system which is being developed. The spectrometer will be employed in high-resolution NMR of solids, a technique invented by the applicant. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a superconducting magnet system equipped with a magnet having a field strength of at least 60 kiloOersteds (kOe), a field uniformity of plus or minus 5×10^{-7} over a 1 cubic centimeter volume and an accessible working space of at least 1.5 inches diameter inside the solenoid. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 1, 1969, that for the applicant's intended experiments, the field strength, field uniformity and working space of the magnet are pertinent characteristics of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14065; Filed, Nov. 26, 1969; 8:46 a.m.]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00610-33-46040. Applicant: State University of New York, Downstate Medical Center, 450 Clarkson Avenue, Brooklyn, N.Y. 11203. Article: Electron microscope, Model AEI EM 6B. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used for research projects requiring high resolution micrographs and high resolution analysis of long ribbons of serial sections. Investigations are being made on growing oöcytes, differentiating and adult nervous tissue, and differentiating adult and aged liver cells. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides specimen holders which will hold three or six grids. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 5, 1969, that the capability to hold three or six grids per standard holder is pertinent to the purposes for which the foreign article is intended to be used. For this reason, we find that the RCA EMU-4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14066; Filed, Nov. 26, 1969; 8:46 a.m.]

CHEYNEY STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00587-98-26000. Applicant: Commonwealth of Pennsylvania, Cheyney State College, Cheyney, Pa. 19319. Article: Dr. Clemenz standard construction device, Model EG ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article consists of various units that can be assembled by the student to demonstrate AC and DC generators, three phase asynchronous slip ring motors, a three-phase squirrel cage motor and other electrical devices.

We are advised by the National Bureau of Standards in a memorandum dated August 15, 1969, that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-14067; Filed, Nov. 26, 1969; 8:46 a.m.]

WILLIAM MARSH RICE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00606–01–77030. Applicant: William Marsh Rice University, 6100 Main Street, Houston, Tex. 77005. Article: Nuclear magnetic resonance spectrometer, Model HFX–10. Manufacturer: Bruker-Physik, AG, West Germany. Intended use of article: The article will be used to serve the general needs of the chemistry department and as a research instrument for the following studies.

1. ^{13}C nmr spectra of peptides and amino acids, peptide sequencing, effect of long range interaction due to tertiary protein structures.
2. ^{13}C nmr of organometallic compounds.
3. ^{19}F and ^{29}Si nmr spectra of novel fluorosilaneecompounds.
4. Structural determination of natural products.
5. ^{19}F, ^{13}C contact interaction shift studies of inorganic complexes.
6. Linkage isomerization in selenocyanate complexes.
7. Studies on the mechanism of the Vitamin B–6 catalyzed formation of tryptophan from serine and indole.
8. Rates of fast reactions.
9. Overhauser effect in ^{13}C spectra caused by irradiation of ^{19}F nuclei bonded to ^{13}C. (C-carbon, F-fluorine, and Si-silicon.)

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a nuclear magnetic resonance spectrometer which has the capabilities of a heteronuclear lock and heteronuclear double resonance with all frequencies locked together for nuclear Overhauser studies and an internal lock. The most closely comparable domestic instrument is the Model HA 100–15 Nuclear Magnetic Resonance (NMR) Spectrometer manufactured by Varian Associates (Varian). We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated August 5, 1969, and the National Bureau of Standards (NBS) in a memorandum dated September 8, 1969, that for the purposes for which the article is intended to be used, the capabilities of a heteronuclear lock and heteronuclear double resonance with all frequencies locked together as well as internal lock for nuclear Overhauser studies are pertinent to the purposes for which the foreign article is intended to be used, and that no available Varian NMR Spectrometer has these capabilities.

For the foregoing reasons, we find that the Varian HA 100–15 is not of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14068; Filed, Nov. 26, 1969; 8:46 a.m.]

UNIVERSITY OF SOUTHERN CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00549–33–46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Electron Microscope, Model HU–11E–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used full time to screen for viral particles in human and animal tumor study materials as follows:

1. Fresh human tumor tissue.
2. Animal tumors.
3. Hamster tumors that may develop after human tumor transplantation.
4. Tissue culture cells exhibiting altered foci.
5. Moloney concentrates of tumors.
6. Intracellular localization of viral specific antigens.
7. Documentation of "rescue" of defective viral genomes.
8. Antigen labeling intracellularly (localization).
9. Negative stain-high resolution.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed specification of 3.5 angstroms resolving capability. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), but is currently being produced by the Forgflo Corp. (Forgflo). The Model EMU–4B has a guaranteed specification of 5 angstroms resolving capability. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The Department of Health, Education, and Welfare (HEW) advised us that for the purposes for which the foreign article is intended to be used, the additional resolving capability of the foreign article is a pertinent characteristic. (HEW memorandum dated July 7, 1969.) For this reason, we find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69–14069; Filed, Nov. 26, 1969; 8:46 a.m.]

Maritime Administration

[Report No. 101]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through November 13, 1969, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total all flags (168 ships)	1,214,691
Cypriot (53 ships)	386,945
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Akmeon (tanker)	11,105
Alda	7,292

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
Cypriot—Continued	
Alice (previous trips to Cuba—Greek)	7,189
*Alitric	7,564
Alma	6,585
Alpa	9,159
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Angeliki	8,482
Anka	7,314
*Annunciation Day	8,047
Aragon (previous trips to Cuba—Somali)	7,248
Areti (previous trips to Cuba—Lebanese)	7,176
Arion	3,570
Armar	5,089
*Aurora	8,380
Azalea	9,506
*Azure Coast II	7,638
Camelia	8,111
Claire (previous trips to Cuba—Lebanese)	5,411
Coolady	2,867
Degedo	9,000
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
*Elpidoforos	4,963
Felicie	7,096
Free Trader (previous trips to Cuba—Lebanese)	7,061
*Gladiator	8,346
Herodemos	7,356
Huntsfield (previous trips to Cuba—British)	9,483
Ilena (trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Greek)	7,232
Johnny	9,689
Katerina (previous trips to Cuba—Lebanese)	9,357
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Marika (previous trip to Cuba—Lebanese)	7,290
Mery (previous trips to Cuba—Greek)	7,258
Mousse (previous trips to Cuba—Lebanese)	9,307
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
**Newlane (trips to Cuba—British)	7,043
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Sophia (previous trips to Cuba—Greek)	7,030
Suerte	7,267
Sunrise (previous trips to Cuba as the Anatoli—Greek)	7,216
Thios Costas (previous trips to Cuba—Somali)	7,258
Tina (previous trips to Cuba—Greek)	7,362
Toula (previous trips to Cuba—Lebanese)	6,426
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Venturer	9,000
British (44 ships)	361,598
Antarctica	8,785
Arctic Ocean	8,791

See footnotes at end of table.

Flag of Registry and Name of Ship	Gross tonnage
British—Continued	
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Klang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
*Green Walrus	9,443
Hemisphere	8,718
Ho Fung	7,121
Huntsland	9,353
Huntsville	9,486
Hwang Ho	9,457
**Jeb Lee (trip to Cuba as the Garthdale—British)	7,542
Jollity	8,819
Kinross	5,388
Magister	2,239
**Meadow Court (trip to Cuba as the Ardrossmore—British)	5,820
Nancy Dee	6,597
Nebula	8,907
Newheath	7,643
Oceantramp	6,185
Ocean Travel	10,419
Peony	9,037
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Captain	7,385
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
**Tetrarch (trips to Cuba as the Ardrowan—British)	7,300
Venice	8,611
Vergmont	7,381
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Greek (8 ships)	52,185
**Aliartos (trip to Cuba as the Loradore—British)	8,078
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838

Flag of Registry and Name of Ship	Gross tonnage
Greek—Continued	
**Lambros M. Patsis (trips to Cuba as the La Hortensia—British)	9,486
**Papalos (trip to Cuba as the Agios Therapon—Greek)	7,205
Redestos	5,911
Yugoslav (8 ships)	54,379
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Subicevac	9,033
Tara	7,499
Lebanese (5 ships)	31,153
Antonis	6,259
Astir	5,324
Giannis	5,270
Marichristina	7,124
Tony	7,176
Italian (5 ships)	45,780
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (4 ships)	23,348
Aria	5,059
**Atlas (trip to Cuba—Finnish)	3,916
Erato (previous trips to Cuba as the Eretria—Greek)	7,199
**Marie (trips to Cuba as the Stevo—Lebanese and Somali)	7,174
Moroccan (4 ships)	32,746
Atlas	10,392
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Panamanian (4 ships)	29,738
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Avranchoise (trips to Cuba as the Avranches—French)	7,199
**Renown Trader (trips to Cuba as the Suva Breeze—British)	4,996
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
French (3 ships)	6,980
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Nelle	2,874
Maltese (2 ships)	12,624
Soclyve (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115

Flag of Registry and Name of Ship	Gross tonnage
Finnish (1 ship)	6,823
Ragni Paulin	6,823
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Japanese (1 ship)	8,627
Chokyu Maru	8,627
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry and Name of Ship	Gross tonnage
a. Since last report:	
French (3 ships):	
Foulaya (Now Leyte Gulf—Philippine)	3,739
Mungo	4,820
Penja	3,777

b. Previous reports:

Flag of registry (total)	Number of ships
	125
British	45
Cypriot	3
Danish	1
Finnish	4
French	1
German (West)	1
Greek	30
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberian	1
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

Flag of Registry and Name of Ship	Gross tonnage
Aegis Luck (Greek)	11,676
Apollonian (Cypriot)	7,229
Ispahan (Greek)	7,169
Kelso (British)	6,981
Tegean (Cypriot)	7,240

b. Previous reports:

Flag of registry:	Broken up, sunk or wrecked
British	20
Cypriot	24
Finnish	4
French	1
Greek	14
Italian	4
Lebanese	34
Flag of registry:	Number of ships
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	5
Singapore	1
South African	2
Swedish	1
Yugoslav	6
Total	122

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through November 13, 1969.

Flag of registry	1963	1964	1965	1966	1967	1968	1969 Jan.–Apr.	1969 May	1969 June	1969 July	1969 Aug.	1969 Sept.	1969 Oct.	Total
British	133	180	126	101	78	62	19	1	7	2	4	3	1	717
Lebanese	64	91	58	25	16	16	2	1			1			274
Cypriot		1	17	27	42	68	26	14	6	8	13	13	8	243
Greek	99	27	23	27	20	7								212
Italian	16	20	24	11	11	10	4	2	1	1	1	1	1	103
Yugoslav	12	11	15	10	14	9	2	1	1		1			76
French	8	9	9	10	10	4	2							52
Finnish	1	4	5	11	12	8	2							43
Spanish	9	17												25
Norwegian	14	10												24
Moroccan	9	13	1											23
Maltese		2	6	1	4	8		1						22
Somali					2	11	5		1	1				20
Netherlands		4	2											6
Swedish	3	3												6
Kuwaiti		3	1											5
Israeli			2											2
Japanese	1					1								2
Danish	1													1
German (West)	1													1
Haitian			1											1
Monaco				1										1
Sub-Total	370	304	290	224	218	204	62	20	16	12	20	17	10	1,857
Polish	18	16	12	10	11	7					1			75
Grand Total	388	410	302	234	229	211	62	20	16	12	21	17	10	1,932

NOTE: Trip totals in section 4 exceed ship totals in section 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 100, appearing in the FEDERAL REGISTER issue of October 17, 1969.
**Ships appearing on the list which have made no trips to Cuba under the present registry.

By order of the Maritime Administrator.

Dated: November 14, 1969.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 69-14109; Filed, Nov. 26, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 69-134]

TECOLOTITO CREEK AND GOLETA SLOUGH, SANTA BARBARA, CALIF.

Notice of Public Hearing Regarding Proposed Bridges

Notice is hereby given that a public hearing will be held by the Commander, Eleventh Coast Guard District at 9 a.m., December 9, 1969, in the Mural Room, Santa Barbara County Courthouse, Santa Barbara, Calif. This will concern an application dated 15 August 1969 made by the State of California for approval by the Commandant, U.S. Coast Guard, of the plans and locations of two parallel fixed span highway bridges, a bicycle bridge and a utility pipeline bridge. All four bridges would be built across Tecolotito Creek, Goleta, Santa Barbara County, Calif. Two existing bridges would be removed in this project, the Clarence Ward Avenue Bridge and the Fowler Street Bridge.

The bridge construction is planned in two stages. The proposed left (northerly) highway bridge, the bicycle bridge and the utility pipeline bridge would be built in the first stage and not affect vehicular traffic on Clarence Ward Avenue. The proposed right (southerly) highway bridge would be built and the existing

Clarence Ward Avenue Bridge would be removed at a future date, following the other construction by approximately 1 year.

Clearances for navigation on Tecolotito Creek under the existing and proposed bridge systems are as follows, proceeding upstream:

Bridge	Minimum vertical clearance at mean high water datum	Horizontal clearances between bridge support piers
	Feet	*Feet*
Existing system:		
1. Park Road	5.5	30
2. Clarence Ward Avenue	19.0	33
3. Fowler Street	1.0	15
Proposed system:		
1. Park Road (existing)	5.5	30
2. Bicycle (new)	10.3	30
3. Highway left (new)	14.0	30
4. Highway right (new)	14.0	30
5. Utility pipeline (new)	9.7	70

The two proposed highway and bicycle bridges would be of cement slab construction.

Drawings showing the plans and location of the proposed work are on file in the office of the Commander, 11th Coast Guard District, Heartwell Building, 19 Pine Avenue, Long Beach, Calif. 90802.

The public hearing will be open to comment on the impact of the proposed bridges on the navigability of Tecolotito Creek, and on the total environmental impact of the bridges and the connecting freeway extensions on the Goleta Slough. Comments are specifically entertained on the following items:

(1) Whether the Goleta Slough constitutes a "public park, recreation area, wildlife and waterfowl refuge, or historic site of national, State or local significance as determined by the Federal, State, or local officials having jurisdiction thereof";

(2) If so, whether the proposed bridges would "require the use" of the Slough;

(3) If so, whether there is a "feasible and prudent alternative to the use of such land"; and

(4) If there are no feasible and prudent alternatives, whether "all possible planning to minimize harm" to the Slough has been included in the project by the State.

All interested parties are invited to be present or to be represented at the hearing, especially officials of any public or private organizations whose interests may be affected by the proposed bridges. They will be given an opportunity to express their views as to the suitability of the proposed bridges and to suggest any changes that may be considered desirable.

Each person who wishes to make an oral statement should notify the Commander, 11th Coast Guard District not later than December 5, 1969, indicating the amount of time required for his initial statement. Depnding on the number of statements expected, it may be necessary to limit the amount of time allocated to each speaker. Parties requesting time to present oral statements will be notified if such allocation is necessary. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such statements and exhibits may also be submitted directly to the Commander, 11th Coast Guard District at the above address not later than December 12, 1969. A transcript of the hearing will be made and copies may be purchased from the reporting service.

This notice is published pursuant to the authority of section 502, 60 Stat. 847, as amended, sections 4(f) and 6(g), 80 Stat. 934 and 941, as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f) and 1655 (g); 49 CFR 1.4(a)(x) and 1.4(g).

Dated: November 24, 1969.

CHARLES TIGHE,
Rear Admiral, U.S. Coast Guard Commander, 11th Coast Guard District.

[F.R. Doc. 69-14113; Filed, Nov. 26, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Amended Facility License

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 2, 1969 (34 F.R. 11159), the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. CX-21. The amendment authorizes the National Aeronautics and Space Administration (NASA) at Cleveland, Ohio, to operate its Zero Power Reactor II (ZPR-II), located on the Lewis Research Center site and modified under Construction Permit No. CPCX-29, at increased power levels up to 100 watts (thermal). The amendment was issued substantially as proposed in the above notice except that authority to receive, possess and use 10,000 pounds of depleted uranium in connection with operation of the ZPR-II has been added.

The Commission has found that the application for the amendment to the facility license complies with the requirements of Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter I, and that the amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the license amendment may be obtained at the Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of November 1969.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-14062; Filed, Nov. 26, 1969; 8:46 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on December 10, 1969, in the Lecture Hall of the Free Library, 19th and Vine Streets, Philadelphia, Pa., beginning at 10 a.m. The subject of the hearing will be an amendment to the Comprehensive Plan so as to include the following project.

An electric generating station to be constructed by Public Service Electric & Gas Co. Two generating units having a net capacity of 1,050,000 kw. are proposed to be constructed on the east side of the Delaware River on Artificial Island in Lower Alloways Creek Township, Salem County, N.J. Heat for the generation of steam required to drive the turbine generators will be obtained from nuclear fuel utilizing the pressure water cycle. About 5,000 cubic feet per second of condensing water for the steam turbines will be drawn from the Delaware River, circulated through condensors and returned to the river. Large-scale groundwater withdrawals and foundation dewatering operations are to be undertaken on a temporary basis during construction of the project.

Documents relating to the above project may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

NOVEMBER 18, 1969.

[F.R. Doc. 69-14070; Filed, Nov. 26, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1353]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 21, 1969.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR Part 1100.247, 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.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 315), filed October 27, 1969. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in tank vehicles, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 1074 (Sub-No. 11), filed October 30, 1969. Applicant: ALLEGHENY FREIGHT LINES, INC., Valley Pike, Post Office Box 601, Winchester, Va. 22601. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities of a perishable nature, commodities in bulk, and those requiring special equipment, between Pittsburgh, Pa. and Hancock, Md., from Pittsburgh over the Pennsylvania Turnpike and/or Interstate Highway 70 to Hancock, Md. and return over the same route serving no intermediate points, as an alternate route for operating convenience only. Restriction: The foregoing route is restricted to the transportation of traffic moving to, from, or through Winchester, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 381), filed October 27, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Hanover, Pa., as an off-route point in connection with its regular route authority to serve Baltimore, Md., and Harrisburg and York, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 2900 (Sub-No. 180), filed October 24, 1969. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel; fittings; valves; hydrants*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 4964 (Sub-No. 37), filed October 29, 1969. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Post Office Box 24128, Houston, Tex. 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 13250 (Sub-No. 103), filed October 29, 1969. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points within the states of Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 18088 (Sub-No. 52), filed October 20, 1969. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. 35149. Applicant's representative: William J. Kenney, 2000 L Street, NW., Suite 815, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* as are

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

manufactured, processed, or dealt in by rubber or rubber-products manufacturers and *supplies, materials, and equipment* used in conduct of such business, between the plantsite of UniRoyal, Inc., Opelika, Ala., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tenneesse. 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 Birmingham, Ala.

No. MC 31533 (Sub-No. 11), filed October 9, 1969. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 South Olive Street, Post Office Box 545, South Bend, Ind. 46624. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between South Bend, Ind., on the one hand, and, on the other, points in Elkhart, St. Joseph, La Porte, Porter, Pulaski, Lake, Starke, and Marshall Counties, Ind. NOTE: Applicant indicates it would tack at South Bend, Ind., with its presently held authority (a portion of which authorizes service between South Bend, Ind., and Benton Harbor, Mich.). If a hearing is deemed necessary, applicant requests it be held at Hammond, Ind.

No. MC 42318 (Sub-No. 36), filed October 24, 1969. Applicant: HOWARD HALL COMPANY, INC., 3433 35th Street North, Post Office Box 2622, Birmingham, Ala. 35202. Applicant's representative: Howard Hall, Jr. (Same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron or steel; fittings; valves; hydrants; and gaskets*, from Birmingham, Ala., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 42487 (Sub-No. 734), filed October 27, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Consolidated Freightways Corp. of Delaware in the Borough of Milton, Northumberland County, Pa., as an off-route point in connection with carrier's presently authorized, regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 46421 (Sub-No. 10), filed October 28, 1969. Applicant: ESCRO STORAGE & CARTAGE, INC., 360 Dingens Street, Buffalo, N.Y. 14206. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, 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 and 766, from Buffalo, N.Y., to points in Allegany, Livingston, Wayne, Yates, Seneca, Schuyler, Cayuga, Tompkins, and Tioga, Bradford, Susquehanna, Clinton, Lycoming, Montour, Sullivan, Wyoming, Columbia, and Lackawanna Counties, Pa., restricted to traffic having a prior movement by connecting carriers. NOTE: Applicant states no duplicate authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to eliminate Elmira, N.Y., as a gateway. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y.

No. MC 49727 (Sub-No. 8), filed August 28, 1969. Applicant: CZYHOLD TRUCK LINE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Norman Richardson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm tractors and parts*, between Yakima, Wash., and points in eastern Washington. 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 Portland, Oreg., or Seattle or Yakima, Wash.

No. MC 56679 (Sub-No. 34), filed October 28, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances*, household, from Seattle, Wash., to points in Alabama, Georgia, North Carolina, South Carolina, Florida, 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 New York, N.Y.

No. MC 59332 (Sub-No. 4), filed October 22, 1969. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Connecticut, Delaware, Massachusetts, Maryland, New York, New Jersey, Pennsylvania, Virginia, and District of Columbia. NOTE: Applicant has an application pending for contract carrier authority under MC 133394 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59680 (Sub-No. 175), filed October 27, 1969. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck, Post Office Box 5689, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Remington Arms Co., Inc., division of E. I. du Pont de Nemours & Co., located between Little Rock and Lonoke, Ark., as an off-route point in connection with carrier's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 61231 (Sub-No. 46) (Amendment) filed September 2, 1969, published FEDERAL REGISTER of September 25, 1969, amended November 10, 1969, and republished as amended this issue. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Belle Fourche, S. Dak., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of the application by deleting the words "in containers" from the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61417 (Sub-No. 2), filed October 31, 1969. Applicant: FIREPROOF STORAGE COMPANY, a corporation, 728 East Shiawassee Street, Lansing, Mich. 48902. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Ingham, Livingston, Eaton, Barry, Shiawassee, Clinton, Ionia, Kent, Montcalm, Gratiot, Midland, Kalamazoo, Calhoun, Jackson, Washtenaw, Oakland, and Macomb

Counties, Mich.; 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: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61505 (Sub-No. 26) filed October 20, 1969. Applicant: G. R. MYERS MOTOR TRANSPORTATION, INC., 3950 Eastern Road, Barberton, Ohio 44203. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers, boiler parts, pipes and tubes, boiler fuel pulverizing machinery, and machinery, materials, and supplies* used or useful in the manufacture and installation of steel boilers, between Canton, Ohio, and Barberton, Ohio. NOTE: Applicant states that the proposed operation will be joined at Barberton, Ohio, with applicant's present authority thereby enabling it to transport the described commodities between Canton, Ohio, on the one hand, and on the other, points in Illinois, Indiana, Kentucky, Maryland, Massachusetts, the Lower Peninsula of Michigan, Missouri, New Jersey, New York, Pennsylvania, West Virginia, Virginia, the District of Columbia; Brunswick, Ga.; Paris, Tex.; Wilmington, N.C.; and West Point, Miss. Applicant further states that the proposed operation will not result in any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 157), filed October 24, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of General Plywood Corp. at or near New Albany, Ind., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 63792 (Sub-No. 14), filed October 29, 1969. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. Applicant's representative: James M. Doherty, 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, Mississippi, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 67111 (Sub-No. 20), filed October 22, 1969. Applicant: KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. 46947. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite and warehouses of Honeywell, Inc., at or near Arlington Heights, Ill., as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 69512 (Sub-No. 6) (Clarification), filed May 28, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished as clarified, this issue. Applicant: THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Phoenix and Tucson, Ariz.; (a) from Phoenix over U.S. Highways 60 and 70 to junction of Arizona Highway 87, thence over Arizona Highway 87 to junction Arizona Highways 84 and 93, thence over Arizona Highways 84 and 93 to Tucson; and (b) from Phoenix over U.S. Highways 60 and 70 to junction Arizona Highway 87, thence over Arizona Highway 87 to junction Arizona Highway 93, thence over Arizona Highway 93 to junction Arizona Highway 84, thence over Arizona Highways 84 and 93 to Tucson, and return over the same route, serving all intermediate points in (a) and (b) above; and (2) between Phoenix and Tucson, Ariz., over Interstate Highway 10, serving no intermediate points: The purpose of this republication is to more clearly set forth the territorial scope of the application, and to delete the previous off-route points. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., then Los Angeles, Calif., and terminate at Tucson, Ariz.

No. MC 75302 (Sub-No. 8), filed October 5, 1969. Applicant: DOUDELL TRUCKING COMPANY, a corporation, 545 Queen's Row, San Jose, Calif. 95106. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities including classes "A" and "B" explosives* (except commodities in bulk, used household goods as described in 17 M.C.C. 467, wood chips and shavings) to, from, and between points in California on the routes described below, serving all intermediate points, as follows: (1) From Sacramento over California Highway 99 to its junction with Interstate Highway 5, inclusive; (2) from Interstate Highway 280 at its junction with Interstate Highway 80 in San Francisco over Interstate Highway 80 to Rocklin, inclusive; (3) from Sacramento over California Highway 160 to its junction with California Highway 4 at a point approximately 3 miles east of Antioch, inclusive; (4) from Lodi over California Highway 12 to its intersection with Interstate Highway 80 at Fairfield, inclusive; (5) from Interstate Highway 80 at its junction with California Highway 4, over California Highway 4 to Farmington, inclusive; (6) from Folsom over U.S. Highway 50 to its junction with California Highway 17 at San Lorenzo, inclusive; (7) from San Rafael over U.S. Highway 101 to Los Angeles, inclusive;

(8) From U.S. Highway 101 at its junction with California Highway 1, over California Highway 1 to Point Reyes, inclusive; (9) from Watsonville over California Highway 152 to its junction with California Highway 99 approximately 4 miles southeast of Chowchilla, inclusive; (10) from Benicia over California Highway 21 to its junction with Interstate Highway 80 at a point 4 miles southwest of Suisun City, inclusive; (11) from U.S. Highway 101 at its junction with California Highway 17 over California Highway 17 to its junction with California Highway 1 at Santa Cruz, inclusive; (12) from Ventura over California Highway 33 to its junction with U.S. Highway 50 at a point approximately 3 miles east of Tracy, inclusive; (13) from San Lucas over California Highway 198 to Three Rivers, inclusive; (14) from California Highway 99 at its intersection with California Highway 46 over California Highway 46 to Cambria, inclusive; (15) from Planada over California Highway 140 to its junction with Interstate Highway 5 at a point approximately 5 miles west of Gustine, inclusive; (16) from California Highway 33 at its intersection with California Highway 180 over California Highway 180 to Squaw Valley, inclusive; (17) from California Highway 33 at its intersection with California Highway 132 over California Highway 132 to Waterford, inclusive; (18) from California Highway 198 at its junction with California Highway 65 over California Highway 65 to its junction with California Highway 99 at a point approximately 3 miles west of Oildale, inclusive;

(19) From U.S. Highway 395 at its junction with California Highway 14 over California Highway 14 to its junction with Interstate Highway 5 at a point approximately 5 miles southwest from Newhall, inclusive; (20) from U.S.

