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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

FOREIGN NURSERIES CERTIFIED AS PRODUCING SPECIFIED DISEASE-FREE MATERIAL

Pursuant to § 319.37–28 of the regulations supplemental to the Nursery Stock, Plants, and Seeds Quarantine (Notice of Quarantine No. 37, 7 CFR 319.37–28), issued under the authority of sections 7 and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 160, 162), administrative instructions designated as § 319.37–28a (7 CFR 319.37–28a, 34 F.R. 8194) are hereby revised to read as follows:

§ 319.37–28a Administrative instructions designating foreign nurseries eligible to ship disease-free Malus, Prunus, and Pyrus material to the United States.

The following nurseries have been designated by the Director of the Plant Quarantine Division as eligible to ship disease-free *Malus*, *Prunus* and *Pyrus* material to the United States.

BRITISH NURSERIES

Blackmoor Estate, Ltd.; Blackmoor, Liss, Hampshire, England.

Brinkman Bros., Ltd., Walton Nurseries; Bosham, Chichester, Sussex, England.

Coates Co., Ltd., The Firs; Emneth, Wisbech, Cambs., England.

Darby Bros., Broad Fen Farm; Methwold Hythe, Thetford, England.

East Malling Research Station; Maidstone, Kent, England.

Hammond, D. H.; Ware Street, Bearsted, Maidstone, Kent, England.

Hilling, T. & Co., Ltd., The Nurseries; Chobham, Woking, Surrey, England.

Lauritzen, H., Epping Green Orchard; Epping, Essex, England.

Long Ashton Research Station; University of Bristol, Long Ashton, Bristol, England.

Matthews, F. P., Ltd.; Berrington Court, Tenbury Well, Worcestershire, England.

Matthews Fruit Trees Ltd.; Thurston, Bury St. Edmunds, Suffolk, England.

Roger, R. V., Ltd., The Nurseries; Pickering, Yorkshire, England.

CANADIAN NURSERIES

Blue Mountain Nurseries & Orchards Ltd.; Clarksburg, Ontario, Canada.

Brookdale-Kingsway Ltd.; 145 Duke Street, Bowmanville, Ontario, Canada.

Byland's Nursery; Rural Route No. 1, Westbank, British Columbia, Canada.

Day Nursery; Rural Route No. 4, Kelowna, British Columbia, Canada.

Downham, H. C., Nursery Co., Ltd.; Strathroy, Ontario, Canada.

Hertel Gagnon; Compton, Quebec, Canada.

Kelowna Nurseries; Post Office Box 178, Kelowna, British Columbia, Canada.

V. Kraus Nurseries, Ltd.; Carlisle, Ontario, Canada.

Mori Nurseries, Ltd.; Rural Route No. 2, Niagara-on-the-Lake, Ontario, Canada.

Okanagan Nurseries; Rural Route No. 4, Kelowna, British Columbia, Canada.

Oliver Nursery; Oliver, British Columbia, Canada.

Ottawa Research Station, Canada Department of Agriculture; Ottawa, Ontario, Canada.

Reimer's Nursery; 4586 Dyke Road, Yarrow, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Saanichton, British Columbia, Canada.

Reserach Branch, Canada Department of Agriculture; Smithfield, Ontario, Canada.

Research Branch, Canada Department of Agriculture; Summerland, British Columbia, Canada.

Research Branch, Canada Department of Agriculture; Vineland Station, Ontario, Canada.

Hans Rhenisch, Fairview Orchards Ltd.; Keremeos, British Columbia, Canada.

Scott-Whaley Nurseries, Ltd.; Ruthven, Ontario, Canada.

Stewart Bros. Nurseries, Ltd.; 1546 Bernard Avenue, Kelowna, British Columbia, Canada.

Traas Nursery, Ltd.; 24120 48th Avenue, Rural Route No. 7, Langley, British Columbia, Canada.

Western Ontario Fruit Testing Association; Harrow, Ontario, Canada.

DUTCH NURSERIES

H. Fleuren Nursery; Baarlo (L.), Netherlands.

Gebroeders Janssen; Nederweert, Limburg, Netherlands.

Jan Kloosterhuis en Zoon; Winschoten, Groningen, Netherlands.

F. Kuiper; Veendam, Groningen, Netherlands.

Gebroeders Oosterwijk; Sappemeer, Groningen, Netherlands.

J. J. Saes; Nederweert, Limburg, Netherlands.

Firma P. Slits-Brouns; Venray, Limburg, Netherlands.

Plantenziektekundige Dienst; Wageningen, Netherlands.

GERMAN NURSERIES

W. Bornholdt, Baumschulen; 2082 Tornesch, West Germany.

H. Cordes, Baumschulen; 2 Wedel/Holstein, West Germany.

H. Neuhoff, Baumschulen; 2084 Rellingen, Ellerbeker Weg 4–6, West Germany.

Claus Stahl, Baumschulen; 2082 Tornesch, Ahrenloher Strasse, West Germany.

G. Strobel & Co., Baumschulen; 20 Pinneberg, Wedeler Weg, West Germany.

F. Timmermann KG., Baumschulen; 2 Wedel/Holstein, West Germany.

Walther Uhl, Baumschulen; 208 Kummerfeld/Krs. Pinneberg, West Germany.

W. Walper, Baum- und Rosenschulen; 2082 Uetersen, Lesekampstr 11, West Germany.

Hans Wunderlich, Obstbaumschulen; 208 Pinneberg, Schulenhorn 10, West Germany.

(Secs. 7, 9, 37 Stat. 317, 318; 7 U.S.C. 160, 162; 29 F.R. 16210, as amended; 7 CFR 319.37–28)

These administrative instructions shall become effective upon publication in the FEDERAL REGISTER, when they shall supersede 7 CFR 319.37–28a, effective May 27, 1969.

These instructions add an additional nursery (H. Fleuren Nursery, Baarlo (L.), Netherlands) to the list of nurseries designated as eligible to ship disease-free *Malus*, *Prunus* and *Pyrus* material to the United States. Section 319.37–28 of the regulations provides for such designation of nurseries certified by the plant protection service of the country of origin as producing such material from parent plants that have been tested and found to be free of significant diseases, when such certification is satisfactory to the Director of the Plant Quarantine Division. Such admissible material may enter under permit. The above list includes all foreign nurseries that have been certified to date by their respective plant protection services as fulfilling the prescribed conditions.

Determination of the satisfactory compliance of the listed nurseries with the conditions imposed by § 319.37–28 depends entirely upon facts within the knowledge of the Department of Agriculture. These instructions relieve a restriction and in order to be of maximum benefit to persons desiring to import this material, they should be made effective promptly. Accordingly, under the Administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on the instructions are impracticable and unnecessary and they may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of January 1970.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[F.R. Doc. 70–1066; Filed, Jan. 27, 1970; 8:48 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

On pages 19356 through 19374 of the FEDERAL REGISTER of December 6, 1969, there was published a notice of proposed rule making to issue regulations relating to farm acreage allotments, and farm marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the records and reports required of producers, warehousemen, dealers, truckers, storage firms, and Kansas City Data Processing Center for Flue-cured tobacco for the

1970–71 and subsequent marketing years. Interested persons were given 15 days after publication of such notices in which to submit written data, views, and recommendations with respect to the proposed regulations. The data, views, and recommendations which were submitted pursuant to said notice were duly considered within the limits of the Agricultural Adjustment Act of 1938, as amended. The proposed regulations are adopted with the following changes:

1. Grammatical errors in the text of the notice have been corrected.

2. In § 725.69(b)(2) the text "cigar-binder (types 51 and 52), or" omitted in the notice, has been included.

3. In § 725.98 a provision is included to clarify that where farm data for actual marketings is determined to be incorrect because of a violation the production records are to be corrected for all farms involved in the violation.

Since farmers are now preparing for the production of the 1970 crop, it is essential that these regulations be made effective at the earliest possible date. Accordingly, this document is being made effective upon the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., January 21, 1970.

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

The regulations are as follows:

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

GENERAL

ACREAGE ALLOTMENT, HISTORY ACREAGE, MARKETING QUOTAS, AND YIELDS FOR OLD FARMS

IDENTIFICATION OF TOBACCO, MARKETING AND OTHER DISPOSITION OF TOBACCO, AND PENALTIES

RECORDS AND REPORTS

DISCOUNT VARIETIES

AUTHORITY: The provisions of this Part 725 issued under sections 301, 313, 314, 316, 317, 363, 372–375, 377, 378, 52 Stat. 38, as amended, 47, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65–66, as amended, 72 Stat. 995; section 401, 63 Stat. 1054, as amended, sections 106, 112, 125, 70 Stat. 191, 195, 198, as amended, section 16(e), 76 Stat. 606; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372–1375, 1377, 1378, 1421, 1813, 1824, 1836, 16 U.S.C. 590p(e).

§ 725.50 Basis and purpose.

The regulations contained in §§ 725.50 through 725.110 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and are applicable to Flue-cured tobacco for the 1970–71 and subsequent marketing years. They govern the establishment of farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the keeping of records and making of reports incident thereto. The applicability of the regulations for any marketing year subsequent to the 1970–71 marketing year is contingent upon the proclamation of a national marketing quota for such year pursuant to section 312(a) of the Act.

§ 725.51 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments now in effect or later issued. The following words or phrases are defined in Parts 718 or 719 of this chapter and shall have the meanings assigned to them by such regulations: "County committee", "County Executive Director", "community committee", "current year", "Department", "Deputy Administrator", "Director", "farm", "Federally owned land", "operator", "person", "preceding year", "producer", "representative of the county committee", "representative of the State committee", "Secretary", "State committee", and "State executive director".

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

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

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

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

(e) *Community average yield.* The average yield in the community as determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that

if the yield for any of the 3 highest years is less than 80 percent of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield.

(f) *Current year.* The calendar year for which acreage allotments are being established, or tobacco history acreage and yields are being determined, or the farm is being considered under the provisions of the marketing quota program.

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

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

(i) *Effective farm acreage allotment.* The allotment determined under § 725.58.

(j) *Effective farm marketing quota.* The quota determined under § 725.60.

(k) *Excess tobacco for a farm.* The excess tobacco on a farm for the current year shall be the quantity of tobacco marketed in the current marketing year after 110 percent of the effective farm marketing quota has been marketed.

(l) *Farm acreage allotment.* The acreage determined by multiplying the preliminary farm acreage allotment by the national acreage factor.

(m) *Farm marketing quota.* The pounds determined by multiplying the farm acreage allotment by the farm yield.

(n) *Farm yield*—(1) *Old farm.* The farm yield for an old farm is that yield determined as provided in § 725.59.

(2) *New farm.* The farm yield for a new farm is that yield determined as provided in § 725.59.

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That floor sweepings above the pounds determined by multiplying the applicable following listed percentage times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco:

How sold	*Percentage*
Untied	0.50 (five-tenths of 1 percent).
Tied	0.17 (seventeen hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

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

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

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

(s) *Marketing year.* The period beginning July 1 of the year in which the tobacco is produced and ending June 30 of the following year.

(t) *New farm.* A farm for which a tobacco allotment is established in the current year and for which there is no tobacco history acreage in the base period.

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

(v) *Old farm.* A farm on which there is tobacco history acreage in one or more years of the base period.

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

(x) *Pound.* That amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal 1 pound standard weight.

(y) *Preceding year.* The calendar year immediately preceding the year for which the allotments and quotas are established, or the marketing year preceding the marketing year for which the allotments and quotas are established.

(z) *Preliminary farm acreage allotment.* The preceding year's farm acreage allotment for a farm which has tobacco history acreage in the base period.

(aa) *Preliminary farm yield.* The yield determined for a farm as provided in § 725.57.

(bb) *Resale.* The disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

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

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

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

(ff) *Tobacco.* Flue-cured tobacco, types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture.

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

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

(ii) *Undermarketings.* The pounds by which the effective farm marketing quota is more than the pounds marketed.

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

§ 725.52 Location of farm for administrative purposes.

(a) *County.* The location of a farm in a county for administrative purposes shall be as provided in Part 719 of this chapter.

(b) *Community.* (1) A farm that is geographically located entirely within one community shall be assigned to that community.

(2) A farm that is geographically located in one county and in more than one community shall be assigned to the community (i) where the principal dwelling is located, or (ii) where the largest amount of cropland is located, if there is no such dwelling.

(3) A farm that is geographically located in more than one county and in more than one community shall be assigned to the community in the county in which the farm is located for administrative purposes under Part 719 of this chapter in which the principal dwelling is located, or if the principal dwelling is not located in such county, or there is no such dwelling, to the community in such county having the largest amount of cropland.

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

(a) *General.* If rounding is prescribed herein, computations shall be carried to two decimal places beyond the number of decimal places required and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by 1.

(b) *Allotments.* Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. For example, 2.5536 equals 2.55; 2.5550 equals 2.55; 2.5551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

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

§ 725.54 Supervisory authority of State ASC committee.

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

§ 725.55 Instructions and forms.

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

forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator.

ACREAGE ALLOTMENTS, HISTORY ACREAGE, MARKETING QUOTA AND YIELDS FOR OLD FARMS

§ 725.56 Determination of preliminary farm acreage allotments.

(a) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in § 725.73 of this part, in the base period, except that no preliminary farm acreage allotment shall be established in the current year under any one of the following conditions: (1) The only tobacco history acreage credited to the farm during the entire base period is history acreage restored because the allotment was reduced for violation of the marketing quota regulations, (2) a new farm allotment was established in any prior year but was canceled for the year preceding the current year, (3) an allotment was pooled under Part 719 of this chapter but was canceled, or (4) the county committee determines that the cropland in the farm has been retired from agricultural production and was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it: *Provided,* That this paragraph shall not preclude the determination of a preliminary farm acreage allotment for (i) an old farm that is returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (ii) a farm for which an acreage allotment may be determined under the provisions of § 725.68.

(b) *Preliminary farm acreage allotment.* The preliminary farm acreage allotment for the current year for a farm which qualifies for a preliminary farm acreage allotment under paragraph (a) of this section shall be the same as the farm acreage allotment (prior to reduction for violation, prior to adjustment for lease and transfer, and prior to adjustment for undermarketings or overmarketings) established for such farm for the immediately preceding year.

§ 725.57 Determination of preliminary farm yields.

(a) *Old farms.* The preliminary farm yield for an old farm shall be the same preliminary farm yield as was in effect for such farm in the immediately preceding year. Preliminary farm yields required to be established for farms reconstituted under § 725.63, using yield data for base years 1959–63, shall be determined as follows:

(1) An average yield per acre for each farm for each year of the period 1959 through 1963 shall be determined by dividing the total pounds of Flue-cured tobacco produced on such farm by the total acreage of Flue-cured tobacco harvested from such farm for each respective year.

(2) A simple average of the yields per acre for each farm for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year shall be determined. If Flue-cured tobacco was not produced for at least 3 years of the 5-year period, the average of the yields for the years in which tobacco was produced shall be determined. The provisions of subparagraph (4) of this paragraph shall be applied to the simple average of such yields.

(3) If no Flue-cured tobacco was produced on the farm in the 5-year period (1959–63) but the farm is eligible for an allotment because it has tobacco history acreage in the 5-year period (1960–64), a preliminary farm yield for the farm shall be determined by the county committee taking into consideration (i) the soil and other physical factors affecting the production of tobacco on the farm, and (ii) the preliminary farm yields determined for other farms in the community on which the soil and other physical factors affecting the production of tobacco are similar. If no Flue-cured tobacco was produced in the community in the 5-year period (1959–63), the preliminary farm yield shall be appraised on the basis of the soil and other physical factors affecting the production of tobacco on the farm and the preliminary farm yields for similar farms outside the community.

(4) If the simple average of the yields for the farm as determined under subparagraph (2) of this paragraph is (i) as much as 80 percent but not more than 120 percent of the community average yield, the preliminary farm yield shall be the simple average of such yields; (ii) more than 120 percent of the community average yield, the preliminary farm yield shall be the sum of 50 percent of the average of the 3 highest years and 50 percent of the national average yield goal (1,854 pounds) but not less than 120 percent of the community average yield or more than the average of the 3 highest years for the farm; or (iii) less than 80 percent of the community average yield, the preliminary farm yield shall be 80 percent of the community average yield.

(b) *New farms.* The preliminary farm yield for a new farm shall be determined by dividing the farm yield determined in accordance with § 725.59(b) for such farm by the national yield factor applicable for the year in which the new farm allotment was established.

§ 725.58 Determination of farm acreage allotments and effective farm acreage allotments.

(a) *Farm acreage allotments.* The farm acreage allotment shall be determined by multiplying the current year's preliminary farm acreage allotment by the national acreage factor for the current year.

(b) *Effective farm acreage allotment.* The effective farm acreage allotment for the current year shall be determined by adjusting the farm acreage allotment for the current year as follows:

(1) *Upward adjustment.* (i) Add the farm marketing quota and the pounds undermarketed in the preceding marketing year (not to exceed 100 per centum of the preceding year farm marketing quota plus pounds leased to the farm for such year) and divide the result by the current year's farm yield. (ii) Add to the acreage computed under subdivision (i) of this subparagraph the acreage obtained by dividing the pounds leased and transferred to the farm for the current year by the current year's farm yield for the lessee farm.

(2) *Downward adjustment.* The farm acreage allotment, after adjustment under subparagraph (1) of this paragraph, if any, shall be adjusted downward as follows: (i) Subtract from the farm marketing quota the pounds overmarketed in the preceding marketing year (plus additional pounds overmarketed in any prior marketing year for which a reduction in quotas has not been made) and divide the result by the current year's farm yield. (ii) Subtract from the acreage computed under (i) of this subparagraph the (*a*) acreage obtained by dividing the pounds leased and transferred from the farm for the current year by the current year's farm yield for the lessor farm, (*b*) acreage reduced because of insufficient cropland, and (*c*) acreage reduced because of a violation of the marketing quota regulations.

§ 725.59 Determination of farm yields.

(a) *Old farms.* The farm yield for an old farm shall be determined by multiplying the preliminary farm yield for the farm by the national yield factor for the current year.

(b) *New farms.* The farm yield for a new farm shall be that yield, not to exceed the community average yield, which the county committee determines for the farm taking into consideration (1) the soil and other physical factors affecting the production of tobacco on the farm, and (2) the farm yields determined for other farms on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.60 Determination of effective farm marketing quotas.

The effective farm marketing quota for a farm for the current year shall be the farm marketing quota determined by multiplying the farm acreage allotment for the current year by the farm yield established for the current year, adjusted as follows:

(a) *Upward adjustment.* The farm marketing quota shall be adjusted upward by adding (1) the pounds undermarketed in the preceding marketing year, not to exceed 100 percent of the farm marketing quota for the preceding marketing year, plus pounds leased and transferred to the farm in such year, and (2) the pounds leased and transferred to the farm for the current year.

(b) *Downward adjustment.* The farm marketing quota, after adjustment, if any, under paragraph (a) of this section, shall be adjusted downward by subtracting (1) the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, (2) the pounds reduced for violation of the tobacco

marketing quota regulations for a prior year, (3) the pounds leased and transferred from the farm for the current year and (4) the pounds computed for allotment reduction because of insufficient cropland acreage on the farm.

§ 725.61 Determination of undermarketings and overmarketings for farms with conservation reserve contracts, cropland conversion program agreements, or land covered by a cropland adjustment program agreement.

The farm marketing quota established for a farm, all of which is under a conservation reserve contract or cropland conversion program agreement, or land covered by a cropland adjustment program agreement, including the tobacco acreage, shall be considered as zero for the purpose of determining undermarketings and overmarketings for such farm. For a farm, a part of which is under a conservation reserve contract or cropland conversion program agreement with the permitted acres less than the allotment, the marketing quota determined by multiplying that part of the allotment equal to the permitted acres by the farm yield shall be considered the farm marketing quota for the farm for the purpose of determining undermarketings and overmarketings. Permitted acres as used in this section means the total number of acres which could be devoted to nonconserving or soil bank base crops under the terms of the conservation reserve contract or cropland conversion program agreement.

§ 725.62 Determination of undermarketings and overmarketings for allotments while in eminent domain pool.

The farm marketing quota established for an allotment which is in the eminent domain pool for the current year shall be considered as zero for the purpose of determining undermarketings and overmarketings.

§ 725.63 Determination of allotments and yields for divided farms.

(a) *Allotments.* Farm acreage allotments for divided farms shall be divided pursuant to the provisions of Part 719 of this chapter. History acreages and other basic data shall be apportioned among the divided tracts as provided in Part 719 of this chapter, except as provided in paragraphs (b) and (c) of this section.

(b) *Preliminary farm yields*—(1) *Where contribution method is used.* Where a tract is separated from the parent farm and the tobacco acreage allotment is divided by the contribution method, the preliminary farm yield shall be determined as follows:

(i) Where a preliminary farm yield was established for the tract prior to the time the tract became part of the parent farm such yield shall be the preliminary farm yield for the tract.

(ii) Where the tract is one for which a preliminary farm yield has never been established and one which was not a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be the same as the preliminary farm yield for the parent farm.

(iii) Where the tract is (*a*) one for which a preliminary farm yield has never been established, and (*b*) one which was a separate farm in one or more years of the period 1959 through 1963, the preliminary farm yield shall be determined in accordance with procedure in § 725.57, using the community average yield for the community in which the tract is located under the provisions of § 725.52. In determining the preliminary farm yield, the yield per acre for the parent farm shall be used for those years of the period 1959 through 1963 the tract was part of the parent farm and the yield per acre for the tract when it was a separate farm shall be used in the remaining years.

(2) *Where the contribution method is not used.* When a farm is divided and the allotments are divided by any method other than the contribution method, the preliminary farm yield for such tract shall be the same as the preliminary farm yield established for the parent farm.

(c) *Farm yield.* The farm yield for a tract separated from a parent farm by division shall be determined by multiplying the preliminary farm yield by the national yield factor for the current year.

§ 725.64 Determination of allotments and yields for combined farms.

(a) *Allotments.* Farm acreage allotments and history acreages and other basic data for combined farms shall be computed for the base period in accordance with Part 719 of this chapter, except as provided in paragraph (b) of this section.

(b) *Yields.* The farm yield for a combined farm shall be the weighted average of the farm yields established for the parent farms. The preliminary farm yield for the combined farm shall be determined by dividing the farm yield for the combined farm by the national yield factor for the current year.

§ 725.65 Determination of undermarketings and overmarketings for reconstituted farms.

(a) *Divisions.* Undermarketings and overmarketings of the parent farms shall be apportioned among the divided tracts in the same ratio as the marketing quotas are established for the divided tracts.

(b) *Combinations.* Undermarketings of the parent farm shall be the total undermarketings of the combined farms and overmarketings of the parent farm shall be the total overmarketings of the combined farms.

§ 725.66 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) *General.* Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community in which the farm is located. The reserve acreage for adjusting allotments under this paragraph will be prorated based on the relationship of each State's preliminary acreage allotment to the national total. The national office will advise State offices of the amount. Correction of errors shall be made out of the reserve acreage before allotments are adjusted for inequities.

(b) *Basis for adjustment.* Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Not to exceed 1 percent of the national acreage allotment minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and correction of errors. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage apportioned the county for such purpose. The sum of adjustments for farms in the county owned, operated, or controlled by the State, county, and community committeemen and the county office manager, shall not be larger in relation to the sum of the preceding year's allotments for such farm than the sum of the adjustments for other farms in the county in relation to the preceding year's allotments for such farms.

(c) *CR, CCP, and CAP farms.* The allotment for a farm under a conservation reserve contract or a farm under a cropland conversion program agreement, or land under a cropland adjustment program agreement shall be given the same consideration under this section as the allotments for other old farms.

(d) *Approved acreage.* Acreage approved for a farm under this section becomes a part of the farm acreage allotment. The farm marketing quota for such farm shall be adjusted by multiplying the adjusted farm acreage allotment by the farm yield.

§ 725.67 Time for making reduction of acreage allotment for violation of the marketing quota regulations.

Any reduction in the farm acreage allotment for a farm for the current year required for any of the reasons provided in § 725.98 shall be made no later than April 1 of the current year. If the reduction is not made by such date for the current year, the reduction shall be in the farm acreage allotment next established for the farm, but no later than by April 1 in the subsequent year: *Provided,* That no reduction shall be made in the acreage allotment for any farm for a violation if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

§ 725.68 Allotments and yields for farms acquired under right of eminent domain.

(a) *Allotments and marketing quotas.* The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in Part 719 of this chapter. Where all or a part of an allotment is pooled, all or a proportionate part of the farm marketing quota shall be pooled.

(b) *Yields for receiving farms.* The farm yield for a farm to which pooled acreage allotment and marketing quota are transferred shall be determined by dividing the farm marketing quota (including the transferred farm marketing quota) by the farm acreage allotment (including the transferred farm acreage allotment). The preliminary farm yield shall be determined by dividing the farm yield by the national yield factor for the current year.

(c) *Undermarketings and overmarketings.* Undermarketings of the farm acquired by eminent domain shall be added to the marketing quota for the receiving farm and overmarketings of the acquired farm shall be subtracted from the marketing quota of the receiving farm.

(d) *Release and reapportionment.* The displaced owner of a farm may, not later than April 1 of the current year, release in writing to the county committee for the current year all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having allotments for Flue-cured tobacco. The marketing quota for the pooled acreage shall be adjusted downward by the amount determined by multiplying the acreage released by the farm yield for the farm acquired by eminent domain. The county committee may reapportion, not later than May 1 of the current year, the release acreage or any part of it to other farms in the county on the basis of past acreage of tobacco, land, labor, and equipment available for the production of tobacco, crop rotation practices, and soil and other physical factors affecting the production of tobacco. The marketing quota for the farm to which released acreage is reapportioned shall be adjusted upward by multiplying the reapportioned acreage by the farm yield for such farm. The allotment acreage reapportioned shall not, for purposes of establishing future farm allotments, be regarded as planted on the farm to which the allotment was reapportioned. No release and reapportionment of allotment acreage hereunder shall be the result of any private negotiations between individuals. Any acreage released shall be released to the county committee and such acreage shall be reapportioned only by the county committee.

§ 725.69 Determination of acreage allotments for new farms.

(a) *Basic.* The acreage allotment, other than an allotment made under § 725.68, for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 50 percent of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices and the soil and other physical factors affecting the production of tobacco.

(b) *Conditions.* Notwithstanding any other provision of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm shall be operated by the owner thereof. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife.

(2) The farm covered by the application shall be the only farm in the United States owned or operated by the farm operator for which a Burley, Flue-cured, Fire-cured, dark Air-cured, Virginia sun-cured, Maryland, Cigar-filler (type 41); Cigar binder (types 51 and 52), or Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco acreage allotment is established for the current year.

(3) The farm shall not have an allotment for the current year for any of the kinds of tobacco listed in subparagraph (2) of this paragraph, other than the allotment requested in the application.

(4) The available land, type of soil, topography of the land on the farm for which the allotment is requested is suitable for the production of Flue-cured tobacco requested in the application and the production of Flue-cured tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(5) The operator shall own, or otherwise have readily available, adequate equipment and the other facilities of production (including irrigation water) necessary to the successful production of Flue-cured tobacco.

(6) (i) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products from the farm for which the new farm allotment application is filed. In making this computation of income from the farm, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income, including dividends and salary, from the corporation. (ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing Flue-cured tobacco either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. The production of Flue-cured tobacco on a farm for which no farm acreage allotment for such kind of tobacco was established shall not be deemed as experience in growing tobacco for this purpose.

(8) A written application is filed by the farm operator at the office of the county committee on or before February 15 of the calendar year for which the application is made.

(9) The farm shall not include land returned to agricultural production after being acquired by an agency having the right of eminent domain if the entire tobacco allotment for the land was pooled pursuant to Part 719 of this chapter until after a date 5 years from the date the former owner was displaced from the land acquired by eminent domain.

(10) A farm which includes land which has no tobacco acreage allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm tobacco

allotment for a period of 5 years beginning with the year in which the farm reconstitution becomes effective.

(11) The farm operator must not have been approved for a new farm tobacco allotment during the preceding 3 years.

(c) *Downward adjustment.* The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring the total of such allotments within the total acreage available for allotments to all new farms.

(d) *Basis for cancellation.* Any improperly established new farm allotment is subject to cancellation under the provision in § 725.98.

§ 725.70 Approval of allotments and marketing quotas, and notices to farm operators.

(a) *Review by State committee.* All farm acreage allotments, yields, and marketing quotas shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under these regulations. All acreage allotments, yields, and marketing quotas shall be approved by a representative of the State committee, and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment and marketing quota has been so approved, except that revised notices without such prior approval may be mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or marketing quota, or (2) of allotment reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished.

(b) *Notice to farm operator.* An official notice of the effective farm acreage allotment and effective farm marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. All such notices shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by a county committeeman or an employee of the county office. Insofar as practical, all notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing or a printout summary of such data shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of the notice of allotment and marketing quota certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) *Mailing notices.* If the records of the county committee indicate that the acreage allotment and marketing quota established for any farm may be changed because of (1) a violation of the marketing quota regulations for prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, the mailing of the notices may be delayed: *Provided,* That the notice of allotment and marketting quota for any farm shall be mailed no later than April 1 of the current year.

(d) *Allotment erroneous notice.* If the official written notice of the farm acreage allotment and marketing quota issued for any farm erroneously stated an acreage allotment larger than the correct effective farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted an acreage of tobacco in excess of the correct effective farm acreage allotment.

(e) *Marketing quota erroneous notice.* If the official notice of acreage allotment and marketing quota issued for a farm erroneously stated a marketing quota larger than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith, planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco. Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

§ 725.71 Application for review.

(a) *If marketing quotas are in effect.* Any producer who is dissatisfied with the farm acreage allotment and farm marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the ASCS county office to have such allotment and quota reviewed by a review committee. The procedure governing the review of farm acreage allotments and marketing quotas is contained in Part 711 of this chapter, which is available at the ASCS county office.

(b) *If marketing quotas are not in effect.* Any producer who is dissatisfied with the farm acreage allotment may request reconsideration of such allotment in accordance with Part 780 of this chapter, Appeal Regulations, and amendments thereto, which are available in the county ASCS office.

§ 725.72 Lease and transfer of tobacco marketing quotas.

(a) *Farms eligible.* For the crop year 1970, notwithstanding the provisions of §§ 725.51 through 725.71, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for Flue-cured tobacco for use on such farm. The allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of marketing quotas shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Annual agreement.* Any lease shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) *Filing an approval of lease.* The lease and transfer of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than April 1 of the current year, except that a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year, and (2) the terms of the lease, in writing, are filed with the county committee no later than July 31 of the current year. The approval herein required by the county committee shall not be redelegated.

(d) *Marketing quota basis for lease and transfer.* Marketing quota, pound for pound, shall be the basis for lease and transfer under the acreage-poundage program. The computed acreage for pounds leased and transferred to a lessee farm (the sum of its own allotment and the upward adjustment in acreage for lease and transfer) shall not exceed 50 per centum of the cropland acreage in the lessee farm. The maximum marketing quota that may be leased and transferred from a farm shall be limited to effective farm marketing quota for the lessor farm.

(e) *Adjustment of acreage allotment.* The acreage allotment for a farm involved in a lease and transfer agreement shall be adjusted as follows:

(1) The acreage allotment for the lessee farm shall be adjusted upward by the number of acres obtained by dividing the pounds leased and transferred to the farm by the current year's farm yield for the lessee farm.

(2) The acreage allotment for the lessor farm shall be adjusted downward

by the number of acres obtained by dividing the pounds leased and transferred from the farm by the current year's yield for the lessor farm.

(f) *Allotment acreage considered fully planted.* For purpose of establishing allotments for subsequent years, the tobacco acreage computed for pounds leased and transferred from a lessor farm shall be considered to have been planted on the lessor farm.

(g) *Marketing quota for a new farm.* Marketing quota established for a new farm shall not be leased or transferred.

(h) *Farms under long-term land use programs.* Transfer of an allotment and quota to or from a farm covered by a Conservation Reserve Program (CR) contract, Cropland Adjustment Program (CAP) agreement, or Cropland Conservation Program (CCP) agreement shall be subject to the following conditions:

(1) *CR and CCP (1964–65).* A lease and transfer of an allotment and quota may be approved to or from any farm under a CR contract or 1964–65 CCP agreement.

(2) *CAP, and CCP (1966 and 1967).* A lease and transfer of an allotment and quota to or from a farm covered by a CAP agreement or a 1966 CCP agreement or 1967 CCP agreement shall not be approved if the transferring or receiving farm has the allotment crop base designated under such program agreement. Any transfer of an allotment and quota hereunder shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreement in accordance with instructions issued by the Deputy Administrator but no adjustment shall be made in the contract or agreement of the farm to which the allotment and quota are transferred.

(i) *Pooled allotments.* Marketing quotas established for allotments in a pool pursuant to Part 719, including allotments which have been released to the county committee and reapportioned to other farms, shall not be eligible for lease and transfer.

(j) *No subleasing.* Any leased marketing quota shall not be subleased to another farm.

(k) *Revised notices.* A revised notice (Form ASCS–375, Notice of Revised Acreage Allotment and Marketing Quota) showing the effective farm acreage allotment and effective farm marketing quota after lease and transfer shall be issued by the county committee to each of the operators of all farms involved in the lease and transfer agreement.

(l) *Violations.* If consideration of a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before April 1, the lease may be approved by the county committee. In any case, if, after a lease and transfer of a tobacco marketing quota has been approved by the county committee, it is determined that the allotment for the farm from which or to which the marketing quota is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) *Zero allotment and zero marketing quota farms.* If the effective farm acreage allotment and effective farm marketing quota for a farm for the current year are reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota for Fluecured tobacco may be leased to such farm for the current year.

(n) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer agreement until the time for filing an application for review, as shown on the original notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(o) *Marketing quota after lease and transfer approval.* The acreage allotment and marketing quota finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment and marketing quota for such farm for the current year only for the purposes of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco, (3) eligibility for price support, (4) undermarketings and overmarketings, and (5) the amount of reduction in allotment and quota for violation of the tobacco marketing quota regulations. The amount of reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer.

