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Title 7—AGRICULTURE

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

[Navel Orange Reg. 201]

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

Limitation of Handling

§ 907.501 Navel Orange Regulation 201.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 17, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 20, 1970, through March 26, 1970, are hereby fixed as follows:

(i) District 1: 1,040,000 cartons;

(ii) District 2: 260,000 cartons;

(iii) District 3: Unlimited.

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

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

Dated: March 18, 1970.

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

[F.R. Doc. 70-3418; Filed, Mar. 18, 1970; 11:46 a.m.]

[Valencia Orange Reg. 303]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.603 Valencia Orange Regulation 303.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Valencia Orange Administrative Committee reflects its appraisal of the 1970 Valencia orange crop and the prospective marketing factors affecting the supply of and demand for Valencia oranges. The volume of the developing Valencia orange crop in District 1 and District 3 and the size of the fruit are such that the size requirements, hereinafter specified, are necessary to (i) establish and maintain returns to producers consistent with the declared policy of the act by preventing the shipment of less desirable oranges to fresh market outlets, and (ii) provide consumers with oranges of the most desirable sizes.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 10, 1970.

(b) *Order.* (1) During the period March 20, 1970, through January 31, 1971, no handler shall handle:

(i) Any Valencia oranges grown in District 1 or in District 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter; or

(ii) Any Valencia oranges grown in District 1 or in District 3 which are of a size larger than 3.50 inches in diameter, which shall be the largest measurement

at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 10 percent, by count, of the oranges in any type of container may measure larger than 3.50 inches in diameter.

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

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

Dated: March 17, 1970.

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

[F.R. Doc. 70-3352; Filed, Mar. 18, 1970; 8:49 a.m.]

[Valencia Orange Reg. 304]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.604 Valencia Orange Regulation 304.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 17, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 20, 1970, through March 26, 1970, are hereby fixed as follows:

(i) District 1: 6,000 cartons;
(ii) District 2: Unlimited;
(iii) District 3: 150,000 cartons.

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

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

Dated: March 18, 1970.

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

[F.R. Doc. 70-3417; Filed, Mar. 18, 1970; 11:46 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:

In § 76.2, in paragraph (e)(18) relating to the State of Texas, subdivision (x) relating to Lubbock County is deleted.

(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 amendment shall become effective upon issuance.

This amendment excludes a portion of Lubbock County in Texas from the areas heretofore quarantined because of hog cholera. Therefore, 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 not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76, will apply to the excluded area.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of March 1970.

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

[F.R. Doc. 70-3323; Filed, Mar. 18, 1970; 8:48 a.m.]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;

Delaware. The entire State;
Florida. Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Putnam, Santa Rosa, Sarasota, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Andrews, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fisher, Floyd, Foard, Freestone, Gaines, Garza, Gillespie, Glasscock, Gray, Gregg, Guadalupe, Hale, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hays, Hemphill, Hidalgo, Hill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Madison, Marion, Martin, Mason, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Tyler, Upshur, Upton, Uvalde, Val Verde, Ward, Washington, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

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

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): the entire State of Louisiana; Douglas County in South Dakota; Bowie, Denton, and Jefferson Counties in Texas.

Cheyenne County in Colorado was deleted from the list of areas designated as modified certified brucellosis areas on January 3, 1970, because it was determined that such county no longer came within the definition of § 78.1(i); the amendment restores Cheyenne County to such list because it has been determined to come within the definition of § 78.1(i), thereby restoring the entire State of Colorado to the modified certified brucellosis areas. The following three counties in Texas were deleted from the modified certified brucellosis areas listing on the following dates: Floyd, January 3, 1970; Lynn, January 3, 1970; and Milam, November 4, 1969. Since said dates it has been determined that such counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as modified certified brucellosis areas.

The amendment deletes Hall County in Texas from the list of areas designated as modified certified areas because it has been determined that such area no longer comes within the definition of § 78.1(i).

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of March 1970.

ROBERT S. SHARMAN,
Acting Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 70-3324; Filed, Mar. 18, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10062; Amdt. 39-958]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault/Sud-Aviation Fan Jet Falcon Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) requiring replacement of the existing P/N 1475–7 relay with a contractor on the Microturbo Saphir I and II APU's on Avions Marcel Dassault/Sud-Aviation Fan Jet Falcon airplanes was published in the FEDERAL REGISTER, 35 F.R. 630.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT/SUD-AVIATION. Applies to all series Fan Jet Falcon airplanes with Microturbo Saphir I and II APU's installed.