Highway 101 at its junction with California Highway 126 over California Highway 126 to its junction with Interstate Highway 5 at a point approximately 3 miles south of Castaic, inclusive; (21) from U.S. Highway 101 at its junction with California Highway 154, over California Highway 154 to its junction with U.S. Highway 101 at a point approximately 4 miles east of Goleta, inclusive; (22) from Surf over California Highway 246 to Santa Ynez, inclusive; (23) from California Highway 1 at its junction with California Highway 35, over California Highway 35 to its junction with California Highway 9 at a point approximately 6 miles west of Saratoga, inclusive; (24) from Santa Cruz over California Highway 9 to Los Gatos, inclusive; (25) from Castroville over California Highway 156 to its junction with California Highway 152 at a point approximately 8 miles north of Hollister, inclusive; (26) from Santa Paula over California Highway 150 to its junction with U.S. Highway 101 at a point approximately 2 miles east of Carpinteria, inclusive; (27) from Saticoy over California Highway 118 to La Canada, inclusive; (28) from San Diego over U.S. Highway 395 to Little Lake, inclusive; (29) from California Highway 14 at its junction with unnumbered highway over unnumbered highway to U.S. Highway 395 at a point approximately 4 miles north of Johannesburg, inclusive; (30) from U.S. Highway 101 at its junction with California Highway 58 over California Highway 58 to its junction with Interstate Highway 15 at a point approximately 7 miles west of Yermo, inclusive; (31) from San Bernardino over Interstate Highway 15 to the California-Nevada border, inclusive; (32) from Needles over Interstate Highway 40 to Barstow, inclusive; (33) from Santa Monica over Interstate Highway 10 to the California-Arizona border at a point approximately 4 miles east of Blythe, inclusive; (34) from Coachella over California Highway 86 to El Centro, inclusive;

(35) From El Centro over Interstate Highway 8 to Winterhaven, inclusive; (36) from San Ysidro over Interstate Highway 5 to its junction with California Highway 99 at a point approximately 14 miles north of Lebec, inclusive; (37) from Maricopa over California Highway 166 to its junction with California Highway 99 at a point approximately 16 miles north of Lebec, inclusive; (38) from Beaumont over California Highway 60 to its intersection with California Highway 71 near Pomona, inclusive; (39) from Interstate Highway 10 at its junction with California Highway 71 over California Highway 71 to its junction with U.S. Highway 395 near Murrieta, inclusive; (40) from Riverside over California Highway 91 to its junction with California Highway 1 at a point near Manhattan Beach, inclusive; (41) from Interstate Highway 10 at its junction with California Highway 111 over California Highway 111 to Calexico, inclusive; (42) from San Juan Capistrano over California Highway 74 to Perris, inclusive; (43) from U.S. Highway 101 at its junction with California Highway 1 near El Rio over California Highway 1 to its junction with Interstate Highway 5 near Doheny, inclusive; (44) from San Bernardino over U.S. Highway 66 and Interstate Highway 210 to its junction with Interstate Highway 5 at a point near Glendale, inclusive; (45) from Olema over unnumbered county road to its junction with U.S. Highway 101, inclusive; (46) from Point Reyes Station over unnumbered county road to its junction with U.S. Highway 101 near San Rafael, inclusive; (47) from U.S. Highway 101 at its junction with California Highway 37 over California Highway 37 to its junction with Interstate Highway 80 near Vallejo, inclusive; (48) from Davis over California Highway 128 to its junction with California Highway 121, inclusive;

(49) From Petaluma over California Highways 116, 12, and 121 to its intersection with California Highway 128 at a point approximately 15 miles north of Napa, inclusive; (50) from Petaluma over U.S. Highway 101 to San Rafael, inclusive; (51) from Interstate Highway 80 at its junction with Interstate Highway 505 over Interstate Highway 505 to Madison, inclusive; (52) from Madison over California Highway 16 to Sloughhouse, inclusive; (53) from Interstate Highway 80 at its junction with California Highway 113 over California Highway 113 to Knight's Landing, inclusive; (54) from Sacramento over California Highway 99 to its junction with California Highway 70, inclusive; (55) from Sacramento over U.S. Highway 50 to Folsom, inclusive; (56) from California Highway 99 at its intersection with California Highway 104, over California Highway 104 to Ione, inclusive; (57) from Interstate Highway 80 at its junction with Interstate Highway 680 over Interstate Highway 680 to its junction with California Highway 17 at a point 4 miles south of Fremont, inclusive; (58) from Stockton over California Highway 88 to its junction with California Highway 124 near Ione, inclusive; (59) from Stockton over California Highway 26 to its intersection with California Highway 120 near Jenny Lind, inclusive; (60) from Manteca over California Highway 120 to Oakdale, inclusive; (61) from Salida over California Highway 219 to Oakdale, inclusive; (62) from Oakdale over unnumbered county road to Waterford, inclusive; (63) from Escalon over unnumbered county road passing through Riverbank, Empire, Hughson, Denair, Ballico, Cressey, and Winton to its junction with California Highway 59 near Merced, inclusive;

(64) From Merced over California Highway 59 to Snelling, inclusive; (65) from Waterford over unnumbered county road to its junction with California Highway 59 at a point approximately 7 miles north of Merced, inclusive; (66) from Planada over unnumbered county road to its junction with California Highway 99 at a point near Chowchilla, inclusive; (67) from Madera over unnumbered county road to Raymond, inclusive; (68) from Kerman over California Highway 145 to Friant, inclusive; (69) from California Highway 1 at its junction with California Highway 41; over California Highway 41 to its intersection with California Highway 145 to a point approximately 6 miles northwest of Friant, inclusive; (70) from Visalia over California Highway 63 to its junction with California Highway 180 near Squaw Valley, inclusive; (71) from Kingsburg over California Highway 201 to Cutler, inclusive; (72) from Kingsburg over unnumbered county road passing through Sanger to its intersection with California Highway 168 near Academy, inclusive; (73) from Visalia over California Highway 216 to Woodlake, inclusive; (74) from California Highway 43 at its junction with California Highway 190; over California Highway 190 to Springville, inclusive; (75) from Corcoran over California Highway 137 to Lindsay, inclusive; (76) from Delano over California Highway 155 to Glennville, inclusive; (77) from Woody over unnumbered county road passing through Oildale to Bakersfield, inclusive; (78) from Porterville over unnumbered county road to Glennville, inclusive;

(79) From China Lake over California Highway 178 and over unnumbered county road to their junctions with U.S. Highway 395, inclusive; (80) from Barstow over unnumbered county road to Fort Irwin, inclusive; (81) from Interstate Highway 15 at its junction with unnumbered county road over unnumbered county road to Nipton, inclusive; (82) from U.S. Highway 66 at its junction with U.S. Highway 95 over U.S. Highway 95 to the California-Nevada border; (83) from Interstate Highway 10 at its junction with California Highway 62 over California Highway 62 to Twentynine Palms, inclusive; (84) from El Centro over Interstate Highway 8 to a point approximately 3 miles southeast of Plaster City, inclusive; (85) from Interstate Highway 5 at its junction with California Highway 78 over California Highway 78 to Ramona, inclusive; (86) from Romeland over California Highway 74 to Palm Desert, inclusive; (87) from Banning over unnumbered county road to its junction with California Highway 74, near Idyllwild, inclusive; (88) from San Bernardino over California Highway 18 to Big Bear Lake, inclusive; (89) from Victorville over California Highway 18 to Lucerne Valley, inclusive; (90) from Interstate Highway 5 at its junction with California Highway 138, over California Highway 138 to Lake Arrowhead, inclusive; (91) from Interstate Highway 5 at its intersection with Interstate Highway 8 over Interstate Highway 8 to Alpine, inclusive; (92) from Aguanga over California Highways 79 and 71 to its intersection with U.S. Highway 395 near Temecula, inclusive; (93) from Beaumont over California Highway 79 to Aguanga, inclusive;

(94) From Brawley over unnumbered county road to Glamis, inclusive; (95) from U.S. Highway 66 at its junction with unnumbered county road over unnumbered county road to its junction with U.S. Highway 95 passing through Fenner and Goffs, inclusive; (96) from Blythe over California Highway 78 and unnumbered county road to Palo Verde, inclusive; (97) from California Highway

99 at its junction with California Highway 223, over California Highway 223 to its junction with California Highway 58 near Caliente, inclusive; (98) from Rosamond over unnumbered county road to its junction with California Highway 58 approximately 16 miles east of Mojave, inclusive; (99) from Madison over Interstate Highway 505 to its junction with Interstate Highway 5 at a point approximately 2 miles southeast of Dunnigan; (100) from Dunnigan over Interstate Highway 5 to its junction with Interstate Highway 80 at a point approximately 2 miles southwest of Davis, inclusive; (101) from Strathmore over unnumbered county road to its junction with California Highway 190 at a point approximately 2 miles southwest from Springville, inclusive; (102) from U.S. Highway 395 at its junction with unnumbered county road over unnumbered county road to its junction with California Highway 178 at a point approximately 11 miles west of China Lake, inclusive; (103) from Ridgecrest over California Highway 178 to Argus, inclusive; (104) from the Madera-Mariposa County line over unnumbered county road and part of California Highway 41 passing through Raymond, Coarsegold, O'Neals, Friant, Tollhouse, Trimmer, and Piedra to its junction with California Highway 180 at a point approximately 5 miles west of Dunlap, inclusive;

(105) From Interstate Highway 580 at its junction with Interstate Highway 5 over Interstate Highway 5 to San Ysidro, inclusive; (106) from Interstate 5 at its junction with California Highway 79 over California Highway 79 to Aguanga, inclusive; (107) from Alpine over Interstate Highway 8 to its junction with California Highway 79 at a point approximately 2 miles west of Guatay, inclusive; (108) from Interstate Highway 5 at its junction with Interstate Highway 405 near San Fernando over Interstate Highway 405 to its junction with Interstate Highway 5 at a point aproximately 3 miles north of El Toro, inclusive; (109) from U.S. Highway 101 at its junction with California Highway 25 over California Highway 25 to its junction with California Highway 198 at a point approximately 16 miles east of King City, inclusive.

With service to, from, and between all off-route points situated in the counties of Alameda, Contra Costa, Kern, Kings, Los Angeles, Marin, Merced, Monterey, Napa, Orange, Riverside, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Stanislaus, Ventura; and service to, from, and between all off-route points in Sonoma County situated south of California Highway 116 from Petaluma to its junction with California Highway 121; and service to, from, and between all off-route points in Yolo County, except no service is authorized to those points north of Zamora; and service to, from, and between all off-route points in Madera County situated south and west of the unnumbered county road and California Highway 41 passing through Raymond, Coarsegold, and Friant; with service to, from, and between all off-route points in Fresno County situated south and west of unnumbered county road and California Highway 63 passing through Friant, Tollhouse, Trimmer, Piedra, and Orange Cove; with service to, from, and between all off-route points in Tulare County situated west of California Highway 69 and west of California Highway 216 at its junction with California Highway 198 near Woodlake, and south and west of California Highway 190; and service to, from, and between all off-route points in San Diego County situated west and south of California Highway 79. Any and all highways and roads between the areas described above may be used for operating convenience only. NOTE: Common control may be involved. Applicant states the purpose of this application is to seek conversion of its certificate of registration to a certificate of public convenience and necessity. Applicant states the requested irregular-route authority will be tacked to its temporary authority between Herlong and Sacramento, Calif., for which permanent authority is being applied for concurrently with the filing of this application. If a hearing is deemed necessary, applicant requests it to be held at San Francisco, Calif.

No. MC 78118 (Sub-No. 20), filed October 27, 1969. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. 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 those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the plantsite of R. D. Werner Co., Inc., in Sugar Grove Township, Mercer County, Pa., on the one hand, and, on the other, points in Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, Pennsylvania, South Carolina, and Virginia. NOTE: Applicant states that tacking would be possible to or from points in Ohio and Michigan with the authority herein sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 78170 (Sub-No. 11), filed October 30, 1969. Applicant: PARRISH DRAY LINE, INC., Post Office Box 459, Fulton Street, Sumter, S.C. 29150. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber; synthetic fiber yarn; synthetic fiber waste; empty bobbins and empty warp beams*, between the plantsite of Hale Manufacturing Co., Foley, Ala., on the one hand, and, on the other, the plantsite and warehouses of Monsanto Co. at Gonzalez and Pensacola, Fla. NOTE: Applicant states that the requested authority could be joined or tacked at the plantsite of Hale Manufacturing Co., Foley, Ala. If a hearing is deemed necessary, applicant requests it be held at Mobile or Birmingham, Ala., or Atlanta, Ga.

No. MC 79999 (Sub-No. 8), filed October 29, 1969. Applicant: E. JACK WALTON TRUCKING COMPANY, a Corporation, 13020 Sarah Lane, Post Office Box 9776, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 83539 (Sub-No. 267), filed October 29, 1969. Applicant: C & H TRANSPORTATION CO., INC., Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: James M. Doherty, The 904 Lavaca, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Kansas, Louisiana, New Mexico, Mississippi, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 83835 (Sub-No. 61), filed October 31, 1969. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 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: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 88368 (Sub-No. 22), filed October 20, 1969. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas; (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and New Mexico, on the one hand, and, on the other, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Wyoming, and Montana; and (3) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand,

and, on the other, Louisiana, Arkansas, Tennessee, Kentucky, Illinois, Iowa, Minnesota, South Dakota, Michigan, Wisconsin, Indiana, Ohio, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusets, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: Applicant states that it is presently authorized to transport household goods as defined by the Commission between all of the points sought above by observing certain gateways. The purpose of this instant application is to eliminate gateway requirements and circuitous mileage. 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 Kansas City, Mo.

No. MC 95540 (Sub-No. 768), filed October 30, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Foodstuffs and food preparations* in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Colorado, Kansas, Minnesota, Nebraska, Maine, New Hampshire, and Vermont; and (b) *unfrozen foods, food preparations, and foodstuffs* in vehicles equipped with mechanical refrigeration, from Doraville, Ga., to points in Arkansas, Illinois (except points in Illinois on and south of a line beginning at Vincennes, Ind., and extending along U.S. Highway 50 to Flora, Ill., thence along U.S. Highway 45 to junction of Illinois Highway 15, thence along Illinois Highway 15 to the Mississippi River), Iowa, Kentucky (except Louisville and points in its commercial zone and points in the Cincinnati, Ohio, commercial zone), Michigan (except points on and south of Michigan Highway 21), Missouri, Oklahoma, Texas, and Wisconsin. Restrictions: (1) Service at Doraville, Ga., restricted to joinder with existing authority of applicant; or (2) interchanging of shipments which have had a prior movement by other motor carriers. NOTE: Applicant states that it presently holds authority in Docket No. MC-95540 Sub-No. 613 to transport the above-referred commodities from the plantsite and warehouse site of Commercial Cold Storage, Inc., at Doraville, Ga., pursuant to this authority applicant has been tacking other authorities at this plantsite and interchanging traffic with other motor carriers at this plantsite. Due to congestion at this location, difficulty experienced in inspection of equipment at this location and accessibility to the location by road equipment applicant desires to establish such tack point and interchange at another location in Doraville, Ga. From the foregoing it can be seen that this application would merely permit Watkins Motor Lines, Inc., to tack and/or interchange at a point in Doraville, Ga., other than at the plantsite of Commercial Cold Storage, Inc. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 95876 (Sub-No. 94), filed October 23, 1969. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, steel, prefabricated, *and component parts and accessories thereto*, from Milwaukee, Wis., to points in Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97489 (Sub-No. 2), filed October 21, 1969. Applicant: WILLIAM A. MARSHALL, doing business as BEST-WAY TRANSPORTATION, Bridgeport Municipal Airport, Stratford, Conn. 06497. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of extraordinary value, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission having a prior or subsequent movement by air), between John F. Kennedy Airport, LaGuardia Airport, and Westchester County Airport, N.Y.; Newark Airport, N.J.; and Bradley International Airport, Conn., on the one hand, and, on the other, New Haven, Hartford, Bridgeport, New London, Groton, Stratford, Southport, Fairfield, Westport, Norwalk, Stamford, Milford, Orange, West Haven, Danbury, Darien, Trumbull, Derby, Waterbury, Seymour, Oxford, Greenwich, Thompsonville, Wilton, and Ridgefield, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 94350 (Sub-No. 248), filed October 27, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, from points of manufacture in Buncombe County, N.C., to points in the east of the Mississippi River including Louisiana and Minnesota. 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 Asheville, N.C.

No. MC 98154 (Sub-No. 6), filed October 28, 1969. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with by retail department stores, between Saginaw and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney stores and warehouses located at points in the State of Michigan south of a line formed by the north boundaries of Manistee, Wexford, Missaukee, Roscommon, Ogemaw, and Iosco Counties, Mich.; restricted, however, against movements to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair, and Wayne Counties, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it has authority to transport the commodities requested herein except that the same is restricted against transportation of articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day. The purpose of this application is to eliminate such restriction insofar as shipments are made to stores and warehouses of J. C. Penney Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 100666 (Sub-No. 155), filed October 30, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul L. Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, in bags, from West Helena, Ark., and Winnsboro, La., to points in Arkansas, Louisiana, Mississippi, Texas, Oklahoma, New Mexico, Alabama, 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 Shreveport, La.

No. MC 102616 (Sub-No. 848), filed October 29, 1969. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trucks, moving under special permit, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada,

and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 470), filed October 27, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, panels, materials, parts, and accessories*, from points in Warren County, Mo., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Colorado, New Mexico, Montana, Wyoming, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, South 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 St. Louis, Mo.

No. MC 103993 (Sub-No. 473), filed October 27, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board, and building insulation board*, from Kalamazoo, Mich., and Cloquet, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 474), filed October 31, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings in sections*, mounted on undercarriages, from points in Oswego County, N.Y., to points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 105566 (Sub-No. 12), filed October 31, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. 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: *Meat and meat products*, in vehicles equipped with mechanical refrigeration; (a) from the facilities of the Kroger Co. in Cincinnati, Ohio; (b) the facilities of Sugar Creek Packing Co. in Washington Court House, Ohio; and (c) the facilities of Agar Food Products Co. in Chicago, Ill., to Los Angeles, 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 Cincinnati, Ohio, or Washington, D.C.

No. MC 107561 (Sub-No. 3) (Amendment), filed September 29, 1969, published in FEDERAL REGISTER issue of October 17, 1969, amended November 7, 1969, and republished, as amended, this issue. Applicant: M. O'HARA'S VAN SERVICE AND STORAGE WAREHOUSE, INC., 229 East 120th Street, New York, N.Y. 10035. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the site of the storage facilities of Coleman Furniture Corp., at Palisades Park, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and *return shipments of new furniture*, from points in Nassau, Suffolk, Westchester Counties, N.Y., to the site of the storage facilities of Coleman Furniture Corp., at Palisades Park, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 105813 (Sub-No. 172), filed October 30, 1969. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles; and *foodstuffs*, except meats and packinghouse products as described above, when moving in the same vehicle at the same time with meats and packinghouse products, from Austin, Minn., and Fremont, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis); and (2) *foodstuffs*, except 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. 766, when moving in mixed shipments with meats and packinghouse products as described above, from Fort Dodge, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Applicant states that it is presently authorized to transport meats and packinghouse products from and to points involved in Part (1) of the application by interline with its parent company Midwest Emery Freight System, Inc., at either Council Bluffs or Muscatine, Iowa, and under Part (2) of the application under its Subs 77 and 121. The purpose of the instant application is to eliminate the interline in Part (1) and to permit the transportation of foodstuffs when in mixed shipments in both Parts (1) and (2). Applicant further states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 106083 (Sub-No. 3), filed October 20, 1969. Applicant: WM. O. HOPKINS, 528 South Milton Street, Rensselaer, Ind. 47978. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used in the manufacture of *steel springs, wire spring assemblies, box spring constructions, and component parts therefor, paper products, lumber, wire, cord, and machinery* used in the manufacture of steel springs, from the sites of the plants and warehouses of Indiana Spring Corp. located at or near Rensselaer, Ind., to Tucker, Ga.; Denver, Colo.; Fort Worth and Brenham, Tex.; Milwaukee, Wis.; Louisville, Ky.; Chicago, Ill.; and the plantsites and warehouse facilities of Sealy Spring Corp. located at or near Delano, Pa.; (2) (a) *wire, cord, springs, and machinery* used in the manufacture of steel springs, from Baltimore and Sparrows Point, Md.; Philadelphia and Johnstown, Pa.; Detroit, Mich.; Chicago and South Chicago, Ill.; Newark, Ohio; Quincy, Mass.; Kenosha, Wis.; and Carthage, Mo.; to the sites of the plants and warehouses of Indiana Spring Corp. located at or near Rensselaer, Ind.; (b) *used lumber, and damaged spring units*, from Randolph, Mass.; Albany and Rochester, N.Y.; Baltimore, Md.; Bluefield, Va.; Chester, Pittsburgh, and Reading, Pa.; St. Paul, Minn.; Des Moines, Iowa; Detroit, Mich.; Kansas City, Mo.; Lexington, N.C.; Medina, Ohio; Oakville, Conn.; Paterson, N.J.; Memphis, Tenn.; Tucker, Ga.; Denver, Colo.; Fort Worth and Brenham, Tex.; to the sites of the plants and warehouses of Indiana Spring Corp. located at or near Rensselaer, Ind.

(3) *Steel springs, wire spring assemblies, box spring constructions, and component parts therefor*, from the sites of the plants and warehouses of Sealy Spring Corp., located at or near Delano, Pa., to Albany and Rochester, N.Y.; Baltimore, Md.; Bluefield, Va.; Lexington, N.C.; Oakville, Conn., Paterson, N.J.; Randolph, Mass.; and Rensselaer, Ind.; (4) (a) *wire, cord, and machinery* used in the manufacture of steel springs, from Baltimore and Sparrows Point, Md.; Philadelphia, Pa.; Portsmouth, Ohio; and Quincy, Mass.; to the sites of the plants and warehouses of Sealy Spring Corp. located at or near Delano, Pa.; (b) *used lumber, and damaged spring units*, from Randolph, Mass.; Albany and Rochester,

N.Y.; Baltimore, Md.; Bluefield, Va.; St. Paul, Minn.; Des Moines, Iowa; Detroit, Mich.; Kansas City, Mo.; Lexington, N.C.; Medina, Ohio; Oakville, Conn.; Paterson, N.J.; Memphis, Tenn.; Tucker, Ga.; and Denver, Colo.; to the sites of the plants and warehouses of Sealy Spring Corp. located at or near Delano, Pa.; and (5) (a) *grain*, from points in Jasper, White, Newton, Benton, and Pulaski Counties, Ind., to Danville, Champaign, Springfield, Decatur, Gibson City, and Kankakee, Ill.; (b) *feed*, from Danville, Champaign, Springfield, Decatur, Kankakee, Rochelle, and Wilmington, Ill.; Clinton, Iowa; Milwaukee and La Crosse, Wis.; and Blissfield, Mich.; to points in Jasper, White, Newton, Benton, and Pulaski Counties, Ind.; and (c) *agricultural salt used in feed*, from Port Huron, St. Louis, and Detroit, Mich., to points in Jasper, White, Newton, Benton, and Pulaski Counties, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 427), filed October 15, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as above), also Fred Rahal, Jr. (same address as above). 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 Sebastian County, Ark. to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Smith or Little Rock, Ark.

No. MC 106398 (Sub-No. 432), filed October 24, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (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 Baltimore County (except White Marsh), Md., 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., or Baltimore, Md.

No. MC 106644 (Sub-No. 100), filed October 28, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott, Post Office Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable*, from points in Rockingham County, N.H., and York County, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Indiana, Illinois, Iowa, Louisiana, Maryland, Mississippi, Missouri, Minnesota, Michigan, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 106760 (Sub-No. 119), filed October 14, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down or in sections; (2) *materials, equipment, and supplies and accessories* for buildings; (3) *wood products;* (4) *composition wood products;* (5) *laminated products;* and (6) *parts and accessories* for products in No. 3, No. 4, and No. 5, above, from Waunakee and Madison, Wis., to points in the United States (except Alaska and Hawaii); and (B) *return shipments and material, equipment, and supplies* used in manufacturing and distribution of the products authorized in parts No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6, from above-described destination points to Waunakee and Madison, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Waunakee, Wis.

No. MC 107002 (Sub-No. 384), filed October 27, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth, Post Office Box 1123, Jackson, Miss. 39205, and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Decatur, Ala., to points in Alabama, Georgia, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 107107 (Sub-No. 402) (Amendment) filed August 27, 1969, published in FEDERAL REGISTER issue of October 2, 1969, amended November 5, 1969, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from points in Texas, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to enlarge the scope of authority by adding from points in Texas and adding Tennessee (except Memphis), as a destination State. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 107295 (Sub-No. 186) (Amendment), filed March 20, 1969, published in FEDERAL REGISTER issue of April 10, 1969, amended November 10, 1969, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products; composition boards; insulating materials; roofing and roofing materials; urethane and urethane products; and related materials, supplies, and accessories incidental thereto*, from Camden, Ark.; Chicago and Peoria, Ill.; and Lagro, Ind.; to points in the United States in and east of Montana, Wyoming, Colorado, New Mexico, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states it would tack with its MC 107295 where feasible. The purpose of this republication is to include the States which were exceptions as previously published. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107925 (Sub-No. 238), filed October 30, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and condensers and accessories* necessary for the erection thereof, from Dorsey, Md., to points in Ohio, Indiana, and those in Hennepin, Washington, Ramsey, and Anoka Counties, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 782) (Clarification), filed October 9, 1969, published in the FEDERAL REGISTER issue of October 30, 1969, clarified, and republished as

clarified this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, from Cincinnati, Ohio, to points in Montana, Utah, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to delete Kentucky as a destination State. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 682), filed October 20, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials and supplies* used by pizza restaurants in vehicles equipped with mechanical refrigeration, from Nashville, Tenn., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Arkansas, Texas, North Carolina, South Carolina, Oklahoma, Virginia, West Virginia, Ohio, Missouri, and Mississippi, restricted to shipments originating at Nashville, Tenn. NOTE: Applicant states it could tack from Atlanta, Ga., or Doraville, Ga. (Subs 270 and 498), however, no tacking is contemplated. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 107515 (Sub-No. 684), filed October 20, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and fresh and cured meats) in vehicles equipped with mechanical refrigeration, from Columbus and Macon, Ga., to points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, 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 Atlanta, Ga.

No. MC 107678 (Sub-No. 40) (correction), filed June 26, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected this issue. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of their size or weight require the use of special equipment or special handling; and (2) *ammunition and explosives*, when moving on U.S. Government bills of lading; (a) between military installations or Defense Department establishments in Alabama, Alaska, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; and (b) between points in (a) above on the one hand, and, on the other, points in Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to exclude all States in the United States except those named herein as previously published and to include Alaska in (b) above.