(p) *Dissolution of leasing agreement.* An agreement to lease and transfer may be dissolved at the request of all parties to the leasing agreement by so notifying the county committee in writing not later than April 1 of the current year, except that the dissolution of a lease shall be effective if (1) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year, and (2) the terms of the dissolution, in writing, are filed with the county committee no later than July 31 of the current year. In such a case, an official notice of the effective farm acreage allotment and effective farm marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the applicable closing date, the acreage allotment and marketing quota resulting from the lease and transfer shall remain in effect.

(q) *Reconstitutions after lease and transfer.* Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after lease and transfer has been made. For the following year, that part of the acreage allotment computed for pounds leased shall revert to the farm from which it was transferred. Notwithstanding the above, in the case of division, the county committee may allocate, under Part 719 of this chapter, the leased quota involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

§ 725.73 Determining tobacco history acreages.

Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(a) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for the current year if:

(1) In the current year or either of the 2 preceding years, (i) the sum of (*a*) the final tobacco acreage as determined under Part 718 of this chapter, (*b*) the acreage computed for pounds leased and transferred from the farm under lease and transfer provisions, (*c*) acreage reduced because of insufficient cropland acreage, (*d*) and the acreage regarded as planted to tobacco under the conservation programs and practices determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm's history allotment (basic allotment minus acreage reduced for (*a*) overmarketings and (*b*) violation of marketing quota regulations), or (ii) the farm acreage allotment is or was in the eminent domain allotment pool; or

(2) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco.

(b) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under paragraph (a) of this section, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(1) Final tobacco acreage.

(2) Acreage computed for pounds leased and transferred from the farm.

(3) Acreage reduced because of insufficient cropland acreage.

(4) Acreage regarded as planted to tobacco under the conservation programs and practices.

(c) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage, the acreage computed for pounds leased and transferred from the farm under the lease and transfer provisions, acreage reduced because of insufficient cropland acreage, and the acreage regarded as planted to tobacco under the conservation programs and practices is less than 75 per centum of the farm acreage allotment (after any reduction for violation of the marketing quota regulations and adjustment for overmarketings) because of abnormal weather or

disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (1) the farm acreage allotment, or (2) the sum of the (i) final tobacco acreage for the farm, (ii) the acreage computed for pounds leased and transferred from the farm, (iii) acreage reduced because of insufficient cropland acreage, (iv) the acreage regarded as planted to tobacco under the conservation programs and practices, and (v) if the farm operator makes a written request of the county committee not later than August 1 of the crop year involved, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage if the weather had been normal, or there had been no disease. Any adjustment in tobacco history acreage because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the farm acreage allotment is planted.

(d) *Zero allotment farms.* Any acreage planted to tobacco on a farm for which a farm acreage allotment of zero was established shall not be credited with any tobacco history acreage.

(e) *Allotments in eminent domain pool.* The farm acreage allotments in the eminent domain pool, as provided in Part 719 of this chapter, shall be considered fully planted during the years in the pool, including any year in which the pooled allotment is released by the displaced owner to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotment.

(f) *All history acreage is restored history acreage.* A farm shall be considered to have no tobacco history acreage during the base period and shall not be considered an old farm if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored for reduction of the farm acreage allotment for violation of the tobacco marketing quota regulations.

(g) *Tobacco history acreage for new farms.* The tobacco history acreage for a farm for the year it received an allotment as a new farm shall be the same as the new farm allotment if as much as 75 percent of the allotment is planted in such year. If less than 75 percent of the new farm allotment is planted, the tobacco history acreage shall be the same as the planted acreage. No adjustment for abnormal weather or disease shall be made in the tobacco history acreage for a farm for the year it was a new farm.

§ 725.74 Transfer of farm marketing quotas.

There shall be no transfer of farm marketing quotas except as provided in §§ 725.72, 725.76, and Part 719 of this chapter.

§ 725.75 Reduction in farm allotment because of cropland limitation.

The allotment determined for any farm under these regulations may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the tobacco allotment in lieu of the feed grain base: *Provided*, That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further*, That such reduction shall be effective for the current year only. For purposes of establishing future farm allotments, the acreage not planted under the farm allotment because of reduction under this paragraph shall be regarded as planted on the farm.

§ 725.76 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.

(a) *Designation of counties affected by a natural disaster.* The Deputy Administrator shall determine for any year beginning with the 1970 crop, those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any or all of the tobacco acreage allotments for any farm in the county. The county committee shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of tobacco acreage within the farm tobacco allotment for such year to another farm or farms in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established under this part less such acreage planted to tobacco and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in the case of lands owned by the Federal Government.

(2) One or more of producers of tobacco on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of tobacco on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the tobacco.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee, or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old tobacco farm.* Any acreage transferred under this paragraph shall be considered for the purpose of determining future allotments to have been planted to tobacco on the farm from which such allotment is transferred.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be July 15 of the current year. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

§§ 725.77–725.84 [Reserved]

Identification of Tobacco, Marketing and Other Disposition of Tobacco, and Penalties

§ 725.85 Identification of kinds of tobacco.

(a) *Similar tobacco.* Any tobacco that has similar appearance and growth characteristics while growing in a field on a farm, or any cured tobacco that has the same characteristics and corresponding qualities, colors and lengths, of Flue-cured tobacco shall be considered Flue-cured tobacco without regard to any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(b) *Discovering and identifying similar tobacco.* For the purpose of discovering and identifying tobacco subject to marketing quotas, the term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco on a farm unless the county committee with the approval of the State committee (1) determines all or part of such acreage should not be considered as Flue-cured tobacco under paragraph (a) of this section, or (2) determines from satisfactory proof furnished by the operator of the farm that a part or all of

the production of such acreage has been certified by the Consumer and Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

§ 725.86 Disposition of tobacco produced on excess acres.

Disposition of tobacco produced on excess acreage prior to harvest shall be subject to the provisions of Part 718 of this chapter.

§ 725.87 Issuance of marketing cards.

(a) *General.* (1) A marketing card (MQ–76) shall be issued for the current marketing year for each farm having tobacco available for marketing. Cards shall be issued in the name of the farm operator except that (i) cards issued for tobacco grown for experimental purposes only shall be issued in the name of the experiment station, and (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the name of other interested producers. For cards issued in North Carolina, South Carolina, and Virginia, the card shall show the harvested acreage on the face of the card. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop.

(2) If the county committee has reason to believe that one or more producers on the farm have been or likely will be deprived of the right to use such marketing card to market his or their proportionate shares of the crop, a hearing shall be scheduled by the county committee and the operator of the farm and the producer or producers involved shall be invited to be present, or to be represented, at which time they shall be given the opportunity to substantiate their claims concerning the use of the farm marketing card to market each such producer's proportionate share of the effective farm marketing quota for such crop. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice. A summary of the evidence presented at the hearing shall be prepared for use of the county committee. If the farm operator or other producer(s) on the farm do not attend the hearing, or are not represented, the county committee may take whatever action it deems proper on the basis of information available to it. If the county committee finds that any producer on the farm has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop, the marketing card issued for the farm shall be recalled and a separate marketing card, showing 110 percent of the producer's proportionate share of effective farm marketing quota shall be issued to each such producer who it is determined has been or likely will be deprived of the opportunity to market his proportionate share of the crop and another marketing card (or other cards if considered preferable by the county committee) shall be issued showing 110 percent of the balance of the effective farm marketing quota to enable the other producers on the farm to market their proportionate shares. The marketing cards issued pursuant to this subparagraph shall reflect the proportionate pounds, if any, already marketed by each producer.

(b) *Person authorized to issue marketing cards.* The county executive director shall be responsible for the issuance of marketing cards.

(c) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

(2) Any person who succeeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm, shall, to the extent of such succession, have the same rights to the use of the marketing card and bear the same liability for penalties as the original producer.

(d) *Farms not eligible for price support.* The marketing card issued for a farm shall have the notation "No Price Support" where either of the following conditions exist:

(1) The farm is determined not to be in compliance with the tobacco allotment therefor under the provisions of Part 718 of this chapter.

(2) Tobacco is produced on land owned by the Federal Government in violation of a lease restricting the production of tobacco, even though the allotment for the farm is not exceeded.

(e) *Cards for tobacco grown by publicly owned experiment stations.* A marketing card shall be issued to identify tobacco grown for experimental purposes by or for publicly owned experiment stations.

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the spaces provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota, and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That if the tobacco available for marketing from the farm is determined by the county committee or the county office manager to be less than the effective farm marketing quota, the pounds determined to be available for marketing, for purposes of issuing a marketing card and showing thereon the farm's 10 percent and 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further,* That if any producer on the farm shows to the satisfaction of the county committee or county executive director that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the proviso above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under subparagraph (1) of this paragraph.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota shall be entered in the spaces provided on reverse side of the marketing card and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases, (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota", and (ii) each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota".

(4) If, when authorized under Part 1421 of this title, a producer requests and obtains from the county committee an interim advance of CCC funds on part or all of his Flue-cured tobacco crop prior to marketing thereof, the estimated quantity of tobacco upon which the interim advance was made shall be entered in parentheses on the reverse side of the marketing card in the space for recording sales. Any poundage balance of the "110 percent of quota" data shall be entered below the estimated pounds upon which an interim advance was made.

(g) *Marketing cards for producers of registered or certified Flue-cured tobacco seed.* Any producer of registered or certified Flue-cured tobacco seed may devote Flue-cured tobacco acreage to seed production without such tobacco being charged against the farm's allotment, affecting the farm's eligibility for price support or affecting the farm's status in determining marketing penalties. A marketing card may be issued for a farm without regard to the tobacco acreage which is being produced for seed purposes if an agreement is signed by the farm operator, and the producer if different from the operator, which provides:

(1) For the destruction of all tobacco produced on the acreage designated for seed production and that no tobacco produced on such acreage will be harvested.

(2) (i) For paying the cost of compliance visits to a farm by representatives of the county committee under Part 718 of this chapter in connection with the determination of the acreage designated for seed production. During the first compliance visit to the farm the acreage designated for seed production shall be determined and staked off.

(ii) The producer(s) signing the agreement shall agree to timely notify the county office when the tobacco seed has been harvested so that arrangements can be made for a representative of the county committee to determine that no acreage designated for seed production has been harvested and to witness destruction of the tobacco leaves.

(3) That the planting of the tobacco acreage for seed production will not create history acreage for the purpose of establishing future farm allotments.

(4) That if the county committee determines that any of the terms and conditions of the agreement have been violated or any material misrepresentation in connection with the agreement has been made, any marketing card issued for the farm in recognition of the agreement shall be recalled and canceled, and a marketing card shall be issued to reflect all the tobacco produced on the farm and that the tobacco produced on the farm is not eligible for price support.

§ 725.88 Claim stamping and replacing marketing cards.

(a) *Stamping to show claims.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, the face of the marketing card issued for the farm shall bear the notation "U.S. Claim" followed by the amount of indebtedness. The name of the indebted producer, if different from the farm operator, shall be recorded directly under the claim notation. A notation showing indebtedness to the United States shall constitute notice to any warehouseman or loan organization that, subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness to the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and the producer may reject price support from which such indebtedness would be deductible. As claim collections are made, the amount of the claim shown on the card shall be revised to show the claim balance, and the tobacco sale bill shall show the amount collected. A claim free marketing card shall be issued when the claim has been paid.

(2) Any marketing card may be marked for the purpose of notifying warehousemen or loan organizations that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(b) *Replacing, exchanging, or issuing additional marketing cards.* Subject to the approval of the county executive director, two or more marketing cards may be issued for any farm. Upon the return to the county office of a marketing card which has been used in its entirety and before the marketing of tobacco from the farm has been completed, a new marketing card bearing the same name, information, and identification as the used card shall be issued for the farm. A new marketing card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen.

§ 725.89 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid under any one of the following conditions:

(1) It is not issued or delivered in the form and manner prescribed.

(2) Any entry is omitted or is incorrect.

(3) It is lost, destroyed, stolen, or becomes illegible.

(4) Any erasure or alteration has been made and not properly initialed by the county executive director or a marketing recorder.

(b) *Validating invalid cards.* If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county executive director who issued the card, or by a marketing recorder, then such card shall become valid.

(c) *Returning invalid cards.* In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration, or incorrect entry, which has not been corrected by the county executive director who issued the card, or by a marketing recorder), the farm operator, or the person having the card in his possession, shall return it to the county office at which it was issued.

§ 725.90 Misuse of marketing card.

Any information which causes a marketing recorder, a member of a State, county, or community committee, or an employee of the State or county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm, shall be reported immediately by such person to the county or State office.

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota, (2) 110 percent of quota, (3) balance of 110 percent of quota after each sale, and (4) date of sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer purchaser shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

(b) *Verification of penalty by warehousemen or dealers.* Each sale of tobacco by a producer which is subject to penalty and which has been recorded by a marketing recorder shall be verified by a warehouseman or dealer to determine whether the amount of penalty shown to be due has been correctly computed. Such warehouseman or dealer shall not be relieved of any liability for the amount of penalty due because of any error which may occur in computing the penalty and recording the sale.

(c) *Check register.* The serial number of the tobacco sale bill(s) shall be recorded by the warehouseman on the check register or check stub for the check written covering the auction sale of tobacco by a producer.

(d) *Identification of dealer marketings of resale tobacco.* Each auction and nonauction marketing of resale tobacco in the current year shall be identified by a dealer identification card, Form MQ–79–2, issued to the dealer.

(e) *Separate display on auction warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall for each different kind of tobacco:

(1) Display it in separate areas on the auction warehouse floor.

(2) Identify each basket by a distinguishably different basket ticket clearly showing the kind of tobacco.

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco sold at auction over the warehouse floor.

(f) *Cross-reference of tobacco sale bill number to prior tobacco sale bill covering tobacco identified by the same marketing card to be sold the same day.* Each warehouseman shall for each lot of tobacco weighed in on his floor for sale the same day cross-reference the tobacco sale bill to each prior tobacco sale bill for tobacco identified by the same marketing card. To accomplish the cross-reference, each other tobacco sale bill number shall be entered by the warehouseman in the "Remarks" space on the tobacco sale bill, on all copies, at the time he weighs in the tobacco at the warehouse.

(g) *Identification of returned first sale (producer) tobacco.* When resold at auction, tobacco which has been previously sold and returned to the warehouse by the buyer is resale tobacco. When such tobacco is resold by the warehouseman, it shall be identified as leaf account resale tobacco.

§ 725.92 Rate of penalty.

(a) *Basic rate.* The basic penalty rate shall be equal to seventy-five (75%) percent of the average market price for the immediately preceding marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture. The rate of penalty will be determined for each marketing year and announced by the regulations in this subpart or amendment thereto.

(b) *Average market price.* Will be supplied by amendment.

(c) *Rate of penalty per pound.* Will be supplied by amendment.

§ 725.93 Persons to pay penalty.

The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Auction sale.* The penalty due on marketings by a producer through an auction sale shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonauction sale.* The penalty due on tobacco acquired directly from a producer, other than at an auction sale, shall be paid by the person acquiring the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer in the case of a sale.

(c) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

Any marketings of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco.

(a) *Auction sale without marketing card.* Any first marketing of tobacco at an auction sale by a producer which is not identified by a valid marketing card at the time of marketing shall be considered to be a marketing of excess tobacco and the penalty thereon shall be collected and remitted by the warehouseman.

(b) *Nonauction sale.* Any nonauction sale of tobacco which:

(1) is not identified by a valid marketing card and recorded at the time of purchase on MQ–79, Dealer's Report; or,

(2) if purchased prior to the opening of the local auction market for the current year, is not identified by a valid marketing card and recorded on MQ–79 not later than the end of the calendar week which includes the first sale day of the local auction markets, shall be considered a marketing of excess tobacco. The penalty thereon shall be collected by the purchaser of such tobacco, and remitted with MQ–79.

(c) *Leaf account tobacco.* If part or all of any marketing of leaf account tobacco (including tobacco from the buyers corrections account), when added to prior leaf account resales, is in excess of prior leaf account purchases, such marketing shall be considered to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines have been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of: (1) 0.17 percent of producers' sales of tied tobacco, and (2) 0.50 percent of producers' sales where untied tobacco is presheeted in standardized sheets of burlap for marketing.

(d) *Dealer's tobacco*—(1) *Excess resale rule for mixed reporting of data.* If during any marketing year a warehouseman or a dealer has transactions in more than one kind of tobacco and his reports of marketings result in excess resales, penalty on such excess resales shall be due from such dealer at the highest rate of penalty applicable to any kind of tobacco reported or due to be reported under these regulations.

(2) *Excess resales above purchases.* The part or all of any marketing of tobaccco by a dealer which such dealer represents to be a resale, which, when added to prior resales by such dealer (as shown or due to be shown on Form MQ–79), is in excess of his total prior purchases (as shown or due to be shown on such Form MQ–79) shall be considered to be a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(i) During the auction marketing season, the penalty due from the dealer shall be withheld by the warehouseman from the proceeds due the dealer and immediately transmitted by the warehouseman to a marketing recorder.

(ii) Penalty due from a dealer which was not withheld by a warehouseman under subdivision (i) of this subparagraph shall be remitted weekly by him to the State office with his reports on Form MQ–79.

(e) *Resales not reported.* Any resale of tobacco which is required to be reported by a warehouseman or dealer, but which is not so reported within the time and in the manner required, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by such person.

(g) *Carryover tobacco.* Any tobacco on hand and reported or due to be reported under § 725.99(g)(14) for warehousemen and § 725.100(c)(4) for dealers shall be included as a resale in determining whether an account has excess resales. Unless the warehouseman furnishes proof acceptable to the State committee and unless the dealer furnishes proof acceptable to the State executive director, showing that such account does not represent excess tobacco, penalty at the full rate shall be paid thereon by such warehouseman or dealer.

§ 725.95 Producers penalties; false identification; failure to account; canceled allotments; overmarketing proportionate share.

(a) *Penalties for false identification or failure to account.* If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, penalty at the full rate shall be due on the larger of: (1) The actual marketings above 110 percent of the effective farm marketing quota, or (2) the amount of tobacco equal to 25 percent of the effective farm marketing quota plus the amount determined by multiplying the farm yield times the number of acres harvested in excess of the farm acreage allotment.

(b) *Canceled allotment.* If part or all of the tobacco produced on a farm has been marketed and the allotment for the farm is canceled, any penalty due on the marketings shall be paid by the producers.

(c) *Overmarketing proportionate share of effective farm marketing quota.* If the county committee determines that the farm operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota with intent to deprive some other producer on the farm from marketing his proportionate share of the same crop of tobacco, such operator or other producer shall be liable for marketing penalties at the full rate per pound for each pound marketed above 110 percent of his proportionate share of the effective farm marketing quota: *Provided,* That the sum of such penalties shall not exceed the total penalty due on total marketings above 110 percent of the effective farm marketing quota for the farm on which such tobacco was produced. Before assessment of penalty pursuant to this paragraph (c), a hearing shall be scheduled by the county committee and the operator and affected producers shall be invited to be present, or to be represented, to determine whether the operator or another producer on the farm has marketed more than 110 percent of his proportionate share of the effective farm marketing quota. The notice of the hearing shall request the farm operator and affected producers to bring to the hearing floor sheets and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken to impose penalty shall be taken after the hearing. If the farm operator or other affected producer does not attend the hearing, or is not represented, the county committee may take whatever action it deems necessary to assess penalty against the proper producers. If a hearing under § 725.87(a) is being held, and it is practicable to do so, such hearing and the hearing under this paragraph may be combined.

(d) *Penalties not to be assessed.* If the farm operator or another producer on the farm markets a quality of tobacco

above 110 percent of the effective marketing quota for the farm and such overage is found to have been caused by the failure to record, or improper recording of tobacco poundage data on the marketing card, that amount of the penalty as was due to such failure to record or improper recording will not be required to be paid by the farm operator or other producer if: (1) For amounts of $10 or less the county committee, with the approval of the State committee, and (2) for amounts above $10 the county committee, with the approval of the State committee and the Deputy Administrator, determines that each of the following conditions is applicable: (i) The failure to record or incorrect recording resulted from action or inaction of a marketing recorder or another ASCS employee, (ii) such faliure or error was not so large as to place the farm operator on notice of the failure or error, and (iii) the producer relied in good faith on the erroneous entries on the card resulting from such failure or error. Overmarketings for a farm for which the marketing penalty will not be required to be paid pursuant to the provisions of this paragraph (d) shall be determined based upon the correct effective farm marketing quota and correct actual marketings of tobacco from the farm.

§ 725.96 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that in the case of false identification or failure to account for disposition of tobacco, the penalty shall be due on the date of such false identification or failure to account for disposition. The penalty shall be paid by remitting the amount due to the ASCS State office not later than the end of the calendar week in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Auction sale—net proceeds.* If the penalty due on any auction sale of tobacco by a producer is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonauction sale.* Nonauction sales of excess tobacco shall be subject to the full rate of penalty and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 725.97 Request for return of penalty.

Any producer of tobacco and any other person who bore the burden of the payment of any penalty after the marketing of all tobacco available for marketing from the farm may request the return of the amount of such penalty which is in excess of the amount required to be paid. Such request shall be filed on Form MQ–85, Farm Record and Account, with the county office within 2 years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

RECORDS AND REPORTS

§ 725.98 Producers' records and reports.

(a) *Failure to file reports or filing false reports.* If any producer on a farm files an incomplete or incorrect report, fails to file a report, or files or aids or acquiesces in the filing of any false report with respect to (1) the acreage of tobacco grown on the farm or (2) the amount of tobacco produced on or marketed from the farm, the tobacco allotment next established for any such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to file, filing of, or aiding or acquiescing in the filing of, such report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false: *Provided,* That the failure to file or the filing of or aiding or acquiescing in the filing of the report will be construed as intentional unless a correct report is filed and any penalty is paid in full, or (ii) no person connected with the farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false report or failure to file a report. If a farm operator in a certification county (as defined in Part 718 of this chapter) files a certification of tobacco acreage on the farm and, after a farm visit and measurement of the acreage, it is determined by the county committee (with approval of the State committee) that the certification was false (either under certification or over certification) in what amounts to a scheme or device to defeat the purpose of the program, the allotment next established for the farm shall be reduced. If the conditions in subdivisions (i) and (ii) of this paragraph are not applicable, the next established allotment shall be reduced by the pounds computed as follows: The acreage falsely certified (difference between certified and measured acreage) shall, for the year of the violation, be multiplied by the farm's actual yield. Such method of determining the amount of allotment reduction also is provided for in paragraph (h) of this section.

(b) *Report of tobacco grown for experimental purposes.* For farms on which tobacco is being grown for experimental purposes only, the director of a publicly owned agricultural experiment station shall furnish the State ASCS office, prior to the beginning of the harvesting of tobacco from any farm on which experimental tobacco is being grown, a report for each current year showing the following information:

(1) Name and address of the publicly owned agricultural experimental station.

(2) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only.

(3) The amount of acreage of tobacco grown on each farm for experimental purposes only.

(4) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only, the tobacco was grown under his direction, and the acreage on each plot was considered necessary for carrying out the experiment.

(c) *Harvesting second crop tobacco from the same acreage.* If, in the same calendar year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested for marketing from the same acreage of a farm, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(d) *Cancellation of new farm allotment.* Any new farm allotment approved under this subpart which was determined by the county committee on the basis of incorrect information knowingly furnished the county committee by the applicant for the new farm allotment shall be cancelled by the county committee as of the date the allotment was established.

(e) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which, in fact, was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing: *Provided,* That the marketing shall be construed as intentional, unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(f) *Report on marketing card.* The operator of each farm on which tobacco is produced shall return to the ASCS county office each marketing card issued for the farm whenever marketings from the farm are completed, and, in no event, later than 20 days, in the year of issuance of the card, after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within 15 days after written request by certified mail from the county executive director shall constitute failure to account for disposition of all tobacco marketed from the farm unless disposition of tobacco

marketed from the farm is otherwise accounted for to the satisfaction of the county committee. Upon failure to satisfactorily account to the county committee for disposition of Flue-cured tobacco marketed from the farm the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county committee and a representative of the State committee, that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made; or (2) no person connected with such farm for the year for which the allotment is being established, caused, aided, or acquiesced in the failure to furnish such proof.

(g) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request by certified mail from the State executive director, within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the State ASCS office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price paid and the date of the marketings, and (5) the complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108 as requested, the filing of a false MQ–108, or the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional and unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such proof.

(h) *Amount of allotment reduction.* The amount of reduction in the allotment for the current year for a violation described in paragraph (a), (e), (f), or (g) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Such percentage shall then be applied after application of the national factor to the preliminary allotment, but before adjusting for over or undermarketings. Where the amount of tobacco involved in the violation(s) equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent and no deduction will be made in subsequent years for the violation(s). The quantity of tobacco in violation shall be the amount of tobacco as determined by the county committee. If the actual quantity of tobacco is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If the actual quantity of tobacco is not known, the county committee shall determine the quantity in violation in the following manner: The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The yield per acre as so determined by the county committee shall be deemed to be the actual production per acre. Where the actual quantity of tobacco produced on acreage not included in a report of acreage is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm, determined as aforesaid, by the acreage not shown on a report of acreage. Where the amount of tobacco produced on or marketed from a farm is not known, such quantities shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production on the farm, as determined aforesaid, the quantity of tobacco for which proof of production and marketing has been furnished. The acreage reductions required under this section shall be in addition to any other adjustments made under these regulations and any amendments thereto later issued.

(i) *Allotment reductions for combined farms.* If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required.

(j) *Allotment reduction for divided farms.* If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced. Allotment reductions are applicable, except under paragraph (c) of this section, unless the violating producer has no interest in the current tobacco crop.

(k) *Quota reduction.* If an acreage allotment reduction is made under this section, the farm marketing quota shall be reduced to reflect such reduction in an amount determined by multiplying the acreage reduction by the farm yield.

(l) *Unauthorized erasure on marketing card.* Any unauthorized erasure of any information or data on a marketing card shall be considered a violation and may, subject to rebuttal, be cause for an allotment reduction and assessment of marketing quota penalty.

(m) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the allotment for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county executive director of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing warehouse bills (floor sheets) and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing or is not represented, the county committee may take whatever action it deems proper.

(n) *Sequence of allotment reduction where the farm allotment is to be reduced because of a violation and overmarketings.* If the tobacco allotment for a farm is to be reduced in the current year because of both (1) a violation and (2) overmarketings in a prior year, the reduction in the allotment for the violation shall be made before making the reduction for overmarketings.

(o) *Correction of farm production records.* Where farm data for actual marketings is determined to be incorrect because of a violation, the records shall be corrected for each farm on which the tobacco was produced, and for each farm whose card was used to identify marketings.

(p) *Report on Form MQ–92, Estimate of Production.* In order to provide a basis for a determination under the first proviso in § 725.87(f)(1) and as an aid to discouraging, thwarting, and discovering violations by producers and to enforcing the provisions of the Flue-cured tobacco

marketing quota program, an estimate of production, Form MQ–92, shall be prepared immediately prior to harvest for each farm (1) producing discount variety tobacco, (2) for which there is an indication of a substantial or total tobacco crop loss, (3) having a producer thereon who is a past violator of the tobacco program, (4) where there is an indicated substantial discrepancy between the farmer's certified acreage shown on ASCS–580 and the acreage measured by ASCS during a farm control check, (5) having carryover tobacco and no current crop tobacco, or (6) for which the county or State ASC committee or a representative of the county or State committee believes that an MQ–92 for the farm would be in the best interests of the program.

§ 725.99 Warehouseman's records and reports.

(a) *Record of marketing*—(1) *Auction sale.* Each warehouseman shall keep such records as will enable him to furnish the State office with respect to each auction sale of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller, in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer; and, in addition, with respect to each individual basket or lot of tobacco constituting the auction sale, the following information:

(v) Name of purchaser.

(vi) Number of pounds sold.

(vii) Gross sale price.

(2) *Separate account records.* Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonauction sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco. The resale record shall include separate data for leaf account tobacco and floor sweeping tobacco.

(3) *Buyers Corrections Account.* Each warehouseman shall keep such records as will enable him to furnish a weekly report on Form MQ–71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and the credits (for long baskets, and long weights of tobacco) to the Buyers Corrections Account. Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the Buyers Corrections Account.

(4) *Tobacco sale bill and Daily Warehouse Sales Summary.* Each warehouseman shall use tobacco sales bills furnished at his expense showing, as a minimum, the following information:

(i) Tobacco sale bill number;

(ii) Registration number assigned the warehouse by the Department;

(iii) Name and address of warehouse where sale is held;

(iv) Identification of other producers having an interest in the tobacco;

(v) Check block to show whether the tobacco is tied or untied;

(vi) Date of sale;

(vii) Number of pounds in each basket or sheet;

(viii) Name and address of seller and (a) farm number (including State and county codes) for producer tobacco, and (b) dealer registration number for resale tobacco;

(ix) Identification number, if available, for each basket or sheet of tobacco to be offered for sale;

(x) Poundage balance before and after sale for producer tobacco based on 110 percent of farm quota;

(xi) Name or symbol of purchaser of each basket or sheet which is sold;

(xii) Gross number of pounds sold;

(xiii) Sales price for each basket or sheet and gross sale price for all baskets or sheets sold;

(xiv) Nonauction purchases by the warehouse holding the sale;

(xv) Tobacco grade for tobacco consigned to price support;

(xvi) Marketing quota penalty collected; and

(xvii) Amount withheld from sale to cover claims due the United States.

A copy of a suggested format for the tobacco sale bill has been filed (34 F.R. 1761) at the Office of the Federal Register. Copies of the suggested format may be obtained from the Director, Commodity Programs Division. The warehouseman shall not weigh in any tobacco for sale unless a card (MQ–76 for producers, MQ–79–2 for dealers) is furnished the weighman. The buyer and grade space on the tobacco sale bill shall show (A) nonauction purchases by the warehouse, (B) tobacco grade for tobacco consigned to price support, and (C) the symbol for tobacco bought by private buyers. At the end of each sale day the tobacco sale bills shall be sorted and filed in numerical order. A copy of the executed Form MQ–80, Daily Warehouse Sales Summary, shall be furnished to marketing recorder for the Kansas City Data Processing Center (KCDPC).

(5) *Report of farm scrap resulting from grading tobacco for farmers.* Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(6) *Report of farm scrap resulting from furnishing curing or stripping space for tobacco from farmers.* Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(7) *Labeling resales on tobacco sale bill.* In the case of resales for dealers, the name of the dealer making each resale, and in the case of resales for the warehouse, the word "Resale" shall be clearly shown on each tobacco sale bill covering such tobacco.

(b) *Identification of producer sales of tobacco—tobacco sale bill.* The State and county codes and the farm serial number on the marketing card identifying the tobacco to be marketed at auction shall be recorded by the warehouseman on the tobacco sale bill at the time the tobacco is weighed in and the warehouseman shall retain the marketing card where tobacco is to be sold at auction only until the producer has been paid for the sale of the tobacco or the tobacco is removed from the warehouse by the producer. In any case where a producer's marketing card is found in the possession of a warehouseman and no producer on the farm for which the card is issued has tobacco on the floor for sale or to be settled for such card will be picked up by an ASCS representative for return to the producer. The warehouseman shall be responsible for the safekeeping and proper use of the marketing card during his retention of it. Each tobacco sale bill issued to cover an auction sale of tobacco from a farm for which a marketing card is issued bearing the notation "No Price Support" shall bear the same notation. A separate tobacco sale bill shall be executed to cover any tobacco which represents more than 110 percent of the effective farm marketing quota and the notation, "No Price Support" shall be shown on such tobacco sale bill. The sale of such tobacco shall be considered a separate sale. The letters, "NA" shall be shown on each line of a tobacco sale bill on which there is recorded tobacco purchased by or for the warehouse at nonauction sale and there shall be recorded on all such tobacco sale bills the farm serial number on the marketing card identifying the tobacco marketed at the time the tobacco is purchased at nonauction sale. A copy of the tobacco sale bill bearing the letters, "NA" shall be furnished the producer for any lot or basket of such tobacco purchased by the warehouseman.

(c) *Marketing card.* Each marketing of tobacco from a farm shall be identified by a marketing card issued for the farm. The card shall be executed as follows:

(1) *Auction sale.* A marketing card used to cover an auction sale shall show on the reverse side the poundage balance of the "110 percent of quota". At the time of weigh-in the tobacco sale bill shall show the poundage balance of 110 percent of the farm's quota. The tobacco sale bill shall show the pounds on which penalty is due, and the amount of the penalty.

(2) *Nonauction sale to a warehouseman at the warehouse.* A marketing card

used to cover a nonauction sale of tobacco to a warehouseman shall show on the reverse side the poundage balance of the "110 percent of quota". If the tobacco sale bill includes both an auction sale and a nonauction sale such combined pounds shall be used to compute and reflect the balance of the "110 percent of quota". The tobacco sale bill shall show the pounds on which penalty is due and the amount of the penalty.

(3) *Nonauction sale (country purchase) to a warehouseman.* A marketing card used to cover a nonauction sale (country purchase) at the farm shall show on the reverse side the poundage balance of the "110 percent of quota". Each warehouseman shall record each nonauction purchase of tobacco made by him on MQ–79 and on Form MQ–72–2, Report of Tobacco Nonauction Purchase. The data to be reported on Form MQ–72–2 is set forth in § 725.100(c)(3).

(4) *Tobacco under interim advance.* If tobacco is marketed from a farm, part or all of which is tobacco upon which an interim advance was made pursuant to Part 1421 of this chapter, the tobacco sale bill and the marketing card issued for the farm shall show in parenthesis the poundage balance of the tobacco upon which an interim advance was made, and the poundage balance of any other tobacco. As the interim advance is repaid on any tobacco the quantity shown on the marketing card as that upon which an advance was made shall be reduced proportionately.

(d) *Suspended sale record.* Any tobacco sale bill covering a sale of tobacco for which a valid marketing card or dealer identification card was not presented shall be given to a marketing recorder who shall stamp such bills, "Suspended".

(e) *Warehouseman's entries on other dealer's report.* Each warehouseman shall record, or have the dealer record, on MQ–79, the total purchases and resales made by each such dealer or other warehouseman during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him and carried over by him from a crop produced prior to the current crop, the entry on MQ–79 shall clearly show such fact.