Compliance is required within the next 75 hours of APU operation, unless already accomplished.

To prevent a fire hazard due to continued operation of the APU oil pump motor after APU shutdown, replace Equipment Construction Electrique (ECE) relay P/N 1475–7 with

ECE contractor P/N 100CC01-A in accordance with Microturbo Saphir I Service Bulletin 49.10.39, dated September 30, 1969; or Microturbo Saphir II Service Bulletin 49.-11.08, Revision No. 1, dated September 30, 1969, as applicable, or later SGAC-approved issues, or FAA-approved equivalents.

This amendment becomes effective April 18, 1970.

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

Issued in Washington, D.C., on March 13, 1970.

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

[F.R. Doc. 70-3312; Filed, Mar. 18, 1970; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1697]

PART 13—PROHIBITED TRADE PRACTICES

Belk-Hudson Co., Inc., and Yates C. Dellinger

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-30 Fur Products Labeling Act; 13.30-75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-10 Fur Products Labeling Act; 13.73-90 Textile Fiber Products Identification Act; § 13.155 *Prices:* 13.155-70 Percentage savings; 13.155-100 Usual as reduced, special, etc. Subpart—Invoicing products falsely; § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling; § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 70, 69f) [Cease and desist order, Belk-Hudson Co., Inc., et al., Gadsden, Ala., Docket C-1697, Feb. 24, 1970]

In the Matter of Belk-Hudson Co., Inc., a Corporation, and Yates C. Dellinger, Individually and as an Officer of Said Corporation

Consent order requiring a Gadsden, Ala., retail store to cease misbranding and falsely invoicing its fur products, and falsely advertising its fur and textile fiber products.

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

It is ordered, That respondents Belk-Hudson Co., Inc., a corporation, and its officers, and Yates C. Dellinger, individually and an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondents former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondents on a regular basis for a reasonably substantial period of time in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondents.

6. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

7. Falsely or deceptively represents that the price of any such fur product is reduced.

8. Misrepresents directly or by implication through percentage savings claims that the price of any such fur product is reduced to afford the purchaser of such fur product the percentage of savings stated.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That respondents Belk-Hudson Co., Inc., a corporation, and its officers, and Yates C. Dellinger, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely or deceptively advertising any textile fiber product by:

1. Making any representation, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in a textile fiber product need not be stated.

2. Using a fiber trademark in advertising such textile fiber product without a full disclosure of the required content information in at least one instance in said advertisement.

3. Using a fiber trademark in advertising such textile fiber product containing more than one fiber without such fiber trademark appearing on the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising such textile fiber product containing only one fiber without such fiber trademark appearing at least once in the said advertisement, in immediate proximity and conjunction with the generic name of the fiber and in plainly legible and conspicuous type or lettering.

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

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

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

Issued: February 24, 1970.

By the Commission.

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

[F.R. Doc. 70-3285; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. C-1699]

PART 13—PROHIBITED TRADE PRACTICES

H. G. Gitters, Inc.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, H. G. Gitters, Inc., New York, N.Y., Docket C-1699, Feb. 26, 1970]

In the Matter of H. G. Gitters, Inc., a Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing and deceptively guaranteeing its fur products.

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

It is ordered, That H. G. Gitters, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," and "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing directly or by implication on a label that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Failing to set forth on an invoice the item number or mark assigned to such fur product.

It is further ordered, That respondent H. G. Gitters, Inc., a corporation, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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

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

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

Issued: February 26, 1970.

By the Commission.

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

[F.R. Doc. 70-3287; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. C-1698]

PART 13—PROHIBITED TRADE PRACTICES

J & L Kessler, Inc.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, J & L Kessler, Inc., New York, N.Y., Docket No. C-1698, Feb. 24, 1970]

In the Matter of J & L Kessler, Inc., a Corporation.