No. MC 107678 (Sub-No. 41), filed October 29, 1969. Applicant: HILL & HILL TRUCK LINE, INC., 13025 Sarah Lane, Post Office Box 9698, Houston, Tex. 77015. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points within Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108185 (Sub-No. 47), filed October 31, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and Wm. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment; (1) between New Orleans, La., and Jackson, Miss.; from New Orleans over U.S. Highway 61 to junction U.S. Highway 51, thence over U.S. Highway 51 and Interstate Highway 55 to Jackson, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (2) between Jackson, Miss., and Cairo, Ill.; from Jackson over U.S. Highway 51 and Interstate Highway 55 to Memphis, Tenn., thence over U.S. Highway 61 and Interstate Highway 55 to junction U.S. Highway 60, thence over U.S. Highway 60 to Cairo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Common control may be involved. Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108185 (Sub-No. 48), filed October 31, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and William O. Turney, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Cairo, Ill., and Hopkinsville, Ky.; from Cairo, Ill., over U.S. Highway 51 to junction with Kentucky Highway 80, thence over Kentucky Highway 80 to Aurora, Ky., thence over U.S. Highway 68 to Hopkinsville, Ky., and return over the same route, serving Hopkinsville, Ky., for purposes of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108207 (Sub-No. 276), filed October 31, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Arkansas, Louisiana, Oklahoma, Kansas, Texas, New Mexico, Arizona, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 108449 (Sub-No. 303), filed October 3, 1969. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products, and clay catalysts, silica gel catalysts, and petroleum catalysts*, between points in Indiana, Illinois, Iowa, Michigan, Minnesota, Nebraska, Ohio, North Dakota, South

Dakota, and Wisconsin restricted to the transportation of traffic having a prior movement by rail. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109095 (Sub-No. 20), filed October 16, 1969. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) from the junction of Interstate Highway 70 (also from U.S. Highway 40) and Indiana Highway 3, thence over Indiana Highway 3 to Greensburg, Ind., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but with joinder at Interstate Highway 70 (also U.S. Highway 40) and Indiana Highway 3; and (b) from the junction of Interstate Highway 70 (also from U.S. Highway 40) and Indiana Highway 9, thence over Indiana Highway 9 to Shelbyville and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, but with joinder at Interstate Highway 70 (also U.S. Highway 40) and Indiana Highway 9. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 109612 (Sub-No. 27), filed October 30, 1969. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, glass containers, and closures therefor;* (a) from Dunkirk, Ind., to points in Kentucky and Tennessee; (b) from Fort Wayne, Muncie, and Anderson, Ind., to St. Louis, Mo.; Watertown and Clyman, Wis.; points in Illinois, Kentucky, Tennessee, and that part of Wisconsin on and south of U.S. Highway 18; (2) *returned shipments of glassware, glass containers, and closures therefor, and pallets*, from destination points in (1) (a) and (b) above, to Dunkirk, Fort Wayne, Muncie, and Anderson, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 109637 (Sub-No. 363), filed October 24, 1969. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: George R. Thim (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (1) from Cincinnati, Ohio, to Baltimore, Md.; (2) from Owensboro, Ky., to Albany, Ga.; (3) from Pekin, Ill., to Philadelphia, Pa.; (4) from Philadelphia, Pa., to Lakeland, Fla.; and (5) from New Orleans, La., to points in Kentucky. NOTE: Common control may be involved. Applicant states it would tack with any appropriate authorities held, especially in its subs 143, 156, and 329. 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 Louisville, Ky., or Washington, D.C.

No. MC 110525 (Sub-No. 940), filed October 30, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Huntington, Ind., to Cincinnati, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110525 (Sub-No. 942), filed October 31, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, from Dallas, Tex., to Tuscola, Ill., and Weston, Mich. 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 Dallas, Tex.

No. MC 111956 (Sub-No. 20), filed October 27, 1969. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. 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: *Sodium hypochlorite solution and sodium hydroxide*, from Cleveland, Ohio, to points in Beaver County, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 112520 (Sub-No. 208), filed October 31, 1969. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from points in Escambia County, Fla., to points in Alabama. NOTE: Applicant states that it intends to tack with its present authority in MC 112520 Sub 83, at Mobile, Ala., to serve points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Pensacola, Fla.

No. MC 112801 (Sub-No. 99), filed October 30, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, from Des Moines, Iowa, to points in Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Washington, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113024 (Sub-No. 78), filed October 10, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor*, from New Castle, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and (2) between New Castle, Pa., and Camden, N.J., and points in Illinois on and north of U.S. Highway 24 (except Moline), Decatur, Ill., St. Louis, Mo., and Monroe, Ga., under contract with Universal-Rundle

Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 53), filed October 31, 1969. Applicant: H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109. 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: *Iron and steel, and iron and steel articles*, from Baytown and East Baytown, Tex., to points in Arkansas, Louisiana, Oklahoma, Kansas, New Mexico, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 113495 (Sub-No. 43), filed October 28, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving, and insulating materials* (except in bulk), and accessories used in the installation of such materials, from the plantsite of The Celotex Corp. at Chicago, Ill., to points in Kentucky and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Nashville, Tenn.

No. MC 113678 (Sub-No. 366), filed October 31, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 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*, from the plantsite of Sioux-Preme Packing Co., and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, Michigan, Tennessee, and the District of Columbia, restricted to traffic originating at the named origin 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 Sioux City, Iowa, or Omaha, Nebr.

No. MC 113843 (Sub-No. 154), filed October 27, 1969. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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. 209 and 766, from Spencer, Hartley, Denison, Iowa Falls, Clarinda, Postville, Storm Lake, Harlan, and Oakland, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and District of Columbia; and (2) *frozen foods*, from Council Bluffs, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 113974 (Sub-No. 36), filed October 20, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building metalwork, and nonmetallic related parts*, from the plantsite of Acme Manufacturing Co., Philadelphia, Pa., to points in Florida and Georgia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114115 (Sub-No. 19), filed October 27, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, when shipped in mixed shipments with salt and salt products (presently authorized): (1) (a) From Port Huron, Detroit, and St. Clair, Mich., and points within 1 mile of Port Huron, to points in Indiana, Illinois, and Ohio; and (b) from Akron, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; under a continuing contract, or contracts, with Diamond Crystal Salt Co.; (2) (a) from Detroit and Port Huron, Mich., and points within 1 mile of Port Huron, to points in Indiana, Illinois, and Ohio; (b) from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (c) from Watkins Glen, N.Y., to points in Indiana, Michigan, and Ohio; and (d) from Detroit, Mich., to points in Kentucky; under a continuing contract, or contracts, with International Salt Co.; and (3) (a) from ports of entry on the international boundary between the United States and Canada, located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, Saginaw Bay, and on the Lakes of St. Clair, Ontario, Erie, Huron, Superior, and Michigan (except Wisconsin ports on Lake Michigan, and Wisconsin and Minnesota ports on Lake Superior) to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio); (c) between points in West Virginia; (d) between points in Kentucky; (e) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan); and (f) between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan; under a continuing contract, or contracts, with Diamond Crystal Salt Co. and International Salt Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 114115 (Sub-No. 20), filed October 30, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Chicago, Ill., to points in Indiana, Michigan, and Ohio, under contract with Cargill, Inc., International Salt Co., and Morton Salt Co., Division of Morton International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 88), filed October 30, 1969. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel wood and related advertising materials and display racks*, when shipped with fuel wood, from Marion, Ohio, to points in Alabama, Arkansas, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114730 (Sub-No. 2), filed October 27, 1969. Applicant: HALL HEAVY HAULING CO., a corporation, 3400 North Street, Springfield, Oreg. 97427. Applicant's representative: John Ranquet and Martin J. Durkan, 817 Arctic Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight requires special equipment, and of related machinery parts and equipment when their transportation is incidental to the transportation of heavy machinery and other commodities which by reason of size or weight require the use of special equipment, between points in Orgeon and Washington. NOTE: Applicant states it will tack with its authority in MC-114730 Sub 1, embraced in its lead, between points in Lane County, Oreg., and Douglas County, Oreg., on the one hand, and, on the other, points, in Modoc Siskiyou, Del Norte, Humboldt, Trinity, Shasta, and Lassen Counties, Calif. If a hearing is deemed necessary, applicant requests it be held at Eugene, Oreg., or Seattle, Wash.

No. MC 115162 (Sub-No. 185), filed October 27, 1969. Applicant: POOLE TRUCK LINE, INC., Post Office Box 310, Evergreen, Ala. 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: *Poles*, from Brewton, Ala., to points in Mississippi, Louisiana, Arkansas, Florida, Georgia, Alabama, South Carolina, North Carolina, Virginia, West Virginia, Iowa, Missouri, Minnesota, Maryland, Delaware, New Jersey, and New York. 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 Mobile or Montgomery, Ala.

No. MC 115523 (Sub-No. 155), filed October 31, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker, Post Office Box 1895, 1450 Beck Street, Salt Lake City, Utah 84116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry foods, and ingredients* used in the manufacturing of both commodities, from points in Montana to points in Montana, Oregon, and Washington. NOTE: Applicant states that tacking could be accomplished by joining its Sub 142 to give it through service to California from Montana, by going through Washington and Idaho. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah; Pocatello or Boise, Idaho; or Billings, Mont.

No. MC 115523 (Sub-No. 156), filed October 31, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: Halard E. Barker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil asphalt and fuel oil*, in bulk, from points in Montana to points in Idaho and Utah. NOTE: Applicant states it will tack with its Sub 33 to perform a through service to Nevada. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Pocatello or Boise, Idaho.

No. MC 115841 (Sub-No. 361), filed November 10, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 West Bankhead Highway, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, 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 and 766 (except in bulk and hides), from Omaha, Nebr., and Council Bluffs, Iowa, and their commercial zones, to points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line, and 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 Omaha, Nebr.

No. MC 115904 (Sub-No. 18), filed October 20, 1969. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, between points in Lemhi and Custer Counties, Idaho, on the one hand, and, on the other, points in Nevada, Washington, and Nebraska; and (2) *fertilizer and lumber*, between points in Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pocatello or Boise, Idaho.

No. MC 116566 (Sub-No. 2), filed October 27, 1969. Applicant: JOHN EDWARD ROYER, doing business as JOHN E. ROYER, 47C Northeast Middlefield Road, Portland, Oreg. 97217. Applicant's representative: John Edward Royer, 1503 North Hayden Island Drive, Space No. 4, Portland, Oreg. 97217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl-asbestos and asphalt floor tile, prefinished wall boards, adhesives, tackless carpet-strip, carpet metals, and carpet cushion*, between Los Angeles, Calif., and points in Oregon and points in Benton, Franklin, Wahkiakum, Lewis, Cowlitz, and Skamania Counties, Wash., under contract with Pacific Yard Service Inc.; and (2) *shakes, shingles, hip and ridge board*, from points in Washington and Oregon to points in California, Arizona, and Nevada, under contract with Wasser & Fluhrer, Inc., Fluhrer Brothers. 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 Seattle, Wash.

No. MC 116702 (Sub-No. 33), filed October 24, 1969. Applicant: THADDEUS A. GORSKI, doing business as GORSKI BULK TRANSPORT, Box 700, 1570 Kildare Road, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron powder, iron powder briquets, iron powder pellets, iron oxide, iron sponge, and iron chloride*, from ports of entry on the international boundary line between the United States and Canada at Detroit, Mich., and at Niagara Falls and Buffalo, N.Y., to points in Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Ohio, West Virginia, Tennessee, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; and *materials and supplies* used in the manufacture of the above commodities, on return, under contract with Peace River Mining & Smelting Ltd. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 116763 (Sub-No. 154), filed October 30, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, and food ingredients*, from Allen and Auglaize Counties, Ohio, to points in the United States

(except Alaska and Hawaii); and (2) *foods, foodstuffs, and ingredients, materials, equipment and supplies* used in the manufacture, packaging, and distribution of food and foodstuffs, from points in the United States (except Alaska and Hawaii), to points in Allen and Auglaize Counties, Ohio. 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 Columbus, Ohio.

No. MC 117686 (Sub-No. 107), filed October 27, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the named origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 117765 (Sub-No. 88), filed October 13, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in containers and *related advertising material* in mixed loads with malt beverages, from (a) Belleville, Ill., to Elk City, Okla.; and (b) from Fort Worth, Tex., to Atchison, Colby, Emporia, Great Bend, Hays, Kansas City, Lawrence, Marysville, Parsons, Pratt, and Oswatomie, Kans.; Elk City and Oklahoma City, Okla.; and (c) from Peoria, Ill., to Altus, Chickasha, and Elk City, Okla.; and (2) *automatic livestock waterers, livestock scales, hopper feed scales, cattle head gates, cattle oilers, and cattle chutes*, from Norfolk, Nebr., to points in New Mexico and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118159 (Sub-No. 82), filed October 27, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La., Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Dallas and Garland, Tex., to points in Louisiana and Mississippi, restricted to traffic originating at the plantsites and warehouse facilities of Kraft Foods, Division of Kraftco Corp. at Dallas and Garland, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 118292 (Sub-No. 20), filed October 29, 1969. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark. 72921. Applicant's representative: Lester M. Bridgeman, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from Fort Smith, Ark., to points in Tennessee and Mississippi, restricted to traffic originating at the plantsite and storage facilities of Gerber Products Co. at Fort Smith, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 119493 (Sub-No. 52), filed October 30, 1969. 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) *Agricultural insecticides, pesticides, and organic phosphate compound mixtures*, in bags or containers (except liquid in tank vehicles); (a) between plantsites, producing points and warehouse facilities of Chemagro Corp. in Wisconsin, Illinois, Louisiana, and Arkansas; and (b) from Chemagro Corp.'s plantsites, producing points and warehouse facilities in Wisconsin, Illinois, Louisiana, and Arkansas to points in Louisiana, Missouri, Arkansas, Kansas, Iowa, Nebraska, Wisconsin, Minnesota, North Dakota, South Dakota, Illinois, Indiana, Oklahoma, Kentucky, Tennessee, and Texas; and (2) *supplies and materials* used in the manufacture and distribution of commodities in (1) above from all destination States to origin points in (1) above. 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 Kansas City, Mo.

No. MC 119531 (Sub-No. 128), filed October 29, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container closures*, and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of metal containers and metal container closures, between Cincinnati, Ohio, and points in Anderson Township (Hamilton County), Ohio, on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, 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 119573 (Sub-No. 12) (Correction), filed September 12, 1969, published FEDERAL REGISTER issue of October 17, 1969, corrected and republished, this issue. Applicant: WATKINS TRUCKING, INC., 207 Trenton Avenue, Urichsville, Ohio 44683. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from New Straitsville and Junction City, Ohio, to points in Wisconsin, Illinois, Indiana, Michigan, West Virginia, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, Connecticut, Rhode Island, Vermont, Massachusetts, Maine, and New Hampshire. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show New Straitsville, Ohio, in lieu of Straitsville, Ohio, shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119641 (Sub-No. 84), filed October 27, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural machinery and implements, industrial and construction machinery and equipment, snowmobiles, equipment* designed for use in connection with tractors, *trailers* designed for the transportation of the commodities described above, *attachments* for commodities described above, *internal combustion engines and parts and accessories* of the commodities described herein, from Philadelphia, Pa., to points in the United States except Alaska and Hawaii. Restriction: Restricted to shipments originating at the plant, warehouse sites and shipping points of Massey-Ferguson, Inc., its affiliates and subsidiaries. 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 119670 (Sub-No. 15), filed October 30, 1969. Applicant: THE VICTOR TRANSIT CORPORATION, 5250 Este Avenue, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)

Plastic containers and closures therefore; (1) from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, and West Virginia; and (2) from Chicago, Ill., to points in Indiana, Kentucky, Ohio, and West Virginia; (B) *materials and supplies* used in the manufacture and packaging of plastic containers and closures therefore, (1) from points in Illinois, Indiana, Kentucky, and West Virginia, to Cincinnati, Ohio; and (2) from points in Indiana, Kentucky, Ohio, and West Virginia, 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 Columbus, Ohio.

No. MC 120543 (Sub-No. 62), filed October 20, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from ports of entry on the international boundary line between the United States and Canada located at Champlain, Rouses Point, Trout River, Rooseveltown, Buffalo, and Niagara Falls, N.Y., and Port Huron and Detroit, Mich., to points in Florida, restricted to shipments originating 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 Washington, D.C.

No. MC 120800 (Sub-No. 22), filed October 27, 1969. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ethylene*, in bulk, in specially designed tank trailers, from points in Ector County, Tex., to points in the United States (except Alaska, Hawaii, Texas, Arkanass, Louisiana, Mississippi, New Mexico, Oklahoma, Arizona, Colorado, and points in and south of Beaver, Piute, Wayne, and San Juan Counties, Utah). 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 Los Angeles, Calif.

No. MC 123819 (Sub-No. 30), filed October 24, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, starter fluid, and hickory chips*, from Jacksonville, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee. NOTE: Applicant states that the proposed authority can be tacked with its existing authority under its Sub-17 at Paris, Ark., to serve points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, West Virgina, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 123821 (Sub-No. 10), filed October 22, 1969. Applicant: LESTER R. SUMMERS, INC., Post Office Box 239, Rural Delivery No. 1, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, 400 North Third Street, Post Office Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and stone*, from points in Berks County, Pa., to points in Maryland, Delaware, and New Jersey. 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 123902 (Sub-No. 3) (Amendment), filed October 6, 1969, published in the FEDERAL REGISTER issue of October 30, 1969, amended, and republished as amended this issue. Applicant: NORTH JERSEY TRANSFER, INC., Post Office Box 392, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Scrap metal*, between Passaic and Fairfield, N.J., on the one hand, and, on the other, East Syracuse, N.Y.; under contract with Randolph Scrap Metal Co., Passaic, N.J.; and (B) (1) *plastic articles* (except in bulk, in tank vehicle), between Carlstadt, N.J., on the one hand, and, on the other, Hazelton, Pa.; and (2) *plastic articles* (except in bulk, in tank vehicles), *plastic furniture*, from Hazelton, Pa., Carlstadt, N.J., and points in Massachusetts, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; under contract with Instrument System Corp. NOTE: The purpose of this republication is to delete "juvenile" from the commodity description in (B) (2) above so it reads *plastic furniture*. The rest of the commodity description remains the same. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124078 (Sub-No. 414), filed October 22, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Agrico Chemical Co., Division of Continental Oil Co. at Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124211 (Sub-No. 139), filed October 22, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter and advertising paraphernalia*, when intended for use by the beverage industry and when moving in the same vehicle at the same time with beverages; and (2) *beverages*, between points in Minnesota and Nebraska, on the one hand, and, on the other, points in the United States (except Hawaii). Restriction: The authority sought herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124489 (Sub-No. 3), filed November 3, 1969. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, Ill. 60639. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used corrugated cardboard and wooden skids*, from the plantsite and/or warehouse of Zenith Radio Corp. at Springfield, Mo., to the plantsites and/or warehouses of Zenith Radio Corp. at Chicago, Melrose Park, and Northlake, Ill., under contract with Zenith Radio Corp. NOTE: Applicant is authorized to operate as a common carrier under MC 70557, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124952 (Sub-No. 6), filed October 29, 1969. Applicant: RUSSELL F. HASINBILLER, doing business as R & H TRANSPORT, Box 28, Craigville, Ind. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from the plantsite of American Cyanamid at or near Craigville, Ind., to points in Michigan, under contract with American Cyanamid. 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.

No. MC 124964 (Sub-No. 9), filed October 27, 1969. Applicant: JOSEPH M.

BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are handled, used, sold, and dealt in by chain grocery or department stores, between points in Hudson, Bergen, Essex, Passaic, Union, Somerset, Cumberland Counties, N.J.; Westchester, Nassau, Suffolk, Rockland Counties, N.Y.; Coxsackie, Scotia, Waterford, and Waverly, N.Y., on the one hand, and, on the other, points in Broward, Dade, Hillsborough, Lake, Orange, Pinellas, and Palm Beach Counties Fla.; and (2) *commodities*, the transportation of which is otherwise exempt from economic regulations when transported in the same vehicle, at the same time with the commodities set forth in (1) above, from and to the points and areas set forth in (1) above; under continuing contract or contracts with Grand Union Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 125385 (Sub-No. 3), filed October 29, 1969. Applicant: AUGIE PASSIEU TRUCKING, INC., Box 53, Cecil, Pa. 15321. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof deck*, from Heidelberg, Pa., to points in Ohio, Michigan, Kentucky, New York, and New Jersey; and (2) *materials* used in the manufacture of roof deck, from points in the destination States named in (1) above, to Heidelberg, Pa.; under continuing contract with Bowman Building Products Division of Cyclops Corp. NOTE: Applicant holds common carrier authority under MC 96841 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125474 (Sub-No. 25), filed October 27, 1969. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Wilmington, N.C. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Para-xylene*, in bulk, in tank or hopper vehicles, from Wilmington, N.C., to points in Spartanburg County, S.C. 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 Raleigh, N.C., or Washington, D.C.

No. MC 126118 (Sub-No. 9), filed October 24, 1969. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route No. 8, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages;* (1) from Fort Wayne, Ind.; St. Louis, Mo.; and New Orleans, La., to Johnson City, Tenn., and Bristol, Va.; and (2) from Baltimore, Md., and Louisville, Ky., to Bristol, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 127042 (Sub-No. 50), filed October 28, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Sioux-Preme Packing Co., and storage facilities utilized by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 127042 (Sub-No. 8) where feasible 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 Sioux City, Iowa, or Omaha, Nebr.

No. MC. 127186 (Sub-No. 4), filed September 8, 1969. Applicant: Paul P. Lanier, Post Office Box 492, Ironton, Ohio 45638. Applicant's representative: Charles F. Dodrill, 600 Fifth Avenue, Post Office Box 1824, Huntington, W. Va. 25719. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ceramic foam, plastics, and plastic products*, other than in bulk; (a) from points in Lawrence and Scioto Counties, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois (except points in the Chicago, Ill., commercial zone as defined by the Commission), Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and that part of Pennsylvania east of U.S. Highway 219, and the District of Columbia; (b) from the plants and warehouses of Dow Chemical Co. at Plaquemine, La.; Cape Girardeau and Pevely, Mo.; Royersford, Pa.; and Freeport, Tex., to points in Lawrence and Scioto Counties, Ohio. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Dow Chemical Co. of Midland, Mich.; (2) *plastic and plastic products*, other than in bulk; (a) from Royersford, Pa., and points within 5 miles thereof, to points in Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia; (b) from Red Hill, Pa., and points within 5 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia; (c) from Lawrenceville, Ga., and points within 5 miles thereof, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, North Carolina, Tennessee, Virginia, and West Virginia; (3) *plastics, plastic products, and plastic coated aluminum*, other than in bulk, from Findlay, Ohio, and points within 5 miles thereof, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: The authority sought duplicates authority presently held for the transportation of plastic and plastic products from points in Hamilton Township, Lawrence County, Ohio. If the proposed is granted, applicant is willing to surrender its presently held permit. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Detroit, Mich., or Washington, D.C.

No. MC 127505 (Sub-No. 28), filed October 20, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing materials and supplies and bathroom or lavatory fixtures and accessories*, from Abingdon, Ill., to points in Arkansas, Illinois, Indiana (except Lake County), Kentucky, Louisiana (points west of the Mississippi River), Michigan, Minnesota, Missouri, Ohio, Oklahoma, Texas, Wisconsin, Florida, Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts. 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 127834 (Sub-No. 37) (amendment), filed July 28, 1969, published in the FEDERAL REGISTER issue of October 9, 1969, and republished as amended, this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in

bulk, and those requiring special equipment), between Berry Field Airport, Nashville, Tenn., on the one hand, and, on the other, points in Alabama, Kentucky, Tennessee, and Mississippi; restricted to the handling of traffic having an immediate prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of his republication is to include the State of Mississippi in the destination territory. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127994 (Sub-No. 5), filed October 29, 1969. Applicant: JOHN HANLEY, 54 Kuhn Drive, Saddle Brook, N.J. 07662. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic cushioning material*, from the plantsite of Sealed Air Corp. at West Springfield, Mass., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York, under contract with Sealed Air Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128044 (Sub-No. 4), filed October 28, 1969. Applicant: MIRACLE TRANSPORTATION CORP., 245 Cornelison Avenue, Jersey City, N.J. 07302. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium accessory products, books and magazines and products for pets and their care, including animal, bird, tropical fish foods, toys, plants, pumps, heaters, filters, gravel, soaps, shampoos, and remedies for animal pets*, between Jersey City and Pine Brook, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Miracle Pet Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 128966 (Sub-No. 2), filed October 20, 1969. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West Ninth Street, Kansas City, Mo. 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in section B of appendix I to the report in *"Descriptions in Motor Carrier Certificates,"* 61 M.C.C. 209, from points in the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission, to points in Missouri, on and west of U.S. Highway 63. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129307 (Sub-No. 22), filed October 20, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products, foodstuffs* in mixed shipments with potatoes and potato products, from points in Montcalm County, Mich., to points in Illinois, Indiana, Ohio; St. Louis and Kansas City, Mo.; Louisville, Ky.; and Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129307 (Sub-No. 24), filed October 23, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 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 sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) from the plantsite and storage facilities used by Wilson & Co., Inc., at Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restriction: The service proposed herein is to be restricted to the transportation of traffic originating at the above specified origin and destined to the above described destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 25), filed October 23, 1969. Applicant: McKEE *LINES, INC.*, 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 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 sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), (1) from the plantsite and storage facilities used by Wilson & Co., Inc., at Logansport, Ind., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) from the storage facilities utilized by Wilson & Co., Inc., at Lafayette, Ind., to the destination points described in (1) above, restricted to the transportation of traffic originating at the above specified origin and destined to the above-described destinations. NOTE: Applicant holds contract carrier authority under MC-119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 26), filed October 26, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Benton Harbor, Mich., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 119394, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129307 (Sub-No. 27), filed October 26, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry lactose* (except in bulk) from New York, N.Y., to Greenville, Mich., Indianapolis, Ind., and Springdale, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 119394, heretofore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Boston, Mass.

No. MC 129886 (Sub-No. 2), filed October 22, 1969. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats and meat products* requiring refrigeration, and *frozen foods*, from the site of the warehouse of Calvin E. Summers, doing business as Calvin Summers Storage at Elizabethville, Pa., to points in Arkansas, Iowa, Louisiana, Minnesota, Missouri, Oklahoma, Texas, and points in States east of the Mississippi River (except Delaware, Maryland, New York, New Jersey, Ohio, Virginia, West Virginia, and Washington, D.C.); and (2) *returned shipments* of the commodities specified herein, from points in the described destination areas herein to the specified origin herein; under a continuing contract, or contracts, with Servomation Mathias, Inc., of Baltimore, Md. NOTE: Applicant has common carrier

authority pending under MC-133618 Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133161 (Sub-No. 3), filed October 17, 1969. Applicant: GRIESER TRUCKING CO., a corporation, Route 1, Box 152A, Archbold, Ohio 43502. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts and furniture stock*, from Archbold, Ohio, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC-117076 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133240 (Sub-No. 5), filed October 23, 1969. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, between New York, N.Y., and Secaucus, N.J., on the one hand, and on the other, Port Huron, Grand Rapids, Flint, Battle Creek, Saginaw, Bay City, Jackson, Benton Harbor, and Livonia, Mich.; Elkhart, Mishawaka, and South Bend, Ind.; Raleigh, High Point, Asheville, Charlotte, Greensboro, Kannapolis, Fayetteville, and Burlington, N.C.; Greenville, West Columbia, Columbia, Spartanburg, Anderson, and Florence, S.C.; Fredericksburg, Lynchburg, Charlottesville, Danville, Roanoke, and Norfolk, Va., restricted to a transportation service to be performed under a contract or continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133435 (Sub-No. 1) (Correction), filed September 29, 1969, published in the FEDERAL REGISTER issue of November 14, 1969, and republished as corrected, this issue. Applicant: WESTERN-PACIFIC JADE, LTD., a corporation, Building 429, Grant County Airport, Moses Lake, Wash. 98837. Applicant's representative: Paul A. Waterstrat (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle-Tacoma International Airport, Spokane International Airport, Portland International Airport, Yakima, Ellensburg, Sunnyside, Pasco, Wenatchee, Okanogan, Omak, Twisp Intercity, Brewster, Ephrata, Moses Lake (Grant County), Othello, Cashmere, Chelan, Waterville, Oroville, and Coulee Dam Municipal Airports, points in Washington lying east of Cascade Mountain range, except those south and east of U.S. Highway 395, restricted to traffic having a prior or subsequent movement by air. The purpose of this republication is to reflect Spokane International Airport as a point to be served, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or 200-mile radius.