(f) *Record and report of warehouseman's leaf account purchases and resales not on his floor.* Each warehouseman shall keep a record and make reports on MQ–79, Dealer's Report, showing:

(1) All nonauction purchases of tobacco, except nonauction purchases at his warehouse which are reported on MQ–80.

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen. Form MQ–79 shall be prepared and a copy, including copies of Form MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided,* That, if tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with copies of MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79 and Form MQ–72–2 to be due shall be forwarded to the State ASCS office with the original copy of MQ–79.

(g) *Daily warehouse sales summary.* Each warehouseman shall prepare at the end of each sale day a report on MQ–80, Daily Warehouse Sales Summary, showing for each sale day:

(1) For each manufacturer, buyer, order buyer and Flue-cured Tobacco Cooperative Stabilization Corporation (pool), pounds of tobacco purchased at auction (consigned in the case of the pool).

(2) The sum of the items for subparagraph (1) of this paragraph.

(3) Resales at auction for each person listed under subparagraph (1) of this paragraph.

(4) For each dealer subject to reporting purchases and resales on MQ–79, as originally billed, the total pounds of tobacco purchased at auction, and resales at auction.

(5) The total pounds purchased at auction for the leaf account.

(6) The total pounds purchased at nonauction at the warehouse for the leaf account.

(7) The sum of the total pounds for subparagraphs (5) and (6) of this paragraph.

(8) (i) The total leaf account resales and (ii) a separate account for total floor sweeping resales.

(9) The sum of the total purchases for subparagraphs (2), (4), and (7) of this paragraph.

(10) The sum of the total resales for subparagraphs (3), (4), and (8) of this paragraph.

(11) For each warehouse sale of excess tobacco from a farm, the applicable farm number with daily remittance of the penalty due to accompany Form MQ–72–1.

(12) For each dealer, at time of settlement having excess resale tobacco, the applicable dealer identification number with daily remittance of the penalty due.

(13) As to the information required to be entered on MQ–80, Daily Warehouse Sales Summary, by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) The total number of Forms MQ–72–1 for the sale day and the sum of pounds sold and shown on Forms MQ–72–1, and (ii) the total number of suspended sale bills and the sum of such pounds sold.

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweeping tobacco if any, on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and furnish him at that time a certification of the quantity of such tobacco.

(h) *Report to county office of long weights and long baskets.* Each warehouseman shall report to the county ASCS office or marketing recorder long weights and long baskets of producer tobacco (first sales) for which the farmer has been paid.

(i) *Report on Form MQ–78, Tobacco Warehouse Organization.* Each warehouseman shall annually, prior to opening of auction markets, furnish ASCS an executed Form MQ–78 showing:

(1) Form of business organization.

(2) Names and addresses of warehouse officials and bookkeeper.

(3) Names and addresses of other warehouses in which the officials and bookkeeper have a financial interest.

(4) Name and address of custodian of warehouse records, including their location.

(j) *Payee to be shown on auction warehouse check.* Any auction warehouse which issues a check to cover the auction or nonauction sale of tobacco shall issue such check only in the name of the payee. A warehouse check shall not be issued in the name of the seller and bearer, for example, "John Doe or Bearer".

(k) *Basket, sheet or pile identification and cross referencing between tobacco sale bill, basket ticket and bill to buyer.* Each warehouseman shall, after each basket, sheet or pile is weighed in record such tobacco on the standardized tobacco sale bill, enter the bill number and line number on the basket ticket. Also, after sale by auction and when the tobacco is billed to the buyer the tobacco sale bill number and line number of the entry shall be recorded on the bill-out invoice to the buyer. In addition, the bill-out invoice shall show the warehouse registration number (warehouse code).

§ 725.100 Dealer's records and reports.

Each dealer, except as provided in § 725.101, shall keep the records and make the reports as provided by this section.

(a) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the State ASCS office with respect to each lot of tobacco purchased by him the following information:

(1) (i) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale, (ii) the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonauction sale, including the records and reports for farm scrap tobacco, and (iii) the name of the seller in the case of nonauction purchases from warehousemen and dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer, and as to each lot of tobacco sold by him the following information:

(5) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of

the purchaser if other than an auction warehouse sale.

(6) Date of sale.

(7) Number of pounds sold.

(8) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to the current crop, the fact that such tobacco was so bought and carried over.

(b) *Nonauction sale (country purchase) to a dealer.* (1) (i) Each purchase of tobacco from a producer shall be identified by a marketing card issued for the farm on which the tobacco was produced. The reverse side of the marketing card shall show the poundage balance of the "110 percent of quota"; (ii) in addition a Form MQ–72–2, Report of Tobacco Nonauction Purchase, shall be prepared and shall show: (*a*) Date of purchase, (*b*) identification number of buyer, (*c*) idenitfication of producer selling the tobacco as shown on the marketing card, including his name and address and complete farm number, (*d*) type code 10, (*e*) pounds purchased, and (*f*) amount of penalty collected. The dealer shall record each nonauction purchase of tobacco made by him on MQ–79.

(2) If tobacco is marketed from a farm part or all of which is tobacco upon which an interim advance was made pursuant to Part 1421 of this chapter, the tobacco sale bill and the marketing card issued for the farm shall show in parenthesis the poundage balance of the tobacco upon which an interim advance was made and the poundage balance of any other tobacco. As the interim advance is repaid on any tobacco the quantity shown on the marketing card as that upon which an advance was made shall be reduced proportionately.

(c) *Record and report of purchases and resales.* (1) Except as provided in subparagraph (2) of this paragraph, each dealer shall keep a record and make reports on MQ–79, showing all purchases and resales of tobacco made by or for the dealer, and in the event of purchase or resale of tobacco bought from a crop produced prior to the current crop, the fact that such tobacco was bought by him and carried over from a crop produced prior to the current crop.

(2) Form MQ–79 shall be prepared and a copy, together with executed copies of MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold, except as follows: (i) If tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy, together with executed copies of Form MQ–72–2 for all nonauction purchases, forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced, and the auction markets at such locations opens earlier than those where the tobacco would normally be sold at auction by farms, reports shall be prepared and forwarded, together with executed copies of MQ–72–2 for all nonauction purchases, not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(3) The data to be entered on MQ–72–2, Report of Tobacco Nonauction Purchase, for nonauction purchases from a producer shall be that enumerated under paragraph (b)(1)(ii) of this section. For nonauction purchases from a dealer, the data to be entered on MQ–72–2 shall be the following: (i) Date of purchase; (ii) identification number of buyer; (iii) identification number of dealer making the sale; (iv) type code 10; and (v) pounds purchased.

(4) At the end of the dealer's marketing operations, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ–79 for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification of the quantity of such tobacco.

(5) Notwithstanding the provisions of subparagraph (4), any dealer having tobacco transactions after March 1 shall make reports on MQ–79 at the end of each week, as provided in subparagraph (2).

(d) *Daily report to warehouseman for buyers corrections account of tobacco received.* Notwithstanding the provisions of § 725.101, any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish the warehouseman on a daily sales basis an adjustment invoice or buyers settlement sheet. Such reports shall be furnished daily, if practicable; otherwise they shall be furnished at the end of each week.

§ 725.101 Dealers exempt from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sales and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100. Any dealer or buyer is required to report on MQ–79 and on MQ–72–2 nonauction purchases from producers and nonauction purchases from other sources.

(b) For the 1970–71 and subsequent marketing years, each dealer or buyer shall also make a report not later than March 1 of each year to the Director, Commodity Programs Division, showing by States where acquired, source and pounds of all tobacco received by him as a result of auction or nonauction sale, including tobacco received which was not billed to him. The report shall show:

(1) For purchases at auction for each warehouse (i) USDA registration number (warehouse code), (ii) name and address of warehouse, (iii) gross pounds originally billed to the buyer, (iv) gross pounds billed to the buyer for which payment was made, (v) gross pounds from the company correction account deducted for short baskets, short weights and returned baskets and, (vi) gross pounds from the company correction account added for long baskets and long weights.

(2) For purchases at nonauction (i) name and address of seller, (dealer or farmer), (ii) seller's number (dealer's registration number or farm number, including State and county code), and, (iii) pounds purchased.

§ 725.102 Records and reports of truckers, persons redrying, prizing, or stemming tobacco, and storage firms.

(a) Each trucker shall keep such records as will enable him to furnish the State ASCS office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer.

(2) The date of receipt of the tobacco.

(3) The number of pounds received.

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged in the business of redrying, prizing, or stemming tobacco for producers and storage firms handling producer tobacco shall keep such records as will enable him to furnish the director a report showing:

(1) The information required above for truckers, and, in addition:

(2) The purpose for which the tobacco was received.

(3) The amount of advance made by him on the tobacco.

(4) The disposition of the tobacco.

(5) Person to whom delivered and pounds involved.

§ 725.103 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, buyer, trucker, or as a person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.104 Failure to keep records and make reports or making false report or record.

(a) *Warehousemen and dealers*—(1) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the act, any warehouseman, processor, buyer, dealer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers who fails to make any report or keep any record as required, or who makes any false report or record, is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco

warehouseman, dealer, or buyer who fails, upon being requested to do so, to remedy a violation by submitting complete reports and keeping accurate records shall be subject to an additional fine, not to exceed $5,000.

(2) *Failure to obtain producer's marketing card or dealer identification card.* The failure of (i) any dealer or warehouseman to obtain a producer's marketing card, MQ–76, to identify a sale of producer tobacco or (ii) any dealer or warehouseman who fails to obtain a dealer identification card, MQ–79–2, to cover a resale of tobacco, shall constitute a failure to make a report.

(b) *False representations—warehousemen, dealers, and producers.* In addition to the monetary penalties prescribed in §§ 725.94 and 725.95, the penalties designated in paragraph (a)(1) of this section are in addition to penalties prescribed by other criminal statutes including United States Code, title 18, section 1001, which provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false acreage report, altering a marketing card, falsely identifying tobacco or buying and selling unused "110 percent of quota poundage" on marketing cards.

§ 725.105 Registration of warehousemen and dealers.

Any dealer or warehouseman dealing in Flue-cured tobacco shall be registered with the U.S. Department of Agriculture. Such registration will be handled by the North Carolina State ASCS Office, Raleigh, N.C. Any person desiring to register as a dealer or warehouseman shall complete an "Application for Dealer Identification Card" and submit it to the State office. Warehousemen will be assigned a three-digit identification number and dealers will be assigned a four-digit identification number. Persons requesting it will be issued a dealer identification card, Form MQ–79–2.

§ 725.106 Duties of Kansas City ASCS Data Processing Center.

Numerous recordkeeping and reporting provisions required by these regulations are the responsibility of the Kansas City ASCS Data Processing Center (also referred to as KCDPC). The duties of the Center are set forth in writing in frequent issuances of internal procedures.

§ 725.107 Examination of records and reports.

For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of the Inspector General, and of the Commodity Programs Division and Tobacco Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director, all such books, papers, records, basket tickets, tobacco sale bills, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, and memorandas as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

§ 725.108 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained by him for 3 years after the end of the marketing year. Records shall be kept for such longer period of time as may be requested in writing by the State executive director, or the Director.

§ 725.109 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, and by all members of county and community committees, and all county office employees and only such data so reported or acquired, as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under title III of the act.

DISCOUNT VARIETIES

§ 725.110 Determination of discount varieties.

(a) *Definition.* "Discount variety" means any of the Flue-cured tobacco seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244, or a mixture or strain of such seed varieties, or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187-Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244: *Provided*, That where there is growing in a field offtype plants of not more than 2 percent, such offtype plants shall not be considered in certifying the Flue-cured tobacco variety being produced. Flue-cured tobacco which is not certified to be discount variety shall be considered as "acceptable variety".

(b) *Producer's report.* (1) For each farm on which Flue-cured tobacco is produced in the current year, the farm operator or any producer on the farm shall file with the county office a report on MQ–32, Certification of Flue-Cured Tobacco Varieties Planted, showing whether or not discount variety tobacco was planted on the farm.

(2) If the farm operator or any producer on a farm certifies on MQ–32 that there was not planted on the farm any discount variety of Flue-cured tobacco, all of the Flue-cured tobacco produced on such farm shall be considered by the county committee to be acceptable variety tobacco. If the farm operator or any producer thereon has executed and filed a report with the county office on MQ–32, which shows there was not planted on such farm(s) in the current year, any of the discount varieties of Flue-cured tobacco, and the operator or a producer on the farm wishes to change the MQ–32 to show there was planted on such farm(s) a discount variety he may, at any time prior to the issuance of a marketing card for the farm, be permitted to file a new MQ–32 which shall supersede and replace the first MQ–32.

(3) If the farm operator or any producer on a farm certifies on MQ–32 that there was planted on the farm any discount variety of Flue-cured tobacco, all of the Flue-cured tobacco produced on such farm shall be considered by the county committee to be discount variety tobacco.

(c) *Failure to file report.* If the operator of a farm on which Flue-cured tobacco is being produced in the current year fails or refuses, within 7 days after a request of the county committee on MQ–34–1, Notice of Action Required Regarding Determination of Seed Varieties of Flue-Cured Tobacco, to file a report on MQ–32, showing whether or not there was planted any of the discount varieties of Flue-cured tobacco on such farm, all Flue-cured tobacco produced on such farm shall be considered by the county committee to be discount variety tobacco, unless the county committee finds that failure to comply with the request was due to circumstances beyond the control of the farm operator.

(d) *Notice to farm operator.* The farm operator having discount variety tobacco shall be given written notice by certified mail on MQ–34–2, Notice of Discount Variety Flue-Cured Tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(e) *Producer's right to recertify.* Any producer on a farm who receives a Form MQ–34–2 certifying that the farm has discount variety tobacco when in fact an acceptable variety is being produced may recertify on Form MQ–32.

(f) *Issuance of marketing cards*—(1) *Notation on card.* If a farm is considered to have discount variety tobacco available for marketing and the farm is eligible for price support, the county executive director shall issue MQ–76, bearing the notation "Discount Variety—Limited Price Support". If the farm is considered to have discount variety tobacco but it is not eligible for price support, the county executive director shall issue MQ–76, bearing the notation "Discount Variety—No Price Support".

(2) *Exchange of cards.* (i) Where an MQ–76, bearing the notation "Discount Variety—Limited Price Support" is issued for a farm, the card may be exchanged at the county office for an MQ–76 without the notation, or (ii) where

an MQ–76, bearing the notation "Discounty Variety—No Price Support" is issued for a farm the card may be exchanged at the county office for an MQ–76 with the notation "No Price Support": *Provided*, That the farm operator establishes to the satisfaction of the county committee that there has been no commingling or substitution of discount variety tobacco produced on the farm or on any other farm operated by him, and that all discount variety tobacco has been marketed or satisfactorily disposed of, or accounted for.

(3) *Cards for publicly owned experiment stations.* MQ–76 issued to identify marketings of tobacco grown for experimental purposes by or for publicly owned experiment stations shall bear the notation "Discount Variety—Limited Price Support" if such tobacco is discount variety tobacco.

(g) *Identification of Flue-cured leaf account tobacco as acceptable variety and reports on MQ–79–1, Flue-Cured.* Whenever the Director determines there is a significant amount of discount variety tobacco available for marketing in any marketing year he may cause to be initiated the provisions of this paragraph. In addition, the Director may terminate any action initiated hereunder when he determines no discount variety of Flue-cured tobacco remains available for sale during the remainder of the current marketing season. Notification to warehousemen of action required under this paragraph shall be by the State executive director.

(1) *Warehouseman.* (i) Each warehouseman who offers for auction sale any leaf account Flue-cured tobacco on a warehouse floor other than his own, and who requests the other warehouseman to identify such tobacco as being "acceptable variety" shall execute MQ–79–1 (Flue-cured), Dealer's Certification—Resale Tobacco.

(ii) Each warehouseman who is participating in the Commodity Credit Corporation price support program, and who identifies resale tobacco with a "certified" basket ticket indicating that such tobacco, by virtue of an executed MQ–79–1 (Flue-cured), is of an acceptable variety shall at the time the tobacco is weighed in have such tobacco covered by an executed MQ–79–1.

(iii) Each executed MQ–79–1 (Flue-cured) shall show the following information with respect to each lot of resale tobacco:

(*a*) Crop year.

(*b*) Name and address of warehouse where the tobacco is being offered for sale.

(*c*) Tobacco sale bill number and date.

(*d*) Date, signature of dealer and current address, and dealer identification number.

(2) *Dealer.* (i) Each dealer or any other person who offers for auction sale any resale Flue-cured tobacco on a warehouse floor which is participating in the Commodity Credit Corporation price support program and on which floor eligible resale Flue-cured tobacco is identified with a "certified" basket ticket, and who requests the warehouseman to identify his tobacco as being of an "acceptable variety", shall execute MQ–79–1 (Flue-cured), Dealer's Certification—Resale Tobacco.

(ii) Each executed MQ–79–1 (Flue-cured) shall show the following information with respect to resale tobacco:

(*a*) Crop year.

(*b*) Name and address of warehouse where the tobacco is being offered for sale.

(*c*) Date, signature of dealer and current address, and dealer identification number.

(*d*) Tobacco sale bill number and date.

(iii) Each dealer or any person who acquires acceptable variety tobacco in a manner which would make it ineligible for certification on MQ–79–1, or who has on hand both discount variety tobacco and acceptable variety tobacco, and desires to dispose of acceptable variety tobacco prior to disposing of the discount variety tobacco, may apply in writing to the State executive director for a special authorization to have the acceptable variety tobacco certified when offered for auction sale.

(h) *Estimate of production.* For any farm on which discount variety tobacco is being grown, a Form MQ–92, Estimate of Production, shall be obtained.

[F.R. Doc. 70–1036; Filed, Jan. 27, 1970; 8:46 a.m.]

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment

On January 10, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 387) regarding the proposed expenses and the proposed rate of assessment for the period November 1, 1969, through October 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period November 1, 1969, through October 31, 1970, will amount to $225,990.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 910.41, is fixed at $0.018 per carton of lemons.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on November 1, 1969, and said rate of assessment will automatically apply to all such lemons beginning with such date.

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

Dated: January 22, 1970.

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

[F.R. Doc. 70–1067; Filed, Jan. 27, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(3) relating to the State of Illinois is amended to read:

(3) *Illinois.* (i) That portion of Christian County comprised of Buckhart, Greenwood, Johnson, Mosquito, Mount Auburn, Ricks, and Stonington Townships.

(ii) That portion of Gallatin County comprised of North Fork and Omaha Townships.

(iii) That portion of Henry County comprised of Loraine Township.

(iv) That portion of Macoupin County comprised of Nilwood and South Otter Townships.

(v) That portion of Whiteside County comprised of Portland Township.

(vi) That portion of Montgomery County comprised of Butler Grove, East Fork, Fillmore, Hillsboro, Irving, Nokomis, Raymond, Rountree, and Witt Townships.

(vii) That portion of Saline County comprised of East Eldorado and Rector Townships.

(viii) That portion of Shelby County comprised of Flat Branch, Okaw, Ridge, and Rural Townships.

2. In § 76.2, paragraph (e)(9) relating to the State of North Carolina, subdivision (ii) is amended and a new subdivision (xi) is added to read:

(9) *North Carolina.* * * *

(ii) That portion of Duplin County bounded by a line beginning at the junction of State Road 1544 and the eastern boundary of Duplin County; thence, following the eastern boundary line in a southeasterly direction to State Road 1715; thence, following State Road 1715 in a westerly direction to State Highway 50; thence, following State Highway 50 in a northwesterly direction to the Northeast Cape Fear River; thence, following the Northeast Cape Fear River in a northerly direction to State Highway 11; thence, following State Highway 11 in a southwesterly direction to State Road 1501; thence, following State Road 1501 in a northwesterly direction to State Road 1519; thence, following State Road 1519 in a northeasterly direction to State Road 1002; thence, following State Road 1002 in a northerly direction to State Road 1539; thence, following State Road 1539 in a northeasterly direction to State Road 1544; thence, following State Road 1544 in an easterly direction to its junction with the eastern boundary of Duplin County.

* * * * *

(xi) The adjacent portions of Greene and Lenoir Counties bounded by a line beginning at the junction of State Highway 123 with Secondary Road 1400; thence, following Secondary Road 1400 in a southeasterly direction to Secondary Road 1411; thence, following Secondary Road 1411 in a southeasterly direction to Secondary Road 1410; thence, following Secondary Road 1410 in a southwesterly direction to Secondary Road 1710; thence, following Secondary Road 1710 in a southwesterly direction to Secondary Road 1711; thence, following Secondary Road 1711 in a southwesterly direction to Secondary Road 1704; thence, following Secondary Road 1704 in a westerly direction to Secondary Road 1724; thence, following Secondary Road 1724 in a southwesterly direction to Secondary Road 1727; thence, following Secondary Road 1727 in a southeasterly direction to Secondary Road 1732; thence, following Secondary Road 1732 in a southwesterly direction to Stonyton Creek; thence, following Stonyton Creek in a northwesterly direction to State Highway 91; thence, following State Highway 91 in a northwesterly direction to Rainbow Creek; thence, following Rainbow Creek in a northeasterly direction to Secondary Road 1438; thence, following Secondary Road 1438 in an easterly direction to State Highway 123; thence, following State Highway 123 in a northeasterly direction to its junction with Secondary Road 1400.

3. In § 76.2, paragraph (e)(13) relating to the State of Texas, a new subdivision (v) is added to read:

(13) *Texas.* * * *

(v) That portion of Lavaca County bounded by a line beginning at the junction of Farm to Market Road 530 and the Lavaca-Jackson County line; thence, following the Lavaca-Jackson County line in a southwesterly direction to the Lavaca-Victoria County line; thence, following the Lavaca-Victoria County line in a northwesterly direction to the Lavaca-De Witt County line; thence, following the Lavaca-De Witt County line in a northwesterly direction to U.S. Highway 77A; thence, following U.S. Highway 77A in a northeasterly direction to U.S. Highway 90A; thence, following U.S. Highway 90A in a northeasterly direction to Farm to Market Road 530; thence, following Farm to Market Road 530 in a generally southeasterly direction to its junction with the Lavaca-Jackson County line.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Christian, Gallatin, Henry, Macoupin, Montgomery, Saline, Shelby, and Whiteside Counties in Illinois; Duplin, Greene, and Lenoir Counties in North Carolina; and in Lavaca County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of January 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-1065; Filed, Jan. 27, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8070; Amdt. No. SFAR 23-1]

[Special Federal Aviation Regulation No. 23]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Airworthiness Standards: Small Airplanes Capable of Carrying More Than 10 Occupants

Correction

In F.R. Doc. 69-15257 appearing at page 20176 in the issue of Wednesday, December 24, 1969, paragraph (2) in amendatory paragraph 5 should read as follows:

(2) A climb speed not greater than the approach speed established under section 7 of this regulation and not less than the greater of $1.05V_{MC}$ or $1.10V_{S1}$.

[Airspace Docket No. 69-CE-124]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Bedford, Ind.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Bedford, Ind., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., March 5, 1970, as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

BEDFORD, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Grissom Municipal Airport (latitude 38°50'25" N., longitude 86°26'45" W.).

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

Issued in Kansas City, Mo., on December 12, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-1017; Filed, Jan. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 69-CE-117]

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

Alteration of Control Zone; Correction

On December 2, 1969, a final rule was published in the FEDERAL REGISTER (34 F.R. 19073), F.R. Doc. 69-14204, which altered the Wichita, Kans. (McConnell AFB) control zone. However, the fifth paragraph of the rule incorrectly reads "In Section 71.181 (34 F.R. 4637), the following transition area is amended to read:". It should have read "In Section 71.171 (34 F.R. 4557), the following control zone is amended to read:". Action is taken herein to make this correction.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the alteration of the Wichita, Kans. control zone as set forth in F.R. Doc. 69-14204 is corrected effective immediately as follows: paragraph 5 reading "In § 71.181 (34 F.R. 4637), the following transition area is amended to read:" is deleted and a new paragraph 5 reading "In § 71.171 (34 F.R. 4557), the following control zone is amended to read:" is substituted therefor.

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

Issued in Kansas City, Mo., on December 23, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-1018; Filed, Jan. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 69-CE-96]

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

Alteration of Federal Airway

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15759) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 479 from Northbrook, Ill., direct to Milwaukee, Wis.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

In § 71.123 (35 F.R. 2009) V-479 is amended to read:

V-479 From Northbrook, Ill., to Milwaukee, Wis.

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

Issued in Washington, D.C., on January 20, 1970.

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

[F.R. Doc. 70-1019; Filed, Jan. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 69-SO-104]

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

Alteration of Federal Airway Segments

On November 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17733) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would realign segments of VOR Federal airway Nos. 45 and 310.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

Section 71.123 (35 F.R. 2009) is amended as follows:

1. In V-45 "Greensboro, N.C.;" is deleted and "INT Raleigh-Durham 275° and Greensboro, N.C., 105° radials; Greensboro;" is substituted therefor.

2. In V-310 "Raleigh-Durham, N.C.;" is deleted and "INT Greensboro 105° and Raleigh-Durham, N.C., 275° radials; Raleigh-Durham;" is substituted therefor.

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

Issued in Washington, D.C., on January 20, 1970.

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

[F.R. Doc. 70-1020; Filed, Jan. 27, 1970; 8:45 a.m.]

[Airspace Docket No. 69-SO-141]

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

Alteration of Transition Area

On December 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19551), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vicksburg, Miss., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the Vicksburg, Miss. transition area is amended to read:

VICKSBURG, MISS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (lat. 32°14'20" N., long. 90°55'40" W.).

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

Issued in East Point, Ga., on January 16, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-1021; Filed, Jan. 27, 1970; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8741]

PART 13—PROHIBITED TRADE PRACTICES

Directional Contract Furniture Corp.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Order of compliance, Directional Contract Furniture Corp., New York, N.Y., Docket 8741, Dec. 8, 1969]

Order setting date of compliance with cease and desist order of February 23, 1968, 33 F.R. 4405.

The order of compliance is as follows:

By order dated February 23, 1968, the Commission ruled that its cease and desist order herein shall become final within the meaning of the Clayton Act, as amended, upon the disposition of the proceedings in Docket No. 8549, In the Matter of Knoll Associates, Inc. On July

25, 1969, the Commission withdrew that matter from adjudication and authorized complaint counsel to enter into an agreement containing a consent order to cease and desist with Art Metal-Knoll Corp., the successor to Knoll Associates, Inc. That consent order appears in Docket No. C–1643, which we issue today.

Since by the terms of aforesaid cease and desist order Art Metal-Knoll has until January 1, 1970, to be in compliance, and in the interest of treating all competitors fairly and equitably.

It is ordered, That respondent herein shall, within sixty (60) days after January 1, 1970, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist issued on February 23, 1968.

Issued: December 8, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–1025; Filed, Jan. 27, 1970; 8:45 a.m.]

[Docket No. 8740]

PART 13—PROHIBITED TRADE PRACTICES

Jens Risom Design, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Order of compliance, Jens Risom Design, Inc., et al., New York, N.Y., Docket 8740, Dec. 8, 1969]

In the Matter of Jens Risom Design, Inc., a Corporation, and Jens Risom Risom Design (California) Inc., a Corporation

Order setting date of compliance with cease and desist order of January 30, 1968, 33 F.R. 3335.

The order of compliance is as follows:

By order dated March 20, 1968, the Commission ruled that its cease and desist order herein shall become final within the meaning of the Clayton Act, as amended, upon the disposition of the proceedings in Docket No. 8549, In the Matter of Knoll Associates, Inc. On July 25, 1969, the Commission withdrew that matter from adjudication and authorized complaint counsel to enter into an agreement containing a consent order to cease and desist with Art Metal-Knoll Corp., the successor to Knoll Associates, Inc. That consent order appears in Docket No. C–1643, which we issue today.

Since by the terms of aforesaid cease and desist order Art Metal-Knoll has until January 1, 1970, to be in compliance, and in the interest of treating all competitors fairly and equitably,

It is ordered, That respondents herein shall, within sixty (60) days after January 1, 1970, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist issued on March 20, 1968.

Issued: December 8, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 70–1026; Filed, Jan. 27, 1970; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER G—DOCUMENTATION AND MEASUREMENT OF VESSELS

[CGFR 69–138]

TRANSFER OF REGULATIONS

Correction

In F.R. Doc. 69–15196, appearing at page 20102 in the issue of Tuesday, December 23, 1969, the following corrections should be made:

1. In the last line of § 66.03–17, the reference to "§ 57.23–13" should read "§ 67.23–13".

2. The first word in the seventh line of § 67.41–7 now reading "aboard" should read "abroad".

3. In § 67.45–3, in the sixth line, insert "1346" after the number "1344".

4. The first word on the third line in paragraph (i) of § 69.03–57 reading "covered" should read "covering".

5. In § 69.15–17(c), the reference to "loading mark" in the sixth line should read "load line mark".

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. RP66–24]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Pricing for New Gas Produced by Pipelines and Pipeline Affiliates

On October 7, 1969, the Commission issued Opinion No. 568 which, among other things, set up a new § 2.66 in the rules of practice and procedure, relating to the pricing of new gas produced by pipelines and pipeline affiliates.

Applications for rehearing were filed on November 6, 1969, and on December 5, 1969, the Commission issued Opinion No. 568–A denying rehearing. In the Opinion, the Commission also directed the Secretary to cause prompt publication to be made in the FEDERAL REGISTER of a notice of availability of the entire Opinion and of the findings and ordering paragraphs. Pursuant thereto, the findings and ordering paragraphs are set out below.

Excerpts from Federal Power Commission Opinion No. 568–A, Pipeline Production Area Rate Proceeding (Phase I), FPC Docket No. RP66–24, 42 FPC ------, issued December 5, 1969:

The Commission further finds:

(1) The assignments of error and grounds for rehearing set forth in the above applications for rehearing present no facts or legal principles which would warrant any change in or modification of Opinion No. 568 and order of October 7, 1969, except as specified below.

(2) The notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply with respect to the amendment here adopted.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 8, and 16 thereof (52 Stat. 822, 823, 825, 830; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717g, 717o), orders:

(a) The application for rehearing filed by the Municipal Group, California and El Paso are denied.

(b) Effective upon issuance of this statement, § 2.66(a), promulgated by our order of October 7, 1969, Part 2, Subchapter A, General Rules, Chapter 1 of Title 18 of the Code of Federal Regulations is amended as follows:

§ 2.66 Pricing of new gas produced by pipelines and pipeline affiliates.

(a) * * *

(1) If a pipeline or pipeline affiliate acquires a developed lease from which jurisdictional sales are being made and subparagraph (3) of this paragraph does not apply, the applicable price of gas shall be the lower of (i) the contract price applicable to the gas, or (ii) the applicable area price (or in-line or guideline price);

(2) If a pipeline or pipeline affiliate acquires a developed lease from which nonjurisdictional sales are being made and subparagraph (3) of this paragraph does not apply, gas produced from the lease will be priced at the just and reasonable area price applicable to gas of the vintage corresponding to the date of lease acquisition (or in-line or guideline price);

(3) If a pipeline or pipeline affiliate acquires a developed or undeveloped lease, either directly or through intermediaries, from another pipeline or affiliate which owned the lease prior to the date of Opinion No. 568, the lease so acquired after the date of Opinion No. 568 shall be subject to cost-of-service treatment for ratemaking purposes, subject to further determinations in Phase II of these proceedings.

(4) If the pipeline is able to show in a rate proceeding that special circumstances exist which justify different treatment, such a showing should be made by means of a special schedule and supporting evidence filed in addition to the material otherwise required by § 154.63 of this chapter.

* * * * *

(Secs. 4, 5, 8, and 16; 52 Stat. 822, 823, 825, 830; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717g, 717o)

(c) The Secretary shall cause prompt publication of the findings and ordering paragraphs, together with notice of the availability of this entire Opinion, to be made in the FEDERAL REGISTER.

(d) The Examiner's opinion to the extent not inconsistent herewith is adopted as a part of our Opinions No. 568 and 568–A in this proceeding.

Copies of the complete text of Opinion No. 568–A may be obtained in person from the Office of Public Information of the Federal Power Commission, or by written request addressed to the Secretary, Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–1061; Filed, Jan. 27, 1970; 8:49 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–1953 comp., p. 1004), and by means of Administrative Order No. 610 (34 F.R. 17732), the Secretary of Labor appointed and convened Industry Committee No. 89–A for the general agriculture industry in Puerto Rico, referred to the committee the question of the minimum wage rate or rates to be paid under section 6 of the Act to employees in its industry, and gave notice of a hearing to be held by the committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the committee has filed with the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 89–A are hereby published in this order amending 29 CFR Part 727, effective February 13, 1970, as set forth below.

1. Section 727.1 of Title 29, Code of Federal Regulations, is revised to read as follows:

§ 727.1 Definition.

The General Agriculture Industry in Puerto Rico is defined as follows: Farming in all its branches, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur bearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including the preparation for market, delivery to storage or to market or to the carriers for transportation to market: *Provided, however,* That the general agriculture industry shall not include any activities included in the sugarcane industry in Puerto Rico as defined in Administrative Order 610 (34 F.R. 17732), the food and related products industry in Puerto Rico (29 CFR Part 673), the sugar manufacturing industry in Puerto Rico (29 CFR Part 689), the tobacco industry in Puerto Rico (29 CFR Part 657), and the communications, utilities, and transportation industry in Puerto Rico (29 CFR Part 671): *And provided further,* That the industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

2. Section 727.2 of Title 29, Code of Federal Regulations, is revised to read as follows:

§ 727.2 Wage rates.

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity in any of the following classifications of the agriculture industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966.

(a) *Dairy farms, drivers, and arts and crafts workers classification.* (1) The minimum wage for this classification is $1.10 an hour.

(2) This classification is defined as all activities in the production, handling, packing, bottling, and storage of milk, and in the breeding of bovine cattle for the production of milk performed by drivers of motor vehicles other than tractors; and by arts and crafts workers who practice, carry out or accomplish any art or craft which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(b) *Dairy farms, tractor operators classification.* (1) The minimum wage for this classification is $1.05 an hour.