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

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

It is ordered, That respondent J & L Kessler, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act and in accordance with the requirements of Rules 8, 19(g), 29(b) and 40 of the rules and regulations promulgated under the said Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act and in accordance with the requirements of Rules 4, 8, 19(g) and 40 of the rules and regulations promulgated under the said Act.

It is further ordered, That respondent J & L Kessler, Inc., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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

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

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

Issued: February 24, 1970.

By the Commission.

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

[F.R. Doc. 70-3286; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. C-1695]

PART 13—PROHIBITED TRADE PRACTICES

Levitt-Parras, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Levitt-Parras, Inc., et. al., New York, N.Y., Docket C-1695, Feb. 24, 1970]

In the Matter of Levitt-Parras, Inc., a Corporation, and Samuel Levitt and Charles Parras, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

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

It is ordered, That respondents Levitt-Parras, Inc., a corporation, and its officers, and Samuel Levitt and Charles Parras, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondents Levitt-Parras, Inc., a corporation, and its officers, and Samuel Levitt and Charles Parras, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

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

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

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

Issued: February 24, 1970.

By the Commission.

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

[F.R. Doc. 70-3288; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. C-1696]

PART 13—PROHIBITED TRADE PRACTICES

Tippy Togs of Miami, Inc., and Norman Reinhard

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Indentification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Tippy Togs of Miami, Inc., et al., Miami, Fla., Docket C-1696, Feb. 24, 1970]

In the Matter of Tippy Togs of Miami, Inc., a Corporation, and Norman Reinhard, Individually and as an Officer of Said Corporation

Consent order requiring a Miami, Fla., manufacturer of children's clothing to

cease misbranding its textile fiber products and failing to maintain required records.

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

It is ordered, That respondents Tippy Togs of Miami, Inc., a corporation, and its officers, and Norman Reinhard, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Setting forth on the label or elsewhere on the product nonrequired information so as to interfere with, minimize, detract from, or conflict with the required information or to be false or deceptive as to fiber content.

4. Failing to make a disclosure on the required label on or affixed to textile fiber products composed of two or more sections of different fiber composition, in such a manner as to show the fiber composition of each section in all instances where such disclosure is necessary to avoid deception.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

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

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

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

Issued: February 24, 1970.

By the Commission.

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

[F.R. Doc. 70-3289; Filed, Mar. 18, 1970; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-335; Order 360-B]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Annual Reports of Class A and B Natural Gas Companies

MARCH 11, 1970.

Order suspending detailed reporting requirements of FPC Form No. 2 "Natural Gas Reserves Available From Purchase Agreements" for reporting years 1969 and 1970.

By Commission orders issued in this proceeding on March 6, 1968, 39 FPC 229, 33 F.R. 4460, March 13, 1968, and again on March 6, 1969, 41 FPC 223, 34 F.R. 5223, March 14, 1969, we suspended the detailed reporting requirements of the schedule "Natural Gas Reserves Available From Purchase Agreements" (Page 550 of FPC Form No. 2 as prescribed by 18 CFR 260.1) for the years 1967 and 1968 because, among other reasons, the reportable data, i.e., natural gas reserves correlated to producer rate schedules, are a part of our natural gas reserves review program in proceeding on a revised FPC Form No. 15, which has not yet been adopted by the Commission. See Total Gas Supply of Natural Gas Pipeline Companies—Annual Report—FPC Form No. 15, Docket No. R-308, notice of proposed rulemaking, issued November 13, 1968, 33 F.R. 17195, November 20, 1968. For this reason, it is appropriate that the present Form 2 requirement for the detailed reporting of the schedule—page 550 data be suspended for the years 1969 and 1970 and that the pipeline respondents again be required to compile such data in workpaper form only, as herein ordered.

The Commission orders:

(A) In FPC Form No. 2, prescribed by § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, the detailed requirements of the schedule "Natural Gas Reserves Available From Purchase Agreements" are suspended for the reporting years 1969 and 1970 on the conditions specified below:

(1) Respondents will report, on page 550 of the Form 2 entitled, "Natural Gas Reserves Available From Gas Purchase Agreements," estimated total Mcf of recoverable pipeline gas available to respondent at the end of years 1969 and 1970, by the following account numbers:

800 Natural gas wellhead purchases.
801 Natural gas field line purchases.
802 Natural gas gasoline plant outlet purchases.
803 Natural gas transmission line purchases.
804 Natural gas city gate purchases.
805 Other gas purchases.