No. MC 133489 (Sub-No. 1), filed September 29, 1969. Applicant: FORREST V. POORE, doing business as CIRCLE NORTH AMERICAN MOVING & STORAGE CO., 602 South G Street, San Bernardino, Calif. 92408. Applicant's representative: Floyd C. Ellis, 727 West Seventh Street, Suite 758, Roosevelt Building, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects*, between San Bernardino, Calif., on the one hand, and, on the other, points in San Bernardino, Riverside, Imperial, San Diego, and Los Angeles Counties, 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 Los Angeles, Calif.

No. MC 133540 (Sub-No. 2), filed October 27, 1969. Applicant: S. and L. TRANSPORT, INC., Post Office Box 657, Huron, S. Dak. 57360. Applicant's representative: David A. Gerdes, 436 South Pierre Street, Pierre, S. Dak. 57501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, soybeans, flax seed, and bulk fertilizer*, from Kampeska, Henry, Elrod, Clark, Raymond, Doland, Frankfort, Redfield, Rockham, Zell, Miranda, Falkton, Berkmere, Seneca, and Lebanon, S. Dak., to rail sites of the Chicago and Northwestern Railway at Redfield, Watertown, and Gettysburg, S. Dak., restricted to traffic having a prior or subsequent movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pierre, Sioux Falls, or Aberdeen, S. Dak.

No. MC 133565 (Sub-No. 2), filed October 22, 1969. Applicant: TRUE TRANSPORT, INC., 839 River Road, Edgewater, N.J. 07020. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. 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), in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glens Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., and points in Rhode Island, on traffic having a prior or subsequent 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 New York, N.Y.

No. MC 133592 (Sub-No. 3), filed October 27, 1969. Applicant: JAMES F. BARNER AND ASHLEY BARNER, a partnership, doing business as BARNER & SONS, Route 1, Box 262, Fordyce, Ark. 71742. Applicant's representative: D. R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Log cores*, from Urania, La., to Crossett, Ark.; and (2) *lumber*, low grade, to be used as dunnage, from Crossett, Ark., to Urania, La., under contract with Georgia-Pacific Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133690 (Sub-No. 2), filed October 29, 1969. Applicant: KINGSWAY DALEWOOD LIMITED, 123 Rexdale Boulevard, Rexdale, Ontario, Canada. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, and those requiring special equipment; (1) between Junction U.S. Highway 61 and the United States-Canada boundary line along the Pigeon River, on the one hand, and, on the other, points on U.S. Highway 61 in Minnesota north of Grand Portage, Minn.; (2) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and Minnesota Highway 313 near Warroad, Minn.; (3) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and Minnesota Highway 310 near Roseau, Minn.; (4) between International Falls, Minn., and the port of

entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and Minnesota Highway 89 near Pine Creek, Minn.; (5) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and U.S. Highway 59 near Lancaster, Minn., and (6) between International Falls, Minn., and the port of entry on the United States-Canada boundary line at or near Baudette, Minn., on the one hand, and, on the other, the ports of entry on the United States-Canada boundary line located at the junction of said boundary and U.S. Highway 75 near Noyes, Minn. 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 Duluth, Minn.

No. MC 133713 (Sub-No. 1), filed October 20, 1969. Applicant: UELAND TRUCKING, INC., Route 1, Box 25B, Shakopee, Minn. 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Savage, Roseport, Pine Bend, and Minneapolis-St. Paul, Minn., to points in North Dakota, South Dakota, Wisconsin, Iowa, and Minnesota. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133882 (Sub-No. 1), filed October 20, 1969. Applicant: BARRY BLOEDEL, doing business as NEW ULM FREIGHTLINES, 1427 North Broadway, New Ulm, Minn. 56073. Applicant's representative: James H. Malecki, 1 South State Street, New Ulm, Minn. 56073. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, material, and supplies* used in the manufacture, assembly, equipping, outfitting, and furnishing of mobile homes, from South Bend, and Elkhart, Ind.; Chicago, Ill.; and Marshfield, Wis., to New Ulm, Minn., under contract with Homette Corp., Division of Skyline, Inc., New Ulm, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Ulm, Mankato, or Minneapolis, Minn.

No. MC 133967 (Sub-No. 1), filed October 20, 1969. Applicant: JOHN R. McCORMICK, doing business as McCORMICK TRUCKING, Route 1, Catawba, Wis. 54515. Applicant's representative: Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, vanities, and cases, and materials* used in the manufacture of cabinets, vanities and cases, between Ladysmith, Wis., and points in Illinois, Indiana, South Dakota, North Dakota, Missouri, Kansas, West Virginia, Pennsylvania, Kentucky, Ohio, Michigan, Iowa, Minnesota, Nebraska, Oklahoma, Arkansas, Tennessee, and Colorado, under contract with Mica-Wood Corp., Ladysmith, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Ladysmith or Wausau, Wis.

No. MC 134115 (Sub-No. 1), filed October 27, 1969. Applicant: NEW BREED LEASING CORPORATION, 104 Allen Boulevard, East Farmingdale, N.Y. 11735. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Detonator fuses, classes A, B, and C explosives, materials and supplies* used in the preparation and packaging of the above commodities, between Amityville and Copiague, N.Y., on the one hand, and, on the other, points in North East, White Oak, and Aberdeen, Md.; Washington, D.C.; Atglen, Pa., Simsbury, Avon, Hartford, and Bethany, Conn.; Worcester and West Hanover, Mass.; Cleveland and Euclid, Ohio, under contract with Fairchild Defense Products, Division of Fairchild Camera & Instrument Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134119 (Sub-No. 1), filed October 29, 1969. Applicant: SECURITY STORAGE & VAN COMPANY OF NEWPORT NEWS, VA., INC., 5713 Jefferson Avenue, Newport News, Va. 23605. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Newport News, Norfolk, Hampton Beach, Williamsburg, Portsmouth, Franklin, and Chesapeake, Va., and points in York, James City, Gloucester, Matthews, Surry, Isle of Wight, Nansemond, Sussex, Southampton and Northampton Counties, Va., restricted to traffic having a prior or subsequent movement in containers, and to performance of pickup and delivery service in connection with packing, crating, and containerization and unpacking and decontainerization. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 134124 (Sub-No. 1), filed October 27, 1969. Applicant: NEW JERSEY INTERNATIONAL MOVERS, INC., Post Office Box 551, Freehold, N.J. 07728. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household* goods, between points in New Jersey 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 Washington, D.C.

No. MC 134129 (Sub-No. 2), filed October 28, 1969. Applicant: WILLIAM A. LONG, Bealeton, Va. 22712. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Culvert pipe, culvert sectional plate and couplings and coatings* for culvert pipe and sections, from Bedford, Pa., to Bealeton, Va.; (2) *culvert banding and coupling material, coatings and steel plates* used in the manufacture of culvert pipe and couplings, from Bealeton, Va., to Bedford, Pa.; and (3) *steel coil*, from the plantsite of Bethlehem Steel Corp., at Sparrows Point, Md., to Bedford, Pa., under contract with Lane Juniata, Inc., of Bedford, Pa., and its affiliate Lane Penn Carva, Inc., of Bealeton, Va., in connection with (1) through (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134136, filed October 30, 1969. Applicant: ALAMAR TRUCKING AND WAREHOUSING, INC., 229 Highlawn Avenue, Brooklyn, N.Y. 11223. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract* routes, transporting: *Tobacco-flavoring extract*, not moving in bulk, from Brooklyn, N.Y., to Richmond, Va., and Louisville, Ky.; under contract with Rose of Latakia Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 13) (Clarification), filed September 15, 1969, published in FEDERAL REGISTER issue of October 30, 1969, and republished as clarified this issue. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Street, Minneapolis, Minn. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Building, St. Paul, Minn. 55101. 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 vehicles with passengers (1) between Minneapolis and Canby, Minn., from Minneapolis over Minnesota Highway 7 to the junction with Minnesota Highway 41, thence over Minnesota Highway 41 to Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn., thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, Minn., and return over the same route; (2) between Minneapolis, Minn., and Watertown, S. Dak., over U.S. Highway 212; (3) between Madison, Minn., and the junction of U.S. Highway 212 and U.S. Highway 75 over U.S. Highway 75; (4) between St. Paul, Minn., and Webster, Wis., from St. Paul over U.S. Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to Webster,

Wis., and return over the same route; (5) to serve the following routes in Wisconsin: (a) Between Minnesota Wisconsin State line and the junction Wisconsin Highway 65 near Robert's Corners, over Interstate Highway 94; (b) between junction Wisconsin Highway 65 and Interstate Highway 94 and Star Prairie, Wis., over Wisconsin Highway 65; (c) between Star Prairie and Deer Park, Wis., over St. Croix County Highway H; (d) between Deer Park, Wis., and junction U.S. Highway 8 and Wisconsin Highway 46 over Wisconsin Highway 46; (e) between St. Croix Falls and Cameron over Wisconsin Highway 8; and (f) between Cameron and Rice Lake over Wisconsin Highway 53; serving all intermediate points in connection with all of the above-described routes. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to show in Item (3) Madison, Minn., in lieu of Madison, Wis., as previously published. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 115116 (Sub-No. 20), filed October 26, 1969. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express, in the same vehicle with passengers;* (1) between junction of New Jersey Highway 33 and access roads to the New Jersey Turnpike at Interchange No. 8 in the Township of East Windsor, N.J., and junction of New Jersey Highway 33, Applegarth Road and Butcher Road, in the Township of Monroe (Middlesex County), N.J., as follows: From junction of New Jersey Highway 33 and access roads to the New Jersey Turnpike at Interchange No. 8 in the Township of East Windsor, N.J., over New Jersey Highway 33 to its junction with Applegarth Road and Butcher Road in the Township of Monroe (Middlesex County), N.J., and return over the same route serving all intermediate points; (2) between junction of New Jersey Highway 33 and Lake Drive in the Township of East Windsor, N.J., and junction of New Jersey Highway 33 and Twin Rivers Drive East in the Township of East Windsor, N.J., as follows: From junction of New Jersey Highway 33 and Lake Drive in the Township of East Windsor, N.J., over Lake Drive to its junction with Twin Rivers Drive, thence over Twin Rivers Drive to Twin Rivers Drive East, thence over Twin Rivers Drive East to its junction with New Jersey Highway 33 in the Township of East Windsor, N.J., and return over the same route serving all intermediate points; and (3) between junction of New Jersey Highway 33 and Twin Rivers Drive East in the Township of East Windsor, N.J., and junction of New Jersey Highway 33 and Probasco Road in the Township of East Windsor, N.J., as follows: From junction of New Jersey Highway 33 and Twin Rivers Drive East in the Township of East Windsor, N.J., over Twin Rivers Drive East to Twin Rivers Drive North, thence over Twin Rivers Drive North to its junction with Probasco Road, thence over Probasco Road to its junction with New Jersey Highway 33 in the Township of East Windsor, N.J., and return over the same route serving all intermediate points. NOTE: Applicant proposes to provide service to and from New York, N.Y., by joining the proposed routes with its existing routes. If a hearing is deemed necessary, applicant requests it be held at East Windsor Township, N.J., or Newark, N.J.

No. MC 116068 (Sub-No. 4), filed October 27, 1969. Applicant: D & F TRANSIT, INC., 192 East Main Street, Fredonia, N.Y. 14063. Applicant's representative: Donald C. Brandt, 24 Water Street, Fredonia, N.Y. 14063. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, newspapers and mail* in the same vehicle with passengers, (1) between Barcelona, N.Y., and Erie, Pa.; from Barcelona, N.Y., at intersection of New York Highways 5 and 17 over New York Highway 17 to Westfield, N.Y., thence over U.S. Highway 20 to Erie, Pa., and return over the same route, serving all intermediate points; and (2) between Jamestown, N.Y., and Warren, Pa.; from Jamestown, N.Y., over New York Highway 60 to Frewsburg, N.Y., thence over U.S. Highway 62 to Warren, Pa., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dunkirk or Buffalo, N.Y., or Erie, Pa.

No. MC 134020, filed September 9, 1969. Applicant: LLOYD DWYER, doing business as DWYER BUS LINE, 55 Grove Street, Waterville, Maine 04901. Applicant's representative: Douglas M. Morrill, 88 Winthrop Street, Augusta, Maine 04330. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their personal baggage*, in charter operations, beginning and ending at Waterville, Maine, and that part of Maine beginning at the Belgrade Interchange on Interstate Highway 95; thence northerly along Maine Highway 27 to its intersection with U.S. Highway 2; thence westerly on U.S. Highway 2 to its intersection with Maine Highway 134; thence northerly along Maine Highway 134 to its intersection with Maine Highway 43; thence northerly and easterly along Maine Highway 43 to its intersection with Maine Highway 152; thence southerly along Maine Highway 152 to its intersection with Maine Highway 69; thence easterly along Maine Highway 69 to Maine Highway 220; thence southerly along Maine Highway 220 to its intersection to Maine Highway 3; thence westerly along Maine Highway 3 to the city limits of Augusta, Maine, to the point of beginning, and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut (including the international boundaries with Quebec and New Brunswick in Canada). NOTE: If a hearing is deemed necessary, applicant requests it be held at Waterville, Augusta, or Portland, Maine.

APPLICATION OF FREIGHT FORWARDERS

No. FF-380 (CAROLINA CARTAGE COMPANY FREIGHT FORWARDER APPLICATION), filed November 7, 1969. Applicant: CAROLINA CARTAGE COMPANY, a corporation, 3210 Conflans Road, Irving, Tex. 75060. Applicant's representative: W. J. Foley (same address as applicant). Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to continue, as successor-in-interest the freight forwarding operations of Shamrock Van Lines, Inc., with which applicant is affiliated by common stock ownership, as a *freight forwarder* in interstate or foreign commerce in the forwarding of: (1) *Household goods*, as defined by the Commission in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467; (2) *used automobiles;* and (3) *unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 2253 (Sub-No. 41), filed October 31, 1969. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* loose on hangers and in packages, and *materials and supplies* used in the manufacture thereof, between points in South Carolina, on the one hand, and, on the other, Indiana and Apollo, Pa. NOTE: Applicant states it intends to tack at Clover, S.C., and points within 35 miles of Clover, S.C.

No. MC 124328 (Sub-No. 39), filed November 3, 1969. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: Francis D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency*, between Toledo, Ohio, and Deerfield, Mich.; under contract with Deerfield State Bank, Deerfield, Mich. NOTE: Common control and dual operations may be involved.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14036; Filed, Nov. 26, 1969; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 24, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41808—*Pulpwood chips and sawdust to Longview, Wash.* Filed by North Pacific Coast Freight Bureau, agent (No. 69-6), for interested rail carriers. Rates on pulpwood chips and sawdust, in carloads, as described in the application, from Gibbs, Idaho, to Longview, Wash.

Grounds for relief—Carrier competition.

FSA No. 41809—*Class and commodity rates from and to North Americus, Ga.* Filed by O. W. South, Jr., agent (No. A6142), for interested rail carriers. Rates on property moving on class and commodity rates, between North Americus, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14119; Filed, Nov. 26, 1969; 8:49 a.m.]

[Notice 946]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 24, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59332 (Sub-No. 5 TA), filed November 19, 1969. Applicant: TAYLOR'S EXPRESS, INC., 425 North 37th Street, Pennsauken, N.J. 08110. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Paulsboro, N.J., to points in Nassau and Suffolk Counties, N.Y., having a prior movement via a domestic water carrier, for 180 days. Supporting shipper: C. G. Willis, Inc., Post Office Box 128, Paulsboro, N.J. 08066. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 103993 (Sub-No. 475 TA), filed November 19, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats* on wheeled undercarriages, from Mishawaka, Ind., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Shipashore, Inc., Elkhart, Ind. Send protests to: District Supervisor J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 476 TA), filed November 19, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, from Edgerton, Ohio, to points in Ohio, Illinois, Indiana, Kentucky, Michigan, and Wisconsin, for 180 days. Supporting shipper: Fleetwood Enterprises, Inc., 3196 Myers Street, Post Office Box 7638, Riverside, Calif. 92503. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 477 TA), filed November 19, 1969. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). 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 Richfield, N.C., to points in Virginia, South Carolina, and Georgia, for 180 days. Supporting shipper: Homes by Fisher, Inc., Post Office Box 248, Richfield, N.C. 28137. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 106644 (Sub-No. 101 TA), filed November 18, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30301. Applicant's representative: K. Edward Wolcott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves, and/or components and cast iron fire hydrants*, from Birmingham, Ala., to points in Arkansas, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2605, Birmingham, Ala. 35202. Send protests to: District Supervisor William L. Scroggs, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111170 (Sub-No. 135 TA), filed November 19, 1969. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bright stock petroleum extract*, in bulk, from Cushing, Okla., to West Memphis, Ark., for 180 days. Supporting shipper: Gurley Refining Co., Post Office Box 2326, Memphis, Tenn. 38102. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111617 (Sub-No. 6 TA), filed November 18, 1969. Applicant: O'NEILL TRANSFER COMPANY, INC., 2215 Northwest 22d Place, Portland, Oreg. 97210. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, having a prior or subsequent movement in containers beyond the area authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Clackamas, Columbia, Hood River, Marion, Multnomah, Washington, and Yamhill Counties, Oreg., and Clark, Cowlitz, and Skamania Counties, Wash., for 180 days. Supporting shippers: Empire Household Shipping Co., Inc., 160 Broadway, New York, N.Y. 10038; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 116645 (Sub-No. 12 TA), filed November 19, 1969. Applicant: DAVIS TRANSPORT CO., Post Office Box 56, Gilcrest, Colo. 80623. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Denver, Colo., to Colorado Springs, Colo., for 150 days. NOTE: Applicant states movement is intermodal; rail-truck. Supporting shipper: Paul Young, Sales Representative, Glidden-Durkee Division of SCM Corp., 2333 Logan Boulevard, Chicago, Ill. 60647. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 126328 (Sub-No. 3 TA), filed November 18, 1969. Applicant: ACTON VALE MOTOR EXPRESS, LIMITED, 1193 Ricard Street, Acton Vale, Province of Quebec, Canada. Applicant's representative: Edwin Free, 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles, snowmobile trailers and seamobiles, and all terrain vehicles*, from ports of entry on the international boundary line between the United States and Canada in Maine, New Hampshire, Vermont, New York, and Michigan, to points in New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Wisconsin, Illinois, and Michigan, for 150 days. Supporting shipper: Skiroule, Ltee., Wickham, Province of Quebec, Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128075 (Sub-No. 7 TA), filed November 19, 1969. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Chester, Iowa, to points in Nebraska, Minnesota, South Dakota, Missouri, and Monmouth, Ill., for 150 days. Supporting shipper: J R, Inc., Chester, Iowa 52134. Send protests to: District Supervisor, Chas. C. Biggers, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14120; Filed, Nov. 26, 1969; 8:49 a.m.]

[Notice 451]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 24, 1969.

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-71669. By order of November 17, 1969, the Motor Carrier Board approved the transfer to Frank Hunter & Son, Inc., Adrian, Mich., of the certificate No. MC-107677, issued June 21, 1950 to Frank Hunter, Adrian, Mich., authorizing the transportation of: Household goods, as defined by the Commission, between points in Lenawee County, Mich., and points in Ohio. Richard L. Kralick, Commercial Bank Building, Adrian, Mich. 49221, attorney for applicants.

No. MC-FC-71692. By order of November 18, 1969, the Motor Carrier Board approved the transfer to Paul D. Kessler, doing business as Paul Kessler Trucking, Dresser, Wis., of the operating rights in certificate No. MC-10935 issued November 21, 1946, to Harold V. Olson, Dresser, Wis., authorizing the transportation, over irregular routes, of agricultural commodities and livestock from points in the towns of Osceola, Garfield, Lincoln, Balsam Lake, and St. Croix Falls, Polk County, Wis., to South St. Paul, Newport, St. Paul, and Minneapolis, Minn., and general commodities, except those of unusual value, and except dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from South St. Paul, St. Paul, Newport, and Minneapolis, Minn., to points in the above-specified Wisconsin towns. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-71705. By order of November 18, 1969, the Motor Carrier Board approved the transfer to United Freight Lines, Inc., Des Moines, Iowa, of the certificate of registration in No. MC-99603 (Sub-No. 2) issued March 23, 1964 to Ralph L. Conard, Jr., doing business as United Freight Lines, Adel, Iowa, authorizing the transportation of general commodities between specified points in Iowa. William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 69-14121; Filed, Nov. 26, 1969; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-11-89]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 20, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated November 11, 1969, names additional specific commodity rates, as set forth in the attachment hereto,[2] which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement C.A.B. 21379, R-1 through R-3, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART, *Acting Secretary*.

[F.R. Doc. 69-14110; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 467]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 24, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any

[2] Filed as part of the original document.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

2624–C2–P–70—E. H. Cannon (New), C.P. for a new 2-way station to be located at 1 mile east of Pearsall on Highway 140, Pearsall, Tex., to operate on frequency 454.300 MHz.

2639–C2–P–70—Chandler S. Lynch doing business as Midtown Business Center & Answering Service (New), C.P. for new 2-way station to be located at Lakeside Drive and 35th Street, Kearney, Nebr., to operate on frequency 152.03 MHz.

2640–C2–P–70—Pacific Northwest Bell Telephone Co. (KOA732), C.P. to add base station transmitter to operate on frequency 152.540 MHz at location No. 1: 1529 Fourth Avenue West, Seattle, Wash. Also add auxiliary test transmitter to operate on frequency 157.80 MHz at same location.

2641–C2–P–(4)–70—Southern Bell Telephone and Telegraph Co. (KIC346), C.P. to install two additional base channels to operate on frequencies 152.60 and 152.66 MHz at station located at 415 Clay Street, Jacksonville, Fla. Also add auxiliary test channels to operate on frequencies 157.86, 157.92 MHz at same location.

2642–C2–P–70—Indiana Bell Telephone Co. (KSC874), C.P. to relocate facilities to 116 East Taylor Street, Kokomo, Ind., and change frequency to: 152.78 MHz. Replace transmitter for same.

2643–C2–P–(10)–70—Southwestern Bell Telephone Co. (KKA282), C.P. for three additional channels to operate on frequencies 454.375, 454.400, 454.425 MHz and change antenna system for seven existing channels 152.51, 152.54, 152.63, 152.72, 152.75, 152.78, 152.81 MHz at station located at 1.7 miles east of Interstate Highway No. 35 on Southeast 89th Street, Oklahoma City, Okla.

1394–C2–P–69—William L. Eisele and Robert A. Jones, doing business as Midwest Communications Co. (New), Resubmitted: C.P. for new 1-way station to be located at 2915 Bernice Road, Lansing, Ill., to operate on frequency 158.70 MHz. Application returned to its status as of Aug. 8, 1969.

2652–C2–P–70—United Telephone Co. of Florida (New), C.P. for a new 2-way station to be located at 823 Fifth Avenue South, Naples, Fla., to operate on frequency 152.72 MHz.

2653–C2–P–70—Margaret Walsh, doing business as Radio Telephone Secretaries (New), C.P. for new 1-way station to be located at 530 North Main Street, Oshkosh, Wis., to operate on frequency 152.24 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

2654–C2–P–(3)–70—The Mountain States Telephone & Telegraph Co. (KKH476), C.P. to add a third base channel to operate on frequency 152.57 MHz; change antenna system for existing frequencies 152.51 and 152.75 MHz and add FO emission at station located at 21 miles south-southeast of Bloomfield Street, N. Mex. Also add auxiliary test transmitter frequency 157.83 MHz at station located at 411 North Allen Street, Farmington, N. Mex.

2655–C2–P–70—North Shore Radio Telephone, Inc. (KSD816), C.P. to relocate facilities to: 1741 South O'Plane Road, Warren Township, Ill., operating on frequency 35.22 MHz. Also change antenna system.

2656–C2–P–(2)–70—North Shore Radio Telephone, Inc. (KSB590), C.P. to relocate facilities at location No. 2 to: 1741 South O'Plane Road, Warren Township, Ill., operating on frequency 152.09 MHz. Also relocate facilities from location No. 3: 2526 North Harlem Avenue, Elmwood Park, Ill., to: Location No. 2: Same as stated above operating on frequency 152.18 MHz.

2658–C2–P–70—All City Telephone Answering Service, Inc. (KSA266), C.P. to add a fourth base channel to operate on frequency 152.12 MHz at station located at 606 West Wisconsin Avenue, Milwaukee, Wis.

2659–C2–P–70—McCord's Communications Service (KIG303), C.P. to change antenna location to: Overlook Drive, Gadsden, Ala., operating on frequency 152.12 MHz. Also delete all Control points except the one at 1023 Forrest Avenue, Gadsden, Ala.

2674–C2–P–70—Paul D. Jones and Jon N. Farrington, doing business as Council Bluffs Mobilephone (New), C.P. for a new 2-way station to be located at 31 Lynn Street, Council Bluffs, Iowa, to operate on frequency 152.03 MHz.

2675–C2–P–70—Paul D. Jones and Jon N. Farrington, doing business as Council Bluffs Mobilephone (New), C.P. for new 1-way station to be located at 31 Lynn Street, Council Bluffs, Iowa, to operate on frequency 158.70 MHz.

2676–C2–P–70—Goshen Telephone Co., Inc. (New), C.P. for new 2-way station to be located at 200 feet west of Pike County Highway 21, 1/10 mile south of Pike County 18 Intersection, Goshen, Ala., to operate on frequency 152.51 MHz.

2683–C2–P–70—General Communications Service, Inc. (KOA611), C.P. for an additional channel to operate on frequency 152.06 MHz at location No. 1: Tumanoc Hill, 0.5 mile west of Tucson, Ariz.

2689–C2–P–70—Pomona Radio Dispatch Corp. (KMD992), Resubmitted Nov. 18, 1969. C.P. to change antenna location to: Kellogg Hill, west of Pomona, Calif., operating on frequency 454.35 MHz. Also change antenna system and replace transmitter for same.