(2) This classification is defined as all activities in the production, handling, packing, bottling, and storage of milk, and in the breeding of bovine cattle for the production of milk, by tractor operators who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in the dairy farms or to pull dump wagons, mow grass, sink holes, etc.

(c) *Dairy farms, other workers classification.* (1) The minimum wage for this classification is $0.76 an hour.

(2) This classification is defined as all activities on dairy farms in Puerto Rico other than activities included in dairy farms, drivers and arts and crafts workers classification and dairy farms, tractor operators classification.

(d) *Cattle classification.* (1) The minimum wage for this classification is $0.72 an hour.

(2) This classification is defined as the breeding and raising of cattle for meat.

(e) *Pineapple farms, drivers, tractor operators or operators of any other agricultural motor machinery, arts and crafts workers, and any other similar occupation classification.* (1) The minimum wage for this classification is $0.95 an hour.

(2) This classification is defined as all activities on farms engaged in the sowing, cultivation, harvesting, packing, sale, and delivery of pineapple to a warehouse or market, performed by drivers of motor vehicles; tractor operators who condition and operate tractors; arts and crafts workers who practice, carry out or accomplish any art or craft which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers; and any other similar occupation.

(f) *Pineapple farms, other workers classification.* (1) The minimum wage for this classification is $0.68 an hour.

(2) This classification is defined as all other activities on pineapple farms in Puerto Rico other than activities included in pineapple farms, driver, tractor operator, or operator of any other agricultural motor machinery, arts and crafts workers, and any other similar occupation classification.

(g) *Tomatoes, peppers, aviculture and floriculture classification.* (1) The minimum wage for this classification is $0.66 an hour.

(2) This classification is defined as the planting, cultivating, harvesting and marketing of tomatoes and peppers; the care of poultry for the production of meat or eggs, and for the production and rearing of baby chicks, game cocks, or any other birds; and the sowing, cultivation and production of flowers and plants, trees, and grass used for ornamental purposes.

(h) *Tobacco, coffee, and other agricultural activities classification.* (1) The minimum wage for this classification is $0.58 an hour.

(2) This classification is defined as the planting, replanting, and cultivating of coffee trees (including the preparation of the soil), the harvesting of coffee, the removal of the pulp from the coffee bean, the washing, drying, hulling, and packing of the bean, and the conditioning of shade trees cultivated in connection therewith; the preparation of the soil, the planting, transplanting, cultivating, harvesting, sowing, drying, packing, preparation, and delivery of tobacco; and all other work in the general agriculture industry in Puerto Rico other than work included in any other classification of this industry.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 22d day of January 1970.

ROBERT D. MORAN,
Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor.

[F.R. Doc. 70-1074; Filed, Jan. 27, 1970; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18125; FCC 70-85]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Concord, N.H.

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations. (Camden, S.C.; Brinkley, Ark.; Concord, N.H.; Pontiac, Ill.; DuQuoin, Ill.; Glasgow, Ky.; Norman and Duncan, Okla.; Glendive, Mont.; Brandon and Sarasota, Fla.; Columbia, S.C.; Lynchburg, Va.; Upper Sandusky and Galion, Ohio; and Altavista, Va.) RM-1254, RM-1258, RM-1257, RM-1262, RM-1261, RM-1249, RM-1263, RM-1264, RM-1266, RM-1269, RM-1255, RM-1268, RM-1282.

Third Report and Order. 1. The Commission has before it for consideration its further notice of proposed rule making issued on October 3, 1969 (FCC 69-1069, 34 F.R. 15602), and comments filed in response thereto.

2. The further notice proposed to delete an unoccupied channel, 296A, at Portsmouth, N.H., and reassign it to Concord, capital of New Hampshire, as that city's first FM assignment. Comments were filed in response to the further notice by Capitol Broadcasting Corp., licensee of Station WKXL(AM), Concord, the petitioner (RM-1261) in the original institution of a rule making proceeding looking toward an FM assignment at Concord. Capitol urges that Channel 296A not be assigned to Concord so that it will remain available for assignment to Exeter, N.H.,[1] and requests that we reconsider its earlier proposal to assign Channel 232A to Concord by moving it from Biddeford, Maine, and substitute Channel 221A therefor at the latter place. As a second alternative, Capitol suggests that Channel 272A be reassigned from Newport, N.H., where it is presently unoccupied.

3. Comments were also filed by Lakes Region Broadcasting Corp., Inc., which supports the assignment of an FM channel to Concord, although claiming that it has no interest in applying for such assignment if adopted. As was observed in the further notice, Lakes Region in another pending petition, RM-1464, among other proposals, had urged assignment of Channel 232A to Concord, which is now listed for Biddeford, Maine.[2] We there stated that we were not entertaining Lakes Region's proposal in this proceeding because the proposed substitution of Channel 257A at Biddeford would involve an undesirable site restriction. This conclusion is questioned by Lakes Region, since the factors considered in arriving at this decision were not stated. It contends that its proposal would better serve the public interest, since it would not involve deletion of an assignment without a replacement, compared to our plan to remove a vacant assignment from Portsmouth without a replacement. Our decision was reached because, according to the proponent's own engineering exhibits, a site meeting all spacing requirements for Channel 257A at Biddeford would need to be located in a limited "open area" extending from about 2 to 5 miles southwest of the city. In the interest of providing the maximum latitude in the selection of optimum transmitter sites by future applicants, we avoid, whenever possible, making changes in assignments with attending site restrictions when other alternatives without such restrictions appear technically feasible. This is particularly true when a restriction develops in one community solely as a result of providing an assignment to another community. We still see no need to consider this particular proposal further in light of the decision reached herein below, which also will involve a site restriction, but to a lesser extent for the city benefiting from the assignment and with the full concurrence of the principal petitioner herein.

4. As to Capitol's request for further consideration of its proposal that Channel 232A be assigned to Concord by substituting 221A at Biddeford, we stated in the further notice that we were reluctant to consider Channel 221A as a replacement because of its potential preclusion impact on the top three educational channels (218, 219, and 220) in the area. We have avoided making Channel 221A assignments unless it can be shown that such impact would be minimal. In response, the petitioner points out that a 10-watt station operates on Channel 218 at Lewiston, N.H., a class A station at Orono, Maine, on Channel 220, and claims therefore that assignment of Channel 221A at Biddeford would not further disrupt potential educational allocations in the area. However, this conclusion is not supported by a technical showing, nor do we feel that it could be so demonstrated if all relevant factors were taken into consideration.

5. Petitioner's suggested alternative plan to shift Channel 272A from Newport appears to warrant serious consideration. It is shown that the channel will meet all separation requirements at Concord, providing a site were utilized just northwest of the city. As a matter of fact, Capitol submits that its proposed site for serving Concord would satisfy all spacing requirements on Channel 272A. A substitute channel for Newport is not suggested by Capitol. However, it appears that Channel 285A could be assigned at Newport without conflict with any of the technical requirements of the rules.[3] Such a plan would permit a new assignment to Concord without the loss of an existing assignment or undue restriction on the selection of transmitter sites for any other community.

6. As we stated in the further notice, we are of the opinion that Concord, an important city of significant population (28,991 in 1960), serving as its State capital and being presently limited to a single AM aural outlet, warrants a first FM assignment. After carefully considering each of the plans before us for achieving this objective, we conclude that shifting the vacant channel (272A) from Newport to Concord and substituting another channel (285A) therefor at Newport will result in the minimum disruption to the existing FM assignment structure in the area. Although the assignment at Concord would require a site about 1 mile northwest of the center of Concord, the petitioner, the only party indicating an interest in applying for the channel if adopted, states that it would be fully compatible with the site it would propose. There would appear to be no similar restriction on the replacement channel selected for Newport. We are therefore adopting the latter plan.

7. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing, *It is ordered*, That effective March 2, 1970, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	*Channel No.*
New Hampshire:	
Concord	272A
Newport	285A

9. *It is further ordered*, That this proceeding—Docket No. 18125—is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 21, 1970.

Released: January 23, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-1043; Filed, Jan. 27, 1970; 8:47 a.m.]

[1] A petition was filed Nov. 6, 1969, subsequent to the further notice of proposed rule making in this proceeding, by Coastal Broadcasting Co., Inc., licensee of Station WKXR (AM), Exeter, N.H., requesting assignment of Channel 296A to Exeter by deleting it from Portsmouth, N.H. It is observed that the two petitioning corporations seeking the Concord and Exeter FM assignments have a common president.

[2] Lakes Region's Concord proposal is not technically related to its primary objective of obtaining an FM channel for Plymouth, N.H., nor is the Plymouth proposal contingent on any of the other plans considered herein for Concord.

[3] By letter dated Dec. 10, 1969, the Canadian Government stated that it had no objections to these amendments which would modify Table B of the Working Arrangement under the Canadian-U.S.A. FM Agreement of 1947.

[FCC 70-76]

PART 87—AVIATION SERVICES

Assignment of Frequencies, Alaska

In the matter of amendment of Part 87, Aviation Services, to delete an unnecessary license application requirement for aeronautical fixed stations in Alaska.

Order. 1. Section 87.451 of the rules, pertaining to eligibility for aeronautical fixed station licenses, provides that an authorization for this class of station will be issued only to the licensee of an en route station with which the fixed station will be associated. These en route and fixed stations provide certain specified services to aircraft station licensees and, in Alaska, to air carriers who have entered into a contractual arrangement governing the operation of the en route/fixed station.

2. Section 87.455(b) of the rules requires that a copy of the contractual arrangements made with each of the air carriers to be served must be submitted with a station license application. A similar requirement was formerly contained in § 87.297(b) of the rules pertaining to the en route stations, but was eliminated in Docket 17967 after we found it no longer served a useful purpose and was therefore unnecessary. For like reasons we find the requirement in § 87-455(b) pertaining to the aeronautical fixed stations should be deleted.

3. The amendments adopted herein are procedural in nature and relieve a restriction, and, hence, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable.

4. *Accordingly, it is ordered,* That pursuant to authority contained in section 4(i) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended effective January 30, 1970, as set forth below.

(Sec. 4, 48 Stat., as amended, 1066; 47 U.S.C. 154)

Adopted: January 21, 1970.

Released: January 23, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 87.455(b)(1) is amended to read as follows:

§ 87.455 Assignment of frequencies.

* * * * *

(b) *Alaska.* * * *

(1) Except as provided in subparagraph (2) of this paragraph frequencies will be authorized to aeronautical fixed stations only when such stations serve scheduled certificated air carriers as defined by the Civil Aeronautics Board. When filing applications for such frequencies, the applicant must show that the station will provide communications only along the routes served by the scheduled operations of such carriers.

* * * * *

[F.R. Doc. 70-1041; Filed, Jan. 27, 1970; 8:47 a.m.]

[1] Commissioner Johnson concurring in the result.

[Docket No. 18508; FCC 70-78]

PART 97—AMATEUR RADIO SERVICE

Authorized Frequencies and Emissions

Report and Order. 1. A notice of proposed rule making in the above-captioned proceeding was released on April 3, 1969 (FCC 69-313), inviting interested persons to file comments on or before June 11, 1969, and reply comments on or before June 23, 1969, and was duly published in the FEDERAL REGISTER on April 10, 1969 (34 F.R. 6334).

2. The rule changes proposed in the notice were requested by the American Radio Relay League (ARRL) and would (1) shift the subband where A-1 emission is exclusively permitted from the 147.9-148 MHz band to the 144.0-144.1 MHz band (RM-886) and (2) shift the subband where F-1 emission is permitted from the 29.0-29.7 MHz band to the 28.0-28.5 MHz band (RM-950).

3. Timely comments in support of both petitions were filed by the ARRL, the Electronic Industries Association (EIA), Central States VHF Society (Central), and Forrest A. Bartlett (W6OWP). A comment filed by Donald R. Relsch (K8EIW) supported adoption of the proposal in RM-886, but requested F-4 emission to be included in the 144.1 to 148.0 MHz frequency band. A comment filed by Howard McCall (W8TNF) opposed adoption of the proposal in RM-950. No reply comments were filed.

4. In its comments ARRL points out that the 144.0-146.0 MHz band is assigned to the Amateur Radio Service on a worldwide basis, and that the 146.0-148.0 is authorized to the Amateur Radio Service in Regions two (Western Hemisphere) and three (Southern Asia and Oceania) and to the fixed and mobile services in Region one (Europe, Africa, and Northern Asia); that while the 144.0-146.0 MHz band is specifically authorized for amateur satellite operation, the present 147.9-148.0 MHz, reserved for A-1 emission, cannot be used in Region one. However, the proposed 144.0-144.1 MHz band may be used worldwide. Also, Canada has set aside 144.0-144.1 MHz for A-1 only operation. As stated in the notice, the Commission believes that clearing a portion of the 144-146 MHz band is desirable for continued experimentation in space techniques by amateurs.

5. Central's comment regarding RM-886 indicated that, although it supported the proposal, the Commission was not going far enough. It stated that "the assignment of the first 100 kHz of the 144 MHz Amateur band to A-1 emission is at best a stopgap measure * * *." and that additional protection of experimentation may be required in the future. Accordingly, it suggested expansion of the exclusive A-1 privileges at the low end of the frequency band in the form of a larger A-1 subband of 144.0 to 144.250 MHz. The evidence submitted by Central is insufficient to persuade us that a larger subband is needed and should be authorized at this time.

6. Mr. Nelsch suggested that F-4 emission be included in the 144.1-148.0 MHz amateur band because of the availability of facsimile equipment of commercial quality. This request is beyond the scope of this proceeding. However, the matter is the subject of a separate petition for rule making (RM-1429) filed by James L. Turrin, WA8DCE and will be considered in the disposition of that petition.

7. As previously stated, all comments with the exception of Mr. McCall's, supported the shift of F-1 emission from the frequency band 29.0-29.7 MHz to 28.0-28.5 MHz. Mr. McCall disagreed with this proposal (RM-950) to relocate F-1 emission in the 28.0-28 MHz frequency band because it would result in a loss of 200 kHz for this type of transmission. Although the proposed relocation will result in a reduction of 200 kHz of bandwidth available for F-1 emission, the Commission believes this loss is not extensive and is outweighed by the advantage of moving radioteleprinter emission (F-1) into the CW portion of the 28 MHz band. The Commission believes that it will not significantly affect the operation of its users. It also conforms the subbands as to types of emissions with the pattern which has proved workable in the low frequency bands.

8. For the foregoing reasons, the Commission concludes that adoption of the amendments in the form proposed will serve the public interest convenience and necessity. *Thus, it is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective March 2, 1970, § 97.61(a) is amended as set forth below.

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

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

Adopted: January 21, 1970.

Released: January 23, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 97 of the Commission's rules is amended as follows:

In § 97.61, paragraph (a) is revised to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) Following are the frequency bands and associated emissions available to amateur stations, subject to the limitations stated in paragraph (b) of this section and § 97.65.

Frequency band	Emissions	Limitations
		See paragraph (b)
kc/s		
1800–2000	A1, A3	1, 2
3500–4000	A1	
3500–3800	F1	
3800–3850	A5, F5	
3850–3900	A5, F5	3
3800–4000	A3, F3	4
7000–7300	A1	
7000–7200	F1	
7200–7225	A5, F5	
7225–7250	A5, F5	3
7200–7300	A3, F3	
14000–14350	A1	
14000–14200	F1	
14200–14235	A5, F5	
14235–14275	A5, F5	3
14200–14350	A3, F3	
Mc/s		
21.00–21.45	A1	
21.00–21.25	F1	
21.25–21.30	A5, F5	
21.30–21.35	A5, F5	3
21.25–21.45	A3, F3	
28.0–29.7	A1	
28.0–28.5	F1	
28.5–29.7	A3, A5, F3, F5	
50.0–54.0	A1	
50.1–54.0	A2, A3, A4, A5, F1, F2, F3, F5.	
51.0–54.0	AØ	
144–148	A1	
144.1–148.0	AØ, A2, A3, A4, A5, FØ, F1, F2, F3, F5.	
220–225	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	5, 6
420–450	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	5, 7
1215–1300	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	5
2300–2450	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	5, 8
3300–3500	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	5
5650–5925	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	5, 9
10000–10500	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5.	5
21000–22000	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	
Above 40000	AØ, A1, A2, A3, A4, A5, FØ, F1, F2, F3, F4, F5, P.	

* * * * *

[F.R. Doc. 70–1042; Filed, Jan. 27, 1970; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY

Plan of Operation

Part 14 of Title 45 CFR is amended as follows:

1. Section 14.5 is amended by adding paragraphs (b) (3) (i) and (c).

§ 14.5 Plan of operation.

* * * * *

(b) * * *

(3) (i) A provision that the State agency will comply with the methods of administration set forth in the Standards for a Merit System of Personnel Administration, issued by the Department of Health, Education, and Welfare, the Department of Labor and the Department of Defense, 45 CFR Part 70. The provision for State option to exempt from the application of the Standards the position of "the executive head of each State Agency" shall be construed to apply to "the executive head of each State Department or instrumentality in which the surplus property program is located."

* * * * *

(c) The effective date for compliance with the provisions of paragraph (b) (3) (i) of this section shall be on the 90th day following the effective date of this regulation, except that in those States in which legislative authorization is required to enable such State Agency to comply with said provisions, the effective date for compliance shall be 90 days after the close of the State's next regular session of its legislature following the effective date of this regulation.

Approved: January 21, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70–1038; Filed, Jan. 27, 1970; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–14; Amdts. 173–18, 177–10]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Hazardous Materials in Specification 106a and 110a Tanks by Rail Freight and Highway

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to (1) authorize highway transportation of antimony pentachloride and titanium tetrachloride in specification 106A and 110A tanks; (2) authorize the transportation of anhydrous hydrofluoric acid in specification 110A tanks; (3) amend § 173.353(a) (6) to separate the prescription of multiple unit tanks from single unit tank cars; and (4) make various alterations in Parts 173 and 177 to achieve editorial consistency in requirements relating to specifications 106A and 110A tanks as proposed in Notice No. 69–17.

On July 16, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making (34 F.R. 11977) (Docket No. HM–14; Notice No. 69–17) which proposed to amend various sections of the Hazardous Materials Regulations applicable to specifications 106A and 110A tanks regarding their use, description, grandfather clauses, and manner of specifying handling requirements for the transportation of the tanks by rail and highway.

Interested persons were afforded an opportunity to participate in this rule making. Several comments were received on various aspects of the proposed changes. One commenter suggested that, with regard to deleting the specification 106A500 designation from sections affected, a cross-reference to § 173.31(a) (2) be provided in each of the affected sections to show that where specification 106A500X tanks are prescribed, specification 106A500 tanks are also permitted. The Board sees no real need for cross references in this instance and believes the existence of the grandfather clause in § 173.31 does not require special mention.

One commenter objected to identifying 106A and 110A specifications as tanks instead of tank cars stating that as a result of decisions of long standing stemming from previous litigation, those specifications were established as tank cars and consequently are entitled to all the rate applications and other related provisions associated with tank car operations. Because of the portable features of these containers and because they are used in multimode service, the Board believes that for the purpose of safety related regulations the description "tank" is more appropriate than the term "tank car." Use of the term "tanks" for the purpose of safety regulations does not affect other relationships such as those of an economic nature.

One commenter suggested that because of the punctuation in § 173.31(a) (2), removal of specification 106A500 from the commodity sections leaves in doubt the authorization for use of tanks built between July 1, 1927, and the date the specification became obsolete. Accordingly, an editorial change has been made to the paragraph to clarify the grandfather provisions.

One commenter objected to the inference that specifications 106A500X and 110A500W tanks cannot be transported by water by virtue of the proposals authorizing transportation only by rail freight and highway. These amendments do not alter present requirements insofar as the modes of transport are involved. Shipments of hazardous materials in these type tanks by water are authorized subject to 46 CFR Parts 146–149.

One commenter mentioned that there are other sections in the regulations that specify 106A500 specifications but were not indicated in Notice No. 69–17 and suggests the specification be deleted from those sections. The Board is aware that there are certain sections that authorize the use of specification 106A500 tank cars, and, as worded, transportation is limited to rail freight only. For the purpose of this rule making, the Board centered its attention on sections where transportation is authorized by both rail freight and highway. Further amendments along the line suggested may be considered in a future rule making action at such time transportation by highway is requested.

In consideration of the foregoing, Parts 173 and 177 of Title 49 Code of

Federal Regulations are amended, effective March 3, 1970, as follows:

I. Part 173 is amended as follows:

(A) In the Table of Contents § 173.336 is amended to read as follows:

Sec.
173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

§ 173.31 [Amended]

(B) In § 173.31 subparagraph (a)(2) is amended by deleting the comma immediately following 1927 in the first sentence.

(C) In § 173.148 subparagraph (a)(4) is amended; note 1 and footnote 1 are canceled as follows:

§ 173.148 Monoethylamine.

(a) * * *

(4) Specification 106A500X or 110A-500W (§§ 179.300, 179.301) tanks. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

* * * * *

(D) In § 173.247 subparagraph (a)(16) is amended as follows:

§ 173.247 Acetyl chloride, antimony, pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) * * *

(16) Specification 106A500X or 110A-500W (§§ 179.300, 179.301) tanks. Authorized only for antimony pentachloride and titanium tetrachloride (anhydrous). Tanks containing titanium tetrachloride (anhydrous) must not be equipped with safety devices. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(E) In § 173.264 subparagraph (b)(6) is amended; note 1 is canceled as follows:

§ 173.264 Hydrofluoric acid.

* * * * *

(b) * * *

(6) Specification 106A500X or 110A-500W (§§ 179.300, 179.301) tanks. Tanks may not be equipped with safety devices of any type and valves must be protected by metal caps. Tanks must not be filled to a density in excess of 85 percent of the water weight capacity of the tank. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

* * * * *

(F) In § 173.314 paragraph (c) Table, Note 7 is amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

NOTE 7: Specification 106A or 110A tanks authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

* * * * *

(G) In § 173.333 subpargaraph (a)(2) is amended; note 1 and footnote 1 are canceled as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *

(2) Specification 106A500X (§§ 179.-300, 179.301) tanks. Authorized only for phosgene. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

* * * * *

(H) In § 173.336 the heading and subparagraph (a)(3) are amended; note 1 and footnote 1 are canceled as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) * * *

(3) Specification 106A500X (§§ 179.-300, 179.301) tanks. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.-560 and 177.834(m) of this chapter for special requirements.)

* * * * *

(I) In § 173.338 subparagraph (a)(3) is amended; note 1 and footnote 1 are canceled as follows:

§ 173.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) * * *

(3) Specification 106A500X (§§ 179.-300, 179.301) tanks. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.-560 and 177.834(m) of this chapter for special requirements.)

* * * * *

(J) In § 173.353 subparagraph (a)(5) is amended; (a)(6) is added; paragraph (b) is canceled as follows:

§ 173.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) * * *

(5) Specification 105A100,[1] 105A100W, or 111A100-W-4 (§§ 179.100, 179.101, 179.200, 179.201) tank cars. Outage must be sufficient to prevent tank cars from becoming liquid full at 105° F.

(6) Specification 106A500X (§§ 179.-300, 179.301) tanks. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(b) [Canceled]

* * * * *

(K) In § 173.357 subparagraph (b)(4) is amended; footnote 1 is canceled as follows:

§ 173.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

(b) * * *

(4) Specification 106A500X (§§ 179.-300, 179.301) tanks. Valves must be protected by metal caps. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

* * * * *

II. Part 177 is amended as follows:

(A) In § 177.834 paragraph (m) is added to read as follows:

§ 177.834 General requirements.

* * * * *

(m) Tanks constructed and maintained in compliance with spec. 106A or 110A (§§ 179.300, 179.301) that are authorized for the shipment of hazardous materials by highway in Part 173 of this chapter must be carried in accordance with the following requirements:

(1) Tanks must be securely chocked or clamped on vehicles to prevent any shifting.

(2) Equipment suitable for handling a tank must be provided at any point where a tank is to be loaded upon or removed from a vehicle.

(3) No more than two cargo carrying vehicles may be in the same combination of vehicles.

(4) Compliance with § 174.560 of this chapter for combination rail freight, highway shipments and §§ 174.532 and 174.533 of this chapter for trailer-on-flat-car service is required.

(B) In § 177.837 paragraph (c) is canceled as follows:

§ 177.837 Flammable liquids.

* * * * *

(c) [Canceled]

* * * * *

(C) In § 177.839 paragraph (d) is canceled as follows:

§ 177.839 Corrosive liquids.

* * * * *

(d) [Canceled]

(D) In § 177.840 paragraph (c) is canceled as follows:

§ 177.840 Compressed gases.

* * * * *

(c) [Canceled]

* * * * *

(E) In § 177.841 note 1 following paragraph (c) is canceled as follows:

§ 177.841 Poisons.

* * * * *

(c) * * *

NOTE 1: [Canceled]

(Secs. 831–835, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on January 23, 1970.

R. N. WHITMAN,
Administrator,
Federal Railroad Administration.

F. C. TURNER,
Administrator,
Federal Highway Administration.

[F.R. Doc. 70–1064; Filed, Jan. 27, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 70–1; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars; and No. 110, Tire Selection and Rims—Passenger Cars

Correction

In F.R. Doc. 70–343, appearing at page 431, in the issue for Tuesday, January 13, 1970, make the following changes:

A. Motor Vehicle Safety Standard No. 109:

1. In Table I–B in the column headed "Section width (inches)", the 13th entry, now reading "8.65" should read "8.60".

2. In Table I–L, in the column headed "Section width (inches)", the second entry now reading "8.25" should read "8.20" and the third entry now reading "8.40" should read "8.45".

B. Motor Vehicle Safety Standard No. 110: In Appendix A, Table I, in the column headed "Rim", the first entry now reading *"350D"* should read *"3.50D"*.

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Entry by foot or bicycle during daylight hours is permitted on travel routes designated by signs for the purpose of nature study, photography, biking, or skating. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,300 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 31, 1969.

[F.R. Doc. 70–1028; Filed, Jan. 27, 1970; 8:45 a.m.]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Entrance on the refuge is permitted for the purpose of bird watching, photography, nature study, hiking, and swimming during daylight hours. Shellfishing is permitted in conformance with regulations prescribed by the town of Chatham. Tidewater fishing is permitted 24 hours a day. Pets are permitted on a leash not exceeding 10 feet in length. Fires are permitted on the beach.

The refuge, comprising of 2,696 acres, is delineated on a map available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Mass. 01742 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 31, 1969.

[F.R. Doc. 70–1029; Filed, Jan. 27, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-3]

CONTROL ZONES AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Myrtle Beach AFB, S.C., control zone and the Myrtle Beach, S.C., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Myrtle Beach AFB control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Myrtle Beach AFB (lat. 33°40'45" N., long. 78°55'45" W.); within 1.5 miles each side of Conway TACAN 160° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN; within 2 miles each side of the 167° bearing from Conway RBN, extending from the 5-mile radius zone to the RBN.

The Myrtle Beach control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Myrtle Beach Airport (lat. 33°48'40" N., long. 78°43'30" W); within 3 miles each side of Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Myrtle Beach transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Myrtle Beach Airport (lat. 33°48'-40" N., long. 78°43'30" W.); within an 8.5-mile radius of Myrtle Beach AFB (lat. 33°40'45" N., long. 78°55'45" W.).

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Myrtle Beach terminal area complex requires the following actions:

CONTROL ZONES

MYRTLE BEACH AFB

1. Reduce the extension predicated on Conway TACAN 160° radial 2 miles in width and 2 miles in length.
2. Revoke the extension predicated on Conway TACAN 355° radial.

MYRTLE BEACH

1. Increase the extension predicated on Myrtle Beach VORTAC 054° radial 2 miles in width and 0.5 mile in length.
2. Increase the extension predicated on Myrtle Beach VORTAC 220° radial 2 miles in width and 0.5 mile in length.

TRANSITION AREA

Increase the basic radius circles predicated on Myrtle Beach Airport and Myrtle Beach AFB from 8 to 8.5 miles.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Myrtle Beach terminal area complex in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 15, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-1022; Filed, Jan. 27, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-156]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Shelbyville, Tenn., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Area Manager, Memphis Area Office, Air Traffic Branch, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Shelbyville transition area described in § 71.181 (35 F.R. 2134) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bomar Field (lat. 35°33'44" N., long. 86°26'33" W.); within 4.5 miles north and 9.5 miles south of the Shelbyville VOR 272° radial, extending from the VOR to 18.5 miles west; within 4.5 miles east and 9.5 miles west of the Shelbyville VOR 195° radial, extending from the VOR to 18.5 miles south.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria to Shelbyville terminal area requires the following actions:

1. Increase the transition area basic radius circle from 10 to 11 miles.

2. Increase the extensions predicated on the 195° and 272° radials 1 mile in width and 6.5 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent for 1,500 to 1,000 feet above the surface.

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

Issued in East Point, Ga., on January 15, 1970.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 70-1023; Filed, Jan. 27, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-122]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Point Lookout, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the School of the Ozarks Airport, Point Lookout, Mo., utilizing a privately owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Point Lookout, Mo. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at Point Lookout will be controlled by the Memphis Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is added:

POINT LOOKOUT, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of School of the Ozarks Airport (latitude 36°37'25" N., longitude 93°13'45" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 127° bearing from School of the Ozarks Airport, extending from the airport to 18½ miles southeast of the airport.

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

Issued in Kansas City, Mo., on December 12, 1969.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-1024; Filed, Jan. 27, 1970; 8:45 a.m.]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 70-1; Docket No. OPS-3A]

MINIMUM FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Welding and Other Joining of Pipe and Components

The Department of Transportation is developing proposals for the comprehensive minimum Federal safety standards for gas pipeline facilities and for the transportation of gas, as required by section 3(b) of the Natural Gas Pipeline Safety Act of 1968. This notice of proposed rulemaking is the second of a series of notices by which the proposed Federal safety standards will be issued for public comment.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before April 13, 1970, will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposals contained in this notice may be changed in light of comment received.

The first notice in this series was published in the FEDERAL REGISTER on November 21, 1969 (Notice 69-3; 34 F.R. 18556). That notice discussed both the Department's plan for establishing the minimum Federal standards and the source materials to be used in developing proposals for these standards. It also proposed, without stating specific regulatory language, several requirements for inclusion in the minimum Federal standards. This notice and subsequent notices in this series will set forth the specific regulations that are being proposed, including those items that were discussed in Notice 69-3. The following is an outline of the proposed organization of the comprehensive Federal standards:

Subpart A—General, §§ 192.1–192.50: This subpart will set forth the scope of the standards, all definitions of terms used in the standards, and certain general requirements.

Subpart B—Materials, §§ 192.51–192.100: This subpart will prescribe requirements for selection and qualification of materials used in the construction of pipeline facilities.

Subpart C—Pipe Design, §§ 192.101–192.150: This subpart will prescribe the pipe design requirements that are to be followed in designing a pipeline system. Requirements for steel, cast iron, ductile iron, plastic, and copper pipe will be included. Service lines will be covered by Subpart H.

Subpart D—Component Design, §§ 192.151–192.200: This subpart will prescribe design requirements to be followed in designing all other components of a pipeline system, including valves, fittings, flanges, supports, accessories, compressor stations, vaults, holders, and pressure control and relief devices.

Subpart E—Welding of Steel Materials, §§ 192.201–192.250: This subpart will prescribe requirements for the welding of steel materials, including qualification of welders and welding procedures.

Subpart F—Joining of Materials Other than by Welding of Steel Materials, §§ 192.251–192.270: This subpart will prescribe requirements for the joining of pipe other than the welding of steel materials. This will include the joining of cast iron, ductile iron, plastic, and copper pipe.

Subpart G—Construction Requirements, §§ 192.301–192.400: This subpart will prescribe requirements for installation, protection, and inspection of pipelines other than service lines.

Subpart H—Installation of Service Lines and Meters, §§ 192.401–192.450: This subpart will prescribe requirements for the installation of service lines of all types of material and service line regulators and meters.

Subpart I—Corrosion Control, §§ 192.451–192.500: This subpart will prescribe requirements for providing protection from external and internal corrosion and for operating, inspecting, and maintaining corrosion control systems.

Subpart J—Testing, §§ 192.501–192.550: This subpart will prescribe initial test requirements for all pipelines, including gathering, transmission, distribution, and service lines. It will cover both leak and strength tests.

Subpart K—Uprating, §§ 192.551–192.600: This subpart will prescribe requirements for qualifying and converting pipelines, mains and distribution systems for new and higher operating pressures.

Subpart L—General Operating Rules, §§ 192.601–192.700: This subpart will prescribe requirements governing the operating of pipeline systems and facilities, including pressure limitations, emergency procedures, surveillance, marking, odorization, and handling of special situations such as failure investigations and the abandonment of facilities.

Subpart M—Inspection and Maintenance, §§ 192.701–192.750: This subpart will prescribe requirements for inspection and maintenance of pipeline systems and facilities, including preparation of an inspection and maintenance plan, repair of leaks and failures, and general preventive maintenance.

Included in this notice are proposed Subparts E and F of Part 192 which contain (1) the requirements for welding and for other methods of joining pipe and components that are presently contained in Chapters II and IV of the 1968 edition of the USAS B31.8 Code; (2) the additional requirements discussed in Notice 69–3, particularly those described under welding and those under Cast Iron Pipe with reference to bell and spigot joints; and (3) certain other additional requirements that were not proproposed in Notice 69–3 but which are discussed in detail below.

The first comprehensive regulations are derived from the existing State standards, which for the most part have been based on the B31.8 Code; therefore, they will be very similar to the code.

For several reasons, however, it is necessary to substantially reorganize and revise the language that will be incorporated into the Federal standards. One major consideration is that the code, whose purpose is to serve only as a recommended industry standard, is not written as a regulatory document, while standards will be Government regulations that each pipeline company will be required to follow. Violations of these standards will be subject to a penalty of up to $1,000 per day for each violation up to a maximum of $200,000 for any related series of violations. Therefore, it is important that the regulatory requirements be written in terms that indicate clearly to the persons being regulated what the minimum requirements are. Further, the Department intends to state the requirements in performance terms, rather than as detailed specifications, wherever it is possible to do so without lowering the level of safety. In some cases it may not be possible to substitute a performance requirement without further research. The time within which these standards are to be published is such that it will be necessary to retain some specification requirements, because there is not time to develop an adequate performance type substitute.