(2) Respondents shall maintain documents reflecting the suspended detail data related to the estimated total Mcf reported in subparagraph (A)(1) above.

(B) The abridged Form 2, page 550, reporting requirement as set out in ordering paragraph (A) shall be effective upon the issuance of this order and is prescribed, subject to further Commission order, for the reporting years 1969 and 1970.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-3274; Filed, Mar. 18, 1970; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.616]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Priority Dates

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to make §§ 42.61 and 42.62 conform with procedural changes made by the Department of Labor and the Immigration and Naturalization Service.

1. Paragraph (a)(3) of § 42.61 is amended as follows:

§ 42.61 Consular records of visa applications.

(a) * * *

(3) Has satisfied the consular officer or an officer of the Immigration and Naturalization Service in appropriate cases that he—

* * * * *

(ii) Is within one of the professional or occupational groups listed in Schedule A of the Department of Labor regulations (29 CFR 60.2(a)(1)) or is within one of the occupations listed in the Schedule C—Precertification List of the Department of Labor referred to in 29 CFR 60.3(c) when that List has not

been suspended by the Department of Labor, or

* * * * *

2. Paragraph (b)(2) of § 42.62 is amended as follows:

§ 42.62 Priority date of individual applicants.

* * * * *

(b) * * *

(2) The date of submission to the consular officer or to the Immigration and Naturalization Service in appropriate cases of evidence to establish that:

(i) The applicant is within one of the professional or occupational groups listed in Schedule A (29 CFR 60.2(a)(1)) or is within one of the occupations listed in the Schedule C—Precertification List of the Department of Labor referred to in 29 CFR 60.3(c) when the List has not been suspended by the Department of Labor, or

* * * * *

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MARCH 13, 1970.

[F.R. Doc. 70-3315; Filed, Mar. 18, 1970; 8:48 a.m.]

Title 29—LABOR

Chapter IX—Construction Industry Collective Bargaining Commission

PART 901—POLICY STATEMENT ON COLLECTIVE BARGAINING DISPUTES AND APPLICABLE PROCEDURES

On September 24, 1969, there was published in the FEDERAL REGISTER (34 F.R. 14723) Executive Order No. 11482 which set up the Construction Industry Collective Bargaining Commission, prescribed its objectives, and authorized the issuance of rules and procedures to accomplish those objectives.

Rules were adopted by the Commission on January 27, 1970, and are published in a new chapter of Title 29 of the Code of Federal Regulations, as indicated below. The rules issued pursuant to Executive Order 11482 consist of interpretative rules and general statements of policy and procedures. Therefore, notice and public procedure are not required.

On behalf of the Construction Industry Collective Bargaining Commission, I hereby amend Title 29 of the Code of Federal Regulations by adding thereto a new Chapter IX, entitled Construction Industry Collective Bargaining Commission, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 901 issued under Executive Order No. 11482, dated Sept. 22, 1969, 34 F.R. 14723.

§ 901.1 Scope and application.

The Construction Industry Collective Bargaining Commission hereby states its policy and sets forth procedures for handling disputes involving the standard labor and management organizations in the building and construction industry. These procedures are pursuant to the authority set forth in Executive Order 11482, dated September 22, 1969. Section 6 of the order states that, "The Commission is authorized to issue such rules and regulations, and to adopt such procedures governing its affairs, including the conduct of its disputes settlement functions, as shall be necessary and appropriate to effectuate the objectives of this order."

§ 901.2 Policy of Commission.

Section 3(c) of the Executive order provides that it is an objective of the Commission "to establish more effective machinery for the resolution of disputes over the terms of collective bargaining agreements which at the same time recognizes the interests of each branch of the industry and preserves existing procedures that have been effective." Accordingly, it is the policy of the Commission:

(a) To encourage each branch of the industry without such a procedure to establish its own procedures to facilitate the settlement of disputes over the terms and application of collective bargaining agreements.

(b) To encourage each branch of the industry having such a procedure, but which procedure is limited in application, to expand the application of such procedure.

(c) To encourage parties in each branch of construction with a procedure to utilize that machinery in all possible cases.