2690–C2–P–(4)–70—Southwestern Bell Telephone Co. (KKD291), C.P. to make antenna changes for existing frequencies 152.51, 152.75, 152.81 MHz at station located at Keightly Drive and State Highway No. 10, Little Rock, Ark.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Texas

Houston Mobilfone Inc. (KKA343), 249–C2–P–(3)–70.
Robert E. Franklin (KKE965), 302–C2–P–70.

Oregon

Empire Communications Co. (New), 531–C2–P–70.
Lane Paging Inc. (New), 1895–C2–P–70.

RURAL RADIO SERVICE

2644–C1–P–70—California Interstate Telephone Co. (New), C.P. for new fixed station to be located at 23.5 miles south-southeast of Yerington at the Rockland Mine, Nev., to operate on frequency 157.83 MHz.

RURAL RADIO SERVICE—Continued

2645-C1-P-70—South Central Bell Telephone Co. (New), C.P. for new fixed station to be located at approximately 18 miles southeast of Houma, La., to operate on frequencies 157.95 and 158.01 MHz.

2657-C1-P-70—Midland Telephone Co. (New), C.P. for new fixed station to be located at 26.5 miles north-northeast of Monticello, Utah, to operate on frequency 157.77 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2677-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIX55), C.P. to change frequencies 6197.2 and 6315.9 MHz to 6256.5 and 11,405 MHz toward Grees Knob, Va., and replace transmitters operating on same. Location: 224 Luck Avenue SW., Roanoke, Va.

2678-C1-P-70—The Chesapeake & Potomac Telephone Co. of Virginia (KIX54), C.P. to change frequencies 5997.1 and 6056.4 MHz to 5989.7 and 10,755 MHz toward Fork Mountain, Va.; change frequencies 6063.8 and 6093.5 MHz toward Roanoke, Va.; replace transmitters operating on same and change the antenna system. Location: Approximately 9 miles east-northeast of Roanoke, Va.

2679-C1-P-70—Southern Bell Telephone & Telegraph Co. (KJC89), C.P. to add frequency 4030 MHz toward Newington, Ga. Location: 3 miles northwest of Allendale, S.C.

2680-C1-P-70—Southern Bell Telephone & Telegraph Co. (KIL89), C.P. to add frequency 4070 MHz toward Marlow, Ga. Location: 1.9 miles southeast of Newington, Ga.

2681-C1-P-70—Southern Bell Telephone & Telegraph Co. (KIL90), C.P. to add frequency 4030 MHz toward Savannah, Ga. Location: 5.2 miles southeast of Marlow, Ga.

2682-C1-P-70—Southern Bell Telephone & Telegraph Co. (KJL30), C.P. to add frequency 11,685 MHz toward Savannah, Ga. Location: 322 Drayton Street, Ga.

Major Amendment

1132-C1-P-70—The Ohio Bell Telephone Co. (KQH44). Add frequency 6415 MHz toward WGTE-TV, Toledo, Ohio, studio location azimuth 003°22'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2650-C1-TC-70—Penn Service Microwave Co. (KGO20). Consent to transfer of control from Irene C. Altmiller and Fred Correale, Transferors to: John Walson and Margaret Walson (jointly), Esther Walsonavich and Margaret Walsonavich, Transferees.

2684-C1-P-70—American Microwave & Communications, Inc. (KSV63), C.P. to add frequency 6041.6 MHz toward Newberry, Mich., on azimuth of 290°00'. Location: Trout Lake, Mich.

2685-C1-P-70—American Microwave & Communications, Inc. (KSV62), C.P. to add frequency 6308.4 MHz toward Walsh, Mich., on azimuth of 272°30'. Location: Newberry, Mich.

2686-C1-P-70—American Microwave & Communications, Inc. (KSV61), C.P. to add frequency 5937.8 MHz toward Munising, Mich., on azimuth of 279°50'. Location: Walsh, Mich.

2687-C1-P-70—American Microwave & Communications, Inc. (KSV60), C.P. to add frequency 6278.8 MHz toward Summit Mountain, Mich., on azimuth of 274°00'. Location: Munising, Mich.

2688-C1-P-70—American Microwave & Communications, Inc. (KQN57), C.P. to add frequency 6041.6 MHz via power split, toward Marquette, Ishpeming, and Iron Mountain, Mich., on azimuths of 68°30', 346°00', and 204°00', respectively. Location: Summit Mountain, Mich. (Informative: Applicant proposes to provide the television signals of station WKBD-TV, Detroit, Mich., to Iron Range Cable TV at Marquette and Ishpeming, Mich., and to H & B American Cablevision Co., at Iron Mountain, Mich. NOTE: Applicant has requested waiver of § 21.701(i) of the Commission's rules.)

[F.R. Doc. 69-14102; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 50]

FIRST KANSAS FINANCIAL, INC.

Notice of Receipt of Application for Permission To Acquire Control of Prudential Savings Association

NOVEMBER 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Kansas Financial, Inc., Shawnee Mission, Kans., for approval of acquisition of control of the Prudential Savings Association, Great Bend, Kans., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of all of the guarantee stock of Prudential Savings Association for stock of First Kansas Financial, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14106; Filed, Nov. 26, 1969; 8:48 a.m.]

[H.C. 51]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Southern California Savings and Loan Association

NOVEMBER 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., for approval of acquisition of control of the Southern California Savings and Loan Association, Beverly Hills, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of all of the guarantee stock of Southern California Financial Corp., a savings and loan holding company which owns approximately 96 percent of the outstanding guarantee stock of Southern California Savings and Loan Association for cash, common stock of Imperial, and long term notes. Following the proposed acquisition, Imperial Corp. proposes to merge Southern California Savings and Loan Association into Investors Savings and Loan Association, an insured subsidiary of Imperial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14108; Filed, Nov. 26, 1969; 8:48 a.m.]

[H.C. 49]

GREAT WESTERN FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of Victory Savings and Loan Association

NOVEMBER 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Financial Corp., a savings and loan holding company, Beverly Hills, Calif., for approval of acquisition of control of the Victory Savings and Loan Association, North Hollywood, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase of all of the outstanding guarantee stock of Victory Savings and Loan Association from H. F. Ahmanson & Co., in exchange for cash. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-14107; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2724 etc.]

CLINTON OIL CO. ET AL.

Findings and Order

NOVEMBER 18, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of surety bond, and accepting related rate schedules and supplements for filing.

Each of the applicants listed 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 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, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Clinton Oil Co., applicant in Dockets Nos. G-2800 and G-2840, and Clinton Oil Co. (Operator) et al., applicant in Docket No. G-4507 propose to continue in part sales of natural gas heretofore authorized in said dockets to be made pursuant to H. F. Sears FPC Gas Rate Schedule No. 2, H. F. Sears FPC Gas Rate Schedule No. 5, and H. F. Sears (Operator) et al., FPC Gas Rate Schedule No. 8, respectively. Said rate schedules will be redesignated as those of applicant. The presently effective rate under Sears' FPC Gas Rate Schedule No. 5 is in effect subject to refund in Docket No. G-10494. Sears filed changes in rate under his FPC Gas Rate Schedule Nos. 2 and 8, which changes are suspended in Dockets Nos. RI65-96 and RI64-794, respectively, with respect to sales by Sears. Applicant has filed motions to be made co-respondent in each of said proceedings, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. G-10494. Therefore, applicant will be substituted in lieu of Sears as correspondent in the proceedings pending in Dockets Nos. RI64-794 and RI65-96 and will be made a co-respondent in the proceeding pending in Docket No. G-10494; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Mallonee-Mahoney, Inc., Agent, applicant in Docket No. CI70-110, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-4579 to be made pursuant to Cities Service Oil Co. (Operator) et al., FPC Gas Rate Schedule Nos. 167 and 168. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rates under Cities Service's rate schedules are in effect subject to refund in Docket No. RI69-521. Therefore, applicant will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

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, petitions to intervene and notices of intervention were filed in the following dockets:

Docket No.	Interveners
CI69-1165	Philadelphia Gas Works Division of UGI Corp. Long Island Lighting Co. Consolidated Edison Company of New York, Inc. The Brooklyn Union Gas Co. The Public Service Commission of the State of New York.
CI70-41	The Brooklyn Union Gas Co. Philadelphia Gas Works Division of UGI Corp. Long Island Lighting Co. The Public Service Commission of the State of New York.
CI70-105	Consolidated Edison Company of New York, Inc.

Said petitions and notices have either been withdrawn or are not in opposition to the granting of the applications. No other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on November 13, 1969, 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 that Dockets Nos. CI70-31, CI70-32, CI70-33, CI70-34, and CI70-35 should be canceled and that the applications filed therein should be treated as petitions to amend the orders issuing certificates in Dockets Nos. G-4507, G-2840, G-2800, G-3949, and G-2724, respectively.

(6) 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 and conditioned.

(7) 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.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) 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.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Clinton Oil Co. should be made a co-respondent in the proceeding pending in Docket No.

G-10494; that Clinton Oil Co. (Operator) et al., and Clinton Oil Co. should be substituted in lieu of H. F. Sears (Operator) et al., and H. F. Sears, respectively, as co-respondent in the proceedings pending in Dockets Nos. RI64-794 and RI65-96, respectively; that said proceedings should be redesignated accordingly; and that the agreement and undertaking submitted by Clinton in Docket No. G-10494 should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisons of the Natural Gas Act that Mallonee-Mahoney, Inc., Agent, should be made a co-respondent in the proceeding pending in Docket No. RI69-521; that said proceeding should be redesignated accordingly; and that Mallonee-Mahoney should be required to file a surety bond.

(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.

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 4 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 nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved 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 grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for the sales authorized in Docket No. CI69-1165 shall be 18.5 cents per Mcf at 15.025 p.s.i.a. (gas-well gas) and 17 cents per Mcf at 15.025 p.s.i.a. (casing-head gas), the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, as adjusted for quality of gas; *Provided, however,* That the total rates shall in no event exceed the rates set forth in the related rate schedule. Applicant is not prohibited from filing a contractually authorized rate increase up to a base rate of 20 cents per Mcf at 15.025 p.s.i.a. for sales of gas-well gas, consistent with ordering paragraph (A) of Opinion No. 546-A, but shall file no higher rate increases until permitted by further Commission order.

(b) The initial rates for the sales authorized in Docket No. CI70-41 shall be 20 cents per Mcf at 15.025 p.s.i.a. (gas-well gas) and 18.5 cents per Mcf at 15.025 p.s.i.a. (casing-head gas), the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546-A, as adjusted for quality of gas: *Provided, however,* That the total rates shall in no event exceed the rates set forth in the related rate schedule.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI69-1165 and CI70-41 deviates at any time from the quality standards set forth in Opinion No. 546, as modified by Opinion No. 546-A, so as to require a downward adjustment of the existing rate, a notice of change 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 a notice of change in rate. Within 90 days from the date of initial delivery applicants shall file rate schedule quality statements in the form prescribed in Opinion No. 546.

(d) Applicants in Dockets Nos. CI69-1165 and CI70-41 shall not require buyers to take-or-pay for an annual quantity of gas-well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas-well gas reserves or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission orders in the subject dockets or in other matters relating to the buyers take-or-pay obligations under the subject contracts.

(e) If the quality of the gas delivered by applicant in Docket No. CI64-902 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change 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 a notice of change in rate.

(f) The initial rate for the sale authorized in Docket No. CI63-76 shall be 16 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to downward B.t.u. adjustment. Within 30 days from the date of this order applicant shall file a revised billing statement reflecting such rate as required by the regulations under the Natural Gas Act.

(g) The initial rate for the sale authorized in Docket No. CI70-141 shall be 27 cents per Mcf at 15.325 p.s.i.a. Within 30 days from the date of this order applicant shall file a revised billing statement reflecting such rate as required by the regulations under the Natural Gas Act.

(h) The initial rate for sales authorized in Dockets Nos. CI66-1331 and CI69-821 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(i) The initial rate for sales authorized in Dockets Nos. CI68-90, CI70-77, CI70-96, CI70-223, and CI70-250 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement,[1] and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(j) Applicant in Docket No. CI70-77 shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves.

(k) The initial rate for sales authorized in Dockets Nos. CI67-252, CI70-9, and CI70-119 shall be 17 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, and subject to B.t.u. adjustment.

(l) Applicant in Docket No. CI70-119 shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves and 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter.

(m) The authorizations granted in Dockets Nos. CI67-252, CI69-1165, CI70-41, CI70-96, and CI70-250 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(n) Applicants in Dockets Nos. CI69-368, CI69-384, and CI69-400 shall collect

[1] Tax reimbursement not applicable to rate in Docket No. CI70-96.

the proposed rates subject to refund with applicable interest down to the September 1, 1967, contractually authorized rates or the applicable area just and reasonable rates determined in the area rate proceeding (Hugoton Anadarko Area), Docket No. AR64–1, et al., whichever are higher.

(F) Within 30 days from the date of this order applicants in Dockets Nos. CI66–856 and CI70–254 shall file estimated billing statements reflecting the rates of 15 cents per Mcf at 14.65 p.s.i.a. and 15.5 cents per Mcf at 14.65 p.s.i.a., respectively, as required by the regulations under the Natural Gas Act.

(G) The orders issuing certificates in Dockets Nos. G–4579, CI65–1145, and CI67–174 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70–110, CI69–972, and CI70–246, respectively.

(H) Dockets Nos. CI70–31, CI70–32, CI70–33, CI70–34, and CI70–35 are canceled.

(I) The orders issuing certificates in Dockets Nos. G–3912, G–6170, G–10546, CI61–359, CI63–76, CI64–902, CI64–1338, CI65–738, CI66–856, CI66–1331, CI67–252, CI67–286, CI68–1202,[2] CI69–228, CI69–269, CI69–906, CI69–972, and CI70–9 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) Applicant in Docket No. G–3912 shall not be relieved of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI63–274, RI67–376, and RI68–296; applicant in Docket No. G–10546 shall not be relieved of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI62–426 and RI67–398; and applicant in Docket No. CI68–1202 shall not be relieved of any refund obligations which may be ordered in said docket.

(K) The orders issuing certificates in Dockets Nos. G–2724, G–2800, G–2840, G–3949, G–4507, CI61–222, CI62–1334, CI63–1060, CI66–674, CI66–1177, CI67–1417, CI69–368, CI69–382, CI69–384, and CI69–400 are amended by substituting the successors in interest as certificate holders.

(L) The orders issuing certificates in Dockets Nos. G–4029, CI64–869, CI64–1391, CI65–1368, CI67–766, CI67–767, CI67–879, CI67–1152, and CI68–688 are amended to reflect the change in corporate name as described in the tabulation herein.

(M) The order issuing a certificate in Docket No. CI66–907 is amended to reflect the change in operator as described in the tabulation herein. Applicant shall file an interest statement to reflect the present ownership of the producing property as required by the regulations under the Natural Gas Act.

(N) The name of the respondent, Houston Royalty Co., in the proceedings pending in Dockets Nos. RI65–137, RI70–151, RI70–152, and AR67–1 et al., is changed to Houston Oil & Minerals Corp. to reflect a change in corporate name. The proceedings pending in Dockets Nos. RI65–137, RI70–151, and RI70–152 are redesignated accordingly.

(O) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonment in Docket No. CI70–262 shall not be construed to relieve applicant of any refund obligations which may be ordered in the proceedings in Docket No. G–15542.

(Q) The certificates heretofore issued in Dockets Nos. G–6819, G–11048, G–14861, G–15542, G–16558, CI62–1109, CI63–1278, and CI64–1066 are terminated.

(R) Clinton Oil Co. is made a co-respondent in the proceeding pending in Docket No. G–10494; Clinton Oil Co. (Operator) et al., and Clinton Oil Co. are substituted in lieu of H. F. Sears (Operator) et al., and H. F. Sears, respectively, as co-respondent in the proceedings pending in Dockets Nos. RI65–794 and RI65–96, respectively; said proceedings are redesignated accordingly; and the agreement and undertaking submitted by Clinton in Docket No. G–10494 is accepted for filing. Clinton shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(S) Mallonee-Mahoney, Inc., Agent, is made a co-respondent in the proceeding pending in Docket No. RI69–521 and said proceeding is redesignated accordingly. Mallonee-Mahoney shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(T) Within 30 days from the issuance of this order, Mallonee-Mahoney, Inc., Agent, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond for $3,600 in Docket No. RI69–521 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with the bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such bond shall be deemed to have been accepted for filing. The surety bond shall remain in full force and effect until discharged by the Commission.

(U) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2724 (CI70–35) E 7–3–69 [1]	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 1.	21	
			Supplement Nos. 1–3	21	1–3
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [3]	21	4
			Effective date: 1–1–69		
G–2800 (CI70–33) E 7–3–69 [1]	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Hutchinson, Moore, and Potter Counties, Tex.	H. F. Sears, FPC GRS No. 2.	22	
			Supplement Nos. 1–9	22	1–9
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [3]	2	10
			Assignment 3–28–69 [3]	2	11
			Effective date: 1–1–69		
G–2840 (CI70–32) E 7–3–69 [1]	do	Phillips Petroleum Co., West Panhandle Field, Moore County, Tex.	H. F. Sears, FPC GRS No. 5.	23	
			Supplement Nos. 1–10	23	1–10
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [3]	23	11
			Effective date: 1–1–69		
G–3912 D 6–20–69	Ashland Oil & Refining Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	Release agreement 5–20–69. [4] [5]	150	7
G–3949 (CI70–34) E 7–3–69 [1]	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 6.	24	
			Supplement Nos. 1–3	24	1–3
			Notice of succession 7–1–69.		
			Assignment 3–28–69 [3]	24	4
			Effective date: 1–1–69		
G–4029 8–4–69 [7]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Poehler Field, Cabeza Creek Area, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 2.	2	
			Supplement Nos. 1–16	2	1–15
			Certification of Corporation name change 12–20–68.	2	17
			Effective date: 12–20–68		

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.

[2] Temporary certificate.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G-4507 (CI70-31) E 7-3-69 [4]	Clinton Oil Co. (Operator) et al. (successor to H. F. Sears (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears (Operator) et al., FPC GRS No. 8.	25	
			Supplement Nos. 1-3	25	1-3
			Notice of succession 7-1-69		
			Assignment 3-28-69 [2]	25	4
			Effective date: 1-1-69		
G-6170 D 9-9-69	The Superior Oil Co. (Operator) et al.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Notice of partial cancellation 9-9-69. [4 5]	11	13
G-20546 D 6-20-69	Ashland Oil & Refining Co. (Operator) et al.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Moeane Field, Beaver County, Okla.	Release Agreement 5-29-69 [4 5]	127	11
CI61-222 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	El Paso Natural Gas Co., Perryton Lower Morrow 8700' Field, Ochiltree County, Tex.	H. F. Sears, FPC GRS No. 17.	28	
			Supplement Nos. 1-14	28	1-14
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [2]	28	15
			Effective date: 1-1-69		
CI61-359 C 9-15-69 [3]	W. Leslie Rogers	Equitable Gas Co., Central District, Doddridge County, W. Va.	Amendment 8-20-69 [3]	1	2
CI62-1334 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 13.	26	
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [2]	26	1
			Effective date: 1-1-69		
CI63-76 C 9-15-69 [3]	Cities Service Oil Co. [12]	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Kansas (Deep) Field, Haskell County, Kans.	Agreement 8-25-69 [4 13]	158	3
CI63-1060 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 14.	27	
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [2]	27	1
			Effective date: 1-1-69		
CI64-869 8-4-69 [7]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 6.	6	
			Supplement Nos. 1-2	6	1-2
			Certification of corporation name change, 12-20-68.	6	3
			Effective date: 12-20-68		
CI64-902 (CI65-453) F3-20-69	Delta Drilling Co. (Operator) et al. [12]	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	Supplement agreement 4-18-68. [13a]	30	12
CI64-1336 D 8-16-65	Humble Oil & Refining Co.	Natural Gas Pipeline Co. of America, Crane Field, Custer County, Okla.	Effective date: Date of transfer of properties.		
			Assignment 8-3-65 [4 13]	331	7
CI64-1361 8-4-69 [7]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 4.	4	
			Supplement Nos. 1-18	4	1-18
			Certificate of corporation name change, 12-20-68.	4	19
			Effective date: 12-20-68		
CI65-738 C 9-18-69 [4]	Gulf Oil Corp.	Northern Natural Gas Co., Clementine Upper Morrow Field, Hansford County, Tex.	Agreement 7-30-69 [3]	286	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65-1368 8-4-69 [7]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Sardis Church Field, Caldwell Parish, La.	Houston Royalty Co. (Operator) et al., FPC GRS No. 3.	3	
			Certification of corporation name change, 12-20-68.	3	1
			Effective date: 12-20-68		
CI66-674 E 9-18-69	Westrans Petroleum, Inc. (successor to Adena Petroleum, Inc.).	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Adena Petroleum, Inc., FPC GRS No. 1.	5	
			Notice of succession 8-13-69.		
			Assignment 12-10-65 [14]	5	1
			Assignment 9-16-68 [15]	5	2
			Effective date: 9-16-68		
CI66-856 C 9-15-69 [3]	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., North Bokoshe Field, Le Flore County, Okla.	Amendment 8-5-69 [3]	[16] 32	6
CI66-907 E 8-28-69 [17]	C. L. and Gladys Lloyd Trust No. 1, First National Bank in Dallas, Trustee (Operator) et al. (successor to Mike Trust d.b.a. Mike Trust Drilling Co. (Operator) et al.).	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	Mike Trust d.b.a. Mike Trust Drilling Co. (Operator) et al., FPC GRS No. 1.	1	
			Supplement Nos. 1-21	1	1-21
			Notice of succession 8-25-69.		
			Effective date: 3-1-69		
CI66-1177 E 9-15-69	Westrans Petroleum, Inc. (successor to John J. McDonnell).	Consolidated Gas Supply Corp., Union and Murphy Districts, Ritchie County, W. Va.	John J. McDonnell, FPC GRS No. 1.	4	
			Notice of succession 8-13-69.		
			Assignment 9-16-68 [15]	4	1
			Effective date: 9-16-68		
CI66-1333 C 8-29-69 [3]	William E. Snee, [11] et al.	Arkansas Louisiana Gas Co., acreage in Le Flore, Latimer, and Pittsburg Counties, Okla.	Amendment 7-31-69 [3]	5	9
CI67-232 C 8-7-67 [1]	Redfern Development Corp. (Operator) et al. [18]	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	Amendatory agreement 7-10-67. [3]	2	1
CI67-286 C 9-15-69 [3]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Amendment 8-28-69 [3]	85	9
CI67-766 8-4-69 [7]	Houston Oil & Minerals Corp. (formerly Houston Royalty Co.).	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	Houston Royalty Co., FPC GRS No. 7.	7	
			Supplement Nos. 1-22	7	1-22
			Certification of corporation name change, 12-20-68.	7	23
			Effective date: 12-20-68		
CI67-767 8-4-69 [7]	do	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	Houston Royalty Co., FPC GRS No. 8.	8	
			Supplement Nos. 1-8	8	1-8
			Certification of corporation name change, 12-20-68.	8	9
			Effective date: 12-20-68		
CI67-879 8-4-69 [7]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Go Witt Field, Goliad and De Witt Counties, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 9.	9	
			Certification of corporation name change, 12-20-68.	9	1
			Effective date: 12-20-68		