As mentioned in the first notice of this series, the Department recognizes the need for improvements in the existing State standards that are being used as a basis for these standards. Efforts to define the problem areas and develop proper solutions are underway. It is also important in this situation to establish a basic set of Federal regulations that are consistent in style, format, and approach, as a foundation to which these needed improvements can be added. Therefore the Department is moving simultaneously to accomplish both of these objectives.

On December 31, 1969, the first leak and failure reporting requirements for gas pipelines were issued, to become effective on February 9, 1970. As the information from these reports is collected and analyzed, problems will be identified and solutions will be developed. Independent studies on corrosion control and the sealing of pipe are in progress and other studies are being undertaken. In the near future, the Department will survey the gas pipeline industry to determine those areas where individual companies have identified safety problems and the steps they have taken to solve those problems.

As these efforts produce specific regulatory solutions, the Department will propose new requirements to be included in the minimum Federal standards. The issuance of these proposals will begin as soon as the necessary work in each area is completed and will not necessarily await final action on this series of notices of proposed rulemaking. Thus, it is possible that in some areas the first set of comprehensive Federal standards will include improvements in addition to those proposed in Notice 69–3.

All of the notices of this series will be issued before comments are due on this notice in order to permit commenters to consider these proposals in light of the other notices. This will be of particular importance in areas such as "class location" since, as indicated in Notice 69–3, new and more specific definitions of class location will be proposed. Therefore where class locations are referred to, the proposals in this notice should be commented on in light of the new definitions proposed in a subsequent notice.

Source of each proposed regulation. To assist persons in reviewing and commenting on the proposed regulations, this notice, as will the later notices in this series, contain a distribution table showing, to the extent possible, the source of proposed requirements. In the majority of cases this is the USAS B31.8 Code although a number of requirements are derived in whole or part from 49 CFR Part 195, "Transportation of Liquids by Pipeline." As discussed above, a number of Code provisions are not being used because the omitted language contained unnecessarily detailed specifications for which a performance requirement already existed or could be readily substituted. Any person reviewing the proposed regulation who feels that the omission of any language would decrease the presently required level of safety should state his conclusions and supporting reasons in his comments. Similarly, if a proposed performance requirement does not appear to be an adequate substitute for an omitted specification requirement this should also be stated with supporting reasons.

Effective date of proposed regulations. Notice 69–3 discussed the general approach to be taken on effective dates where significant additional substantive requirements are concerned. Since most of the proposed requirements in this series of notices will be based on existing recommended industry standards, a long lead time should not be necessary for compliance. Therefore, in accordance with section 3(c) of the Natural Gas Pipeline Safety Act the minimum standards will be made effective 30 days after they are issued, unless we find that additional time is required for compliance with some individual requirements. Any person who identifies a requirement that needs a longer lead time should indicate the problems that would arise from an early requirement of compliance and the time that would be needed to solve those problems.

Cost/benefit determination. Notice 69–3 also discussed the general cost/benefit philosophy that will be followed with respect to these regulations. Where commenters believe that a cost/benefit problem exists they should be guided by the discussion of this subject in Notice 69–3.

Comment period. As indicated previously, the Department expects to issue the first comprehensive Federal regulations by August 12, 1970. However, under section 4(b) of the Act, these proposed standards must be submitted to the Technical Pipeline Safety Standards Committee before final adoption and that committee must be afforded a reasonable opportunity for review and for preparation of a report on the technical feasibility, reasonableness, and practicality of each proposal. This statutory requirement will probably preclude any extension of the comment period. However, comments received after the end of the comment period will be considered to the extent practicable.

Location of regulations in Code of Federal Regulations. At the present time the Department's regulations relating to pipeline safety (both liquid and gas) have been included in Chapter I of Title 49 of the Code of Federal Regulations. A Departmental task force is studying the organizational structure within the Department for both the liquid and gas pipeline safety functions. The ultimate location of the gas pipeline regulations within Title 49 will depend on the final organizational decision of the Secretary as a result of the recommendations of the task force study. Therefore, the final regulations adopted as a result of this series of notices may have different part numbers than those proposed and may be located in another part of Title 49.

Discussion of significant substantive proposals in this notice. Notice No. 69–3 indicated some of the substantive changes from the 1968 edition of the USAS B31.8 Code that would be proposed in this series of notices. These are contained in §§ 192.221, 192.223, and 192.555. Since the issuance of that notice, other changes have been identified that appear to be necessary to afford the public an adequate level of safety. These latter changes are discussed below under the individual section headings.

Welding. Pipeline systems that are to operate at 20 percent or more of specified minimum yield strength (SMYS) would require visual inspection in addition to nondestructive testing. There would be a requirement for 100 percent nondestructive testing of these lines (1) in Class 3 and 4 locations, (2) within railroad or public highway rights-of-way, including bridges and tunnels, (3) at tie-ins, (4) at overhead road crossings, and (5) whenever welds are repaired. The testing percentage for Class 1 and 2 locations would remain the same. All welds tested would be tested over their entire circumference. There would no longer be an option of testing an equivalent length of welds over a part of the circumference. When conducting

nondestructive testing on these lines, each welder's work would be sampled to at least the same percentage as the overall nondestructive testing requirement of the area.

Records would have to be retained for the life of the facility, showing the number of welds made, the number nondestructively tested, the number of rejects, and the disposition of the rejects. In addition, detailed records of testing, including exposed X-ray film, would have to be retained for 3 years after construction.

Comments are particularly invited on the following matters: Describe the problems in determining that each welder's work is sampled to the percentage required. Should the percentage be based on the number of completed welds or on length of welds? Would it be sufficient to assure that each welder is checked every day and eliminate the fixed percentages? Does a requirement to test the entire circumference present any different problems on large pipe than on smaller pipe and if so, at what point in pipe size do these differences become significant? How difficult is 100 percent testing in Class 3 and 4 locations? What percentage of welds are nondestructively tested today in these locations? Would the cost of 100 percent testing be substantially more than the cost of 90 and 95 percent nondestructive testing in these locations? Specify any problems associated with testing of all tie-in-welds. What is the present practice as to retention of nondestructive testing records?

Cast iron pipe. Presently all caulked bell and spigot joints on pipelines operated above 25 p.s.i.g. must be reinforced by mechanical clamps. This would be extended to new construction and the reinstallation of used pipe on pipelines operated at or below 25 p.s.i.g. In addition all other caulked bell and spigot joints on these lower pressure lines would have to be reinforced, either by clamps or other means.

Threaded cast iron joints would be prohibited in both new construction and reinstallation of used pipe. How much and what sizes of threaded cast iron pipe are presently in operation?

Sections 192.213 and 192.215(c). The requirement for the strength of filler metal and for offsetting longitudinal seams in welding are derived from similar requirements in the liquid pipeline regulations. These requirements conform to good construction practice and compliance should present no difficulty in most cases. However, the filler metal requirement may prove to be too stringent for the welding of high strength steel and specific comments on this problem are requested.

Section 192.225. The standards of acceptability set forth in API Standard 1104–1968 edition are much more descriptive of defects than the standards contained in the B31.8 Code and this change should improve the quality of completed welds.

Section 192.253. This is a specific requirement contained in section 842.396 for mechanical plastic joints and is covered in sections 842.165 and 842.223 for cast and ductile iron joints. It is now proposed as a requirement for all types of nonsteel joints.

In consideration of the foregoing, the Department proposes to amend Title 49 of the Code of Federal Regulations by adding a new Part 192 to contain Subparts E and F as set forth below.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on January 23, 1970.

W. C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

DISTRIBUTION TABLE

New section	*Source*
192.201	821.1.
192.203 (a) and (b)	821.3.
192.203(c)	821.6.
192.203(d)	823.2.
192.205(a)	824.21.
192.205(b)	824.25 and 825.1.
192.205(c)	824.23.
192.207(a)	824.21.
192.207(b)	824.22.
192.207(c)	824.24.
192.207(d)	824.23.
192.209(a)	824.11.
192.209(a)(1)	Appendix G(1).
192.209(a)(2)(i)	Appendix G(1).
192.209(a)(2)(ii)	Appendix G(6).
192.209(b)	Appendix G(5).
192.211	825.2.
192.213	49 CFR 195.220.
192.215 (a), (b), and (d).	823.1.
192.215(c)	49 CFR 195.218.
192.217	826.
192.219	827.
192.221(a)	828.1 and NARUC Model Code.
192.221(b)	828.2(a).
192.221(c)	828.2(e).
192.223 (a), (b), (c), and (e).	828.2 and 49 CFR 195.234.
192.223(d)	828.2(b) and Washington, New York, and North Carolina Codes.
192.223(f)	49 CFR 195.234 and 195.260.
192.225	829.
192.227	829.9.
192.229	841.244, 841.245, and 49 CFR 195.226.
192.251	New.
192.253	842.165, 842.223, and 842.396.
192.255	842.15.
192.257	842.215.
192.259	842.614.
192.261	842.39.
Appendix A–I	Appendix G (2), (3), and (4).
Appendix A–II	Appendix G(5).
Appendix A–III	Appendix G(6)(a).

Sec.

Subpart E—Welding of Steel Materials

§ 192.201 Scope.

(a) This subpart prescribes minimum requirements for arc and gas welding of steel materials when constructing new pipeline facilities and when relocating, replacing, repairing or otherwise changing existing pipeline facilities.

(b) This subpart does not apply to welding that occurs during the manufacture of steel pipe or steel components of pipeline facilities.

§ 192.203 General.

(a) Welding must be performed in accordance with established written welding procedures that have been qualified under § 192.205 to produce sound, ductile welds.

(b) Each welder must be qualified in the welding procedure that is used under either § 192.207 or § 192.209.

(c) Before beginning any welding in or around a structure or area containing gas facilities, a thorough check must be made to determine that a combustible gas mixture is not present and that conditions are safe for welding.

(d) Each fillet weld must be of a size that will withstand the stresses to which it will be subjected during use.

§ 192.205 Qualification of welding procedures.

(a) Each welding procedure must be qualified under either section IX of the ASME Boiler and Pressure Vessel Code (1968 edition) or section 2 of API Standard 1104 (1968 edition).

(b) Each welding procedure must be recorded in detail during the qualifying tests. This record must be retained and followed whenever the procedure is used.

(c) For the purposes of the Essential Variables of section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P–Number 1 grouping and do not require separate qualification of welding procedures:

(1) Carbon steels that have a carbon content of 0.32 percent (ladle analysis) or less.

(2) Carbon steels that have a carbon equivalent (C+¼ Mn) of 0.65 percent (ladle analysis) or less.

(3) Alloy steels with weldability characteristics that have been demonstrated to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph.

Alloy steels and carbon steels that are not within subparagraphs (1), (2), and (3) of this paragraph require separate qualification of procedures for the particular specification of pipe in accordance with sections VIII and IX of the ASME Boiler and Pressure Vessel Code (1968 edition).

§ 192.207 Qualification of welders.

(a) Except as provided in paragraphs (b) and (c) of this section and as permitted under § 192.209, each welder must be qualified in accordance with either section IX of the ASME Boiler and Pressure Vessel Code (1968 edition) or section 3 of API Standard 1104 (1968 edition).

(b) A welder who is qualified under section 3 of API Standard 1104 may not be used to weld on compressor station piping unless his qualifying test has been based on the guided bend test.

(c) A welder who has not engaged in a particular welding process within the preceding 6 months may not perform that type of welding until he has requalified in that process.

(d) For the purposes of the Essential Variables of section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping and do not require separate qualification of welders:

(1) Carbon steels that have a carbon content of 0.32 percent (ladle analysis) or less.

(2) Carbon steels that have a carbon equivalent (C+¼ Mn) of 0.65 percent (ladle analysis) or less.

(3) Alloy steels with weldability characteristics that have been demonstrated to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph.

Alloy steels and carbon steels that are not within subparagraphs (1), (2), and (3) of this paragraph require separate qualification of welders for the particular specification of pipe in accordance with sections VIII and IX of the ASME Boiler and Pressure Vessel Code (1968 edition).

§ 192.209 Qualification of welders for low stress level piping.

(a) Except as provided in paragraph (b) of this paragraph, a welder may qualify to perform oxyacetylene or manual arc welding on piping operating at pressures that result in hoop stresses of less than 20 percent of specified minimum yield strength if he has performed, within the preceding 12 calendar months, an acceptable test weld under the test set forth in section I of appendix A to this part. After 12 months from his initial qualification, a welder may not perform welding unless—

(1) Within the preceding 12 calendar months, he has requalified by performing an acceptable test weld under the test set forth in section I of appendix A to this part; or

(2) Within the preceding 6 calendar months, he has had—

(i) A production weld cut out and tested under section I of appendix A to this part; or

(ii) For welders who work only on service lines 2 inches or smaller in diameter, two sample welds tested as prescribed in section III of appendix A to this part.

(b) A welder who makes welded service line connections to mains must, in addition to meeting the requirements of paragraph (a) of this paragraph, also perform an acceptable test weld under section II of appendix A to this part as a part of his qualifying test.

§ 192.211 Protection from weather.

Welding must be protected from weather conditions that would impair the quality of the completed weld.

§ 192.213 Filler metal.

Filler metal must be at least equal in strength to the highest specified minimum yield strength of the pieces being welded and must fuse the pieces together.

§ 192.215 Preparation for butt welding.

Before beginning any butt welding—

(a) The welding surfaces must be clean and free of any material that may be detrimental to the weld;

(b) The pipe or component must be aligned to provide the most favorable condition for the deposition of the root bead and this alignment must be preserved while the root bead is being welded;

(c) Seams on adjacent pipe lengths must be offset; and

(d) The pipe ends must be shaped so that the deposition of weld metal will provide adequate strength and minimize stress concentration.

§ 192.217 Preheating.

(a) Carbon steel that has a carbon content in excess of 0.32 percent (ladle analysis) or a carbon equivalent (C+¼ Mn) in excess of 0.65 percent (ladle analysis) must be preheated as prescribed in ASME Boiler and Pressure Vessel Code section VII (1968 edition).

(b) Carbon steel that has a lower carbon content or carbon equivalent than that prescribed in paragraph (a) of this section must be preheated as prescribed in paragraph (a) of this section when conditions exist that either limit the welding technique that can be used, or that tend to adversely affect the quality of the weld.

(c) When welding dissimilar materials that have different preheat temperature requirements, the higher temperature must be used in preheating.

(d) Preheat temperature must be monitored to assure that the required preheat temperature is attained before and is maintained during the welding operation.

§ 192.219 Stress relieving.

(a) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content in excess of 0.32 percent (ladle analysis) or a carbon equivalent (C+¼ Mn) in excess of 0.65 percent (ladle analysis) must be stress relieved as prescribed in the ASME Boiler and Pressure Vessel Code, section VIII (1968 edition).

(b) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content of less than 0.32 percent (ladle analysis) or a carbon equivalent (C+¼ Mn) of less than 0.65 percent (ladle analysis) must be thermally stress relieved when conditions exist which cool the weld too rapidly.

(c) Except as provided in paragraph (f) of this section, each weld on carbon steel pipe must be stress relieved when the wall thickness of the pipe exceeds 1¼ inches.

(d) When a weld connects pipe or components that are of different thicknesses but similar materials, the thickness to be used in applying the rules in paragraphs (a) and (c) of this section is—

(1) The thicker of the two pipes joined; or

(2) In the case of branch connections, slip-on flanges, or socket weld fittings, the thickness of the pipe run or header.

(e) In welds between dissimilar materials, if either material requires stress relieving under this section, the weld must be stress relieved.

(f) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, stress relieving is not required of the following welds:

(1) A fillet or groove weld one-half inch or less in size (leg) that attaches a connection 2 inches or less in diameter.

(2) A fillet or groove weld three-eighths inch or less in groove size that attaches a supporting member or other nonpressure attachment.

(g) Stress relieving must be performed at a temperature of at least 1,100° F. for carbon steels, and at least 1,200° F. for ferritic alloy steels. When stress relieving a weld between dissimilar metals with different stress relieving temperatures, the higher temperature must be used.

(h) A uniform temperature must be maintained during stress relieving and the temperature must be checked to assure that the proper stress relieving cycle has been accomplished.

§ 192.221 Inspection and testing of welds.

(a) The welds and welding on each pipeline system must be visually inspected.

(b) Except as provided in paragraph (c) of this section, the welds and welding on each pipeline system operated at a pressure that produces a hoop stress of 20 percent or more of specified minimum yield strength must be nondestructively tested in accordance with § 192.223.

(c) Welds that are visually inspected and approved by a qualified welding inspector need not be nondestructively tested if—

(1) The pipe has a nominal diameter of less than 6 inches; or

(2) The pipe is operated at a pressure that produces a hoop stress of 40 percent or less of specified minimum yield strength and the construction has such a limited number of welds that nondestructive testing is impractical.

§ 192.223 Nondestructive testing and testing records.

(a) A weld may be nondestructively tested by any process that will clearly indicate any defects that may affect the integrity of the weld.

(b) Nondestructive testing of welds must be performed—

(1) In accordance with a written set of procedures for nondestructive testing; and

(2) With personnel that have been trained in the established procedures and in the use of the equipment employed in the testing.

(c) Procedures for the proper interpretation of each weld inspection must be established to ensure the acceptability of the weld under § 192.225.

(d) The following percentages of each day's field butt welds, selected at random by the operator, must be nondestructively tested over their entire circumference:

(1) At least 10 percent of the welds in class 1 locations.

(2) At least 15 percent of the welds in class 2 locations.

(3) 100 percent of the welds—

(i) In class 3 or 4 locations;

(ii) At crossings of major or navigable rivers;

(iii) Within railroad or public highway rights-of-way, including tunnels and bridges;

(iv) At overhead road crossings; or

(v) At pipeline tie-ins.

(e) Each welder's work for each day must be sampled to at least the percentages in paragraph (d) of this section.

(f) A record of the nondestructive testing must be retained by the operator of the pipeline, including (if radiography is used) the developed film with, so far as practicable, the location of the weld. This record must be retained for 3 years after the line is placed in operation. In addition, a record showing the total number of girth welds made, the number nondestructively tested, the number rejected, and the disposition of the rejects, must be retained by the operator for the life of the facility.

(g) The trepanning method of testing is not permitted.

§ 192.225 Acceptability of welds.

The acceptability of a weld is determined according to the standards in section 6, API Standard 1104 (1968 edition).

§ 192.227 Repair or removal of defects.

(a) A weld that is unacceptable under § 192.225 may not be repaired unless—

(1) There are no cracks in the weld other than minor cracks 2 inches or less in length which do not penetrate either the root or second beads;

(2) The segment of the weld to be repaired was not previously repaired; and

(3) The weld is inspected after repair to assure its acceptability.

(b) Before any weld is repaired, injurious defects must be removed by chipping, grinding, or oxygen gouging to clean metal. All slag and scale must be removed by wire brushing. The segment of the weld to be repaired must be preheated in accordance with § 192.217.

(c) A cylinder of the pipe containing a weld must be removed and the ends rebeveled whenever—

(1) The weld contains one or more cracks other than a crack permitted under paragraph (a) of this section;

(2) The weld is not acceptable under § 192.225 and is not repaired; or

(3) The weld was repaired and the repair did not meet the requirements of § 192.225.

§ 192.229 Arc burns.

(a) Each arc burn on pipe that is to be operated at a pressure that produces a hoop stress of 40 percent or more of specified minimum yield strength must be repaired.

(b) An arc burn may be repaired by completely removing the notch by grinding, if the grinding does not reduce the remaining wall thickness to less than the minimum thickness required by the tolerance in the specification to which the pipe was manufactured. Arc burns may not be repaired by insert patching.

(c) If an arc burn is not repairable by grinding, a cylinder of the pipe containing the entire notch must be removed.

Subpart F—Joining of Materials Other Than by Welding of Steel Pipe and Components

§ 192.251 Scope.

(a) This subpart prescribes minimum requirements for the joining of materials, other than the welding of steel pipe and components, when constructing new pipeline facilities and when relocating, replacing, repairing, or otherwise changing existing pipeline facilities.

(b) This subpart does not apply to the joining of pipe or components that occurs during the manufacturing process.

§ 192.253 General.

Each joint must be designed and installed to effectively sustain the longitudinal pull-out or thrust forces caused by contraction or expansion of the piping or by external or internal loading.

§ 192.255 Cast iron pipe.

(a) *Caulked bell and spigot joints.* Each cast iron caulked bell and spigot joint must comply with one of the following:

(1) If the pipeline is operated at more than 25 p.s.i.g., each joint must be reinforced with mechanical clamps.

(2) If the pipeline is operated at 25 p.s.i.g. or less—

(i) Each new or reinstalled joint must be reinforced by mechanical clamps; and

(ii) Each other joint must be reinforced by mechanical clamps or by other means.

(b) *Mechanical joints.* Each mechanical joint in cast iron pipe must have a gasket made of a resilient material as the sealing medium. The material selected for gaskets must be of a type not adversely affected by the gas or condensates in the main. Each gasket must be suitably confined and retained under compression by a separate gland or follower ring.

(c) *Threaded joints.* Threaded joints may not be used to couple lengths of cast iron pipe in new construction or to replace joints on existing cast iron pipe.

(d) *Flanged joints.* The dimensions and drilling of each flange must conform to the USAS Standard B16.1 (1967 edition)—Cast Iron Pipe Flanges and Flanged Fittings. Each flange must be cast integrally with the fitting or valve.

§ 192.257 Ductile iron pipe.

(a) *Mechanical joints.* Each mechanical joint in ductile iron pipe must conform to USAS A21.52 (1965 edition) and USAS A21.11 (1964 edition), U.S.A. Standards for Rubber Gasket Joints for Cast Iron Pressure Pipe and Fittings.

(b) *Threaded joints.* Threaded joints may not be used to couple lengths of ductile iron pipe.

§ 192.259 Copper pipe and tubing joints.

(a) Copper pipe or tubing must be jointed by either a compression type coupling or a brazed or soldered lap joint.

(b) Copper pipe or tubing may not be threaded, except that copper pipe used for connecting screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of standard wall pipe as defined in USAS B36.10, "Wrought Steel and Wrought-Iron Pipe" (1959).

§ 192.261 Plastic pipe.

(a) *General.* Plastic pipe, tubing, and fittings must be joined by the solvent cement method, adhesive method, heat-fusion method, by means of compression couplings or flanges, or by other method that is compatible with the materials being joined. However, plastic pipe and tubing may not be threaded. Solvent cement joints, adhesive joints, and heat-fusion joints must be made in accordance with procedures which have been proven by test to produce gas tight joints at least as strong as the pipe or tubing being joined. Heat-fusion or mechanical joints must be used when joining polyethylene pipe, tubing, or fittings.

(b) *Solvent cement joints.* Each solvent cement joint must comply with the following:

(1) A joint may not be made between different kinds of plastics.

(2) The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint.

(3) The solvent cement must conform to ASTM D 2513 (1968 edition).

(4) The safety requirements of appendix A of ASTM D 2513 (1968 edition) must be met.

(5) The joint may not be heated to accelerate the setting of the cement.

(c) *Heat-fusion joints.* Each heat-fusion joint must comply with the following:

(1) A joint may not be made between different kinds of plastic.

(2) A butt heat-fusion joint must be joined by a jointing device that holds the heater element square to the ends of the piping, compresses the heated ends together, and holds the pipe in proper alignment while the plastic hardens.

(3) A socket heat-fusion joint must be joined by a jointing device that heats the mating surfaces of the joint uniformly and simultaneously to essentially the same temperature.

(4) A completed joint must not be disturbed until properly set.

(5) Heat may not be applied with a torch or other open flame.

(d) *Adhesive joints.* Each adhesive joint must comply with the following:

(1) The adhesive must conform to ASTM D 2517 (1967 edition).

(2) A thorough investigation must be made to determine that the materials and adhesive are compatible with each other.

(3) The joined materials must be clamped or otherwise prevented from moving until the adhesive is properly set.

(e) *Mechanical joints.* The rubber gasket material in the coupling of a compression type mechanical joint must be compatible with the plastic and an internal tubular rigid stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling.

APPENDIX A

QUALIFICATION OF WELDERS FOR LOW STRESS LEVEL PIPING

I. *Basic test.* The test is made on pipe 12 inches or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The beveling, root opening, and other details must conform to the specifications of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal, that is more than one-eighth inch long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered.

II. *Additional tests for welders of service line connections to mains.* A service line connection fitting is welded to a pipe section with the same diameter as a typical main. The weld is made in the same position as it is made in the field. The weld is unacceptable if it shows a serious undercutting or if it has rolled edges. The weld is tested by attempting to break the fitting off the run pipe. The weld is unacceptable if it breaks and shows incomplete fusion, overlap, or poor penetration at the junction of the fitting and run pipe.

III. *Periodic tests for welders of small service lines.* Two samples of the welder's work, each about 8 inches long with the weld located approximately in the center, are cut from steel service line and tested as follows:

(1) One sample is centered in a guided bend testing machine and bent to the contour of the die for a distance of 2 inches on each side of the weld. If the sample shows any breaks or cracks after removal from the bending machine, it is unacceptable.

(2) The ends of the second sample are flattened and the entire joint subjected to a tensile strength test. If failure occurs adjacent to or in the weld metal, the weld is unacceptable. If a tensile strength testing machine is not available, this sample must also pass the bending test prescribed in subparagraph (1) of this paragraph.

[F.R. Doc. 70-1076; Filed, Jan. 27, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JAMES EARL TISON

Notice of Granting of Relief

Notice is hereby given that James Earl Tison, Route 5, Dothan, Ala., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 24, 1957, in the U.S. District Court, Middle Judicial District of Alabama, Dothan Division of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Earl Tison because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James Earl Tison to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Earl Tison's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that James Earl Tison be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 19th day of January 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-1045; Filed, Jan. 27, 1970; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SOUTHERN UTE RESERVATION, COLO.

Resolution Legalizing the Introduction, Sale, or Possession of Intoxicants

JANUARY 21, 1970.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Southern Ute Indian Reservation, Colo., was adopted on November 25, 1969, by the Southern Ute Tribal Council, which has jurisdiction over the area of Indian country included in the resolution, reading as follows:

Whereas, authority is vested in the Tribal Council by the Constitution and Bylaws adopted by the Southern Ute Tribe and approved November 4, 1936, to act for the Southern Ute Tribe, and

Whereas, pursuant to the Act of August 15, 1953 (Public Law 277, 83 Cong., first session, 67 Stat. 586), an Indian tribe having appropriate jurisdiction is empowered to make an ordinance legalizing the introduction, sale and possession of intoxicating beverages within any area of Indian country coming within the jurisdiction of such tribe; and

Whereas, the Tribal Council of the Southern Ute Indian Reservation desires to repeal the Federal Indian Liquor Laws as to any act or transaction within the Southern Ute Indian Reservation and approve legalizing the introduction, sale and possession of intoxicants within the Southern Ute Indian Reservation;

Now, therefore, be it resolved and ordained by the Tribal Council of the Southern Ute Indian Tribe as follows:

1. That the introduction, sale and possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Southern Ute Tribe: *Provided,* That such introduction, sale and possession is in conformity with the laws of the State of Colorado: *Provided further,* That the sale of intoxicating beverages upon the Southern Ute Indian Reservation by any person other than the Southern Ute Indian Tribe shall be pursuant to license issued by the Tribal Council of the Southern Ute Indian Tribe.

2. That the Tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction and possession of intoxicating beverages within the Southern Ute Indian Reservation are hereby repealed.

3. That this Ordinance shall be effective upon its certification by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

Be it further resolved, that copies of this resolution be forwarded to the proper channels through the Superintendent, Southern Ute Agency, Ignacio, Colo., for approval by the necessary officials.

WILLIAM J. BENHAM,
Acting Commissioner of Indian Affairs.

[F.R. Doc. 70-1044; Filed, Jan. 27, 1970; 8:47 a.m.]

Bureau of Land Management

[S-487A]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands in paragraph 3 for transfer out of Federal ownership under one or more of the below stated statutes.

2. Publication of this notice has the effect of segregating the following described public lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their mineral and vegetative resources, other than under the mining laws.

3. The below-described lands proposed to be classified for disposal are located in Fresno, Madera, Mariposa, Merced, Stanislaus, and Tuolumne Counties. The proposals have been discussed and analyzed in detail with the counties and with other agencies, groups and individuals. Maps and other information are available for inspection in the Folsom District Office, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

MOUNT DIABLO MERIDIAN, CALIFORNIA

STANISLAUS COUNTY

For disposal at public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

T. 5 S., R. 5 E.,
Sec. 12, SE¼NE¼, NE¼SE¼, S½SE¼.
T. 7 S., R. 5 E.,
Sec. 10, E½NE¼, NE¼SE¼.
T. 6 S., R. 6 E.,
Sec. 4, lot 14 and portion of Mineral Survey 5233;
Sec. 22, NE¼NE¼, SW¼NE¼;
Sec. 28, NE¼, SE¼NW¼.

T. 8 S., R. 6 E.,
Sec. 2, lot 4, SW¼NW¼, W½SW¼;
Sec. 30, lot 4.
T. 6 S., R. 7 E.,
Sec. 30, N½ lot 1, N½ lot 8, N½ lot 10, and SW¼NE¼.
T. 3 S., R. 14 E.,
Sec. 29, W½NE¼NW¼SW¼;
Sec. 30, W½SE¼NE¼SE¼.

MERCED COUNTY

T. 11 S., R. 7 E.,
Sec. 21, land formerly designated as lots 37 and 38 (unsurveyed);
Sec. 24, SW¼SW¼;
Sec. 28, unsurveyed land in N½NW¼ (formerly portions of lots 37 and 38).
T. 12 S., R. 7 E.,
Sec. 1, W½SW¼;
Sec. 11, N½NE¼, SW¼NE¼;
Sec. 12, NW¼NW¼;
Sec. 14, SE¼SW¼, SW¼SE¼;
Sec. 23, N½NE¼, SE¼NE¼, NE¼NW¼, NW¼SE¼;
Sec. 24, SW¼NE¼, NW¼, SE¼SW¼, SW¼SE¼.
T. 12 S., R. 8 E.,
Sec. 6, lot 6;
Sec. 7, lots 1 and 2.
T. 12 S., R. 9 E.,
Sec. 28, S½NW¼;
Sec. 32, NE¼SW¼, N½SE¼;
Sec. 33, N½NE¼, E½NW¼, NW¼SW¼, SE¼SW¼.
T. 13 S., R. 9 E.,
Sec. 3, lots 6, 7, 8, 9, 10, and 11, and NW¼SE¼;
Sec. 4, lots 8, 9, 10, 15, and 16;
Sec. 5, lot 5;
Sec. 10, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 11, lot 1, NE¼NW¼, NW¼NE¼;
Sec. 12, lot 4.
T. 13 S., R. 10 E.,
Sec. 15, lots 1, 2, 7 and 8.
T. 12 S., R. 11 E.,
Sec. 18, S½ lot 8;
Sec. 19, lots 1, 2 and N½ lot 8.

TUOLUMNE COUNTY

T. 1 S., R. 12 E.,
Sec. 1, SE¼SE¼.
T. 1 N., R. 13 E.,
Sec. 25, Last Chance Quartz mine (unsurveyed) and Morning Glory Quartz mine (unsurveyed);
Sec. 27, SE¼NE¼NE¼, NE¼NE¼SW¼, S½NE¼SW¼, S½NW¼SW¼;
Sec. 34, SE¼NE¼.
T. 1 S., R. 13 E.,
Sec. 2, NW¼SW¼, SE¼SW¼;
Sec. 3, SW¼SE¼;
Sec. 9, S½NE¼, N½SE¼;
Sec. 10, NE¼NW¼, SW¼NW¼, SW¼SW¼.
T. 2 S., R. 13 E.,
Sec. 15, SW¼SE¼.
T. 2 N., R. 14 E.,
Sec. 2, NW¼SW¼NW¼;
Sec. 22, lot 1.
T. 1 N., R. 14 E.,
Sec. 21, lot 43;
Sec. 24, NE¼SE¼;
Sec. 27, lot 7;
Sec. 32, S½SW¼NE¼, SW¼SE¼SE¼.
T. 1 S., R. 14 E.,
Sec. 2, lot 63;
T. 1 N., R. 15 E.,
Sec. 1, lots 6 and 7 (exclusive of Mineral Survey 4436).
T. 2 N., R. 16 E.,
Sec. 33, lot 12 (exclusive of Mineral Survey 5993).
T. 1 S., R. 15 E.,
Sec. 7, lot 15;
Sec. 22, lot 5 and Mineral Survey 5635B;
Sec. 33, lots 5, 6, 7, 13, and 14.
T. 2 S., R. 15 E.,
Sec. 4, lot 8.
T. 1 S., R 16 E.,
Sec. 28, lots 8 and 10.
T. 2 S., R. 16 E.,
Sec. 5, lot 4;
Sec. 17, NE¼NE¼.