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-1152 8-4-69 [1]	do	United Gas Pipe Line Co., East Melrose and West Weeatche Fields, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 10.	10	
			Certification of corporation name change, 12-30-68.	10	1
			Effective date: 12-30-68		
CI67-1417 E 9-18-69	Westrans Petroleum, Inc. (successor to Adena Petroleum, Inc., Agent for Industries Americana, Inc., et al.).	Consolidated Gas Supply Corp., Union District, Ritchie County, W. Va.	Adena Petroleum, Inc., Agent for Industries Americana, Inc., et al., FPC GRS No. 2.	6	
			Notice of succession 8-13-69.		
			Assignment 9-16-68 [2]	6	1
			Effective date: 9-16-68		
CI68-90 A 7-27-67 [1]	Monsanto Co	Panhandle Eastern Pipe Line Co., Northwest Waynoka Field, Woods County, Okla.	Contract 6-22-67 [2]	90	
CI68-688 8-4-67 [1]	Houston Oil & Minerals Corp. (Operator) et al. (formerly Houston Royalty Co. (Operator) et al.).	United Gas Pipe Line Co., Southwest Weeatche Area, Goliad County, Tex.	Houston Royalty Co. (Operator) et al., FPC GRS No. 11.	11	
			Certification of corporation name change, 12-30-68.	11	1
			Effective date: 12-30-68		
CI68-1202 D 9-11-69	The Superior Oil Co. (partial abandonment).	Texas Gas Transmission Corp., North Maurice Field, Lafayette Parish, La.	Notice of partial cancellation 9-10-69. [1]	136 [4]	3
CI69-228 C 9-18-69 [1]	Gulf Oil Corp.	Transwestern Pipeline Co., North Gruver Field, Hansford County, Tex.	Letter agreement 8-26-69. [1]	491	3
CI69-268 C 9-5-69 [1] C 9-5-69 [1] C 9-5-69 [1]	Spartan Gas Co.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplemental agreement 4-11-69, [1] [2]	14	5
			Supplemental agreement 4-24-69, [1] [2]	14	6
			Supplemental agreement 5-21-69, [1] [2]	14	7
CI69-269 C 9-8-69 [1] C 9-8-69 [1] C 9-8-69 [1] C 9-8-69 [1]	do	do	Supplemental agreement 11-14-68, [1] [2]	14	1
			Supplemental agreement 11-27-68, [1] [2]	14	2
			Supplemental agreement 1-28-69, [1] [2]	14	3
			Supplemental agreement 3-3-69, [1] [2]	14	4
CI69-368 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	H. F. Sears, FPC GRS No. 19.	29	
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [1]	29	1
			Effective date: 1-1-69		
CI69-382 E 7-3-69	do	do	H. F. Sears, FPC GRS No. 20.	30	
			Supplement Nos. 1-2	30	1-2
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [1]	30	3
			Effective date: 1-1-69		
CI69-384 E 7-3-69	Clinton Oil Co. et al. (successor to H. F. Sears et al.).	do	H. F. Sears et al., FPC GRS No. 21.	31	
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [1]	31	1
			Effective date: 1-1-69		
CI69-400 E 7-3-69	Clinton Oil Co. (successor to H. F. Sears).	Phillips Petroleum Co., West Panhandle Field, Hutchinson and Moore Counties, Tex.	H. F. Sears, FPC GRS No. 22.	22	
			Notice of succession 7-1-69.		
			Assignment 3-28-69 [2]	22	1
			Assignment 3-28-69 [2]	22	2
			Effective date: 1-1-69		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-821 A 3-3-69 [1]	Phillips Petroleum Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah and Le Flore Counties, Okla., and Franklin, Logan, and Yell Counties, Ark.	Contract 1-21-69 [2]	471	
			Compliance 9-3-69 [1] [2]	471	1
CI69-906 C 9-12-69 [1]	Continental Oil Co.	El Paso Natural Gas Co., Blanco Fields, San Juan Basin, San Juan County, N. Mex.	Supplemental Agreement 9-3-69, [3]	345	1
CI69-972 (CI65-1145) F 7-28-69	King Resources Co.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer County, Okla.	Conveyance 3-2-69 [2]	20	3
			Assignment 6-18-69 [2]	20	4
			Assignment 6-23-69 [2]	20	5
			Conveyance 6-23-69 [2]	20	6
			Effective date: Date of transfer of properties.		
CI69-1165 A 6-9-69 [2]	Gulf Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 176 Field, Ship Shoal Area, Offshore Louisiana.	Contract 5-27-69	467	
			Letter 7-8-69 [2]	467	2
			Letter 8-22-69 [1] [2]	467	3
CI70-9 C 8-21-69 [1]	Graham-Michaelis Drilling Co.	Michigan Wisconsin Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla.	Amendatory agreement 7-30-69.	89	2
			Compliance 9-18-69 [1] [2]	89	3
CI70-41 A 7-14-69 [1] [4]	Gulf Oil Corp.	Transcontinental Gas Pipe Line Corp. Bayou Cenba Field, St. Charles Parish, La.	Contract 6-16-69	410	
			Compliance 8-8-69 [1] [2]	410	1
CI70-77 A 7-24-69 [1]	Edwin L. Cox (Operator) et al.	Michigan Wisconsin Pipe Line Co., Cheyenne Valley Field, Major County, Okla.	Contract 7-10-69	76	
			Compliance 9-19-69 [1] [2]	76	1
CI70-96 A 8-1-69 [1]	Humble Oil & Refining Co.	Natural Gas Pipeline Co. of America, Putnam Field, Custer County, Okla.	Contract 8-15-69	467	
			Compliance 9-8-69 [1] [2]	467	1
CI70-105 A 8-4-69 [1]	Joseph F. Fritz Operating Co.	Texas Eastern Transmission Corp., White Castle Field, Wilkinson County, Miss.	Contract 7-23-69	2	
CI70-110 (G-4579) F 8-4-69	Mallonee-Mahoney, Inc., Agent (successor to Cities Service Oil Co.).	Northern Natural Gas Co., Evalyn Field, Seward County, Kans.	Contract 5-22-63 [2]	2	
			Assignment 6-5-69 [1] [2]	2	1
CI70-119 A 8-8-69 [1]	Arthur I. Appleton d.b.a. Appleton Oil Co.	Northern Natural Gas Co., South Greenough Field, Beaver County, Okla.	Contract 7-1-69	4	
			Compliance 9-12-69 [1] [2]	4	1
CI70-129 A 8-11-69 [1]	Cities Service Oil Co.	Consolidated Gas Supply Corp., [2] Coopers Creek Area, Elk, Poca, and Union Districts, Kanawha County, W. Va.	Contract 7-25-69 [1] [2]	318	
CI70-141 A 8-12-69 9-29-69 [2]	E. S. Bouse	Consolidated Gas Supply Corp., Henderson Township, Jefferson County, Pa.	Contract 8-28-69 [1]	1	
CI70-223 A 9-2-69 [1]	GMC Oil & Gas Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Contract 8-12-69 [1]	[5] 6	
CI70-227 A 9-5-69 [1]	Willard E. Ferrell	Equitable Gas Co., Clay District, Ritchie County and Cove District, Doddridge County, W. Va.	Contract 6-16-69 [1]	28	
CI70-233 (G-14861) B 9-8-69	Sun Oil Co. (DX Division).	Arkansas Louisiana Gas Co. Capps Gasoline Plant, Miller County, Ark.	Notice of cancellation 8-28-69. [1] [2]	157	5
CI70-234 A 9-8-69 [1]	do	Breckenridge Gasoline Co., Rodessa Field, Miller County, Ark., and Caddo Parish, La.	Letter agreement 7-30-69	303	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI70-242 (CI62-1169) B 9-10-69	Willard E. Ferrell, Agent for North Fork Development Co.	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	Notice of cancellation 9-8-69 [1]	1	2
CI70-246 (CI67-174) F 9-8-69	B. D. Price et al. (successor to Southland Royalty Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 7-12-66 [2]	1	
			Amendatory Agreement 3-8-68.	1	1
			Assignment 4-4-69 [3]	1	2
			Assignment 5-7-69 [3] [4]	1	3
CI70-249 (CI64-1066) B 9-11-69	Tenneco Oil Co.	United Gas Pipe Line Co., Emma Haynes and Bomba Fields, Goliad County, Tex.	Notice of cancellation (undated). [4] [5]	110	6
CI70-250 A 9-11-69 [6]	Southland Royalty Co. [7]	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant and Garfield Counties, Okla.	Ratified 7-31-69	133	
			Contract 5-6-69	133	1
			Letter agreement 8-6-69 [8] [9]	137	2
CI70-252 A 9-12-69 [6]	Union Drilling, Inc., et al.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 12-26-68 [6]	42	
CI70-254 A 9-12-69 [6]	Larry Robinson, Inc.	Valley Gas Transmission, Inc., El Oro (2500') Field, Duval County, Tex.	Contract 8-20-69 [9]	1	
CI70-255 A 9-10-69 [6]	Carl A. Houy (Operator).	Kansas-Nebraska Natural Gas Co., Inc., Logan Creek North Field, Logan County, Colo.	Contract 6-19-64 [6]	1	
CI70-256 (G-11048) B 9-15-69 [10]	Diversa, Inc.	Florida Gas Transmission Co., West Fulton Beach Field, Aransas County, Tex.	Notice of cancellation 9-11-69. [4] [5]	7	3
CI70-257 (G-6819) B 9-15-69 [10]	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., South Robston Field, Nueces County, Tex.	Notice of cancellation 9-11-69. [4] [5]	1	5
CI70-258 A 9-15-69 [6]	Pruitt Tool & Supply Co.	Arkansas Louisiana Gas Co., South Bokoshe Field, Le Flore County, Okla.	Contract 9-3-69 [11]	1	
			Contract 11-4-65 [6] [12]	1	1
CI70-259 (G-15558) B 9-15-69 [10]	Diversa, Inc.	Texas Eastern Transmission Corp., North Mineral Field, Bee County, Tex.	Notice of cancellation 9-11-69. [4] [5]	4	6
CI70-262 (G-15542) B 9-15-69	Marathon Oil Co.	United Gas Pipe Line Co., American Island Field, St. Martin Parish, La.	Notice of cancellation 9-9-69. [4]	39	6
CI70-263 A 9-15-69 [6]	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area, Sweetwater County, Wyo.	Contract 8-14-69 [6]	111	
CI70-264 (CI63-1278) B 9-15-69	J. Newton Rayzor et al.	Valley Gas Transmission, Inc., South Spanish Camp Field, Wharton County, Tex.	Notice of cancellation 8-14-69. [4] [5]	1	1
CI70-272 A 9-17-69 [6]	Franklin Adkins	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Contract 6-4-69 [6]	3	
CI70-273 A 9-18-69 [6]	Royal Oil & Gas Corp.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	Contract 8-5-69 [6]	14	
CI70-274 A 9-18-69 [6]	J. L. Trittipo	Consolidated Gas Supply Corp., Union District, Barbour County, W. Va.	Contract 3-28-69 [6]	4	
CI70-275 A 9-18-69 [6]	Hays and Co., Agent for D. A. Durward.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 6-4-69 [6]	325	

See footnotes at end of table.

[1] Applications erroneously assigned Dockets Nos. CI70-33, CI70-33, and CI70-32 being treated as petitions to amend the orders issuing certificates in Dockets Nos. G-2724, G-2800, and G-2840, respectively, and Dockets Nos. CI70-32, CI70-33, and CI70-33 will be canceled.
[2] From H. F. Sears to Clinton Oil Co.
[3] From H. F. Sears to Clinton Oil Co.; supplement No. 10 (Hutchinson County) and supplement No. 11 (Moore and Potter Counties), respectively.
[4] Source of gas depleted.
[5] Effective date: Date of this order.
[6] Applications erroneously assigned Dockets Nos. CI70-34 and CI70-31 being treated as petitions to amend the orders issuing certificates in Dockets Nos. G-3949 and G-4307, respectively, and Dockets Nos. CI70-31 and CI70-34 will be canceled.
[7] Amendment to the certificate filed to reflect the change in corporate name.
[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] By letter dated Sept. 25, 1969, Applicant expressed willingness to accept permanent authorization for the additional acreage at a rate of 16 cents per Mcf (basic contract provides for 18 cents per Mcf).
[11] Limited to all depths below the base of The Chase Group of the Permian System.
[12] By letter filed Sept. 24, 1969, Applicant amended the application to request the predecessor's rate of 16 cents per Mcf in lieu of 16.97 cents per Mcf.
[12a] Dedicates acreage previously dedicated to the contract on file as Atlantic Richfield Co. FPC GRS No. 290.
[13] Deletes acreage assigned to Marion Corp. (nonproductive at time of assignment).
[14] From Adens to Industries Americana, Inc.
[15] From Industries Americana, Inc., to Westrans Petroleum, Inc.
[16] Contract provides for base rate of 16 cents per Mcf plus 0.018-cent per Mcf tax reimbursement; however, Applicant filed for 15 cents per Mcf total rate.
[17] Amendment to the certificate field to reflect change in operator only.
[18] Transfers acreage from John J. McDonnell to Westrans Petroleum, Inc.
[19] Basic contract provides for a rate of 16.018 cents per Mcf; however, by letter of Aug. 28, 1969, applicant expressed willingness to accept permanent authorization at a total rate of 15 cents per Mcf.
[20] By letter dated Sept. 8, 1969, applicant advised willingness to accept permanent authorization at a total rate of 17 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment and subject to the ultimate disposition of the proceedings in Docket No. R-338.
[21] Basic contract provides for 17 cents per Mcf; however, applicant is willing to accept a permanent certificate at 15 cents per Mcf subject to B.t.u. adjustment.
[22] For gas produced from the Newburg Sand only.
[23] From H. F. Sears to Clinton Oil Co.; supplement No. 1 (Hutchinson County) and supplement No. 2 (Moore County), respectively.
[24] Acreage committed with respect to gas produced above the base of The Cromwell Zone.
[25] Accepts temporary certificates issued Aug. 22, 1969. Basic contract provides for a rate of 16 cents per Mcf; however, applicant is willing to accept a permanent certificate at 15 cents per Mcf.
[26] From Pan American Petroleum Corp. to applicant and subject to Pan American's FPC GRS No. 419. Pan American's rate is in effect subject to refund in Docket No. RI69-103. Applicant is a respondent in said proceeding.
[27] Opinion No. 546-A permits rate increases to 20 cents per Mcf for sales of third vintage offshore gas-well gas.
[27a] Jan. 1, 1974, moratorium provided by Opinion No. 546-A.
[28] Applicant agreed to accept a permanent certificate containing Opinion Nos. 546 and 546-A conditions.
[29] Applicant agreed to accept a permanent certificate limiting buyer's take-or-pay obligation to a 1 to 7,300 reserve ratio and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[30] Complies with temporary certificate issued Sept. 12, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment.
[31] Accepts conditioned temporary certificate issued Aug. 22, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf subject to B.t.u. adjustment and to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of daily takes to reserves during the first 2 years.
[32] Complies with temporary certificate issued Aug. 29, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf, subject to B.t.u. adjustment, and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[33] Currently on file as Cities Service Oil Co. FPC GRS No. 167 (intermediate) and FPC GRS No. 168 (deep).
[34] From Cities Service Oil Co. to Mahoney Drilling Co.
[35] Complies with temporary certificate issued Aug. 29, 1969. Applicant states willingness to accept a permanent certificate conditioned to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of daily takes to reserves during the first 2 years.
[36] Consolidated will deliver gas into United Fuel Gas Co.'s pipeline by exchange agreement dated July 30, 1969, to be authorized in Docket No. CP70-31.
[37] Letter filed Sept. 29, 1969, wherein applicant states it will accept a permanent certificate at 27 cents per Mcf at 15.025 p.s.i.a. or 27.5361 cents per Mcf at 15.325 p.s.i.a. (the area ceiling rate for Pennsylvania).
[38] Contract provides for a rate of 17 cents per Mcf; however, applicant states it is willing to accept a permanent certificate at 15 cents per Mcf subject to B.t.u. adjustment.
[39] Buyer notified seller of intent to discontinue operation of Cappe Gasoline Plant and Mills Compressor Station (July 11, 1969). Sun Oil Co. (DX Division) agreed to termination of the sale July 15, 1969.
[40] Currently on file as Southland Royalty Co., FPC GRS No. 23.
[41] From Southland Royalty Co. to B. D. Price.
[42] Percentage of interest assigned to "et al." parties.
[43] Seller no longer owns lands and leaseholds subject to this contract.
[44] Contract provides for a rate of 17 cents per Mcf; however, applicant states it is willing to accept a permanent certificate at 15 cents per Mcf including tax reimbursement and subject to B.t.u. adjustment. By letter filed Sept. 30, 1969, applicant also agreed to accept a permanent certificate conditioned to the ultimate disposition of the proceedings in Docket No. R-338.
[45] Eliminates indefinite pricing provisions.
[46] Filing submitted by Homa Oil & Gas Co. and includes assignment whereby Homa acquired this acreage from Diversa, Inc.
[47] Adopts terms of Nov. 4, 1965, contract between Sunray DX Oil Co. and buyer.
[48] Currently on file as Sun Oil Co. (DX Division) FPC GRS No. 259.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas (Name of Respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date Motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $ _____, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. _____ not justified;

Now, therefore, if (Name of Respondent), its corporate surety, (and their heirs, executors, administrators[1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. _____, (Name of Resonent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of Respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. _____, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this _____ day of _____

Attest:

_____

By _____
Principal

By _____
Surety

[1] To be included if a noncorporate respondent.

[F.R. Doc. 69-13936; Filed, Nov. 26, 1969; 8:45 a.m.]

[Docket Nos. G-2978 etc.]

SUN OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

NOVEMBER 13, 1969.

Sun Oil Co. (DX Division), and other Applicants listed herein, Docket Nos. G-2978, et al., Pecos Growers Oil Co., Docket Nos. CI69-1155, CI69-1156.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, discharging surety bond, accepting agreements and undertakings, for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued September 17, 1969 and published in the FEDERAL REGISTER September 30, 1969, 34 F.R. 15269, Dockets Nos. CI69-1155 and CI69-1156, FPC gas rate schedule to be accepted, description and date of document: Change "2" to "Effective Date: 5-1-69".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-14071; Filed, Nov. 26, 1969; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND MATSON TERMINALS, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edward C. Farrell, Assistant City Attorney, Office of City Attorney, Post Office Box 151, San Pedro, Calif. 90733.

Agreement No. T-2356 between the City of Los Angeles (Los Angeles) and Matson Terminals, Inc. (Matson) is a 5-year preferential berth assignment covering the use of approximately forty-five (45) acres of real property and wharf area at Berths 207-9, together with an option to use approximately fifteen (15) additional acres and wharf space at Berth 206. As compensation Matson will pay Los Angeles all port tariff charges, subject to an annual minimum payment of $818,933 and a maximum payment of $1,001,942.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14049; Filed, Nov. 26, 1969; 8:45 a.m.]

LEEWARD AND WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the disrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7540–20, among the parties to the Leeward and Windward Islands and Guianas Conference amends the basic agreement by modifying the Preamble (1) to indicate the current names of certain areas covered by the agreement, namely: French Guiana, Surinam (formerly Netherlands Guiana) and Guyana (formerly British Guiana), and (2) to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–14050; Filed, Nov. 26, 1969; 8:45 a.m.]

UNITED STATES ATLANTIC & GULF-HAITI CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Haiti Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 8120–10, among the parties to the United States Atlantic and Gulf-Haiti Conference amends Article 1 of the basic agreement to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–14051; Filed, Nov. 26, 1969; 8:45 a.m.]

UNITED STATES ATLANTIC & GULF-VENEZUELA AND NETHERLANDS ANTILLES CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 6190–24, among the parties to the United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference amends the basic agreement by modifying the Preamble to provide that the trade area covered by the agreement shall be served by direct call or transshipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–14052; Filed, Nov. 26, 1969; 8:45 a.m.]

WEST COAST SOUTH AMERICA NORTHBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, West Coast South America Northbound Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7890–6, among the parties to the West Coast South America Northbound Conference amends the basic agreement by modifying the Preamble to provide that the trade area covered by the agreement shall be served by direct call or transhipment.

Dated: November 21, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69–14053; Filed, Nov. 26, 1969; 8:45 a.m.]

ATLANTIC AND GULF/WEST COAST OF SOUTH AMERICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. D. Marshall, Chairman, Atlantic and Gulf/West Coast of South America Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 2744-31, among the parties to the Atlantic and Gulf/West Coast of South America Conference, amends the basic agreement by modifying (1) the Preamble which presently provides that the trade area covered by the agreement shall be served by direct movement or transshipment via Cristobal, and/or Balboa, Canal Zone, to provide for service by direct movement or transshipment (with no limitation with respect to transshipment ports), and (2) article 1(a) which presently provides that the conference shall fix and agree upon the division of transportation rates and charges between the members and connecting carriers who are not members in respect to cargo transshipped at Cristobal and/or Balboa, Canal Zone, to provide for such conference fixing and agreeing upon the division of transportation rates and charges between the members and connecting carriers who are not members in respect to cargo which may be transshipped (with no limitation with respect to transshipment ports).

Dated: November 24, 1969.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-14111; Filed, Nov. 26, 1969; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of The Commercial Bank of Gainesville, Gainesville, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14072; Filed, Nov. 26, 1969; 8:46 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 52 percent or more of the voting shares of Citizens Bank of Lehigh Acres, Lehigh Acres, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14073; Filed, Nov. 26, 1969; 8:46 a.m.]

CHARTER BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Charter Bankshares Corp., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of

Governors of the acquisition by Applicant of 52 percent or more of the voting shares of The Exchange Bank of Palatka, Palatka, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14074; Filed, Nov. 26, 1969; 8:46 a.m.]

COMMERCE BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Commerce Bancshares, Inc., which is a bank holding company located in Kansas City, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of more than 80 percent of the voting shares of Mexico Savings Bank, Mexico, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 20th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14075; Filed, Nov. 26, 1969; 8:46 a.m.]

DENVER U.S. BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Denver U.S. Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition 80 percent or more of the voting shares of Villa National Bank, Jefferson City, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

Dated at Washington, D.C., this 19th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14076; Filed, Nov. 26, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2643]

ALLIED CAPITAL CORP.

Notice of Filing of Application

NOVEMBER 21, 1969.

Notice is hereby given that Allied Capital Corp. ("Allied"), 1625 Eye Street NW., Washington, D.C., a closed-end nondiversified investment company registered under the Investment Company Act of 1940 (the "Act"), and a licensee under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(d) of the Act and rule 17d-1 thereunder for an order permitting Allied to participate with others in a public offering of the shares of Pandick Press, Inc. ("Pandick"). All interested persons are referred to the application, which is on file with the Commission, for a statement of the representations therein, which are summarized below.

Pandick and certain of its shareholders, including Allied, propose to offer and sell to the public through various underwriters approximately 356,543 shares, in the aggregate, of Pandick's common stock, par value $0.10 per share. Allied presently owns 133,600 shares (approximately 10.01 percent) of the 1,334,000 outstanding shares of the stock. Therefore, under section 2(a)(3) of the Act, Allied and Pandick are affiliated persons of each other. Allied also owns $140,000 face amount of Pandick Subordinated Sinking Fund Term Notes.

The various underwriters acting through Dean Witter & Co., Inc., as their representative, propose to purchase from

Pandick and the selling shareholders, approximately 356,543 shares of stock in the aggregate. Of that amount, 100,000 shares are to be purchased from Pandick and 13,000 shares from Allied. The number of shares included in the public offering was determined by the Underwriters after Pandick and each of Pandick's shareholders were given unrestricted opportunity to offer stock. The participation of Pandick or any of its shareholders is not contingent upon that of any one or more of them.

Pandick will pay all expenses of registration except underwriting discounts, fees of counsel employed by the selling shareholders and stock transfer taxes. Each of the selling shareholders and Pandick are paying underwriting discounts at the same rate.

Allied represents that its participation in the offering is not on a basis different from or less advantageous to it than to Pandick or to any of the other selling shareholders.

Rule 17d–1, adopted under section 17(d) of the Act, provides, inter alia, that no affiliated person of any registered investment company, and no affiliated person of such affiliated person, shall, acting as principal, participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than December 11, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14091; Filed, Nov. 26, 1969; 8:48 a.m.]

[811–1259]

AMERICA AND ISRAEL GROWTH FUND, INC.

Notice of Filing of Application

NOVEMBER 21, 1969.

Notice is hereby given that America and Israel Growth Fund, Inc., 54 Wall Street, New York, N.Y. ("America"), registered as a management open-end diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that America has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On June 27, 1968, America, pursuant to due authorization, conveyed substantially all of its properties and assets to Israel American Diversified Fund ("Fund") in exchange for capital stock of Fund, which capital stock has been distributed to the former stockholders of America upon such stockholders' surrender of their certificates representing shares in America. At present 38 stockholders of America have not surrendered their certificates representing approximately 5,098 shares of stock of America for the shares of stock of Fund to which they are entitled. The First Pennsylvania Banking & Trust Co., is holding the shares of stock of Fund to which such stockholders of America are entitled, and is prepared to deliver such stock of Fund upon the surrender of certificates for stock of America. America is also in the process of dissolution and does not propose to engage in the business of investing, reinvesting, or trading in securities, and does not propose to make a public offering.

Section 3(c)(1) of the Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides that when the Commission, upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness 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 December 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69–14092; Filed, Nov. 26, 1969; 8:48 a.m.]

[File No. 24W–2927]

FLINTLOCK LAND INVESTMENT CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 20, 1969.

I. Flintlock Land Investment Corp. (Flintlock), 11200 Lockwood Drive, Silver Spring, Md. 20904, incorporated in the State of Maryland on January 16, 1969, filed with the Commission on May 28, 1969 a notification on Form 1–A and an offering circular relating to an offering of 100,000 shares of its no par value common stock at $3 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe, on the basis of information reported to it by the staff, that:

A. The offering circular of Flintlock omits to state material facts necessary

in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly:

1. The failure to set forth adequately and accurately the conflicts of interests involving Harry J. Donahue, president, George J. Cooper, vice-president, and Carl E. Werner, treasurer of Flintlock, by virtue of their ownership of an affiliate corporation (Flintlock Corp.) which holds title to or options to acquire the majority of the tract of land, proposed for development or sale as a recreation area, of which they propose to have Flintlock acquire a portion.

2. The failure to apprise investors adequately and accurately of the conflict of interest position Messrs. Donahue, Cooper, and Werner and the affiliate corporation occupy with respect to the proposed development of the land and the possible effect such conflict will have on Flintlock in future transactions involving Flintlock and the affiliate.

3. The failure to apprise investors that the land which Flintlock owns or will own is so situated that its ultimate appreciation in value is dependent upon the land to be retained by Affiliate.

4. The failure to disclose accurately and adequately that the value of the land, which it is proposed Flintlock will own, is dependent in large part upon reacquisition by the affiliate of a certain mountain and that the affiliate might not have sufficient funds to reacquire such mountain in addition to its obligations on the rest of the land comprising the tract.

5. The failure to apprise investors adequately and accurately of past dealings between Flintlock and the affiliate company, and by the affiliate and Messrs. Donahue, Cooper, and Werner in connection with the land which is to be acquired in part by Flintlock with the proceeds of the proposed offering.

6. The failure to disclose accurately and adequately that the affiliated company is dependent upon the proceeds of the offering by Flintlock in order to exercise the options on the land it proposes to sell to Flintlock at a substantial markup over its cost.

7. The failure to disclose accurately and adequately the amount of the investment of Messrs. Donahue, Cooper and Werner in the affiliated company.

8. The failure to disclose adequately and accurately the dilution of the public's investment upon completion of the proposed offering.

B. The offering, if made, would act as a fraud and deceit upon investors in violation of sections 5 and 17 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 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 hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-14093; Filed, Nov. 26, 1969; 8:48 a.m.]

[70-4703]

KINGSPORT POWER CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

NOVEMBER 21, 1969.

Notice is hereby given that Kingsport Power Co. ("Kingsport"), 40 Franklin Road, Roanoke, Va. 24009, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 17, 1969 (Holding Company Act Release No. 16268), the Commission authorized Kingsport to issue and sell its notes to two commercial banks prior to December 31, 1969, in an aggregate amount not to exceed $2,500,000 outstanding at any one time. Kingsport now proposes that the notes be issued prior to December 31, 1970, in an aggregate amount not to exceed $3,500,000 outstanding at any one time. Kingsport requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y., and Morgan Guaranty Trust Co. of New York, N.Y., in the aggregate principal amounts of $2,450,000 and $1,050,000, respectively; will mature not later than 270 days after the date of the issue or renewal; and will bear interest from the date thereof at the then current prime credit rate (presently 8½ percent per annum). The notes may be prepaid at any time, in whole or in part, without premium. As of November 13, 1969, Kingsport had outstanding $1 million of short-term notes, and it is expected that Kingsport will borrow an additional $800,000 prior to December 31, 1969.

Kingsport will use the proceeds from the sale of the notes to reimburse its treasury for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1970 to cost approximately $1,800,000, and for other corporate purposes.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary*.

[F.R. Doc. 69-14094; Filed, Nov. 26, 1969; 8:48 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 21, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rajac Industries, Inc. (a New

York corporation), and all other securities of Rajac Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 23, 1969 through December 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14097; Filed, Nov. 26, 1969; 8:48 a.m.]

[File No. 1-5827]

REVENUE PROPERTIES CO., LTD.

Order Suspending Trading

NOVEMBER 19, 1969.

The common stock, no par value, of Revenue Properties Co., Ltd., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Revenue Properties Co., Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 19, 1969, through November 28, 1969, both dates inclusive.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14098; Filed, Nov. 26, 1969; 8:48 a.m.]

[File No. 24C-2748]

SERVANCE CORP.

Order Permanently Suspending Exemption

NOVEMBER 20, 1969.

I. Servance Corporation (issuer), 10436 College Avenue, Indianapolis, Ind., an Indiana corporation, incorporated February 17, 1966, with its principal office at 10436 College Avenue, Indianapolis, Ind., filed with the Commission on March 1, 1966, a notification on Form 1-A and an offering circular relating to an offering of 29,000 shares of no par value common capital stock at $10 per share for an aggregate offering price of $290,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission, on July 23, 1969, temporarily suspended the Regulation A exemption of Servance Corporation stating that it had reasonable cause to believe that the terms and conditions of Regulation A had not been complied with in that:

The provisions of Rule 260, adopted pursuant to section 3(b) of the Securities Act of 1933, as amended, have not been complied with in that no report of sales on Form 2-A had been made since December 12, 1966, although repeated notice was given the issuer, its attorney, its officers, directors and promoters.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14095; Filed, Nov. 26, 1969; 8:48 a.m.]

[70-4704]

WHEELING ELECTRIC CO.

Notice of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

NOVEMBER 21, 1969.

Notice is hereby given that Wheeling Electric Co. ("Wheeling"), 51 16th Street, Wheeling, W. Va. 26003, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission a post-effective amendment to its application in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 17, 1969 (Holding Company Act Release No. 16269), the Commission authorized Wheeling to issue and sell its notes to five commercial banks prior to December 31, 1969, in an aggregate amount not to exceed $4 million outstanding at any one time. Wheeling now proposes that the notes be issued prior to December 31, 1970, in an aggregate amount not to exceed $4,200,000 outstanding at any one time. Wheeling requests the Commission's approval of the issue and sale of such amount of notes not already exempt pursuant to the first sentence of section 6(b) of the Act. The notes will be issued and sold to the following banks in the indicated principal amounts:

First National City Bank, New York, N.Y.	$588,000
Manufacturers Hanover Trust Company, New York, N.Y.	588,000
Morgan Guaranty Trust Company of New York, N.Y.	588,000
Mellon National Bank and Trust Company, Pittsburgh, Pa.	1,848,000
Bankers Trust Company, New York, N.Y.	588,000
	$4,200,000

The notes will mature not later than 270 days after the date of issue or renewal and will bear interest at an annual rate equal to the prime credit rate (presently 8½ percent per annum). The notes may be prepaid at any time, in whole or in part, without premium. As of November 13, 1969, Wheeling had outstanding $3 million of short-term notes.

Wheeling will use the proceeds from the sale of the notes to reimburse its treasury for past expenditures in connection with its construction program, to provide funds to finance, in part, its future construction program, estimated for 1970 to cost approximately $2,300,000, and for other corporate purposes.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 12, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be adressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the

hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-14096; Filed, Nov. 26, 1969; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30 (Northeastern Area) Revision 1]

AREA COORDINATORS ET AL.

Delegation of Authority To Conduct Program Activities in the Northeastern Area

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 12) 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, 34 F.R. 5134, 34 F.R. 11165, 34 F.R. 12651, 34 F.R. 14712 and 34 F.R. 17464), the following authority is hereby redelegated to the positions as indicated herein:

I. *Area coordinators*—A. *Development Company Assistance Coordinator*—1. *Eligiblity determinations (for financial assistance only).* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Liquidation and Disposal Coordinator.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Supervisory Liquidation and Disposal Officer.* 1. To take all necessary actions in connection with the liquidation and disposal of all loans and other obligations or asserts, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trusts, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain, and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. To take all necessary action in liquidating Economic Development Administration loans and acquired collateral when and as authorized by Economic Development Administration.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; and (3) the cancellation of authority to liquidate.

D. *Area Claims Review Committee.* To consist of the liquidation and disposal coordinator, area counsel, and the area supervisory appraiser who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

E. *Financial Assistance Coordinator*—1. *Eligibility determinations (for financial assistance only).* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2 (e) of SBA Loan Policy Regulations.

2. *Size determinations (for financial assistance only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans; and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

F. *Procurement and Management Assistance Coordinator*—1. *Eligibility determinations (for PMA activities only).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

2. *Size determinations (for PMA activities only).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

G. *Area Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and

maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

H. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract required in setting up and dismantling and moving SBA exhibits; and (d) issue

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *Regional Directors.*

A. *Financial assistance.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000, and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000, and to decline them in any amount.

3. To close and disburse approved loans.

4. To enter into business, economic opportunity and disaster loan participation agreements with banks.

5. To execute loan authorizations for Washington and area approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator
By ----------
(Name)
Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

10. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

11. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

B. *Development company assistance.* 1. To approve or decline section 501 State Development Company loans and section 502 Local Development Company loans up to $350,000 (SBA share).**

2. To close and disburse sections 501 and 502 loans.

3. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator
By ----------
Regional Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

7. To enter into section 502 loan participation agreements with banks.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

C. *Lease guarantee.* 1. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

2. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator
By ----------
(Name)
Regional Director.
(City)

3. To service claims arising under all policies issued under delegated authority in region, including the payment, but not denial, of claims.

4. To take all actions necessary to mitigate losses.

D. *Size determinations.* To make initial size determinations in all cases within

the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

F. *Administration.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to obligate Small Business Administration to reimburse the General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

G. *Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned)*—1. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

2. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

3. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

4. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000, and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000, and to decline them in any amount.

5. To close and disburse approved business, economic opportunity, and disaster loans.

6. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

7. To execute loan authorizations for Central Office, area, and regional approved loans and loans approved under the delegated authority, said execution to read as follows:

(Name), Administrator

By _____
(Name)
(Title of person signing).

8. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, and disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

H. *Supervisory Loan Officer and/or Assistance Team Leader.* 1. To close and disburse approved business, economic opportunity, and disaster loans.

2. To enter into business, economic opportunity, and disaster loan participation agreements with banks.

3. To execute loan authorizations for Central Office, area, and regional approved loans, said execution to read as follows:

(Name), Administrator

By _____
(Name)
(Title of Person signing).

4. To cancel, reinstate, modify and amend authorizations for business, economic opportunity, and disaster loans.

5. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

8. To take all necessary actions in connection with the administration, servicing, and collection, other than those accounts classified as "in liquidation"; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other

instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privileges under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

9. *Size determinations for financial assistance only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. *Eligibility determinations for financial assistance only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

I. *Loan Officer (Financial Assistance).* 1. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

2. To close and disburse approved business, economic opportunity, and disaster loans.

J. *Chief, Development Company Assistance Division.* 1. To close and disburse sections 501 and 502 loans.

2. To extend the disbursement period on sections 501 and 502 loans, authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator
By ----------
(Name)
Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

6. To enter into section 502 loan participation agreements with banks.

7. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

K. *Loan Officer (Development Company Assistance).* 1. To close and disburse section 501 and 502 loans.

2. To extend the disbursement period on section 501 and 502 loans.

3. To cancel, reinstate, modify and amend authorizations for section 501 and 502 loans.

4. To approve final actions concerning current direct, participation, and First Mortgage Plan 502 loans.

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to applications against premiums.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

5. To enter into section 502 loan participation agreement with banks.

6. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

L. *Regional Counsel.* [Reserved]

M. *Chief, Accounting, Clerical and Training Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

5. To cancel, reinstate, modify and amend authorizations for business, economic opportunity and disaster loans.**

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans, except section 501 and 502 loans.**

7. To approve final actions concerning current direct or participation loans:

a. Use of the cash surrender value of life insurance to pay the premium on the policy.

b. Release of dividends of life insurance or consent to application against premiums.

c. Minor modifications in the authorization.

d. Adjustment of interest payment dates.

e. Release of hazard insurance checks not in excess of $500 and endorse such checks on behalf of the Agency where SBA is named as joint loss payee.

f. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.**

N. *Assistant Chief, Accounting, Clerical and Training Division.* 1. To purchase

reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines, and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

III. *Branch Manager.* [*Reserved*]

IV. The specific authority delegated herein, indicated by double asterisks (**) cannot be redelegated.

V. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

VI. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: October 14, 1969.

THOMAS J. NOONAN,
Area Administrator,
Northeastern Area.

[F.R. Doc. 69-14085; Filed, Nov. 26, 1969; 8:47 a.m.]

[Declaration of Disaster Loan Area 740]

PUERTO RICO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of November 1969, because of the effects of certain disasters, damage resulted to residences and business property located in the towns of Fajardo, Coamo, and Santa Isabel, P.R.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid towns, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on November 9 and 10, 1969.

OFFICE

Small Business Administration Regional Office, 255 Ponce De Leon Avenue, Hato Rey, P.R. 00919.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1970.

Dated: November 17, 1969.

W. D. BREWER,
Deputy Administrator.

[F.R. Doc. 69-14086; Filed, Nov. 26, 1969; 8:47 a.m.]

STAR CAPITAL CORP.

Application for License

Notice is hereby given pursuant to § 107.103 of the Regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) that the parties listed below have applied to the Small Business Administration (SBA) for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.). The proposed licensee is Star Capital Corp., 663 Fifth Avenue, New York, N.Y. 10022, a Delaware corporation (New Star), which is a party to the merger hereinafter described. It proposes to operate principally, but not exclusively in the city of New York, N.Y., as the wholly owned subsidiary of Abacus Fund, Inc. (Abacus).

Star Capital Corp. (Star), (License No. 02/03-0011), a Pennsylvania corporation, is a closed end, nondiversified management investment compay registered under the Investment Company Act of 1940, and is licensed as a small business investment company under the Small Business Investment Act of 1958, as amended. It proposes to merge with and into Sun Capital Corp., a Delaware corporation (Sun); and upon completion of the merger, Star will surrender its SBIC license. Sun is a wholly owned subsidiary of Abacus, a Delaware corporation and a closed end diversified management investment company registered under the Investment Company Act of 1940. Immediately after such merger, the name of the surviving company (Sun Capital Corp.) will be changed to Star Capital Corp. (New Star).

The merger agreement relating to the acquisition provides for one share of common stock of Abacus to be exchanged for each three and one-half (3½) shares of common stock of Star. This will result in a total of 154,762 shares of common stock of Abacus being issued to Star shareholders.

The officers and directors of the proposed licensee and their beneficial ownership of Abacus, licensee's parent, after giving effect to the merger, are as follows:

Name and address	Position	Percentage of ownership
Peter Jay Sharp, 778 Park Ave., New York, N.Y. 10028	Chairman of the executive committee and director.	±17
Michael Alan Conviser, 220 East 60th St., New York, N.Y. 10022	Assistant vice president	Nil
Ariel (NMI) Halpern, 262 Central Park West, New York, N.Y. 10024	Vice president	Nil
Michael Jay Scharf, Sea Coast Lane, Sands Point, N.Y. 11050	do	Nil
Herbert Zachary Geiger, 117 Oak Trail Rd., Hillsdale, N.J. 07642	Treasurer and assistant secretary.	Nil
Samuel Coles Butler, 1230 Park Ave., New York, N.Y. 10028	Director	Nil
Frank Alan Weil, South Bedford Rd., Mount Kisco, N.Y. 10549	President and director	±6
Joseph C. Abeles, Kawecki Chemical Co., 220 East 42d St., New York, N.Y. 10017.	Director	Nil
C. Gerald Goldsmith, 220 Park Ave., New York, N.Y. 10017	do	Nil
Jerome L. Greene, Marshall, Bratter, Greene, Allison & Tucker, 430 Park Ave., New York, N.Y. 10022.	do	Nil
Frederic C. Hamilton, 1670 Denver Club Bldg., Denver, Colo. 80202	do	Nil
Lewis B. Harder, 280 Park Ave., New York, N.Y. 10017	do	Nil
William K. Jacobs, Jr., 654 Madison Ave., New York, N.Y. 10021	Chairman of the board	Nil
Joseph Klingenstein, 1 Chase Manhattan Plaza, New York, N.Y. 10005	Director	Nil
Andrew E. Norman, Snedens Landing, Palisades, N.J. 07024	do	±5
Alfred A. Romney, 61 Broadway, New York, N.Y. 10006	do	Nil
Edmund H. Kerr, 27 Prospect Park West, Brooklyn, N.Y. 11215	Secretary	Nil

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within a period of ten (10) days of the date of publication of this notice.

A similar notice shall be published in a newspaper of general circulation in the New York City area, and a copy thereof shall be furnished to SBA within 10 days after such publication.

Dated: November 14, 1969.

A. H. SINGER,
Associate Administrator
for Investment.

[F.R. Doc. 69-14087; Filed, Nov. 26, 1969; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-58/60]

POTASSIUM CHLORIDE FROM CANADA, FRANCE, AND WEST GERMANY

Determinations of Injury and Likelihood of Injury

NOVEMBER 21, 1969.

On August 22, 1969, the Tariff Commission received advice from the Treasury Department that potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany is being, and is likely to be, sold in the United States at less than fair

value within the meaning of the Antidumping Act, 1921, as amended.[1] Accordingly, on that same date the Commission instituted Investigations No. AA1921-58 (with respect to imports from Canada), No. AA1921-59 (France), and No. AA1921-60 (West Germany) under section 201(a) of that Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigations and of a joint hearing to be held in connection therewith was published in the FEDERAL REGISTER of June 28, 1968 (34 F.R. 13712). The hearing was held October 5-13, 1969.

In arriving at its determination the Commission gave due consideration to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the joint investigations, the Commission has determined that an industry in the United States is being injured, and is likely to be injured on a continuing basis, by reason of the importation of potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[2]

STATEMENT OF REASONS

VIEWS OF CHAIRMAN SUTTON AND COMMISSIONER LEONARD

In our opinion, an industry in the United States is being, and is likely to be, injured by reason of the importation of potassium chloride from Canada, West Germany, and France, which is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

In making this determination under section 201(a) of the Antidumping Act, 1921, as amended, we have considered the injured industry to be those facilities of domestic producers employed in the mining and refining of potassium chloride, and have taken into account the combined impact on such industry of LTFV imports from all three countries collectively, rather than from each country individually.

The domestic industry. The term "an industry in the United States" in the Antidumping Act cannot, as claimed, be interpreted to mean "an industry in North America" in this or any other case. The statutory phrase contemplates protection of U.S. industries. In protecting domestic industry, the Congress was concerned not only for the welfare of the owners of producing plants, but also for the welfare of the employees in such plants and the communities of which they are a part. These interests are inextricably tied together. A multinational producer of a product has no immunity to the operations of the Antidumping Act in connection with LTFV sales of its foreign product in the United States when the interests comprising the domestic industry viewed as a whole are being or are likely to be injured.

This situation is the one which prevails in the instant case. As previously indicated, we view the relevant industry to be those facilities of domestic producers employed in the mining and refining of potassium chloride. This industry embraces the total economic interests of the facilities of which it is comprised, including the workers. In our view, the Antidumping Act is designed not only to protect the owners of the U.S. industry, but also is concerned with the derevative benefits that necessarily flow from the U.S. facilities to their employees and the communities in which they live.

The complaint on behalf of the domestic industry, so described, has been properly made in this case. A private citizen in Carlsbad, N. Mex., made the complaint with the Treasury Department. Support for his allegations has been given by domestic producers operating solely in the United States, civic-minded U.S. citizens, and public officials where domestic plants and workers are located.

Competitive impact of LTFV sales on domestic industry. The Commission has established clear precedent, over the 15-year period in which it has had jurisdiction to make "injury" determinations, that it will assess the effects of LTFV imports on a domestic industry by weighing the extent to which such imports have penetrated U.S. markets, taken away customers, and depressed market prices. Although other factors may enter into consideration, these are the basic factors most often considered in past cases.

In the case involving LTFV imports of pig iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R. (Investigation Nos. AA1921-52, 53, 54, and 55), views were stated (on pages 4-10 of the Tariff Commission print) as to why injurious LTFV imports from various countries must be considered collectively in weighing the extent of injury caused by a class or kind of merchandise. Following such principle, it is appropriate to make this determination that LTFV imports from all three countries named by the Assistant Secretary of the Treasury are causing injury to a domestic industry.

In addition, the Commission has held that an affirmative determination will ensue if the degree of injury is greater than de minimis, that is, more than trifling injury.

With respect to LTFV sales from Canada, an analysis of average delivered prices of approximately 80 percent of all potassium chloride sales in the United States during the peak sales periods (February) in 1967, 1968, and 1969 shows that the importers of Canadian potassium chloride undersold the domestic producers of potassium chloride at the ratio of 9 sales to 2, or in about 82 percent of the cases. Moreover, such practices of underselling would generally not have occurred had the sales of imports been made at fair-value prices since the margin of dumping[3] at any given time generally exceeded the margin of underselling[4] several times. Such underselling has caused a series of incremental price reductions in the U.S. market within the past 2½ years.

With respect to LTFV sales from West Germany and France, the facts are somewhat more difficult to weigh because more variables are present than in the case of imports from Canada. However, analysis of data regarding the prices obtained for domestic, West German, and French potassium chloride sold in recent years in the East Coast port markets which have traditionally been served by imports of potassium chloride from West Germany and France shows that their LTFV imports have been sold in most cases at prices below the price of the domestic product. This fact becomes clear after sales prices in these markets have been adjusted to delivered prices,[5] and

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[1] Treasury published a separate determination of sales at less than fair value for each country in the FEDERAL REGISTER of August 23 and 26, 1969 (34 F.R. 13615, 13670).

[2] Commissioners Thunberg and Newsom dissent.

[3] The term "margin of dumping" connotes the difference between the Canadian market price (f.o.b. plant) and the price for which the imported product was sold (f.o.b. plant) to an arm's length buyer, or its equivalent.

[4] The term "margin of underselling" connotes the difference between the price of Canadian potassium chloride and the price of domestic potassium chloride, delivered to the U.S. customer.

[5] It has been the practice of the Commission and the customs courts to compare delivered prices of the domestic vs foreign products in the United States in weighing the effect of LTFV imports on domestic industries and in determining the applicability of the Antidumping Act to such imports. See Commission determination on Titanium Dioxide from France (Investigation No. AA1921-31) where the Commission weighed the qualities of the domestic and foreign products when comparing their U.S. sales prices. See also the U.S. Customs Court case which involved a protest against the assessment of a dumping duty on certain imported Canadian flour which was sold in the United States at delivered prices generally higher than the price of domestic flour. The court stated that "Testimony was to the effect that the grade of the Canadian and American flour was practically the same." In commenting further on the situation, it said:

> The sales of Canadian-made flour sold in the United States were at higher prices than the American-made flour and thereby entirely destroy the effect of the dumping order of the Secretary of the Treasury or that of the appraiser.

United States v. C. J. Towers & Sons, T.D. 45495 (1932); appeal dismissed C. J. Towers & Sons v. United States, 20 C.C.P.A. 364, T.D. 46131.

after taking due account of the differentials in market values between the domestic and the West German and French potassium chloride because of differences in quality, promptness in deliveries, and storage charges incurred in the use of the imported product. Even after liberal adjustments were made, the margins of underselling were often substantial and caused general incremental decreases in the prices of potassium chloride in each of the last 3 years in the market areas in which such imports were sold. Thus, although the LTFV imports from West Germany and France are small in contrast to those from Canada, it is appropriate to consider the cumulative impact of LTFV sales of imports from all three countries.[6]

The salient facts in this case can be summarized as follows:

	1966	1967	1968
Imports of Canadian KCl [1 2]	1,234	1,507	1,677
U.S. production of KCl [1]	3,036	3,072	2,492
U.S. consumption of KCl [1]	3,791	3,948	3,792
U.S. sales of domestic KCl [1]	2,342	2,182	1,906
Percentage of U.S. market taken by Canadian imports	33%	38%	40%
Percentage of utilization of U.S. industry capacity	78%	79%	69%
Average unit value of potassium chloride in United States (based on K_2O equivalent)	[3] 37.1¢	[3] 27.5¢	[3] 23.0¢
Annual profit (P) or loss (L) of domestic industry in millions of dollars	$9.16(P)	$1.60(L)	$9.23(L)

[1] 1,000 short tons K_2O equivalent.
[2] The first years shipment in 1962 totaled 337,000 tons and average annual shipments thereafter increased at almost the rate of 300,000 tons per year.
[3] Over the last 35 years the unit value rose gradually from 24 cents in 1934 to a high of 41.3 cents in 1965. The price dropped precipitously in the years 1966-1968, falling to 23 cents per unit in 1968, and it is continuing to fall to lower levels; some prices now being quoted at as low as 16 cents per unit. This price is considerably below the average cost of production of both the U.S. and Canadian industries.

It will be seen from the foregoing summarization that imports from Canada in a few short years have resulted in their portion of U.S. consumption increasing from 0 to about 50 percent. In addition, there have been consequent losses of sales by domestic producers, major shifts of U.S. customers from U.S. producers to Canadian producers, substantial unemployment of workers in the U.S. industry with consequent harm to their community, a substantial decline in prices, and an alarming shift from a viable profitable domestic industry to one now losing more than it used to make.

The claim is made that these adverse conditions have resulted almost wholly from oversupply rather than from LTFV imports. The fallaciousness of this contention can be readily seen when it is realized that imports have been sold at significantly lower prices than the domestic product and that the margin of underselling is virtually always derived wholly from the margin of dumping which generally is several times as great. We must conclude, therefore, that the impact of LTFV imports is substantial and is causing injury to the domestic industry far in excess of the de minimis threshhold previously alluded to.

With respect to the claim advanced at the hearing that the proposed potash conservation regulations to be promulgated by the Government of Saskatchewan to be effective January 1, 1970, will alleviate the injurious impact of Canadian potash on the U.S. industry, it is observed that this matter relates solely to the issue of whether there is a likelihood of continued injury from LTFV imports from Canada. Although such regulations have now been issued, it is far too early to make any reasonable appraisal of their impact on the issue in question. Moreover, the evidence obtained gives no warrant for concluding that injury will not continue as a result of LTFV imports, particularly in light of the mushrooming growth of the Canadian industry.

Contentions not relevant to determination. A number of contentions were raised during the investigation which are not considered relevant to this determination. It was argued that a negative determination should ensue for such reasons as—there was no intent to injure the domestic industry, the assessment of a special dumping duty would in no way repair the economic situation and would merely be in the nature of a penalty, the present tense of the Antidumping Act contemplates weighing the impact of only current and future imports at LTFV, the evidence introduced at the hearing standing alone does not definitely link injury to LTFV imports, and because an affirmative determination would be an unfriendly act against Canada and will be detrimental to the interests of U.S. farmers. A further contention was made that certain Canadian producers should be excluded from this determination because the Treasury officials did not seek pricing information from them in connection with its investigation.

The language of the Antidumping Act, its legislative history, established administrative practice, and judicial precedent do not appear to recognize the relevancy of such contentions. Indeed, they are to the contrary.

Intent to injure has been considered relevant only in determining whether there is likelihood of injury and then only in those cases where the predatory intent is coupled with a capacity to carry out such an intent.

Judicial precedent clearly holds that special dumping duties are not penal and are not penalties, are import tariffs in every respect being merely equalizing duties to offset dumping margins, are intended to be imposed retroactively as well as prospectively,[7] and are to be applied irrespective of whether they are remedial in the case at hand.[8] They are designed to deter would-be dumpers.

The Commission's established practice of basing its determination on all facts developed from field work by its em-

[6] Had the imports from West Germany and France not been resold in the United States at prices below the price for comparable domestic potassium chloride, they would have not been included within the affirmative determination, but would have been treated as "technical sales at less than fair value". The fact that sales of imports of potassium chloride have traditionally established what might be termed a normal price for the product in East Coast port markets does not justify the importers' acts of lowering their prices, with the aid of LTFV purchases from abroad, for the purpose of holding on to a traditional market when domestic producers step up their efforts to sell in such market.

For a discussion of the meaning of "technical sales at less than fair value" see cases involving imports of rayon staple fiber from Belgium, Cuba, and West Germany (Investigation Nos. AA1921-18, 20, and 21); and technical vanillin from Canada (Investigation No. AA1921-26).

[7] See Cline Stewart Co. v. United States, Abstract Decision 18998 (Cust. Ct.) (1932); C. J. Towers & Sons v. United States, 21 CCPA 417, T.D. 46943 (1932) (affirmed on appeals as to unrelated matter); Kleberg & Co. v. United States, 21 CCPA 110, T.D. 46446 (1933); Kreutz & Co. v. Harry M. Durning (N.Y. Collector of Customs), T.D. 47045 (U.S. Circuit Court of Appeals for the Second Circuit) (1934); Kreutz & Co. v. United States, 25 CCPA 180, T.D. 49273 (1937).

[8] See Lewis & Conger v. United States, 13 CCA 22, T.D. 40862 (1925) in which the appellate court held that an additional duty was to be imposed on goods imported without proper marking as to the country of origin, even though the marking was added under customs supervision before the release of the goods into consumption where the ultimate consumer (the retail purchaser) was to be informed of their origin. The same court in some of the above cited cases has likened all additional duties, such as dumping duties, failure-to-properly-mark duties, and countervailing duties, to be duties in every sense of the word and not penalties. In the instant case the court held the duty applied even though it would not rectify the conditions of the statute (that the goods must be properly marked before importation) and although one major purpose of the act was met (the ultimate purchaser was informed of the origin of the goods) without regard to the assessment of the duty. By analogy, the assessment of the dumping duty need not rectify the injury in this case. Writ of Certiori denied by U.S. Supreme Court, 269 U.S. 564.

ployees, Commission records, the public hearings, and all other reliable sources is premised on the statutory directive that it make a determination "after such investigation as it deems necessary". It is not limited by law to the evidence submitted in a record proceeding.

The assessment of dumping duties are frequently on goods from friendly nations and in every case could result in higher costs to the domestic consumer of such products. The equities in enforcing fair trade practices are generally recognized and accepted by Canada as reflected in its laws and its adherence to the provisions relating to dumping in the General Agreement on Tariffs and Trade. Moreover, we must assume that the Congress did not intend that the Act should be so applied that domestic consumers might reap the tainted benefit of prices established by unfair methods of competition.

The Commission cannot exclude any Canadian producer from this determination because the firm was not consulted in connection with the Secretary's determination of sales at LTFV because an appellate court has held that "it matters not that the [dumping] finding was made ex parte" by the Secretary (Kreutz & Co. v. Harry M. Durning, T.D. 47045).

STATEMENT OF COMMISSIONER CLUBB IN WHICH COMMISSIONER MOORE CONCURS

This matter comes before the Commission under Section 201(a) of the Antidumping Act of 1921, as amended, which requires the imposition of special dumping duties if (1) imported articles are being or are likely to be sold at less than fair value, and (2) such sales are injuring or are likely to injure an industry in the United States.[1] Pursuant to the Act the Secretary of the Treasury has determined that potassium chloride from Canada, France and West Germany is being sold in the United States at less than fair value (hereinafter LTFV), and that determination is binding on the Commission.[2] Accordingly, the only issue here is whether a domestic industry is being, or is likely to be, injured by the LTFV sales. If so, special dumping duties will be applied by the Treasury Department.[3]

For reasons set out below we have determined that the potassium chloride industry of the United States is being injured within the meaning of the Antidumping Act.

The current difficulties of the U.S. potassium chloride industry have their roots in the developments in the fertilizer field since World War II. Prior to 1930 the United States imported virtually all of its potassium chloride requirements from deposits in Europe, located principally in France and Germany. In 1931 production was begun in Carlsbad, N. Mex., and this production slowly grew in significance until 1941 when it was greatly increased because the supplies from Europe were cut off as a result of World War II.[4] During the war the Carlsbad production supplied the relatively limited needs of the United States and a number of its allies.

After World War II a global search for new sources of potassium chloride was generated by the fear that the food needs of a rapidly growing world population would require greater potash reserves than were then known. In the next 20 years annual U.S. production was tripled—from about 1 million tons in 1946 to over 3 million tons in 1966.[5] Also during this period U.S. companies began exploring large deposits in Canada, and in 1962 potassium chloride from a Canadian facility began to be imported in quantity in the United States. Two more Canadian plants came on stream shortly thereafter, and by 1966 Canada was supplying 85 percent of U.S. imports and about 30 percent of U.S. consumption of potassium chloride.

After Canadian imports began in 1962 the U.S. market was in a state of almost constant and increasing oversupply.[6] Severe competition developed among all suppliers, both foreign and domestic, and since potassium chloride is essentially a fungible commodity, this competition was based almost entirely on price. As a result, the price of potassium chloride in the United States dropped steadily from $22.26 per ton in February 1966 to $18.96 in 1967, to $13.98 in 1968, and to $11.70 in February 1969.[7] Present prices appear to be in the neighborhood of $10 per ton.