MARIPOSA COUNTY

T. 2 S., R. 15 E.,
Sec. 9, SW¼NE¼SW¼, NW¼SE¼SW¼;
Sec. 26, S½S½;
Sec. 35, NE¼NE¼.
T. 4 S., R. 15 E.,
Sec. 5, SE¼SW¼, SW¼SE¼.
T. 5 S., R. 15 E.,
Sec. 25, E½SE¼.
T. 3 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 4, lot 3 (portion west of lot 65), and lot 10;
Sec. 9, lot 12;
Sec. 11, lot 3.
T. 4 S., R. 16 E.,
Sec. 23, SE¼SW¼.
T. 5 S., R. 16 E.,
Sec. 5, Mineral land;
Sec. 10, S½NW¼NE¼ (exclusive of Mineral Survey 5306 and Mineral Survey 5904), and S½NE¼ (exclusive of Mineral Survey 5306 and Mineral Survey 5904);
Sec. 21, portion of Mineral Lot 43;
Sec. 31, NW¼SE¼;
Sec. 34, E½SE¼SW¼.
T. 6 S., R. 16 E.,
Sec 14, SE¼NE¼.
T. 3 S., R. 17 E.,
Sec. 19, lot 18;
Sec. 29, lot 46;
Sec. 30, lot 15.
T. 6 S., R. 17 E.,
Sec. 12, NW¼SE¼;
Sec. 25, NE¼SW¼.
T. 4 S., R. 18 E.,
Sec. 14, lot 12;
Sec. 22, lot 4;
Sec. 26, lot 3;
Sec. 27, lot 9;
Sec. 28, Talk quartz lode mining claim;
Sec. 33, lot 7;
Sec. 35, Penobscot lode mining claim.
T. 5 S., R. 19 E.,
Sec. 3, lot 2;
Sec. 5, lot 2;
Sec. 19, lot 4 and SE¼SW¼;
Sec. 30, SW¼NE¼, E½NW¼.
T. 6 S., R. 19 E.,
Sec. 1, SW¼NW¼;
Sec. 5, portion of St. Paul lode mining claim;
Sec. 6, lots 2 and 3, SW¼NE¼, SE¼NW¼;
Sec. 20, NE¼NW¼.
T. 7 S., R. 19 E.,
Sec. 4, SE¼SE¼.
T. 9 S., R. 19 E.,
Sec. 5, lot 4.
T. 5 S., R. 20 E.,
Sec. 26, N½SW¼, NW¼SE¼.
T. 6 S., R. 20 E.,
Sec. 5, E½SW¼;
Sec. 18, lot 1.

MEDERA COUNTY

T. 8 S., R. 18 E.,
Sec. 34, lot 4.
T. 6 S., R. 20 E.,
Sec. 27, lots 11 and 14.
T. 7 S., R 20 E.,
Sec. 15, portion of lot 39;
Sec. 17, NW¼NW¼;
Sec. 23, lots 3, 4, 6 and 7;
Sec. 24, S½SE¼NE¼.
T. 8 S., R. 20 E.,
Sec. 2, NE¼SE¼.
T. 9 S., R. 20 E.,
Sec. 6, NE¼SE¼;
Sec. 22, unpatented portions of lots 37 and 38;
Sec. 23, lot 8, and unpatented portions of lots 37, 39, and 40.
T. 6 S., R. 21 E.,
Sec. 26, NW¼NW¼, S½NW¼;
Sec. 29, lots 7, 10 and 15.
T. 7 S., R. 21 E.,
Sec. 16, N½SE¼;
Sec. 28, portion of Keystone mine (unsurveyed) in SW¼;
Sec. 29, portion of Keystone, Dig More, and Hibernia mine (all unsurveyed);
Sec. 30, portion of North Star, Golden Ribbon 1 and 2, and May mines (all unsurveyed) in SE¼;
Sec. 31, portion of Gold Ribbon 1 and Mary Mines (both unsurveyed) in NW¼NE¼;
Sec. 32, portion of Keystone, Dig More, Hibernia, and Hibernia No. 2;
Sec. 33, portion of Hibernia and Hibernia No. 2 (both unsurveyed) in NW¼.
T. 8 S., R. 21 E.,
Sec. 12, E½NW¼, NE¼SW¼, E½;
Sec. 13, NE¼NE¼;
Sec. 32, portion of lots 37 and 38;
Sec. 33, portion of lots 37 and 38, and lot 42.
T. 9 S., R. 21 E.,
Sec. 2, S½NE¼;
Sec. 22, NW¼NE¼;
Sec. 27, NW¼NE¼, NE¼NW¼.
T. 8 S., R. 22 E.,
Sec. 7, lot 1 and NE¼NW¼;
Sec. 9, SW¼NW¼.
T. 9 S., R. 22 E.,
Sec. 6, Jumper lode mine;
Sec. 13, lot 3, SE¼SW¼;
Sec. 14, NE¼SE¼;
Sec. 22, NE¼NW¼, NE¼SE¼;
Sec. 24, NW¼, NE¼SW¼.

FRESNO COUNTY

T. 13 S., R. 15 E.,
Sec. 18, lot 3.
T. 9 S., R 22 E.,
Sec. 23, W½NW¼;
Sec. 24, SW¼SW¼.
T. 11 S., R. 23 E.,
Sec. 2, W½ lot 1;
Sec. 3, NE¼SW¼.
T. 12 S., R. 23 E.,
Sec. 3, lots 10, 11 and 13;
Sec. 10, lot 2;
Sec. 15, E½SE¼;
Sec. 22, E½NE¼.
T. 11 S., R. 24 E.,
Sec. 5, lots 2 and 3;
Sec. 22, SW¼SE¼.
T. 12 S., R. 24 E.,
Sec. 22, NE¼SW¼.
T. 13 S., R. 24 E.,
Sec. 8, SE¼SE¼;
Sec. 9, NE¼SE¼, S½SE¼;
Sec. 10, W½SW¼, S½SE¼;
Sec. 11, SW¼SW¼;
Sec. 15, NE¼NE¼;
Sec. 24, SE¼SE¼.
T. 13 S., R. 25 E.,
Sec. 13, NE¼SW¼;
Sec. 24, W½SE¼, NE¼SE¼;
Sec. 25, W½NE¼, S½NW¼.
T. 14 S., R. 25 E.,
Sec. 18, lot 1.
T. 13 S., R. 26 E.,
Sec. 6, SE¼SW¼;
Sec. 7, W½NE¼;
Sec. 19, NE¼SW¼.
T. 14 S., R. 26 E.,
Sec. 3, W½SW¼ (exclusive of Mineral Survey 5000 and Mineral Survey 5808), SE¼SW¼ (exclusive of Mineral Survey 5808 and 97 Discovery lode mine), and 97 Discovery lode mine;
Sec. 4, lot 6 (exclusive of Mineral Survey 4999, Mineral Survey 5000, and Mineral Survey 5808), and SE¼SE¼ (exclusive of Mineral Survey 5808);
Sec. 10, N½NW¼ (exclusive of 97 Discovery lode mine, White Cross lode mine, R. E. Lee lode mine, and Mineral Survey 5808), and 97 Discovery lode mine, White Cross lode mine, and R. E. Lee lode mine.

T. 14 S., R. 27 E.,
Sec. 6, lots 4 and 5, and SE¼NW¼;
Sec. 8, S½NE¼, SE¼NW¼;
Sec. 32, SE¼SW¼.

The public lands described above aggregate approximately 10,830.32 acres.

The following lands are classified for State Indemnity Lieu Selection (43 U.S.C. 851, 852):

TUOLUMNE COUNTY

T. 2 N., R. 14 E.,
Sec. 21, N½NE¼.
T. 2 N., R. 15 E.,
Sec. 30, lot 2 and lot 47 (exclusive of lot 43).

The public lands described above aggregate approximately 118.54 acres.

The following lands are classified for lease or sale under Recreation and Public Purposes Act (44 Stat. 741 and 68 Stat. 173; 43 U.S.C. 869):

TUOLUMNE COUNTY

T. 1 N., R. 14 E.,
Sec. 2, lots 2, 5, and 6, and SW¼NE¼;
Sec. 28, N½NE¼NE¼.
T. 1 N., R. 15 E.,
Sec. 12, SW¼NE¼.
T. 2 N., R. 16 E.,
Sec. 33, lot 5; lot 41 (unsurveyed); lot 56 (unsurveyed); and lot 57 (unsurveyed).
T. 1 S., R. 16 E.,
Sec. 21, portion of Sampson Lode in N½SE¼.

MADERA COUNTY

T. 7 S., R. 20 E.,
Sec. 2, SE¼.
T. 7 S., R. 21 E.,
Sec. 5, SW¼NE¼.

FRESNO COUNTY

T. 10 S., R. 22 E.,
Sec. 29, lots 12, 13, and 14, and S½SE¼.
T. 11 S., R. 23 E.,
Sec. 25, portion of Clara H. lode mine (unsurveyed);
Sec. 34, NE¼NE¼.
T. 13 S., R. 24 E.,
Sec. 8, lot 15 and SW¼NE¼.
T. 14 S., R. 27 E.,
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lot 1.

The public lands described above aggregate approximately 937.56 acres.

The following public lands are classified for sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427):

TUOLUMNE COUNTY

T. 2 N., R. 14 E.,
Sec. 29, lot 3 (exclusive of Mineral Survey 4460), lot 6 (exclusive of Mineral Survey 5923), lot 8 (exclusive of Mineral Survey 5544), lot 9 (exclusive of Mineral Survey 4460 and Mineral Survey 5923), lot 10 (exclusive of Mineral Survey 4460); and lots 11, 12 and 13;
Sec. 30, lots 5, 12, 15, 16, 17, 18, 19, 21, and 23;
Sec. 32, lots 16 and 17.
T. 1 N., R. 14 E.,
Sec. 4, lot 6;
Sec. 5, E½SE¼SW¼NW¼;
Sec. 9, lot 4 (exclusive of Mineral Survey 5876) lots 9, 15, 16, 17, and lot 46B (exclusive of lot 46A).
T. 2 N., R. 15 E.,
Sec. 14, Mineral Survey 5133;
Sec. 15, S½NW¼NW¼.
T. 1 N., R. 16 E.,
Sec. 4, lot 10;
Sec. 9, Mineral Survey 4746.
T. 2 N., R. 16 E.,
Sec. 16, NE¼NE¼NW¼;
Sec. 20, SE¼SW¼.
T. 1 S., R. 16 E.,
Sec. 19, lots 10 and 11;
Sec. 20, lot 5 (exclusive of Mineral Survey 4561 and Miracle Mine), and portion of Miracle Mine (exclusive of lots 5 and 42);
Sec. 21, portion of Gold Run Lode in N½SE¼;
Sec. 22, portion of Gold Run Lode in NW¼SW¼.

The public lands described above aggregate approximately 244.28 acres.

The following public lands are classified for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g); or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

MARIPOSA COUNTY

T. 5 S., R. 15 E.,
Sec. 2, lot 1.
T. 4 S., R. 17 E.,
Sec. 25, SE¼NW¼, E½SW¼, SE¼SE¼;
Sec. 34, lot 6 and SE¼SE¼;
Sec. 35, E½SE¼.
T. 5 S., R. 17 E.,
Sec. 1, lots 3 and 4;
Sec. 2, lots 1, 2, and 3.

The public lands described above aggregate approximately 504.85 acres.

The following lands are classified for State Indemnity Lieu Selection (43 U.S.C. 851, 852); or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); or for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g):

MARIPOSA COUNTY

T. 5 S., R. 16 E.,
Sec. 2, Standby quartz mine; portion of Prescott quartz mine; portion of Jack quartz mine; portion of No. 5 quartz mine; portion of No. 5 Extension quartz mine; and portion of Old Keoh quartz mine;
Sec. 11, portion of Old Keoh quartz mine;
Sec. 13, portion of lot 3, lot 4, portion of lot A, and portion of lot B.

The public lands described above aggregate approximately 130.27 acres.

The following lands are classified for State Indemnity Lieu Selection (43 U.S.C. 851, 852), or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

MARIPOSA COUNTY

T. 6 S., R. 19 E.,
Sec. 7, lot 3 and SE¼NE¼;
Sec. 8, N½NW¼, SW¼NW¼.

MADERA COUNTY

T. 9 S., R. 19 E.,
Sec. 20, NW¼NE¼.

The public lands described above aggregate approximately 240.42 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Folsom District Manager, Bureau of Land Management, 63 Natoma Street, Folsom, Calif. 95630.

For the State Director.

DELMAR D. VAIL,
District Manager.

[F.R. Doc. 70-1031; Filed, Jan. 27, 1970; 8:46 a.m.]

[Serial No. Idaho 3295]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 20, 1970.

The Department of Agriculture has filed an application, Serial No. I–3295, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as recreation areas on the Sawtooth National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He 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 Department of Agriculture.

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 it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SAWTOOTH NATIONAL FOREST

Howell Canyon Recreation Area

T. 12 S., R. 25 E.,
Sec. 31, lot 4, W½SE¼NE¼, E½SW¼NE¼, SE¼SW¼, N½SE¼, N½SW¼SE¼;
Sec. 32, SE¼NW¼, S½SE¼SW¼NW¼, N½SW¼.
T. 13 S., R. 24 E.,
Sec. 1, N½ of lot 1, lots 2, 3, 4;
Sec. 2, lots 1, 2, 3, S½N½, SW¼;
Sec. 3, lots 1, 2, S½N½, N½S½, SW¼SW¼;
Sec. 4, lot 2, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 9, N½NE¼, SW¼NE¼, E½NW¼.

Totaling 2,048.88 acres in Cassia County.

Dollar Lake Recreation Area

T. 4 N., R. 17 E.,
Sec. 10 lots 1, 2, SE¼SW¼;
Sec. 15, lots 1, 2, 3, 5, and 6.

Totaling 264.39 acres in Blaine County.

Galena Summit Overlook

T. 6 N., R. 15 E. (Unsurveyed Protraction Diagram No. 95), Secs. 5, 6, 7, and 8.

A tract of land, described by metes and bounds, as follows: Beginning at Engineer's Station G05–201–1, which is a 3-inch brass cap set in cement, said monument being established for the Galena Summit Overlook survey baseline. Other points are referenced by 2-inch brass caps set in cement. From said point of beginning by metes and bounds: S. 12°56'30" W., 373.48 feet to Corner No. 2; S. 40°30'22" W., 1236.91 feet to Corner No. 3; S. 47°14'26" W., 783.55 feet to Corner No. 4; N. 11°46'09" E., 960.46 feet to Corner No. 5; N. 41°00'45" E., 853.06 feet to Corner No. 6; N. 70°16'29" E., 750.69 feet to Corner No. 1 the place of beginning.

The tract described contains 20.90 acres, more or less, in Blaine County.

The areas described aggregate 2,334.17 acres in Cassia and Blaine Counties, Idaho.

E. D. BARNES,
Acting Manager, Land Office.

[F.R. Doc. 70–1027; Filed, Jan. 27, 1970; 8:45 a.m.]

[New Mexico 10827]

NEW MEXICO

Notice of Proposed Classification

JANUARY 20, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange under the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended.

The land meets the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Albuquerque District.

The lands affected by this proposal are located in Santa Fe and Sandoval Counties and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 3 E.,
Sec. 9, W½W½;
Sec. 27;
Sec. 28, E½;
Sec. 33, lots 1, 2, and NE¼;
Sec. 34, lots 1, 2, 3, 4, and N½;
Sec. 35, lots 2, 3, 4, and N½.
T. 12 N., R. 9 E.,
Sec. 3, W½ lot 2 of NW¼ (NW¼NW¼);
Sec. 4, lot 2 of NE¼ (N½NE¼), E½ lot 1 of NE¼ (SE¼NE¼), W½ lot 1 of NW¼ (SW¼NW¼) and SE¼SW¼;
Sec. 10, W½SW¼;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 13, lots 1, 2, and SE¼SE¼;
Sec. 14, lots 1, 2, 3, 4, and W½E½;
Sec. 24, NE¼.
T. 12 N., R. 10 E.,
Sec. 18, lots 1 and 2;
Sec. 19, lot 1.
T. 14 N., R. 2 W.,
Sec. 24, W½.

The areas described above aggregate 3,334.91 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70–1030; Filed, Jan. 27, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ALABAMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Alabama, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ALABAMA

Blount.	Lawrence.
Bullock.	Limestone.
Butler.	Lowndes.
Choctaw.	Macon.
Coffee.	Madison.
Colbert.	Marengo.
Conecuh.	Marion.
Cullman.	Marshall.
Dallas.	Montgomery.
De Kalb.	Morgan.
Fayette.	Pickens.
Franklin.	Pike.
Geneva.	St. Clair.
Greene.	Shelby.
Hale.	Sumter.
Henry.	Talladega.
Houston.	Tuscaloosa.
Lamar.	Wilcox.
Lauderdale.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70–1068; Filed, Jan. 27, 1970; 8:48 a.m.]

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Mississippi, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Clay.	Lowndes.
Grenada.	Oktibbeha.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70–1069; Filed, Jan. 27, 1970; 8:48 a.m.]

MISSOURI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Missouri, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Butler.	New Madrid.
Dunklin.	Stoddard.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70–1070; Filed, Jan. 27, 1970; 8:48 a.m.]

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of North Carolina, natural disasters have caused a need for agricultural credit not readily

available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Bertie.	Wayne.
Edgecombe.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-1071; Filed, Jan. 27, 1970; 8:48 a.m.]

TENNESSEE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Tennessee, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TENNESSEE

Fayette.	Shelby.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-1072; Filed, Jan. 27, 1970; 8:48 a.m.]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Austin.	Liberty.
Chambers.	Wharton.
Fort Bend.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-1073; Filed, Jan. 27, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20781]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Notice of Oral Argument

IATA agreements relating to transatlantic fares; agreement CAB 21537 R-1 through R-13 and R-15 through R-49.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matters is assigned to be heard on February 4, 1970, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., January 22, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-1055; Filed, Jan. 27, 1970; 8:47 a.m.]

[Docket No. 18884]

PACIFIC NORTHWEST-CALIFORNIA INVESTIGATION

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned for February 4 is postponed to February 11, 1970, to begin at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., January 22, 1970.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 70-1056; Filed, Jan. 27, 1970; 8:47 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Staff Assistant, Office of Assistant Attorney General, Criminal Division.

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

[F.R. Doc. 70-1054; Filed, Jan. 27, 1970; 8:47 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 57]

FIDELITY CORP.

Notice of Receipt of Application for Permission to Acquire Control of Universal Savings Association

JANUARY 23, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Fidelity Corp., Richmond, Va., a diversified savings and loan holding company, for approval of acquisition of control of the Universal Savings Association, Akron, Ohio, 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 merger of Universal Savings Association into The Akron Savings and Loan Co., Akron, Ohio, a subsidiary of Fidelity 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. 70-1075; Filed, Jan. 27, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

T2–SE–A2 MISSION SAN RAFAEL

Notice of Availability for Major Conversion and Restoration for Commercial Operation

Pursuant to the Ship Exchange Act (Section 510(i) of the Merchant Marine Act, 1936), as added by Public Law 86–575 and amended by Public Law 89–254, 46 U.S.C. 1160(i), tankers from the Maritime Administration National Defense Reserve Fleet anchorages may be traded-out for use in the Great Lakes trades, or for use, after major conversions, for dry cargo carriers or liquid bulk carriers including natural gas carriers but excluding bulk petroleum carriers. Available for trade-out under the provisions of the Ship Exchange Act, as amended, to a nonsubsidized American steamship operator in exchange for its older and less efficient ship in accordance with the terms herein stated, is the T2–SE–A2 type tanker "Mission San Rafael," owned by the United States of America, represented by the Secretary of Commerce, acting by and through the Maritime Administrator. The traded-out tanker shall be converted to an elongated bulk carrier, container carrier, or other specialized and desirable type of ship. The traded-in ship shall have been in operation in the ocean trades during the 1 year immediately prior to the date of the exchange.

Other disposition. This Notice of Availability of the tanker for exchange under the Ship Exchange Act shall not preclude the Maritime Administrator from allocating the tanker to a Great Lakes operator for conversion to a commercial tanker or from pursuing such other disposition of the tanker as he may deem to be in the best interest of the United States. As required by the Ship Exchange Act, approval of the Department of Defense has been received for the trade-out of the tanker.

(a) *Basis of assignment.* Exchange of the tanker for conversion and restoration for commercial operation will be made in accordance with the provisions of the Ship Exchange Act and of General Order 92 Rev. (46 CFR Part 375) as published in the FEDERAL REGISTER issue of April 25, 1969 (34 F.R. 6929). However, for the purpose of making an assignment of the tanker to an applicant, applications will be closely evaluated and the allocation made for a trade and to an applicant within a trade which, in the judgment of the Maritime Administrator, will achieve the greatest shipping capability and productivity, taking into account the relative needs of the trade, in keeping with the purposes and policies of the Merchant Marine Act, 1936, as amended, the applicant's operating ability; the applicant's financial responsibility; and other factors having a bearing on the intent of the Ship Exchange Act, as amended.

(b) *Valuation.* The basis of valuation of the traded-in and traded-out vessels will be the same as previously used in the case of the C4 troopships as announced in the FEDERAL REGISTER issues of February 1, 1964 (29 F.R. 1665, 1667), April 14, 1964 (29 F.R. 5092), June 11, 1964 (29 F.R. 7520), August 3, 1966 (31 F.R. 10425), November 17, 1967 (32 F.R. 15848), December 30, 1967 (32 F.R. 21043), March 7, 1968 (33 F.R. 4277), May 21, 1968 (33 F.R. 7500) and August 29, 1968 (33 F.R. 12202).

(c) *Applications.* Applications for the exchange of ships shall be submitted to the Chief, Office of Ship Operations, Maritime Administration, Washington, D.C. 20235, on Form MA–182. To assist the Maritime Administration in arriving at a proper determination of the ship assignment, applications shall furnish with their applications the following information in the order listed:

(1) A statement of the applicant's ship operating ability and experience, including the number and types of American-flag ships recently owned and operated by the applicant and the trades in which operated.

(2) Name, official number, and type of ship to be traded-in, and her operating service during the preceding year.

(3) Financial resources available to the applicant and proposed method of financing.

(4) Outline plans and description of the proposed conversion including a description of the ship's cargo handling capability.

(5) Bale cubic and deadweight capacity after conversion.

(6) Estimated speed in knots after conversion.

(7) Proposed manning schedule.

(8) Estimated costs of proposed conversion and restoration for commercial operation.

(9) Description of proposed commercial trade of traded-out ship.

(10) Pro forma statement of anticipated operating results for operation in proposed commercial trade on an annual basis.

Applications must be received on or before February 25, 1970.

(d) *Tanker available.* The tanker available for assignment is the T2–SE–A2 type tanker "Mission San Rafael (AO–130)", located at the Beaumont, Texas Reserve Fleet anchorage. Her general design characteristics are as follows:

LOA	503'.
Breadth	68'.
Depth	39'3".
SHP	10,000.
Machinery	Turb-elec.
Gross	10,543.
Net	6,493.
DWT	16,350.
Displ	21,880.
Speed	18.

Builder: Marinship Corp., Sausalito, Calif.
Delivery Date: 3–1944.
MC Hull No. 1276.
(All figures are approximate).

For permission to inspect contact Mr. Jules V. Bech, Fleet Superintendent, Beaumont Reserve Fleet, Post Office Box 6355, Beaumont, Tex. 77705 (Telephone: Area Code 713, 835–3337).

Dated: January 23, 1970.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 70–1140; Filed, Jan. 27, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS

Statement of Organization, Functions, and Delegations of Authority

Section 2–110 of Part 2 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended as follows:

SEC. 2–110–00 *Mission.* The Assistant Secretary (Health and Scientific Affairs) serves as the principal advisor to the Secretary on health and scientific affairs and provides leadership for the health activities of the Department. In addition, he supervises the four agencies of the Department which constitute the Public Health Service. The Assistant Secretary (Health and Scientific Affairs) promotes and assures the highest level of health attainable for every person, in an environment which contributes positively to healthful individual and family living. The responsibilities related to health and scientific affairs which are the concern of the Office of the Assistant Secretary (Health and Scientific Affairs), include development, coordination, review, and evaluation of policies and priorities as well as the initiation, review, and approval of legislative budgetary, and program planning proposals.

SEC. 2–110–10 *Organization.* A. The Office of the Assistant Secretary (Health and Scientific Affairs), under the supervision of the Assistant Secretary includes:

Surgeon General/Deputy Assistant Secretary (Health and Scientific Affairs).
Deputy Assistant Secretary (Research and Development).
Deputy Assistant Secretary (Health Manpower).
Deputy Assistant Secretary (Environmental Health and Prevention of Disease Problems).
Deputy Assistant Secretary (Health Services).
Deputy Assistant Secretary (Family Planning and Child Health).
Deputy Assistant Secretary (Regional Activities and Intergovernmental Relations).
Office of Policy Implementation.

Office of International Health.
Special Assistants to the Assistant Secretary (Health and Scientific Affairs).
Executive Assistant to the Assistant Secretary (Health and Scientific Affairs).

B. In the absence of the Assistant Secretary (Health and Scientific Affairs), the Surgeon General serves as the Acting Assistant Secretary (Health and Scientific Affairs).

SEC. 2-110-20 *Functions.* A. The Assistant Secretary (Health and Scientific Affairs) exercises policy direction and control over the activities of the Public Health Service made up of the Health Services and Mental Health Administration, the Environmental Health Service, the Food and Drug Administration and the National Institutes of Health.

B. The Assistant Secretary (Health and Scientific Affairs) provides health policy direction over all health and health-related programs in the Department. He coordinates the health and health-related functions of the Department with those of other Federal agencies and provides advice and assistance on health matters to such agencies as requested. Advice and technical support also is provided to international health organizations.

C. The Surgeon General/Deputy Assistant Secretary (Health and Scientific Affairs) is the principal deputy to the Assistant Secretary (Health and Scientific Affairs) and acts as the alter ego of the Assistant Secretary. The primary responsibility of the Surgeon General is to assist the Assistant Secretary (Health and Scientific Affairs) in top management direction and control over the activities of the four health agencies, Health Services and Mental Health Administration, Environmental Health Service, Food and Drug Administration and the National Institutes of Health. The Surgeon General is the chief career health professional in the Department of Health, Education, and Welfare and is responsible for the administration of the Commissioned Corps of the Public Health Service.

D. The Office of the Deputy Assistant Secretary (Research and Development) provides guidance on policy and program coordination relating to biomedical research and research training; research and development related to the occupational and environmental determinants of ill health and the elimination of environmental and work hazards; drug research and development, evaluation and utilization; and related scientific problems.

This office serves as the focal point for liaison on matters of science with Federal research and development committees, departments and agencies, and with nongovernmental agencies and institutions concerned with health sciences and science related policies.

E. The Office of the Deputy Assistant Secretary (Health Manpower) provides guidance on policy and program coordination in health manpower development; guidance on DHEW health manpower training priorities, resource allocation for program development; liaison with Government and other organizations involved in health manpower matters, liaison with health professional schools and other educational institutions in policies related to institutional support for education and health manpower development; and the development of legislative proposals related to health manpower and policies related to educational institutions.

F. The Office of the Deputy Assistant Secretary (Environmental Health and Prevention of Disease Problems) provides guidance on policy and coordination of programs designed to assure effective protection for every American against controllable hazards to health in his environment and in the products and services which enter his life. Provides liaison with other governmental and private institutions and organizations providing planning and development toward improved environmental control and health protection.

G. The Office of the Deputy Assistant Secretary (Health Services) provides guidance on policy and program coordination, resource allocation and legislative planning for DHEW programs concerned with financing, organization, and delivery of health and medical care services; and for liaison with governmental and other organizations concerned with financing, organization and delivery of health or medical care services.

H. The Office of the Deputy Assistant Secretary (Family Planning and Child Health) provides guidance on policy and program coordination, resource allocation, evaluation of legislative and program proposals in this field; coordinates the role of the operating agencies, particularly with the program of other departments and agencies.

I. The Deputy Assistant Secretary (Regional Activities and Intergovernmental Relations) serves as a liaison between the Assistant Secretary (Health and Scientific Affairs) and the 10 Assistant Regional Directors for Health and Scientific Affairs. He interprets policy and procedure and keeps them informed of the Assistant Secretary's and the Secretary's priorities and major policy directives. He acts for the Assistant Secretary in assuring that these policies are carried out in the field through the Assistant Regional Directors for Health and Scientific Affairs. He also keeps the Assistant Secretary informed of issues, opinions, and problems at the local and State levels in each region.

J. The Office of Policy Implementation serves as an analytical staff advising the Surgeon General. This Office insures that policy developed elsewhere in the Office of the Assistant Secretary (Health and Scientific Affairs) is implemented through the planning, budgeting, and legislative processes. This Office gives the Assistant Secretary (Health and Scientific Affairs) an effective mechanism for utilizing the guidance and services of the other Assistant Secretaries and for dealing with the staffs of the four health agencies in these three functional areas.

K. The Office of International Health provides policy guidance and coordination of the Department's international health program activities; technical services on international health matters to Agency for International Development, the Department of State, and other Federal agencies; and liaison with international agencies.

L. The Office of the Executive Assistant is responsible for arrangements to meet the internal management needs of the Office of the Assistant Secretary (Health and Scientific Affairs).

M. Special Assistants act as personal assistants to the Assistant Secretary (Health and Scientific Affairs) and to the Surgeon General. They handle special, short-term projects at the request of the Assistant Secretary (Health and Scientific Affairs).

Dated: January 22, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-1039; Filed, Jan. 27, 1970; 8:46 a.m.]

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5-B, Organization as follows:

Delete the heading "National Center for Health Services Research and Development (2100)" and entire text thereunder up to heading "National Center for Health Statistics (2200)" and insert in place thereof:

NATIONAL CENTER FOR HEALTH SERVICES RESEARCH AND DEVELOPMENT (3000)

Conducts or, by means of grants and contracts, supports, promotes, and stimulates a national program of health services research and development and demonstrations, involving basic studies and resources development and large-scale projects which progress from research through pilot-testing and installation or complex alteration of health care systems or components, including: (1) improving the availability of health services to all people; (2) assisting all health professions to improve their capabilities for assessing the quality of their services; (3) investigating the comparative costs of alternative methods of providing and financing health services; (4) experimenting with new architectural designs, site locations and plans, and new methods of construction; (5) increasing efficiency through new ways of utilizing health personnel and development of new types of health workers at the professional, technical, and auxiliary levels; (6) applying and refining computer technology in screening, automating medical records,

and selected other aspects of the medical care process; (7) accelerating application of new or improved techniques for the prevention, diagnosis, treatment, and control of diseases and disabilities; (8) designing and demonstrating experimental health service systems in urban and rural areas; (9) making multidisciplinary analyses of the organization and functioning of all components of the health services system; (10) increasing academic resources for training health services research and development personnel; and (11) establishing and operating a health services data system relevant to research and development planning, policy making, and management.

Office of the Director (3C01). (1) Plans, directs, administers, coordinates, and evaluates the program and management operations of the Center; (2) fosters and stimulates a national program of health services research and development activities; (3) coordinates the Center's activities with other Administration organizational elements, other Federal organizations within and outside the Department, State and local bodies, and professional and scientific organizations; (4) performs legislative planning and review; and (5) conducts grants management activities.

Office of Inter-Organization Relations (3C09). (1) Assists and advises the Director of the Center on major policies affecting Center Divisions and relations with other organizations; (2) acts as the representative of the Center Director and serves as focal point for establishing and maintaining the Genter's working relationships with other components of the Administration, with other organizational elements of the Department, other Federal agencies, State and local bodies, professional bodies, and the health services research and development community in general; (3) develops and coordinates policy and procedure for the conduct of Center relationships with other agencies and organizations on matters of collaborative effort and communication mechanisms; (4) develops relationships with other governmental bodies, professional bodies, and private organizations to foster the implementation and application of research findings so as to improve health care services in actual operations; and (5) coordinates with the Offices and Divisions of the Center on related aspects of extramural activities.

Office of Review and Advisory Services (3C15). (1) Provides secretariat services for Center's Advisory Councils; (2) administers a system of review for grants submitted to the Center; (3) interprets and assists in implementing policies relating to grants emanating from the Office of the Secretary, Office of the Administrator, and Office of the Center Director; and (4) provides assistance to the Divisions of the Center and to organizations and institutions concerning the interpretation and application of grants review policies and procedures.

Office of Scientific and Technical Information (3C17). (1) Plans, coordinates, and develops methods for the systematic collection and dissemination of new scientific and technical information among health services researchers and health care practitioners; (2) advises on policies relating to the communication of scientific and technical information in the Center's area of competence; (3) prepares a Scientific Publication Series comprised of scientific monographs, technical manuals, catalogs, and reports; (4) promotes the development and use of scientific information resources such as libraries, published and unpublished literature, meetings, and abstracting and indexing; (5) fosters studies, research, and experiments with information transfer within the health services research and development community; and (6) acts as a resource to Center staff and others on scientific and technical information matters, including proposals and projects related to scientific and technical information.

Office of Administrative Management (3C19). (1) Plans, directs, and coordinates administrative management activities of the Center; (2) assists the Office of the Director in the development of Center goals and objectives; (3) provides central business services for the Center, including personnel staff development services, contract liaison, management planning and data services, and administrative and general services; (4) provides program guidance and information to the staff of the Administrator's Office of Financial Management in their operation of a financial management system for the Center, including program policy interpretation in budget formulation and execution, in preparation of Program Planning and Budgeting System data, and in the financial aspects of grants administration; (5) develops and implements management policies, procedures, systems, and practices for the conduct of Center affairs; (6) appraises the effectiveness of Center organization and operations from a management standpoint; and (7) serves as the focal point for liaison with the Office of the Administrator and the Office of the Secretary on financial, personnel, organization, supply, and other management matters.

Office of Program Planning and Evaluation (3C31). (1) Assists and advises the Center Director in program planning and in the development, coordination, and assessment of current and long-range activities; (2) develops guidelines and standards for appraising Division activities; (3) assesses and evaluates Division accomplishments and activities in terms of approved goals and objectives; (4) identifies the need and recommends necessary actions for new Division activities including methods for development; (5) provides leadership in the development of Center goals and objectives; and (6) directs and coordinates the implementation of Program Planning and Budgeting System in collaboration with the Office of Administrative Management.

Social and Economic Analysis Division (3C41). (1) Supports, conducts, and fosters research, development, experiments, or demonstrations on (a) social and psychological factors influencing individuals and groups in their health habits and use of available services, (b) social and psychological factors which affect the operation of health institutions and services, (c) the effects of social and legal factors on the availability, quality, and organization of services, (d) the evaluations of health services and programs, including the use of epidemiologic methods, (e) the financial structure of medical care, (f) improved techniques for identifying health needs, (g) alternatives for capital financing, (h) cost-benefit and cost-effectiveness of various ways of providing health services, and (i) the economics of health manpower; (2) supports related research training; (3) consults with other programs of the Administration and the Department on improved methods of evaluating health service programs; (4) collects, assembles, and disseminates information and results of social science and evaluation and health economics research; and (5) establishes and maintains cooperative working relationships with Federal and State and other public and private organizations concerned with social analysis and evaluation, and economics of health service.

Health Care Organization and Resources Division (3C45). (1) Supports, conducts, and fosters research, development, experiments, or demonstrations on (a) factors contributing to adequacy, effectiveness, and efficiency of institutions, (b) health planning and community organization, including the interaction between the community and its medical care system, (c) the medical care process, including organizational, administrative, economic, and other elements that influence the process and its outcome, (d) effects of new staffing patterns in improving health care services, (e) new ways of increasing the productivity of physicians, nurses, and other health care personnel, (f) new careers in health services manpower, (g) new ways of educating, training, and utilizing health services manpower, (h) the design, organization, and administration of health care facilities, (i) methods of determining siting in communities, (j) methods of assessing the effectiveness and quality of medical care, and (k) methodology for collection, analysis, and use of health care data, including methods for determining utilization of available health care personnel, facilities, and services, and analysis of the outcome of this utilization; (2) develops and demonstrates new or improved methods and health service systems applicable to special types of urban and rural communities; (3) promotes studies and tests of new methods of construction for improving health care capabilities of institutional facilities; (4) supports related research training; (5) collects, assembles, and disseminates health care information, data, and results of research; (6) assists other programs, and other governmental and non-governmental bodies, by providing data and by developing methods for assessing the effectiveness of need for modification of programs and policies relating to health care services; and (7) establishes and maintains cooperative working relationships with Federal and

State and other public and private organizations concerned with health manpower utilization, health care institutions, organization and delivery of health care, and development of data systems for health services.

Health Care Technology Division (3C51). (1) Supports, conducts, and fosters research, development, experiments, or demonstrations on (a) the instrumentation and automation of health services, and (b) the application of electronic and computer technology to disease detection systems, diagnosis, patient-monitoring and therapy, medical record handling, and techniques in laboratory medicine; (2) supports research training in health care technology; (3) collects and disseminates information on and the results of research in health care technology; and (4) establishes and maintains cooperative working relationships with Federal and State and other public and private organizations concerned with research in health care technology.

Special Research and Development Projects Division (3C55). (1) Plans, supports, and conducts special projects in research and development of a large-scale nature seeking solutions to high priority problems in health services, such as (a) developing and testing potential model approaches to the solution of specific cost problems, (b) experiments and demonstrations which actively intervene in major components of ongoing community health service systems to effect new or modified health service systems or subsystems, (c) developing and testing integrated systems of care in urban areas, including ambulatory and hospital care, under common administrative and financial arrangements; (2) consults with other programs of the Administration, Department, and other agencies providing support for or fostering health services, and fosters the development of conjoint projects in areas of mutual interests; (3) collects, assembles, and disseminates information on the results of special research and development; and (4) establishes and maintains cooperative working relationships with Federal and State and other public and private organizations concerned in the areas covered by special research and development projects.

Dated: January 22, 1970.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 70-1040; Filed, Jan. 27, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. R170-1073 etc.]

KIRBY ROYALTIES, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 19, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 9, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R170-1073	Kirby Royalties, Inc. (Operator and Agent) et al., Post Office Box 1745, Houston, Tex. 77001.	1	3	Mountain Fuel Supply Co. (Vermilion Creek Unit Area, Sweetwater County, Wyo.).	$46	12-22-69	[3] 12-22-69	[4] 12-23-69	13.0	[5] [6] 13.065	
R170-1074	Kirby Royalties, Inc. (Operator) et al.	2	2	Mountain Fuel Supply Co. (West Side Canal Area, Carbon County, Wyo.).	135	12-22-69	[3] 12-22-69	[4] 12-23-69	[7] 15.0	[5] [6] 15.075	

[3] The stated effective date is the date of filing, with waiver of notice granted.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 15.025 p.s.i.a.
[7] Initial rate.

Kirby Royalties Inc. (Operator and Agent) et al., and Kirby Royalties, Inc. (Operator) et al. (both referred to herein as Kirby), proposed rate increases reflect partial reimbursement of a severance tax enacted in 1969 by the State of Wyoming. Kirby has filed for reimbursement of contractually entitled taxes only but requested an effective date of January 1, 1968, to recover reimbursement of taxes applicable to past production back to that date. Kirby's proposed rate increases exceed the area increased rate ceiling for Wyoming as announced in the Commission's statement of general policy No. 61–1, as amended. Since Kirby's rate increases are for tax reimbursement only, we conclude that they should be suspended for one day from December 22, 1969, the date of filing, with waiver of notice granted. Accordingly, Kirby's request for a retroactive effective date of January 1, 1968, is denied.

Kirby will be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

[F.R. Doc. 70–1004; Filed, Jan. 27, 1970; 8:45 a.m.]

[Docket No. CP70–168]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 20, 1970.

Take notice that on January 5, 1970, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70–168 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon a field sale of gas to Texas Eastern Transmission Corp. (Texas Eastern) from the Jefferson Field, Marion County, Tex., under Applicant's FPC Gas Rate Schedule XFS–2. Applicant states that the natural flowing pressures of the wells have become insufficient to enter Texas Eastern's line.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–1059; Filed, Jan. 27, 1970; 8:48 a.m.]

[Docket No. CP70–172]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 20, 1970.

Take notice that on January 9, 1970, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70–172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas in interstate commerce to Lake Superior District Power Co. for resale to Iron Wood Products Corp., Bessemer, Mich., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell 350 Mcf of natural gas per day on a firm basis from existing contract demand.

No new facilities are proposed for the subject sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–1060; Filed, Jan. 27, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01–0052]

CHESTNUT HILL CAPITAL CORP.

Surrender of License

Pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), Chestnut Hill Capital Corp. (Chestnut Hill), 11 Beacon Street, Boston, Mass. 02108, has surrendered its license to operate as a small business investment company.

Chestnut Hill, a Massachusetts corporation, organized solely for the purposes of operating under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), was licensed by the Small Business Administration (SBA) on October 3, 1962.

The license surrender is pursuant to a certain Plan and Agreement of Reorganization by Means of Statutory Merger (the "Plan"), entered into on September 2, 1969, among Chestnut Hill, F.C.S., Inc., 177 State Street, Bridgeport, Conn. 06603, and First Connecticut Small Business Investment Co. (SBIC), 177 State Street, Bridgeport, Conn. 06603. Under the Plan, Chestnut Hill is to be merged into F.C.S., Inc., a wholly owned subsidiary of SBIC, and F.C.S, Inc., thereafter merged into SBIC

The transactions contemplated by the Plan were consummated on December 22, 1969.

Prior to final action in this matter, consideration will be given to any comments pertaining to the license surrender which are submitted to Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified 10-day period, SBA will accept the surrender of the license of Chestnut Hill under the authority of the Small Business Investment Act of 1958, as

amended, and the regulations issued thereunder.

Dated: January 16, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-1033; Filed, Jan. 27, 1970; 8:46 a.m.]

SMALL BUSINESS INVESTMENT CORPORATION OF GEORGIA

Notice of Intention To Surrender Small Business Investment Company License

On January 8, 1970, Small Business Investment Corporation of Georgia (SBIC of Georgia), 22 Marietta Street NW., Atlanta, Ga. 30303, License No. 05/05-0016, a Federal licensee under the Small Business Investment Act of 1958, as amended, requested approval of the Small Business Administration (SBA), pursuant to § 107.105 of the regulations (33 F.R. 326, 13 CFR Part 107), to surrender its license.

Matters involved in SBA's consideration include the repayment by the licensee of its indebtedness to SBA prior to surrender. Further, SBA, in granting its approval, may impose such terms and conditions as it may determine appropriate.

Prior to final action on this matter, consideration will be given to any comments pertaining thereto which are received in writing to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of fifteen (15) days of the date of publication of this notice.

Dated: January 15, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-1032; Filed, Jan. 27, 1970; 8:46 a.m.]

TRANSPORTATION CAPITAL CORP.

Surrender of License

Notice is hereby given that Transportation Capital Corp. (Transportation), 25th Avenue and Roosevelt Road, Broadview, Ill. 60153, has pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

Transportation was incorporated on March 17, 1967, under the laws of the State of Delaware, became qualified to transact business in the State of Illinois on March 30, 1967, and issued license No. 07/0075 by the Small Business Administration on May 9, 1967.

Transportation was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 611 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Transportation is hereby accepted, and accordingly, it is no longer licensed to operate as a small business investment company.

Dated: January 16, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-1035; Filed, Jan. 27, 1970; 8:46 a.m.]

[License No. 01/01-0059]

WYATT INVESTMENT CORP.

Surrender of License

Notice is hereby given that, pursuant to section 107.105 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326), Wyatt Investment Corporation of 122 Jordan Road, Brookline, Mass., has requested approval of the Small Business Administration (SBA) to surrender its license to operate as a small business investment company. The licensee was incorporated on March 16, 1964, under the laws of the State of Massachusetts and licensed by SBA on May 5, 1964, to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. 611 et seq.).

Prior to final action on this request, consideration will be given to any comments pertaining to the proposed surrender which are submitted in writing to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within ten (10) days of the date of publication of this notice.

If no comments are received within the specified period of time, under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Wyatt Investment Corp., will be accepted, and the company will no longer be licensed to operate as a small business investment company.

Dated: January 16, 1970.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-1034; Filed, Jan. 27, 1970; 8:46 a.m.]

TARIFF COMMISSION

[TEA-W-12]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the production and maintenance workers of the Bethlehem Steel Corp., Tower Department, Pinole Point Works, Pinole Point, Calif., the U.S. Tariff Commission, on the 22d day of January 1970, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with transmission towers used to support high voltage transmission wires are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued January 23, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-1046; Filed, Jan. 27, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 23, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Deviation No. 6), GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, Idaho 83201, filed January 15, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Salt Lake City, Utah., over U.S. Highway 40 to junction U.S. Highway 189, thence over U.S. Highway 189 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 287 at Rawlings, Wyo., thence over U.S. Highway 287 to junction Wyoming Highway 220, thence over Wyoming Highway 220 to junction U.S. Highway 87, thence over U.S. Highway 87 to junction Wyoming Highway 387, thence over Wyoming Highway 387 to junction Wyoming Highway 59, thence over Wyoming Highway 59 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Interstate Highway 90 at Moorcroft, Wyo., thence over Interstate Highway 90 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction U.S. Highway 85, thence over U.S. Highway 85 to junction U.S. Highway 212 at Belle Fourche, S. Dak., thence over U.S. Highway 212 to Minneapolis, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Idaho Falls, Idaho, over U.S. Highway 91 to West Yellowstone, Mont.; (2) from Butte, Mont., over U.S. Highway 91 to junction Idaho Highway 35, thence over Idaho Highway 35 via Oxford and Clifton, Idaho, to Dayton, Idaho, thence over Idaho Highway 86 to Preston, Idaho, thence over U.S. Highway 91 to Logan, Utah, thence over Utah Highway 69 to Brigham City, Utah (also from Logan over U.S. Highway 91 to Brigham City), thence over U.S. Highway 91 to Barstown, Calif., thence over U.S. Highway 66 to San Bernardino, Calif.; (3) from Tremonton, Utah, over unnumbered highway (formerly Utah Highway 41) via Garland, Utah, to junction U.S. Highway 191, thence over U.S. Highway 191 to Downey, Idaho; (4) from Billings, Mont., over U.S. Highway 10 via Fargo, N. Dak., and Motley, Anoka, and Minneapolis, Minn., to St. Paul, Minn. (also from Billings to Fargo, as specified above, thence over U.S. Highway 52 via Evansville, Minn., to Minneapolis, Minn., thence over city streets to St. Paul); (5) from Butte, Mont., over U.S. Highway 10 (portion formerly U.S. Highway 10S) via Whitehall and Three Forks, Mont., to Billings, Mont.; and (6) from West Yellowstone, Mont., over U.S. Highway 191 to Bozeman, Mont., and return over the same routes.

No. MC 33641 (Deviation No. 17), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 70N (U.S. Highway 40) to Frederick, Md., thence over Interstate Highway 70 to Breezewood, Pa., thence over U.S. Highway 30 to Bedford, Pa., thence over U.S. Highway 220 to Ducansville, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route, with service to and from the termini and all intermediate and off-route points on the above route restricted to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 18), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 70N (U.S. Highway 40) to Frederick, Md., thence over Interstate Highway 70 (U.S. Highway 40) to Hancock, Md., thence over U.S. Highway 40 to Cambridge, Ohio, and return over the same route, for operation convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route, with service to and from the termini and all intermediate and off-route points on the above route restricted to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 19), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 70N (U.S. Highway 40) to Frederick, Md., thence over Interstate Highway 70 to Breezewood, Pa., thence over U.S. Highway 30 to Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania

Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route, with service to and from the termini and all intermediate and off-route points on the above route restricted to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 20), INL FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 70N (U.S. Highway 40) to Frederick, Md., thence over U.S. Highway 340 to Berryville, Va., thence over Virginia Highway 7 to Winchester, Va., thence over U.S. Highway 50 to Slate Mills, Ohio, thence over Ohio Highway 28 to Milford, Ohio, thence over U.S. Highway 50 to Cincinnati, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.;

(2) from Cincinnati, Ohio, over U.S. Highway 42 to Lafayette, Ohio; and (3) from Cincinnati, Ohio, over Ohio Highway 4 to Dayton, Ohio, thence over Ohio Highway 444 via Fairborn, Ohio, to junction unnumbered highway (formerly portion Ohio Highway 4), thence over unnumbered highway to Springfield, Ohio, thence over U.S. Highway 40 via Lafayette to Columbus, Ohio, thence over Ohio Highway 3 to junction unnumbered highway (formerly Ohio Highway 3 north of Westerville, Ohio, thence over unnumbered highway via Galena, Ohio, to Sunbury, Ohio, thence over Ohio Highway 61 to Mount Gilead, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, and return over the same routes, with service to and from the termini and all intermediate and off-route points on the above routes restricted to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 21), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 70N (U.S. Highway 40) to Frederick, Md., thence over Interstate Highway 70 (U.S. Highway 40) to Hancock, Md., thence over U.S. Highway 40 to Washington, Pa., thence over Pennsylvania Highway 18 to Florence, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route, with service to and from the termini and all intermediate and off-route points on the above route restricted to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 22), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 13, near State Road, Del., thence over U.S. Highway 13 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 130, near Deepwater, N.J., thence over U.S. Highway 130 to Camden, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: (1) From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., thence over Interstate Highway 83 (formerly portion U.S. Highway 111) to York Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the

Pennsylvania-Maryland State line, thence over Maryland Highway via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.; and (2) from Cincinnati, Ohio, to Harrisburg, Pa., as specified above, thence over U.S. Highway 422 to Philadelphia, Pa., thence over the Delaware River Bridge, to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same routes, with service to and from the terminal and all intermediate and off-route points on the above routes restricted to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 23), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed January 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Reading, Pa., over Pennsylvania Highway 61 to Molino, Pa., thence over Pennsylvania Highway 895 to New Ringgold, Pa., thence over Pennsylvania Highway 443 to South Tamaqua, Pa., thence over Pennsylvania Highway 309 to junction Interstate Highway 81 near McAdoo, Pa., thence over Interstate Highway 81 via Wilkes-Barre, Pa., to Scranton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Upper Bern and Hamburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 3 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.,

(2) from Cincinnati, Ohio, to Harrisburg, Pa., as described in (1) above, thence over U.S. Highway 422 to Philadelphia, Pa., thence over the Delaware River Bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., (3) from Columbus, Ohio, over U.S. Highway 23 to Waldo, Ohio, thence over Ohio Highway 98 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 30) to junction U.S. Highway 30 at Mifflin, Ohio, thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Hollidaysburg Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) at or near Halls, Pa., thence over Pennsylvania Highway 147 via Muncy to Northumerland, Pa., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 31 (formerly New Jersey Highway 69) to junction U.S. Highway 22, thence over the route described in (1) above to Boston, Mass., and (4) from Lewistown, Pa., over U.S. Highway 522 to Selinsgrove, Pa., thence over U.S. Highway 11 to Northumberland, Pa., and return over the same routes, with service to and from the termini and all intermediate and off-route points on the above routes restricted to traffic moving to or from points in Ohio.

No. MC 89723 (Deviation No. 13), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103, filed January 13, 1970. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Springfield, Mo., and Branson, Mo., over U.S. Highway 65, for operation convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Aurora, Mo., over U.S. Highway 60 to junction Missouri Highway 13, thence over Missouri Highway 13 to Crane, Mo., thence return over Missouri Highway 13 to junction supplemental Highway A, thence over supplemental Highway A to junction supplemental Highway K, thence over supplemental Highway K to junction Missouri Highway 14, thence over Missouri Highway 14 to junction supplemental Highway P, thence over supplemental Highway P to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Mo., and (2) from Crane, Mo., over Missouri Highway 13 to junction Missouri Highway 76, thence over Missouri Highway 76 to junction U.S. Highway 65, thence over U.S. Highway 65 to Hollister, Mo., and return over the same route, with service over above routes limited to that which is auxiliary to, or supplemental of, the rail service of the Missouri Pacific Railroad Co.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1049; Filed, Jan. 27, 1970; 8:47 a.m.]

[Notice 584]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 23, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 13028 (Deviation No. 16), THE SHORT LINE, INC., 27 Sabin Street, Post Office Box 1116 Annex Station, Providence, R.I. 02901, filed January 15, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 6 and Massachusetts Highway 140 at New Bedford, Mass., over Massachusetts Highway 140 to junction Interstate Highway 195, thence over Interstate Highway 195 to the New Bedford, Mass., downtown exit ramp, thence southerly onto Massachusetts Highway 18, thence over Massachusetts Highway 18 to High Street, thence westerly over High Street

to Pleasant Street, thence southerly over Pleasant Street to Middle Street, thence easterly over Middle Street to the bus terminal, in New Bedford, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: between Providence, R.I., and New Bedford, Mass., over U.S. Highway 6.

No. MC 114271 (Deviation No. 9), CONTINENTAL CRESCENT LINES, INC., Box 8435, Jackson, Miss. 39204, filed January 13, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Birmingham, Ala., over U.S. Highway 11 to junction Interstate Highway 59 (near Arto, Ala.), thence over Interstate Highway 59 to junction U.S. Highway 11 (near the Alabama-Georgia State line), thence over U.S. Highway 11 to Trenton, Ga., thence over Georgia Highway 301 to junction Interstate Highway 59, thence over Interstate Highway 59 to Chattanooga, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Huntsville, Ala., over U.S. Highway 231 (portions formerly Alabama Highways 38 and 25) to Oneonta, Ala., thence over Alabama Highway 75 (formerly Alabama Highway 32) to Birmingham, Ala., and (2) from Oneonta, Ala., over Alabama Highway 75 (portions formerly Alabama Highways 32 and 110) via Horton, Albertville, Rainsville, and Henagar, Ala., to the Alabama-Georgia State line (approximately 8 miles north of Ider, Ala.), thence over Georgia Highway 143 (Formerly unnumbered Dade County, Ga. highway) to Trenton, Ga., thence over U.S. Highway 11 to Chattanooga, Tenn., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1050; Filed, Jan. 27, 1970; 8:47 a.m.]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 23, 1970.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 10345 (Sub-No. 85) (Republication), filed November 15, 1967, published in the FEDERAL REGISTER issues of December 7, 1967 and December 14, 1967, and republished this issue. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Certificate No. MC-10345 (Sub-No. 85), issued to above-named applicant on July 1, 1968, authorizes the transportation of new automobiles, in secondary movements, in truckaway service, from and to named points, restricted to traffic having an immediately prior movement by rail from plantsites in Canada of the Oldsmobile Division of General Motors Corp. By petition (letter) filed September 22, 1969, applicant seeks modification of the above-described certificate by elimination of the words "of the Oldsmobile Division". An order of the Commission, division 1, dated January 6, 1970, and served January 15, 1970, has ordered that certificate No. MC-10345 (Sub-No. 85), issued July 1, 1968, be, and it is hereby, modified by deleting from where they appear on sheet 2 thereof the words "of the Oldsmobile Division of General Motors Corporation" and substituting in lieu thereof the words "of General Motors Products of Canada, Limited", subject, however, to the prior receipt of written requests by applicant for concurrent cancellation of certificate No. MC-10345 (Sub-No. 86), issued July 3, 1968, and for dismissal of No. MC-10345 (Sub-No. 88).

No. MC 94876 (Sub-No. 6) (Republication), filed June 20, 1969, published in the FEDERAL REGISTER issue of July 25, 1969, and republished this issue. Applicant: RICHARD ACERRA, INC., 43-09 Vernon Boulevard, Long Island City, N.Y. 11101. Applicant's representative: J. Aiden Connors, Suite 454, 527 Lexington Avenue, New York, N.Y. 10017. By application filed June 20, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes of bakery goods and products, in containers, bakery product containers, and stale bakery products, between New York, N.Y., and Wayne, N.J. An order of the Commission, Operating Rights Board, dated December 24, 1969, and served January 15, 1970, finds that public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *bakery products* in containers, *bakery product containers, and stale bakery products*, between New York, N.Y., and Wayne (Passaic County), N.J., under a continuing contract with Borden, Inc., Foods Division, Drake Bakeries will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC-106760 (Sub-Nos. 88 and 95), and MC-123383 (Sub-No. 31) (Republications), (1) No. MC 106760 (Sub-No. 88), filed January 4, 1968, published in the FEDERAL REGISTER issue of January 18, 1968, and republished this issue. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. (2) No. MC-106760 (Sub-No. 95), filed March 26, 1968, published in the FEDERAL REGISTER issue of April 11, 1968, and republished this issue. Applicant WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representatives: O. L. Thee, 1925 National Plaza, Tulsa, Okla. 74151, and L. A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. (3) No. MC-123383 (Sub-No. 31), filed February 21, 1968, published in the FEDERAL REGISTER issue of March 7, 1968, and republished this issue. Applicant: BOYLE BROTHERS, INC., 276 River Road, Edgewater, N.J. 07020. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006.

Applicants in the above-entitled proceedings seeks common carrier authority to transport, over irregular routes, building panels, sections, wallboard, building board, and accessories from Chesapeake, Va., to points in specified States. In a report and order of August 28, 1969, the Commission, Review Board No. 1, found that the present and future public convenience and necessity require operation by the respective applicants in interstate or foreign commerce, as *common carriers*, by motor vehicle, over irregular routes, of plywood, hardboard, molding and accessories used in the installation of plywood, hardboard, and molding from Chesapeake, Va., (1) In No. MC 106760 (Sub-No. 88), to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and New York, restricted to the handling of shipments originating in Chesapeake and destined to points in the named destination States. (2) In No. MC 106760 (Sub-No. 95), to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana,

Maryland, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (3) In No. MC 123383 (Sub-No. 31), to points in Maine, Masachusetts, New Hampshire, New York, Rhode Island, and Vermont. Because it is possible that other persons, who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the commodities authorized, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in the applicable proceedings will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

No. MC 110012 (Sub-No. 18) (Republication), filed May 25, 1969, published in the FEDERAL REGISTER issue of June 26, 1969, and republished this issue. Applicant: G. B. C., INC., 707 North Liberty Hill Road, Post Office Box 68, Morristown, Tenn. 37814. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. By report and order entered in the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, division 1, effective December 29, 1969, and served January 13, 1970, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *new furniture*, crated, from Wichita, Kans., to Chicago, Ill., and Morristown, Tenn., (2) *lumber*, excluding plywood and dimension stock lumber, from points in New Jersey, Maryland, and Alabama, to points in Hamblen County, Tenn., (3) *pastic cover*, in rolls, from Port Clinton, Ohio, and Newburgh, N.Y., to Morristown, Tenn., (4) *wood frame parts and chair frames*, from Tupelo, Miss., Highland Park, Ill., and Sheboygan Falls, Wis., to Morristown, Tenn., (5) *dimension stock lumber*, from Bedford, Pa., and Delphos, Ohio, to Morristown, Tenn., (6) *rubbing lubricants and wax*, in containers, from Racine, Wis., to Morristown, Tenn., (7) *furniture hardware*, in cartons from Jamestown, N.Y., and Rockford, Ill., to Morristown, Tenn., (8) *foam rubber*, from Fall River, Mass., to Morristown, Tenn., and (9) *wood seats*, from Cleveland, Tex., to Morristown, Tenn.; that applicant is fit, willing, and able properly to perform such service to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115841 (Sub-No. 343) (Republication), filed February 19, 1969, published FEDERAL REGISTER issue of March 20, 1969, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). By application filed February 19, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Middlesex and Essex Counties, N.J., to Union City and Jersey City, N.J., and Philadephia, Pa. The application was referred to the examiner for hearing and the recommendation of an appropriate order thereon. Hearing was held on October 21, 1969 at Washington, D.C. A decision and order of the Commission, Review Board Number 1, dated January 9, 1970, and served January 15, 1970, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of confectionary (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Middlesex and Essex Counties, N.J., to points in Alabama, Louisiana, Mississippi, Tennessee, North Carolina, South Carolina, Georgia, Arkansas, Oklahoma, Texas, California, Oregon, Washington, Missouri, Kansas, Nebraska, Iowa, and those in Kentucky on and west of U.S. Highway 127 (except points in Taylor, Greene, and Adair Counties, Ky.), restricted to the transportation of shipments originating at the named origin points and destined to points in the described destination territory; that applicant is fit, willing, and able properly to perform the operation and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129387 (Sub-No. 7) (Republication) filed April 28, 1969, published in the FEDERAL REGISTER issue of May 29, 1969, and republished this issue. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, S. Dak. 57350. Applicant's representative: Mead Bailey, 809 National Bank of South Dakota Building, Sioux Falls, S. Dak. 57102. By report and order entered in the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of the commodities, to and from points substantially as indicated below. An order of the Commission, Division 1, served December 11, 1969, and effective January 12, 1970, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in parts A and C of appendix I to the report in Descriptions in Motor Carrier Certifcates, 61 M.C.C. 209 and 766 (except commodities in bulk, green salted hides, and green salted pelts), from Huron, S. Dak., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, and Wisconsin, restricted to the transportation of shipments originating at Huron, S. Dak., and destined States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129405 (Sub-No. 1) (Republication), filed February 16, 1968, published in the FEDERAL REGISTER issue of February 28, 1968, and republished this issue. Applicant: SQUAMISH TRANSFER LIMITED, 900 West First Street, North Vancouver, British Columbia, Canada. Applicant's representative: H. N. McFadden (same address as applicant). By application filed February 16, 1968, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate

or foreign commerce, as a common carrier by motor vehicle of scrap metal, which because of size and weight, require the use of special equipment, between ports of entry on the international boundary line between the United States and Canada located at Blaine and Sumas, Wash., on the one hand, and, on the other, points in Washington, over irregular routes. The application was referred to Joint Board No. 237 for hearing and recommendation of an appropriate order thereon. An order of the Commission, Joint Board No. 237, effective January 9, 1970, and served January 16, 1970, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in foreign commerce, of *scrap metals* between the ports of entry on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., on the one hand, and, on the other, points in Washington, over irregular routes; that applicant is fit, willing, and able properly to perform such service and to conform to the requirement of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133154 (Sub-No. 2) (Republication), filed April 25, 1969, published in the FEDERAL REGISTER issues of May 15, 1969, and August 21, 1969, and republished this issue. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, Calif. 92335. Applicant's representative: Fred D. Preston, 5820 Wilshire Boulevard, Suite 605, Los Angeles, Calif. 90036. By application filed April 25, 1969, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities, from and to the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated December 31, 1969, and served January 20, 1970, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *fiber and metal drums*, from King City, Pittsburg, and Santa Ana, Calif., to Las Cruces, N. Mex., under a continuing contract with Cal-Compack Foods, Inc., of Santa Ana, Calif.; (2) *mineral wool insulation*, from Fontana, Calif., to points in Arizona and Nevada, under continuing contracts with Mineral Wool Insulation, Fontana, Calif.; (3) *expanded plastic articles*, from Napa, Calif., to points in Arizona and Nevada, under a continuing contract with American Flotations Corp., of Napa, Calif.; and (4) *mineral wool insulation*, from Torrance, Calif., to points in Arizona and Nevada, under a continuing contract with United States Gypsum Co., of Los Angeles, Calif.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134008 (Republication), filed August 18, 1969, published in the FEDERAL REGISTER issue of September 25, 1969, and republished this issue. Applicant: M.E.J. LEASING CORP., Ellenville, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. By application filed August 18, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of wooden articles (broom handles, paint brush handles, ax handles, farm implements and garden handles as used for rakes, hoes and similar implements, wooden dowels, wood moulding, wooden blocks, and laminated flooring); (1) from the Port of New York, N.Y.; Port of Newark, N.J.; Port of Boston, Mass.; Port of Philadelphia, Pa.; and Port of Baltimore, Md., to Ellenville, N.Y.; and (2) from Ellenville, N.Y., to points in New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Maryland, Delaware, Minnesota, Connecticut, Rhode Island, Vermont, and Massachusetts; under contract with Ellenville Handle Works, Inc., and Ellenville Imports, Inc. An order of the Commission, Operating Rights Board, dated December 31, 1969, and served January 20, 1970, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *wooden articles* (1) from points within the New York, N.Y., harbor area, as defined by the Commission in Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto*, 49 CFR 1070.1, and the harbor areas of Boston, Mass., Philadelphia, Pa., and Baltimore, Md., to points in New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Maryland, Delaware, Minnesota, Connecticut, Rhode Island, Vermont, and Massachusetts; and

(2) From Ellenville, N.Y., to points in New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, Maryland, Delaware, Minnesota, Connecticut, Rhode Island, Vermont, and Massachusetts, under a continuing contract with Ellenville Handle Works, Inc., and Ellenville Imports, Inc., of Ellenville, N.Y.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 70083 (Sub-No. 7), Notice of Filing of Petition for Modification and for Leave To File Pursuant to Rule 102), filed January 8, 1970. Petitioner: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, N.J. 03034. Petitioner's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Petitioner states that prior to March 1, 1965, it filed an application, pursuant to the provisions of Special Rules of Procedure Governing Conversion of Irregular Route to Regular Route Motor Carrier Operations, to convert its following irregular-route authority to regular-route authority: "Such commodities as are dealt in by retail department stores, between Philadelphia, Ardmore, Jenkintown, and Upper Darby, Pa., and Camden, N.J., on the one hand, and, on the other, Washington, D.C., points in New Jersey, Delaware, and Maryland, points in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line; and extending along U.S. Highway 11 to Lemoyne, Pa., thence along Interstate Highway 83 (formerly portion U.S. Highway 111) to York, Pa., thence along unnumbered highway (formerly portion of U.S. Highway 111) through Jacobus, Loganville, and Shrewsburg, Pa., to the Pennsylvania-Maryland State line, and points in that part of New York south and east of a line beginning at the New York-Massachusetts State line, and extending along New York Highway 2 to Troy, N.Y., and thence along New York Highway 7 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified." Said petition also states that a certificate was issued on November 28, 1968, incorporating the regular-route authority and the existing irregular-route authority. However, the irregular route

authority was made subject to the following restriction: "Carrier shall not, pursuant to the irregular-route authority, described above, transport shipments moving between any points authorized hereinabove to be served by it in regular-route operations." By the instant petition, petitioner, requests that No. MC 70083 (Sub-No. 7), be modified by adding a further restriction in the regular-route authority against the described retail delivery service and that the restriction with respect to the irregular-route authority, as set forth above be modified so as to read as follows: "Carrier shall not, pursuant to the irregular route authority described above, transport shipments moving between any points authorized hereinabove to be served by it in regular-route operations *except in a retail store delivery service.*" Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10415 (Supplement) (MATLACK, INC. — Control — BONDED FREIGHTWAYS, INC.), published in the March 19, 1969, issue of the FEDERAL REGISTER, on page 5410. Supplement filed January 20, 1970, to show joinder of ROLLINS INTERNATIONAL, INC., and JOHN W. ROLLINS, SR., as additional party applicants; and includes petition to exempt ROLLINS INTERNATIONAL, INC., from the provisions of sections 204(a) (1) and (2), 214 and 220 of Part II of the Interstate Commerce Act.

No. MC-F-10486 (Supplement) (MATLACK, INC.—Control and Purchase—BAGGETT BULK TRANSPORT, INC.), published in the May 28, 1969, issue of the FEDERAL REGISTER, on page 8262. Supplement filed January 20, 1970, to show joinder of ROLLINS INTERNATIONAL, INC., and JOHN W. ROLLINS, SR., as additional party applicants; and includes petition to exempt ROLLINS INTERNATIONAL, INC., from the provisions of sections 204(a) (1) and (2), 214 and 220 of Part II of the Interstate Commerce Act.

No. MC-F-10612 (Supplement) MATLACK, INC.—Control—SOUTHERN TANK LINES, INC. & T. I. McCORMACK TRUCKING CO., INC.), published in the September 17, 1969, issue of the FEDERAL REGISTER, on page 14502, and amendment published in the October 9, 1969, issue on page 17134. Supplement filed January 20, 1970, to show joinder of ROLLINS INTERNATIONAL, INC., and JOHN W. ROLLINS, SR., as additional party applicants.

No. MC-F-10700 (Supplement) MATLACK, INC.—Purchase (Portion)—CHEM-HAULERS, INC.), published in the January 7, 1970, issue of the FEDERAL REGISTER, on page 251. Supplement filed January 20, 1970, to show joinder of ROLLINS INTERNATIONAL, INC., and JOHN W. ROLLINS, SR., as additional party applicants.

No. MC-F-10712. (Correction) (CHEROKEE HAULING & *RIGGINS*, INC.—Purchase—KENZ STEEL TRANSPORT, INC.), published in the January 14, 1970, issue of the FEDERAL REGISTER on page 516. This correction to show CHEROKEE HAULING & *RIGGING*, INC., seeks to *Lease* the operating rights and property of KENZ STEEL TRANSPORT, INC., in lieu of Purchase. Prior notice reads CHEROKEE HAULING & RIGGINS, INC.—Purchase—KENZ STEEL TRANSPORT, INC., and should read CHEROKEE HAULING & RIGGING, INC.—LEASE—KENZ STEEL TRANSPORT, INC.