(Thousand short tons K_2O equivalent)

Year	Production	Consumption	Imports
1930	61	200	*320
1935	198	420	*368
1940	280	439	*118
1945	874	800	*0
1950	1,288	1,412	201
1955	2,080	2,099	178
1960	2,638	2,337	226
1965	3,140	3,391	1,108
1966	3,320	4,033	1,491
1967	3,209	4,139	1,708
1968	2,699	4,027	2,179

SOURCE: Bureau of Mines.

*Estimated by Tariff Commission Staff.

Prior to 1962 imports of potassium chloride came largely from France and Germany. The dramatic increase in imports thereafter reflects the increasing imports from Canada.

It was during this drastic price decline that the foreign producers ran afoul of the United States Antidumping Act, which is designed to prevent a foreign producer from selling in the United States at a lower price than he charges in his home market. Prices in the less competitive Canadian and European markets were not reduced as much as they were in the United States. As a result Canadian potassium chloride was soon selling in the United States at prices which the Treasury Department has found to be as much as 25 percent below the price in Canada. French and German producers, who had supplied certain old-line customers on the East Coast without substantial competition prior to 1966, found that they, too, had to make price concessions in order to hold their small part of the U.S. market. By attempting to follow the plummeting price in the United States, while maintaining higher prices in their home market, these European suppliers were soon selling in the United States at prices as low as one-half that in their home markets.

The Antidumping law was enacted to prevent foreign competitors from engaging in such price discrimination if it injures a domestic industry.[8] The Antidumping Act does not prohibit foreign

[1] The Antidumping Act reads in pertinent part as follows:

Whenever the Secretary of the Treasury * * * determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within 3 months thereafter whether an industry in the United States is being or is likely to be injured * * * by reason of the importation of such merchandise into the United States * * *. 19 U.S.C. 160(a) (1964).

[2] Letter from Assistant Secretary of the Treasury Rossides dated Aug. 20, 1969, which states in part that, "In accordance with section 201(a) of the Antidumping Act, 1921, as amended, you are hereby advised that potassium chloride, otherwise known as muriate of potash, from Canada, France, and West Germany is being, and is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended."

[3] The Antidumping Act provides that if both LTFV sales and injury are found then a special dumping duty shall be collected equal to the difference between the foreign market value and the importer's purchase price. 19 U.S.C. 160(a) and 161(a) (1964).

[4] In 1911, the U.S. Congress appropriated funds for Government agencies to search for domestic sources of potash. Public No. 478 of the 61st Cong., Act of Mar. 4, 1911, Ch. 238, 36 Stat. 1256. During the period from 1926 through 1931, oilwell drilling in Carlsbad, N. Mex., disclosed the existence of bedded salt deposits and resulted in potash exploration by private interests.

In the United States, the greater part of the known domestic reserves is on public lands held under lease from the Federal Government. To prevent over-development of the potash industry in this country, after three companies had become established, the Government in 1936 suspended action on applications for potash prospecting permits and leases on Government lands, except in "particularly meritorious cases." U.S. Department of the Interior, Departmental Order 914, Apr. 5, 1935. The issuance of prospecting permits was resumed in 1943; 8 F.R. 8556–57 (1943); U.S. Department of the Interior, Departmental Order 1829, June 9, 1943, and exploration was resumed by many companies on the public domain.

[5] All tonnages are expressed in terms of K_2O equivalent.

[6] U.S. production, consumption and imports of potash (more than 85% of which is believed to be potassium chloride) for selected years are set out below:

[7] Prices are unweighted averages on February 1 of each year for standard grade potassium chloride, f.o.b. mine, Carlsbad, N. Mex.

[8] Cast Iron Soil Pipe from Poland, U.S.T.C. Inv. Nov. AA1921–50 (1967); Titanium Sponge from the U.S.S.R., U.S.T.C. Inv. No. AA1921–51 (1968); and Pig Iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R., U.S.T.C. Inv. Nos. AA1921–52, 53, 54, and 55 (1968).

suppliers from selling at as low a price as they wish in the United States—provided they sell at the same or a lower price at home. They make the most of every natural and technological advantage, enter into the most vigorous kind of price war, and even drive U.S. firms out of business, without violating the Antidumping Act—provided they sell at the same or a lower price at home. What they may not do when competing with domestic industry in the U.S. market—and what they have done here—is to sell at higher prices in their home markets than they charge for the same goods sold in the United States.

If such practices are permitted, foreign firms could use the profits from their secure home markets to drive domestic competitors out of business despite the fact that the domestic competitor may be more efficient. Accordingly, the Antidumping Act was enacted to insure—one way or another—that prices charged by foreign producers in the United States will be at least as high as those in their home markets. This result will be achieved either voluntarily by the pricing policies of the foreign competitors, or involuntarily by the taxing policies of the United States.[8]

The importers contend, however, that the Antidumping Act should not be applied in this case for the following reasons:

(1) The Act is not applicable because the production of potassium chloride in both Canada and the United States is controlled by several multinational corporations operating in both countries. Therefore, it is argued that:

(a) There is only a North American potassium chloride industry, not an "industry in the United States" as required by the Antidumping Act; and

(b) Even if there is a U.S. potassium chloride industry, the companies which make it up have contributed to their own injury by their operations in Canada, and therefore are ineligible for relief.

(2) The LTFV imports from each foreign company, or at least each country, should be weighed separately to determine whether they have caused injury to the domestic industry, rather than weighing the cumulative effect of all LTFV imports together.

(3) Even if all LTFV imports are weighed together, they have not produced sufficient injury to bring the Antidumping Act into operation.

These contentions are discussed below.

The multinational corporation problem. The status of the multinational corporation under the Antidumping Act has never been clarified, but is raised in bold relief here. Ten companies account for all of the potassium chloride production in the United States,[10] and all but three of these have some connection with the Canadian industry. Four produce potassium chloride in both the United States and Canada and now account for more than 80 percent of Canada's production. Recently 85–90 percent of U.S. imports have come from Canada, almost all from these four companies. Three more U.S. producers own undeveloped leases on potassium chloride deposits in Canada, and certain of these in effect import Canadian potassium chloride by engaging in logistic exchanges ("swaps") with Canadian companies.[11]

It is argued that such close associations exist between the potassium chloride producers in the United States and those in Canada that the Antidumping Act cannot be applied for two reasons. First, it is argued that the production in Canada and the United States is so integrated that there is only a "North American potassium chloride industry" which is not separable into national units, and therefore there is no "industry in the United States" which can be injured within the meaning of the Antidumping Act of 1921.[12] Such an interpretation, if adopted, would immunize an unknown, but probably large amount, of U.S. imports against antidumping restrictions, since a considerable portion of U.S. imports are undoubtedly made by such multinational corporations. Indeed, in many industries it could no doubt be argued that producers in all countries are so related that only an inseparable worldwide industry exists. Second, it is contended that because many of the domestic producers are in one way or another linked to imports from Canada, the injury, if any, is self-inflicted, and therefore the industry cannot claim the protection of the Antidumping Act.[13]

Both the "no U.S. industry" and the "self-inflicted injury" arguments must be rejected because they are based on a too narrow construction of the statutory term "industry in the United States"—the term which Congress used to designate those interests it intended to protect under the Antidumping Act. Such protected interests[14] include not just the interests of the stockholders of the multinational corporations involved, but the interests of the workers in the U.S. plants as well.[15]

Where, as here, a corporation elects to produce the same product both inside and outside the United States, the Antidumping Act continues to protect the U.S. portion of the corporation and its employees from the unfair competitive

[8] The House Ways and Means Committee recommended the enactment of the Antidumping provision with the following comment:

The principle underlying the proposed additional duty to be added in prevention of dumping, particularly, where the tariff valuations are upon foreign market values, is to add such an amount of duty as will equalize sales at less than the foreign home market value or foreign export value or cost of production with profit added, whichever may be the highest, thereby making it unprofitable to dump goods on the markets of the United States at lower prices. If the seller of the goods is compelled to add as duty the difference between the sales price and what he would receive by selling in the otherwise highest obtainable market, all reward or inducement to dumping is removed.

Other countries in the presence of the experience now being undergone by this country have enacted similar legislation. It protects our industries and labor against a now common species of commercial warfare of dumping goods on our markets at less than cost or home value if necessary until our industries are destroyed, whereupon the dumping ceases and prices are raised at above former levels to recoup dumping losses. By this process while temporarily cheaper prices are had, our industries are destroyed after which we more than repay in the exaction of higher prices. H.R. Rep. No. 1, 67th Cong., first session, 23–24 (1921).

[10] Dow Chemical Co., Duval Corp. (a subsidiary of Pennzoil United, Inc.), International Minerals and Chemical Corp., Kaiser Chemical Co., Kerr-McGee Corp., National Potash Co. (wholly owned subsidiary of Freeport Sulphur Co.), Potash Company of America (a division of Ideal Basic Industries, Inc.), Southwest Potash Corp. (wholly owned subsidiary of American Metal Climax, Inc.), Texas Gulf Sulphur Co., and U.S. Potash and Chemical Co. (a wholly owned subsidiary of Continental American Royalty Co.).

[11] A logistic exchange or "swap" occurs when a seller makes a sale to a customer and arranges to have a competing supplier make the delivery, promising to return the favor at a future date. Such arrangements are usually made because the seller is out of the grade of potassium chloride his customer requires, or because other supplier's plant is closer to the customer. Such "swaps" have been growing in importance and now account for up to 20 percent of the shipments of some companies.

When a "lender" in Canada makes a shipment to a customer of a domestic company (the "borrower") in the United States, the importation has, in effect, been made for the account of the domestic company. It is argued that the domestic producer (the "borrower"), at least, cannot claim injury from these imports.

[12] Brief of International Minerals & Chemical Corp. (IMC), pp. 49–50.

[13] One respondent implies that a "clean hands" type rule should be invoked to prevent a party from complaining of self-inflicted injury. Another asserts that imports generated by the domestic industry can be likened to contributory negligence which, it is argued, should bar relief under the Antidumping Act.

[14] In an earlier case it was stated that the "industry" included "all economic interests in the United States which might be destroyed by unabated dumping of the product involved." Titanium Sponge from the U.S.S.R., U.S.T.C. Inv. No. AA1921–51, at 16 (1968) (concurring statement).

[15] That the interests of the workers were to be protected under the Antidumping Act is made clear by the House Ways and Means Committee Report on the 1921 Act which states that the proposed act "protects our industries and labor against a now common species of commercial warfare of dumping goods on our markets at less than cost or home value." H.R. Rep. No. 1, 67th Cong., first session 23 (1921).

Workers are also treated as part of the U.S. industry to be protected under more recent foreign trade legislation. Section 301(a)(1) of the Trade Expansion Act of 1962 permits a "certified or recognized union, or other representative of an industry" to file an escape clause petition. Further, if injury to the "industry" is established the President may grant adjustment assistance to the workers involved. 19 U.S.C. 1901(a) and 1902(a)(3) (1964).

This suggests that at least in this type of foreign trade legislation Congress intended that the interests of workers as well as owners were to be comprehended within the term "industry."

practices of foreign producers—including the foreign branches of the same company—to the same extent as it did before the foreign branch was established. Realistically, it could not be otherwise if the labor portion of the "industry in the United States" is to be protected. The workers in Carlsbad are just as unemployed when the unfairly priced imports originate in a foreign plant owned by their employer as when they originate from any other source.

In past antidumping cases we have not dealt with situations where such a large part of both the foreign and domestic production was controlled by a few U.S. corporations, and so we have not had occasion to make clear how the multinational corporation is to be treated under the Antidumping Act. Our decision in this case now makes it clear. Imports from foreign branches of domestic firms are to be treated like any other imports. If they are offered at fair prices they do not violate the Antidumping Act, but if they are injuriously offered at less than fair value, U.S. ownership of the foreign producer will not give them immunity.

Cumulative injury. The LTFV imports of potassium chloride brought to our attention come from three countries, and from certain companies within those countries. Because of this, some respondents argue that the effect of LTFV imports from each country or from each company should be weighed separately to determine whether they alone have caused injury to the domestic industry. If not, it is argued that the proceedings with respect to that country or company should be dismissed. If the Commission adopted this view, and divided unfair imports along either country or company lines the chance that sufficient injury to trigger the Antidumping Act will be found in any case is greatly reduced.

Respondent notes that in the recent Pig Iron case the Commission rejected this approach, and weighed instead the cumulative effect of LTFV imports from all sources in making a single injury determination.[16] Respondent argues that the Pig Iron case is distinguishable, however, because in that case all of the imports came from Communist Bloc countries "whose economic decisions were totally unresponsive to the forces of the home market." [17]

Respondent misconstrues the thrust of our determination in Pig Iron. There the effect of the LTFV imports from four sources were weighed together, not because they were all from Communist Bloc countries, but rather because an industry can be as much injured by small amounts of LTFV imports from many different sources as it can by the same total amount from one source. Accordingly, for purposes of making the injury determination, the source of the imports is not important. It is their combined effect on the domestic industry which controls.

Injury. In the past the Commission has applied the de minimis rule to the injury requirement of the Antidumpting Act.[18] Frivolous, inconsequential, or immaterial injury does not require the application of dumping duties. Thus, where there is no direct competition between the LTFV imports and the domestic product, or where price is not a significant consideration in such competition, a no injury determination may be in order.[19] But where the competition is direct, and evidence of more than de minimis injury, such as lost sales, price depression or market instability is present, dumping duties must be applied.

Respondents here contend that the difficulties of the domestic industry are the result of numerous other factors, and that the effect upon the industry of the LTFV imports is so small that it falls within the de minimis rule. We cannot agree. The evidence obtained by the Commission shows that price is the most important, and perhaps the only, basis upon which potassium chloride was purchased, and that very small differences in price determine which supplier will be chosen. Accordingly, while it is clear that the domestic industry can trace some portion of its difficulties to other sources, it is also clear that the LTFV imports have contributed to the injury and likelihood of further injury to the U.S. potassium chloride industry. Such a situation, we believe, requires the application of dumping duties.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION BY COMMISSIONERS THUNBERG AND NEWSOM

On the basis of the facts revealed in the investigation and the hearing, we determine that the potassium chloride industry of the United States is not being, nor is it likely to be, injured by reason of the importation of muriate of potash at less than fair value, within the meaning of the Antidumping Act of 1921, as amended. Domestic producers of potassium chloride are experiencing serious economic problems; between 1966 and mid-1969 output declined 14 percent in quantity while sales dropped by 30 percent in value; prices meanwhile dropped by about 50 percent. These current difficulties, however, are not ascribable to sales of the imported material at less than fair value. Rather, the industry worldwide is suffering from the unjustified overly-optimistic expansion of potash producing facilities of the mid-1960's which increased productive capacity considerably beyond the near-term requirements of consumption.

The Treasury Department advised the Tariff Commission that potash from Canada, France, and Germany was being sold, and was likely to be sold, at less than fair value (LTFV), within the meaning of the Antidumping Act of 1921, as amended. The facts established that price declines in the United States greatly exceeded dumping margins during the period for which dumping margins were determined by the Treasury Department. (During 1967, for example, dumping margins averaged 8 percent while the prices of Carlsbad producers declined 25 percent.) Imports from France and Germany provide an exception to this statement, for the margin of dumping determined for these imports was enormous. Evidence available to the Commission strongly suggests that these LTFV sales were a response to unprecedented competition from United States and Canadian sources which was sufficiently intense to win away many long-standing customers. The dumped European imports, themselves, however, were far too small in volume and much too localized in their sales to have anything more than a negligible impact on the domestic industry. For the remainder—LTFV imports from Canada—dumping margins in 1967 and 1968 were small (both absolutely and in comparison with domestic price declines) and sporadic. In fact these years were marked by such instability of delivered purchase prices that dumping margins frequently had to be recomputed several times each day.[1] Such unsettled market conditions make the concept of "fair value" very difficult to apply—both on the part of producers seeking to avoid an equalizing dumping duty and on the part of enforcers seeking to determine whether a law has been violated.

It was fortuitous that this market turbulence occurred at the time that U.S. potash producers were shifting the locus of their operations from domestic sources nearing economic depletion to recently discovered high-quality Canadian sources. In fact, the tonnage decline in

[16] In that case it was stated that

Counsel for the U.S.S.R. exporter argues, however, that the effect of the LTFV sales from each country should be considered separately. Presumably, under this theory if the unfairly priced imports from each country did not by themselves cause injury to a domestic industry, dumping duties should not be applied despite the fact that the combined effect of the unfairly priced imports clearly do cause injury. It is sufficient to note with respect to this contention that the statute was written to protect domestic industries against an unfair trade practice which Congress feared might injure them.

An industry can be injured as much by a few LTFV imports from each of many countries as it can be by many unfair imports from each of a few. The question in each case, therefore, is whether a domestic industry is being or is likely to be injured by LTFV sales. If so, such sales from all sources must cease, if they are contributing to the injury. Pig Iron from East Germany, Czechoslovakia, Romania, and the U.S.S.R., U.S.T.C. Inv. No. AA1921-52, 53, 54, and 55 at 24 (September 1968) (concurring statement).

[17] IMC Brief, p. 54.

[18] Cast Iron Soil Pipe from Poland, U.S.T.C. Inv. No. AA1921-50 (1967); Titanium Sponge from the U.S.S.R., U.S.T.C. Inv. No. AA1921-51 (1968); and Pig Iron from East Germany, Czechoslovakia, Romania and the U.S.S.R., U.S.T.C. Inv. No. AA1921-52, 53, 54, and 55 (1968).

[19] Plastic Mattress Handles from Canada, U.S.T.C. Inv. No. AA1921-57 (1969).

[1] Such unstable market conditions make the margin of error, which always exists to some degree in the determination of fair value, larger than usual; given a small margin of dumping, the larger the margin of error implicit (or explicit) in the fair value computation, the greater must the volume of dumped imports be, other things being equal, to support an injury finding.

sales by domestic producers in 1966–68 was a reflection of the shifting of operations of four major U.S. producers to Canadian facilities; U.S. firms not producing in Canada either maintained or increased their sales during this period. Indeed the two domestic firms determined by the Treasury Department to have sold their Canadian product at less than fair value accounted during the period of the investigation for nearly one-half of total sales in the United States. Of their sales in the United States nearly three-quarters came from their Canadian operations. Thus, if the firms selling at LTFV were injuring the industry thereby, laws of chance would dictate that they must be injuring themselves, since they accounted for nearly half of the industry. Such an anomalous application of the statute would seem to be beyond Congressional intent.

We further determine that sales of potassium chloride at less than fair value are not likely to injure the domestic industry and are not preventing it from being established. Because the volume of potash consumption in Canada is insignificant in comparison with that of the U.S. market, producers in Canada will find their self-interest served by a pricing policy which maintains their price in Canada at a level equal to or below the U.S. price. It is therefore unlikely that the future will see any sales at less than fair value. Because the industry is suffering from over expansion during the 1960's, prices and profits are low. It is therefore unlikely that new firms will in fact enter the industry (although one new firm, U.S. Potash & Chemical Co. did enter in 1968 by purchasing at a very low capital investment the property formerly owned and operated by U.S. Borax Co.). The failure of new firms to enter, however, is in no way to be ascribed to LTFV sales or their likelihood, but rather to the depressed state of the industry.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 69-14056; Filed, Nov. 26, 1969; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anderson Brothers, Inc., Danville, Va.; 11–6–69 to 11–5–70; 10 learners (work clothing, blouses and slacks).

The Arrow Co., Shamokin, Pa.; 11–4–69 to 11–3–70 (men's sport shirts).

Auburntown Industries, Auburntown, Tenn.; 10–31–69 to 10–30–70 (men's and boys' sport shirts).

Boonville Mfg. Corp., Boonville, Ind; 11–1–69 to 10–31–70 (men's pajamas and shirts).

Brew-Schneider Mfg. Co., Inc., Blakely, Ga.; 10–29–69 to 10–28–70 (washable service garments).

Burgaw Mfg. Co., Burgaw, N.C.; 10–27–69 to 10–26–70 (women's dresses).

Carbondale Childrens Dress Co., Inc., Carbondale, Pa.; 11–1–69 to 10–31–70 (children's and girls' dresses and playsuits).

The Carthage Corp., Carthage, Miss.; 11–1–69 to 10–31–70 (men's and boys' pants).

Carthage Shirt Corp., Carthage, Tenn.; 11–3–69 to 11–2–70 (men's and boys' shirts and ladies' blouses).

E-Town Sportswear Corp., Elizabethtown, Ky.; 10–31–69 to 10–30–70 (men's slacks).

Eatonton Mfg. Co., Inc., Eatonton, Ga.; 10–29–69 to 10–28–70 (men's dress trousers).

Elder Mfg. Co., Webb City, Mo.; 10–31–69 to 10–30–70 (boys' and juvenile shirts).

Freeland Shirt Co., Inc., Freeland, Pa.; 11–4–69 to 11–3–70 (men's, women's and children's jackets).

G-B Mfrs., Inc., Oswego, Kans.; 10–30–69 to 10–29–70 (men's army fatigues).

Garan, Inc., Philadelphia, Miss.; 11–1–69 to 10–31–70 (boys' dress and sport pants).

Gibson Mfg. Co., Inc., Gibson, N.C.; 11–3–69 to 11–2–70; 10 learners (ladies' dresses).

Harrisburg Childrens Dress Co., Harrisburg, Pa.; 10–26–69 to 10–25–70 (children's and girls' dresses and playsuits).

Key Industries, Inc., Fort Scott, Kans.; 10–31–69 to 10–30–70 (men's and boys' work clothes).

Key Work Clothes of Missouri, Nevada, Mo.; 11–1–69 to 10–31–70 (men's work clothes).

Lansford Apparel Co., Lansford, Pa.; 10–31–69 to 10–30–70 (children's dresses).

Manchester Industries, Inc., Manchester, Tenn.; 10–31–69 to 10–30–70 (men's sport shirts).

Penn Childrens Dress Co., Inc., Mayfield, Pa.; 10–26–69 to 10–25–70 (children's and girls' dresses and playsuits).

Publix Shirt Corp., Myerstown, Pa.; 10–25–69 to 10–24–70 (men's and boys' shirts).

Rector Sportswear Corp., Rector, Ark.; 10–28–69 to 10–27–70 (men's pants).

Salant & Salant, Inc., Lexington, Tenn.; 11–6–69 to 11–5–70 (men's and boys' pants).

Shane Uniform Co., Inc., Evansville, Ind.; 11–6–69 to 11–5–70 (men's and women's washable service apparel).

Shelburne Shirt Co., Inc., Fall River, Mass.; 11–1–69 to 10–31–70 (men's dress shirts).

The Shirtmaker Guild, Ltd., Easley, S.C.; 11–7–69 to 11–6–70 (men's and boys' knit shirts and pajamas).

Standard Romper Co., Inc., Portland, Maine; 10–27–69 to 10–26–70 (children's shirts).

Steele Apparel Co., Inc., Steele, Mo.; 11–5–69 to 11–4–70; 10 learners (ladies' dresses).

W. E. Stephens Mfg. Co., Inc., Carthage, Tenn.; 10–27–69 to 10–26–70; 10 learners (men's and boys' dungarees).

Levi Strauss & Co., Knoxville, Tenn.; 10–20–69 to 10–19–70 (men's and boys' pants).

Levi Strauss & Co., Blackstone, Va.; 10–31–69 to 10–30–70 (men's pants).

Triple A Trouser Mfg. Co., Inc., Scranton, Pa.; 11–1–69 to 10–31–70 (boys' trousers).

Walhalla Garment Co., Walhalla, S.C.; 11–6–69 to 11–5–70 (women's dresses).

Warner's, London, Ky.; 10–25–69 to 10–24–70 (girdles and brassieres).

Washington Garment Co., Inc., Washington, N.C.; 10–31–69 to 10–30–70 (children's dresses).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Elk City Mfg. Co., Elk City, Okla.; 10–23–69 to 4–22–70; 75 learners (men's slacks).

Jack Winter Mfg. Corp., Warren, Ark.; 10–31–69 to 4–30–70; 10 learners (ladies' slacks and jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Lambert Mfg. Co., Inc., Kirksville, Mo.; 11–7–69 to 11–6–70; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

V. I. Prewett & Son, Inc., Fort Payne, Ala.; 10–24–69 to 10–23–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' and children's hosiery).

V. I. Prewett & Son, Inc., Fort Payne, Ala.; 10–28–69 to 4–27–70; 8 learners for plant expansion purposes (infants' and children's hosiery).

Wayne Knitting Mills, Humboldt, Tenn.; 10–31–69 to 10–30–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Boonville Mfg. Corp., Boonville, Ind.; 11–1–69 to 10–31–70; 5 learners for normal labor turnover purposes in the manufacture of men's woven underwear (men's underwear).

Cullman Lingerie Corp., Cullman, Ala.; 10–31–69 to 10–30–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie, sleepwear and loungewear).

Haleyville Textile Mills, Inc., Haleyville, Ala.; 10–31–69 to 10–30–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' loungewear, sleepwear and lingerie).

Sylvester Textile Corp., Sylvester, Ga.; 10–22–69 to 10–21–70; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie and sleepwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 19th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-14089; Filed, Nov. 26, 1969; 8:47 a.m.]

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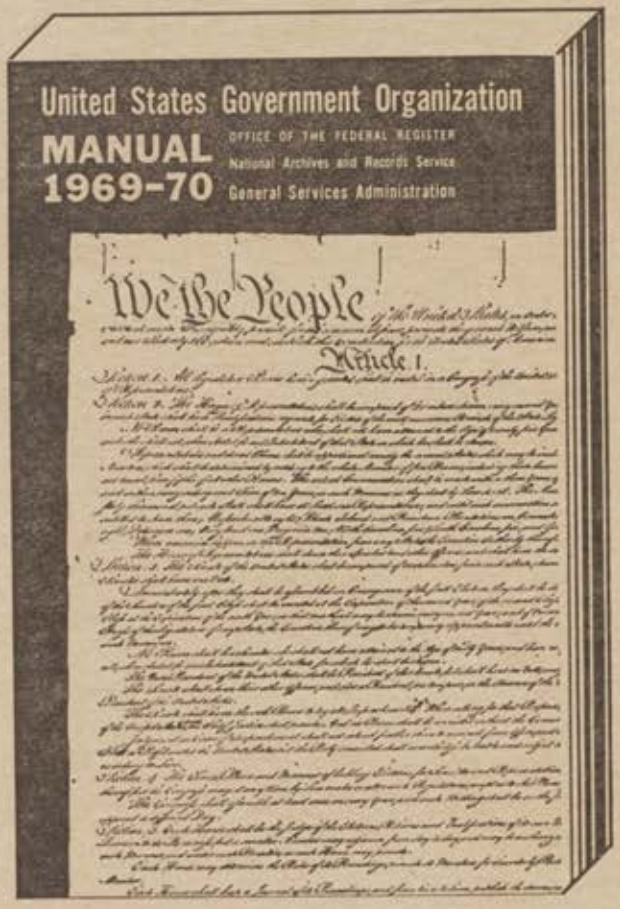
United States Government Organization MANUAL 1969–70



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