No. MC-F-10713 (Correction) (POINT EXPRESS, INC.—Purchase (Portion)—CLINE MUNDY), published in the January 7, 1970, issue of the FEDERAL REGISTER on page 516. This notice to show the correct authority sought to be transferred over irregular routes should read: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, over irregular routes, between Bluefield, W. Va., on the one hand, and, on the other, points in Virginia, within 75 miles of Bluefield; and *canned goods*, between Newport and Sevierville, Tenn., and points in Virginia; in lieu of prior notice. The regular route authority stands correct.

No. MC-F-10722. Authority sought for purchase by DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill. 61201, of the operating rights of GENERAL TRANSPORTATION COMPANY, 68 Foster Street, Peabody, Mass. 01960, and for acquisition by GEORGE A. LORENZEN, 2738 Elm Street, Davenport, Iowa 52803, ARTHUR H. LORENZEN, 7821 East Northland Drive, Scottsdale, Ariz. 85251, WAYNE E. DOHRN, 3416 32d Street, Rock Island, Ill. 61201, and CHARLES H. DOHRN, 11200 Eighth E., St. Petersburg, Fla. 33706, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle St., Chicago, Ill. 60603, and Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: *General commodities*, except petroleum products in tank trucks, as a *common carrier*, over regular routes, between Boston, Mass., and Danvers and Beverly, Mass., serving certain intermediate points; and *general commodities*, except petroleum products, in tank trucks, over irregular routes, between points on the above-specified regular routes; and under a certificate of registration, in Docket No. MC-75873 Sub-2, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Missouri, Ohio, Michigan, Indiana, Wisconsin, Minnesota, New York, Massachusetts, Rhode Island, and Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-43421 Sub-42 is a matter directly related.

No. MC-F-10723. Authority sought for purchase by PETCO, INC., INTERSTATE, 7627 Dahlia Street, Commerce City, Colo. 80022, of the operating rights of R. W. BRYAN, doing business as R. W. BRYAN COMPANY, Post Office Box 2246, Grand Junction, Colo. 81501, and for acquisition by LOREN G. MARKLEY, T. M. GLIDEWELL, both of Post Office Box 447, Commerce City, Colo. 80022, and MELTON H. BRYAN, 2000 East Yellowstone, Casper, Wyo. 82601, of control of such rights through the purchase. Applicants' attorney: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Operating rights sought to be transferred: *Road oil*, in bulk, in tank trucks, as a *common carrier*, over irregular routes, between points in that part of Colorado on and west of U.S. Highway 85, on the one hand, and, on the other, points in Utah. Vendee is authorized to operate as a *common carrier* in Wyoming, Colorado, Idaho, North Dakota, Nebraska, South Dakota, and Kansas. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10724. Authority sought for purchase by ECKLEY TRUCKING AND LEASING, INC., Mead, Nebr., of a portion of the operating rights of CRETE CARRIER CORPORATION, Crete, Nebr., and for acquisition by GERALD ECKLEY, also of Mead, Nebr., of control of such rights through the purchase. Applicants' attorney: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Equipment, materials, and supplies* used in the manufacture of metal and fiberglass containers, industrial blenders, dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators, and nurse tank wagons (except commodities in bulk, and those which, by reason of size or weight, require special handling or special equipment), as a *contract carrier*, over irregular routes, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin, to Lenox, Iowa, Beatrice, Nebr., and ports of entry on the United States-Canada boundary line located at or near Detroit, Mich., with restriction: (1)(a) *metal and fiberglass containers, industrial blenders and dump station machines, frankfurter processing machines, sand blasters, truck hoists, tractor stilts, stock tank heaters, farm fertilizer applicators*, and *nurse tank wagons*, and (b) *parts* of the commodities named and (a) above, from Lenox, Iowa, and Beatrice, Nebr., to points in the United States (except points in Alaska, Arizona,

Hawaii, Kentucky, Montana, New Mexico, North Carolina, Tennessee, and Wyoming with restriction;

(2) *Tools, parts, supplies, and partially fabricated products,* utilized in connection with the manufacturing of the commodities named in (1)(a) above, between Lenox, Iowa, Beatrice, Nebr., and the port of entry on the United States-Canada boundary line at or near Detroit, Mich., with restriction; temporary authority sought to be transferred: construction materials, except in bulk, contractors' equipment, engines, hoists, forms, equipment and supplies, for the account of Dravo Corp., as contract carriers, over irregular routes, between Marietta, Ohio, Benton, Ala., Whiskey Bay Bridge Job Site, La., the plantsite of the Dravo Corp., at Neville Island, Pa., and Black River Falls Job Site, Wis., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; and air handing units, makeup air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems, and equipment, materials, and supplies used in the manufacture and production thereof, between Hastings, Nebr., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin, with restriction. (NOTE: Permanent authority applications are pending before the Commission for this temporary authority. ECKLEY TRUCKING AND LEASING, INC., holds no authority from this commission. However, its controlling stockholder GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Post Office Box 156, Mead, Nebr. 68041, is authorized to operate under temporary authority as a contractor carrier in Nebraska, Colorado, Illinois, Iowa, Indiana, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, Wisconsin, Wyoming, Michigan, Ohio, Pennsylvania, New York, Oregon, Washington, and California; and is affiliated with WAHOO TRANSFER, INC., Post Office Box 156, Mead, Nebr. 68041, which is authorized to operate as a *common carrier* in Nebraska and Colorado. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10725. Authority sought for merger into NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151, of the operating rights and property of WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151, and for acquisition by PEPSICO, INC., 500 Park Avenue, New York, N.Y., of control of such rights and property through the transaction. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036, and Richard O. Battles, 1925 National Plaza, Tulsa, Okla. 74151. Operating rights sought to be merged: *Prefabricated buildings,* including component parts of such building when shipped therewith, as a *common carrier,* over irregular routes, between points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin; *truck bodies,* from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia, Wisconsin, and New York; *prefabricated buildings,* from Toledo, Ohio, to points in New Jersey, with restriction; *prefabricated buildings,* including *component parts of such buildings* when shipped therewith (except commodities the transportation of which because of size or weight requires the use of special equipment), from points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Connecticut, Vermont, and Rhode Island, between Hanover, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi; *buildings,* complete, knocked down, or in sections, *including component parts, materials, supplies, and fixtures,* and when shipped with those buildings, *accessories,* used in the erection, construction, and completion thereof, between Hanover, Pa., on the one hand, and, on the other, points in New Jersey and Delaware, between Hanover, Pa., on the one hand, and, on the other, points in Maryland and the District of Columbia;

Prefabricated houses and buildings, prefabricated house and building sections, prefabricated house and building panels, with parts and accessories, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; *dry fertilizer,* in bags, from Fulton, Ill., to points in the Upper Peninsula of Michigan; *building wall or insulating boards, and materials and supplies* used in the installation of building, wall or insulating boards, from the plantsite of the Armstrong Cork Co., at or near Macon, Ga., to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, with restriction; *steel columns, steel joists, steel beams, steel roofing decks, steel shapes, steel trusses, steel sidings, and accessories* of the named commodities when moving as part of the same shipment with the named commodities, from the plantsites of Macomber, Inc., at Canton and Fairhope, Ohio, to points in Alabama, Arkansas, Delaware, Georgia (except points located on and north of U.S. Highway 80), Illinois (except points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, McHenry, Will, and Winnebago Counties, Ill.), Indiana, Iowa, Kentucky, Maryland, Michigan (except points in the Upper Peninsula thereof), Mississippi, Missouri, New Jersey, Pennsylvania, Tennessee, West Virginia, and the District of Columbia, from plantsites of Macomber, Inc., at Canton and Fairhope, Ohio, to points in New York, from Canton, Ohio, to points in Connecticut, Florida, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont;

Boards, building, wall or insulating, and *materials and supplies* used in the installation thereof, from the plantsite and warehouse site of Celotex Corp. in Baraga County, Mich., to points in Alabama, Arkansas, Delaware, Georgia, Illinois (except points in Cook, Du Page, Will, Lake, Kendall, De Kalb, Boone, Kane, Grundy, and La Salle Counties, Ill.), Iowa, Kentucky (except Louisville and Henderson, Ky. and the commercial zones thereof as defined by the Commission), Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and points in Wisconsin west of U.S. Highway 51, from points in Wabash County, Ind., to points in Alabama (except Birmingham, Ala., and points within 65 miles thereof), Arkansas, Delaware, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Tennessee, and the District of Columbia, from points in Ottawa County, Ohio, to points in Alabama (except Birmingham, Ala., and points within 65 miles thereof), Arkansas, Delaware, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, Tennessee, West Virginia, and the District of Columbia, from the plant or warehouse sites of the Celotex Corp. located in Orleans and Jefferson Parishes, La., to points in Alabama (except Birmingham, Ala., and points within 65 miles thereof), Delaware, Georgia, (except Atlanta, Ga., and its commercial zone as defined by the Commission), Maryland, Mississippi, New Jersey, North Carolina, South Carolina, Pennsylvania, Virginia, and the District of Columbia, from points in Orleans and Jefferson Parishes, La., to points in Arkansas, Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, West Virginia, and Wisconsin, with restriction;

Plastic pipe, tubing, conduit, valves, or fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories used in the installation of such products, from the plantsites of Carlon Products Division of Continental Oil Co., located at or near Mantua Portage County, Ohio, and located at or near Clinton, Iowa, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan,

Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, wth restrictions; *heating, cooling and ventilating equipment, cabinets and shelves, wall facing, and materials* used in the installation of heating and air-handling systems, from Holland and Westerville, Ohio, to points in New York, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Texas, Oklahoma, Kansas, Nebraska, Colorado, and New Mexico, with restrictions; *prefabricated buildings*, complete, knocked down, or in sections and *component parts, materials, supplies, and fixtures* when shipped with such buildings, and *accessories* used in the erection, construction, and completion thereof, from Des Moines and Clarinda, Iowa, to points in Kansas, Nebraska, Minnesota, and South Dakota, with restriction; and *building board, wall board, insulating board, and composition board, and parts, materials and accessories incidental thereto* (except lumber and except commodities in bulk), from Lagro and Wabash, Ind., to points in Florida and Georgia. NATIONAL TRAILER CONVOY, INC. is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: NATIONAL TRAILER CONVOY, INC., controls WHITEHOUSE TRUCKING, INC., pursuant to authority granted December 8, 1966, in MC–F–9507, by Finance Board No. 1, and consummated December 22, 1966.

No. MC–F–10726. Authority sought for purchase by CENTRAL MOTOR EXPRESS, INC., Post Office Drawer C, Campbellsville, Ky. 42718, of a portion of the operating rights of McDUFFEE MOTOR FREIGHT, INC., 1600 Oliver Avenue, Indianapolis, Ind. 46221, and for acquisition by HENRY A. BUCHANAN, JR., Campbellsville, Ky., of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101, and Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between points in Kentucky, serving all intermediate points in Marion County, off-route points in Marion County within 3 miles of the specified routes, and the off-route points of Dants and Calvary, Ky., between points in Kentucky, serving all intermediate points, between Lebanon, Ky., and the junction of Kentucky Highway 61 with the Green-Adair County line, serving all intermediate points and the off-route points within 3 miles of the specified route, except that no freight may be transported from or to Louisville, Ky., proper or the Louisville, Ky., gateway, between Campbellsville, Ky., and the Taylor-Adair County, Ky., line, serving all intermediate points; and the off-route points within 3 miles of the specified route, except that no freight may be transported from or to Louisville, Ky., proper, or the Louisville, Ky., gateway, between Lebanon, Ky., and the Casey-Russell County, Ky., line, serving the intermediate point of Bradfordville, Ky., and those between Bradfordville and Lebanon and serving Liberty, Ky., for purposes of joinder only, between the junction of U.S. Highway 127 with the Boyle-Lincoln County lines near Shelby City, Ky., and the junction of the Casey-Russell County line south of Dunnville, Ky., serving all intermediate points and the off-route points within 5 miles of the described route south of the Lincoln-Boyle County, Ky., line, between Louisville, Ky., and the junction of Kentucky Highway 61 with the Green-Adair County line, between Louisville, Ky., and Springfield, Ky., serving the intermediate points of Bardstown, Ky., and those between Bardstown and Springfield and points within 5 miles of U.S. Highway 150 between Bardstown and Springfield, Ky., and the junction of U.S. Highway 150 with the Boyle-Washington County, Ky., line, serving all intermediate points and off-route points within 3 miles of the described route, between Lebanon, Ky., and the junction of Kentucky Highway 152 with Washington-Mercer Counties, Ky., line, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Missouri, Ohio, Tennessee, Alabama, Kentucky, Georgia, Louisiana, Mississippi, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10727. Authority sought for purchase by CITY EXPRESS, INC., 2006 North Bloomington Street, Streator, Ill. 61364, of the operating rights of BRUNTON STORAGE & VAN CO., INC., 2006 North Bloomington Street, Streator, Ill. 61364, and for acquisition by RINGLE FARMS, INC., 2006 North Bloomington, Streator, Ill., and in turn by GLEN RINGLE, 4 Bourbon Street, Streator, Ill., of control of such rights through the purchase. Applicants' attorney: Robert H. Levy, 29 South La Salle Street, Suite 730, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120636 Sub-1, covering the transportation of property, as a common carrier in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, Indiana, Michigan, Missouri, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–48441 Sub-7 is a matter directly related.

No. MC–F–10728. Authority sought for purchase by HOPPER TRUCK LINES, 2800 West Bayshore Road, Palo Alto, Calif. 94303, of a portion of the operating rights and certain property of C–B TRUCK LINES, INC., Post Office Box 26276, El Paso, Tex. 79115. Applicants' attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transfered: (This authority was granted pursuant to order in MC–F–10215, by Review Board No. 5, dated November 19, 1968, and consummated January 1, 1969, and certificate not yet issued) *General commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular routes, between Silver City, N. Mex., and El Paso, Tex., serving all intermediate points between Silver City, N. Mex., and Deming, N. Mex., including Deming, without restrictions; all intermediate points between Deming, N. Mex., and El Paso, Tex., inclusive, and the off-route point of Wemple, N. Mex., restricted against the transportation of household goods as defined by the Commission; and the off-route point of Fort Bayard, N. Mex., restricted against the transportation of classes A and B explosives and commodities in bulk; and *general commodities*, between Silver City, N. Mex., and Lordsburg, N. Mex., serving all intermediate points, between Silver City, N. Mex., and Reserve, N. Mex., serving all intermediate points, and the off-route point of Mogollon, N. Mex. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10729. Authority sought for purchase by RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153, of the operating rights and property of INDUSTRIAL TRUCKING, INC., 4236 Kanawha Turnpike, Charleston, W. Va. 25303, and for acquisition by BILL BUMGARDNER, also of Salem, Va., of control of such rights and property through the purchase. Applicants' representative: Robert G. Perry, Suite 1701, Charleston National Plaza, Charleston, W. Va. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120390 Sub-No. 1, covering the transportation of commodities generally, as a common carrier, in intrastate commerce, within the State of West Virginia. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Pennsylvania, Illinois, Indiana, New Jersey, North Carolina, Delaware, West Virginia, Maryland, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10730. Authority sought for purchase by POWERS TRANSPORTATION, INC., Storm Lake, Iowa, of a portion of the operating rights of COMMERCIAL FREIGHT LINES, INC., 4200 Gardner Street, Kansas City, Mo., and for acquisition by WORSTER-IOWA, INC., East Main Road, North East, Pa., and in turn by, WORSTER MOTOR LINES, also of North East, Pa., and DAVID B. WORSTER, West Lake Road, North East, Pa., of control of such rights through the purchase. Applicants' attorney: William W. Knox, 23 West 10th

Street, Erie, Pa. 16501. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C or appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), as a *common carrier* over irregular routes, from the plantsite of Armour and Co., near Worthington, Minn., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska, with restriction; from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Illinois, Kansas, Missouri, and Wisconsin, with restriction; from Sioux City, Iowa, to points in Illinois, Wisconsin, Missouri, Kansas, Oklahoma, Iowa, and Indiana (except Chicago, Ill., and points in Illinois and Indiana in its commercial zone as defined by the Commission), with restriction. Vendee is authorized to operate as a *common carrier* in Iowa, New York, North Dakota, South Dakota, Nebraska, Ohio, Michigan, Minnesota, Kansas, Missouri, Arkansas, Wisconsin, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10731. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City, Mo. 64114, of the operating rights of AMERICAN CARTAGE COMPANY, 2702 South Maple, Fresno, Calif. 93725, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kans., of control of such rights through the purchase. Applicants' attorneys: Richard K. Andrews, 1500 Commerce Trust Building, Kansas City, Mo. 64106, David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, and Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120642 Sub-1, covering the transportation of general commodities, as a common carrier, in intrastate commerce within the State of California. Vendee is authorized to operate as a *common carrier* in Kansas, Oklahoma, Missouri, Texas, Indiana, Michigan, Illinois, Ohio, and Kentucky. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-112713 Sub-120 is a matter directly related.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1051; Filed, Jan. 27, 1970; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 23, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 3279, Sub-1, filed December 29, 1969. Applicant: BROWN FREIGHT LINE, INC., 122 Tredco Drive, Post Office Box 8807, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: *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 Nashville and Manchester, Tenn., via U.S. Highway 41 and Interstate Highway 65, serving no intermediate points, for operating convenience only. Both intrastate and interstate authority sought.

HEARING: Wednesday, March 4, 1970, at 9:30 a.m., at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. A 51541, filed December 9, 1969. Applicant: J. D. DRAYAGE CO., 320 De Haro Street, San Francisco, Calif. 94103. Applicant's representative: Marquam C. George, 401 South Hartz Avenue, Danville, Calif. 94526. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (a) Between San Francisco and San Jose and all points intermediate thereto, and between said intermediate points via U.S. Highway 101, State Highway 82 and Interstate Highway 280, (b) Between San Jose and Los Gatos and all points intermediate thereto, and between said intermediate points via State Highway 17. (c) Between Los Gatos and Sunnyvale and all points intermediate thereto, and between said intermediate points via State Highways 9 and 85. (d) Between San Jose and Oakland and all points intermediate thereto, and between said intermediate points via State Highway 17, State Highway 238, Interstate Highway 580 and U.S. Highway 50. (e) Between San Francisco and Vallejo and all points intermediate thereto, and between said intermediate points via Interstate Highway 80. (f) Between Vallejo and Fremont and all points intermediate thereto, and between said intermediate points via Interstate Highway 680. (g) Between San Leandro and Livermore and all points intermediate thereto, and between said intermediate points via Interstate Highway 580 and U.S. 50.

(h) Between Livermore and Pleasanton and all points intermediate thereto and between said intermediate points via State Highway 84 and Stanley Boulevard. (i) Between all points and places within the county of Contra Costa. (j) Between any and all routes and points set forth in paragraphs (a) through (i) inclusive. (k) Between all points and places within 5 miles of the routes and points set forth in paragraphs (a) through (i). (l) For operating convenience only, all roads, streets and highways connecting the above points and routes. Subject to the restrictions that no transportation shall be performed of the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4-B. (b) Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (c) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (d) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. (e) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (f) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-1048; Filed, Jan. 27, 1970; 8:47 a.m.]

[Notice 12]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 22, 1970.

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 25798 (Sub-No. 206 TA), filed January 6, 1970. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). 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 *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), from Sioux Falls and Madison, S. Dak., to points in Georgia, Florida, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57103. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 30844 (Sub-No. 308 TA), filed January 6, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes, 2125 Commercial Street, Waterloo, Iowa 50704. 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, in tank vehicles, and hides), from St. Paul, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Armour & Co., Chicago, Ill. (A. Chute, Manager, Transportation Distribution, Service Department). Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 64600 (Sub-No. 39 TA), filed January 8, 1970. Applicant: WILSON TRUCKING CORPORATION, Post Office Box 1067, Waynesboro, Va. 22980. Applicant's representative: Harry J. Jordan, 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 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 Lake Monticello, Va., as an off-route point in connection with applicant's regular-route authority between Richmand, Va., and Charlottesville, Va., between Charlottesville, Va., and Lake Monticello, Va., over Virginia Highway 53, for 180 days. NOTE: Applicant states that it intends to tack authority sought with that held in Sub No. 26. Supporting shipper: Faulconer Construction Co., Inc., National Bank Building, Charlottesville, Va., Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 76032 (Sub-No. 250 TA), filed January 6, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Salina, Kans., and Hutchinson, Kans., as an alternate route for operating convenience only, from Salina over U.S. Highway 81 to McPherson, Kans., thence over Kansas Highway 61 to Hutchinson, and return over the same route, serving Salina for purposes of joinder only, for 180 days. NOTE: Applicant states it does intend to tack the authority with MC 76032 at Salina and with MC 76032 Sub 126 at Hutchinson. Supporting shipper: Paul Booth, Director of Safety and Personnel, Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver, Colo. 80223. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 97310 (Sub-No. 7 TA), filed January 5, 1970. Applicant: BELL TRANSFER COMPANY, INC., Third Avenue and Railroad Street, Meridian, Miss. 39301. Applicant's representative: E. Grady Jolly, Jr., Post Office Box 2366, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except in tank vehicles, between Vicksburg, Miss., and Birmingham, Ala., from Vicksburg over U.S. Highway 80 (also over Interstate Highway 20) to junction combined Interstate Highway 20 and 59, thence over combined Interstate Highway 20 and 59 (also U.S. Highway 11) to Birmingham, and return over the same route, serving all intermediate points and the off-route points of Raymond, Miss., and Adamsville, Mulga, Westfield, Woodward, Bessemer, Shannon, Ishkooda, Vestavia Hills, Irondale, Alton, Tarrant City, Watson, Leeds, Brookside, Oxmoor, Docena, Edgewater, Dolomite, Fairfield, Brighton, Smythe, Spaulding, Homewood, Overton, Center Point, Fultondale, Trussville, Pinson, Wenonah, Pelham, Bay View, Pleasant Grove, Hueytown, Midfield, Lipscomb Redding, Magella, Mountain Brook, Weems, Sayreton, Argo, Gardendale, Huffman, located within 15 miles of Birmingham, Ala., for 180 days. NOTE: Applicant intends to tack MC 97130, at Jackson and Birmingham, Ala. Supporting shippers: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 105045 (Sub-No. 22 TA), filed January 5, 1970. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Clyde R. Jeffries (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (which because of size and weight require the use of special equipment), from Harvey Aluminum plantsite, Hancock County, Ky.; Minneapolis-St. Paul, Minn., commercial zone including the right to perform partial dropoffs in Burlington, La Crosse, and Milwaukee, Wis., and Forest City and Des Moines, Iowa, for 180 days. NOTE: Applicant states that it presently has authority in both Iowa and Wisconsin from Hancock County, Ky., and would like to have this information published in the FEDERAL REGISTER in order that protestants may know that no new authority is being sought to those two States. Supporting shipper: Harvey Aluminum, Inc., 19200 South Western Avenue, Torrance, Calif. 90509. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 112822 (Sub-No. 145 TA), filed January 7, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Denver, Colo., to points in Arkansas, Kansas, Missouri, Texas, Oklahoma, and

New Mexico, serving Denver for purposes of interchange only; and (2) from Fort Morgan, Ovid, and Sterling, Colo., to points in Arkansas, Kansas, Missouri, Texas, Oklahoma and New Mexico, serving Denver for purposes of interchange only, for 180 days. NOTE: Applicant intends to interline traffic and interchange equipment under the requested temporary authority at Denver, Colo., for the through transportation of shipments of sugar originating at Eaton, Greeley, Louveland, Longmont, Brighton, Johnstown, Windsor, Sterling, Ovid, and Fort Morgan, Colo., and destined to points in Arkansas, Kansas, Missouri, Texas, Oklahoma, and New Mexico. Applicant has been previously transporting this same traffic over an interchange at Rocky Ford, Colo., from which point the applicant is presently authorized to transport the traffic in question to the presently involved destination States. The purpose of this application is to continue an existing operation by changing the interchange point from Rocky Ford, Colo., to Denver, Colo., as well as to eliminate the interchange on shipments originating at Fort Morgan, Ovid and Sterling, Colo., for 180 days. Supporting shipper: Richard T. Mozinski, Assistant Traffic Manager, Great Western Sugar Co., 1530 16th Street, Denver, Colo. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 117568 (Sub-No. 4 TA), filed January 8, 1970. Applicant: KEMPT TRUCK LINES, INC., Post Office Box 1047 Joplin, Mo. 64801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbo-nitrate*, in bulk, in self-unloading equipment, from plant of Gulf Oil Corp. near Hallowell, Kans., to Roger County Mine at or near Chelsea, Okla., and Craig County Mine at or near Vinita, Okla., for 150 days. Supporting shipper: Gulf Oil Co.—U.S., Dwight Building, Kansas City, Mo. 64105. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125140 (Sub-No. 10 TA), filed January 9, 1970. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy by products, fruit juices and fruit drinks*, from Rockford, Ill., to points in Illinois, Indiana, Iowa, Missouri, Wisconsin, Minnesota, and points in that part of Michigan on and south of U.S. Highway 10, for 180 days. Supporting shipper: Bowman Dairy Sales Co., 3600 North River Road, Franklin Park, Ill. 60131. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 129636 (Sub-No. 2 TA), filed January 7, 1970. Applicant: SEQUOYAH TRANSPORTATION COMPANY, INC., 505 Northeast Seventh Street, Anadarko, Okla. Applicant's representative: James H. Savage (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Supplies, materials, and equipment* used in the manufacture and production of carpeting, carpet padding, yarn, new furniture and lamps, between points in Oklahoma; Houston, Tex.; and Wapato, Wash., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, for 180 days. Supporting shipper: Leon Carver, Sequoyah Industries, Inc., 505 Northeast Seventh Street, Anadarko, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

MOTOR CARRIER OF PASSENGERS

No. MC 109312 (Sub-No. 39 TA), filed January 6, 1970. Applicant: DE CAMP BUS LINES, 30 Allwood Road, Clifton, N.J. 07014. Applicant's representative: James Massoth, 1180 Raymond Boulevard, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers*, between Livingston, N.J., and Morristown, N.J., from the site of the General Offices of the Foster Wheeler Corp., on South Orange Avenue in Livingston, N.J., over South Orange Avenue to Columbia Turnpike, thence over Columbia Turnpike to Columbia Road, thence over Columbia Road to the junction of Columbia Road and Morris Avenue in Morristown, N.J., return over the same route, serving the intermediate point of the site of the offices of the Allied Chemical Corp., on Columbia Road in Morris Township, N.J., for 150 days. NOTE: Applicant states it proposes to tack extension of route to the present authority in order to provide direct service between New York, N.Y., and Allied Chemical Corp., in Morris Township, N.J. Supporting shipper: Alfonso A. Cubias, 1151 Stratford Avenue, Bronx 72, N.Y., and 13 other passengers. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-1052; Filed, Jan. 27, 1970; 8:47 a.m.]

[Notice 13]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1970.

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 2962 (Sub-No. 40 TA), filed January 8, 1970. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert M. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving plantsites and facilities owned or leased by Peabody Coal Co., in Henderson and Union Counties, Ky., as off-route points in connection with carrier's regular route operations, for 180 days. NOTE: Applicant states it intends to tack with MC 2962 and interline at all gateway points. Supporting shipper: Peabody Coal Co., 301 North Memorial Drive, St. Louis, Mo. 63102. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 114273 (Sub-No. 56 TA), filed January 8, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, packinghouse products*, as defined in section A and C of appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from the plantsite and the facilities of Meats, Inc., at St. Cloud, Minn., to points in Connecticut; Colorado, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan,

Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Meats, Inc., 14th Street and Third Avenue South, St. Cloud, Minn. 56301. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 116626 (Sub-No. 5 TA), filed January 2, 1970. Applicant: C. W. EANES, Route 1, Box 6, Gretna, Va. 24557. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery, parts and attachments*, from points in Pennsylvania to points in Virginia, for 180 days. Supporting shippers: There are approximately (12) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 117883 (Sub-No. 131 TA), filed January 8, 1970. Applicant: SUBLER TRANSFER, INC., Post Office Box 62, 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in 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, in tank vehicles and except hides, from points in the Omaha, Nebr., and Council Bluffs, Iowa, commercial zone to points in Ohio, Indiana, Michigan, Pennsylvania, New York, New Jersey, Maine, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Virginia, West Virginia, Delaware, Maryland, and Washington, D.C., for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, Iowa 55501. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134167 (Sub-No. 1 TA), filed January 12, 1970. Applicant: MARY AGNES DONAHUE, doing business as DONAHUE TRUCKING CO., 12725 West Stark Street, Butler, Wis. 53007. Applicant's representative: Charles C. Hiken, 135 West Wells Street, Room 717, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hospital material and supplies*, from Jackson, Wis., to Northfield, Ill., and from Northfield, Ill., to Jackson and Milwaukee, Wis., for 150 days. Supporting shipper: Will Ross, Inc., 4285 North Port Washington Road, Milwaukee, Wis., 53212 (J. J. Hanus, Corporate Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134181 (Sub-No. 1 TA), filed January 8, 1970. Applicant: DOWNTOWN TRANSFER CO., 4206 North Maryland Street, Portland, Oreg. 97217. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, Oreg. 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, loose or on skids or mixed shipments of household appliances*, loose or on skids and *household appliances* in boxes or crates; *radio, phonograph and television sets and related articles*, loose; *furniture, including mattresses and box springs*, wrapped or loose, between wholesale and retail stores and warehouses in Multnomah, Clackamas, and Washington Counties, Oreg., on the one hand, and on the other hand, retail purchasers, contractors and retail stores in Clark and Cowlitz Counties, Wash., for 180 days. Supporting shippers.: J. C. Penny Co., Inc., 1500 Northeast Irving, Portland, Oreg. 97232; King Size Sleep Center, 114 Southeast Western, Beaverton, Oreg. 97005; General Electric Co., 14305 Southwest Millikan Way, Beaverton, Oreg. 97005; Villa Mart Department Stores, 200 Southeast Western Avenue, Beaverton, Oreg. 97005; Smith's Home Furnishings, Inc., 3016 Southeast Division, Portland, Oreg. 97202. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 134248 (Sub-No. 1 TA), filed January 12, 1970. Applicant: FREEZONE TRUCKING & TRANSPORTATION CO., INC., 1234 Paterson Plank Road, Secaucus, N.J. 07094. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household gas and electrical appliances and equipment therefor*, between the warehouse of Freezone Warehouse Co., Inc., Secaucus, N.J., on the one hand, and, on the other, points in Nassau and Westchester Counties, beyond the New York, N.Y., exempt zone as defined by the Interstate Commerce Commission in Ex Parte MC 37, and points in Rockland, Orange, and Suffolk Counties, N.Y., for 150 days. Supporting shipper: Apollo Distributing Co., 10 Commerce Drive, Cranford, N.J. 07016. Send protests to: District Supervisor Walter J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134264 (Sub- No. 1 TA), filed January 12, 1970. Applicant: OCKENFEL's TRANSFER, INC., Post Office Box 3, Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic drainage tubing*, from Iowa City, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Advanced Drainage Systems, Inc., Post Office Box 912, Iowa City, Iowa 52440. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, Iowa 52801.

No. MC 134267 TA, filed January 12, 1970. Applicant: GRAHAM TRUCKING CORP., Post Office Box 488, Morgan, Utah 84050. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from Morgan, Utah, to points in Washington, Oregon, California, Arizona, Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Kansas, Illinois, Indiana, Alabama, and Louisiana; *raw materials (polyethylene, ABS, polystyrene, and PVC, plus fittings)*, from points in Virginia, Illinois, Indiana, Louisiana, California, and Texas, to Morgan, Utah, for 180 days. Supporting shipper: Four D West, Inc., Post Office Box 488, Morgan, Utah 84050 (R. E. Woodrum, President). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 134268 TA, filed January 12, 1970. Applicant: ROBERT B. McCLELLAN, JR., doing business as FLORIDA CARPET TRANSPORT, 1106 Mount Vernon Drive, Orlando, Fla. 32803. Applicant's representative: Richard J. Brooks, Post Office Box 1531, 313 North Monroe Street, Tallahassee, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, rugs, and paddings for same and samples* (except commodities in bulk, in tank vehicles, or which require special handling or equipment), from points in hWitfield, Murray, Gordon, Floyd, Fulton, DeKalb, Bartow, Chattooga, Walker, Dade, and Catoosa Counties, Ga., to points in Volusia, Seminole, Orange, Osceola, and Brevard Counties, Fla., for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–1053; Filed, Jan. 27, 1970; 8:47 a.m.]

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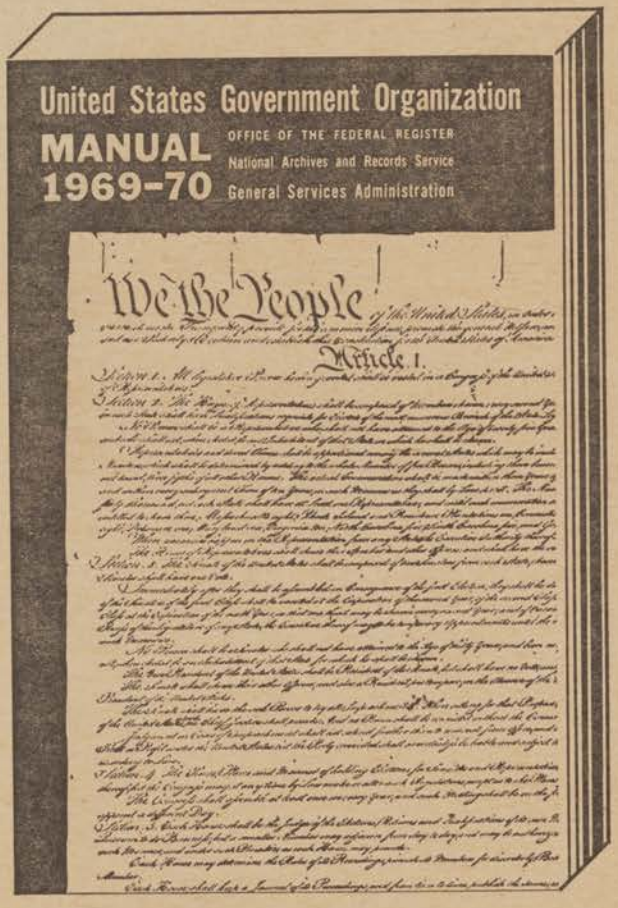

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