(d) To encourage the Federal Mediation and Conciliation Service to refer disputes wherever possible to such machinery established in various branches of the industry.

§ 901.3 Participation by Commission.

(a) The Commission will consider participation in specific disputes which conform with the following criteria:

(1) The disputes will have a significant impact on construction activity in the area involved.

(2) The dispute concerns negotiations for a new or expiring agreement, or a question of interpretation or application of an existing agreement, where all other internal methods of resolution have been exhausted.

(b) The Commission will normally refrain from participating in specific disputes where:

(1) The dispute involved concerns jurisdiction of work.

(2) The parties have failed to utilize an independent disputes handling procedure presently in existence, or subsequently established. (A number of such procedures exists currently in several branches of the industry.)

(3) The parties have not fully utilized the service of the Federal Mediation and Conciliation Service.

(c) In setting forth a disputes procedure the Commission emphasizes that it is not intended to provide a substitute for the collective bargaining process. Nor is it a means to bypass or neglect existing mediation facilities or industry branch dispute settling procedures. The standard procedure for the Commission to accept cognizance over a collective bargaining dispute is through referral to the Commission by the Director of the Federal Mediation and Conciliation Service. The Commission will exercise its judgment in accepting or declining specific disputes. The staff of the Commission is directed to maintain close contact with the Federal Mediation and Conciliation Service on all aspects of bargaining in the construction industry and to see that critical disputes are brought to the attention of the appropriate International Union and the national offices of an appropriate contractor association.

§ 901.4 Handling of disputes by Commission.

The Commission will determine the particular method of dispute handling appropriate for each dispute. Section 5(a) of the Executive order states, "The Commission or a panel designated by the Commission may, with the assistance of national labor organizations and national contractor associations where appropriate, seek to mediate such dispute, or make an investigation of the facts of the dispute and make such recommendations to the parties for the resolution thereof as it determines appropriate."

§ 901.5 Agreement to refrain from strike or lockout.

As part of its conditions for entering the dispute, the Commission may request the parties to continue the terms or conditions of employment without the occurrence of a strike or lockout for a 30-day period, as set forth in section 5(a) of the Executive order, to enhance the functions of mediation and other related activities.

§ 901.6 Authority of Executive Director.

The Commission delegates authority to the Executive Director to accept or reject requests for Commission involvement in those instances where a Commission meeting would not occur in sufficient time prior to a contract expiration date to permit such involvement.

§ 901.7 Inquiries and correspondence with Commission.

Inquiries to the Commission about the status of disputes or other matters should be directed as follows:

Executive Director, Construction Industry Collective Bargaining Commission, Room 5220, Department of Labor Building, 14th and Constitution Avenue NW., Washington, D.C. 20210. Telephone: (202) 961-3736.

Signed at Washington, D.C., this 13th day of March 1970.

For the Construction Industry Collective Bargaining Commission.

GEORGE P. SHULTZ,
Secretary of Labor, Chairman, Construction Industry Collective Bargaining Commission.

[F.R. Doc. 70-3306; Filed, Mar. 18, 1970; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Olympic National Park, Wash.; Steelhead Fishing Permit

A proposal was published at page 105 of the FEDERAL REGISTER of January 2, 1970, to amend § 7.28 of Title 36 of the Code of Federal Regulations. The effect of this amendment is to cooperate with the State of Washington in gathering fisheries management data for their anadromous fisheries program.

Interested persons were given 30 days for submitting written comments, suggestions, or objections with respect to the proposed amendment. Comments were received questioning the availability of the steelhead fishing permit without first purchasing a regular State of Washington sports fishing license. State officials gave assurance that the steelhead fishing permit could be purchased separately, so the proposed amendment is hereby adopted without change and is set forth below. This amendment shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

§ 7.28 **Olympic National Park.**

(a) * * *

(5) *License.* A license to fish in park waters is not required; however, any individual fishing for steelhead in park waters shall have in his possession a State of Washington steelhead fishing permit (punch card). Steelhead shall be accounted for on this permit as required by State regulation.

* * * * *

S. T. CARLSON,
Superintendent, Olympic National Park.

[F.R. Doc. 70-3303; Filed, Mar. 18, 1970; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

SPECIAL PROGRAM BIDDING TERMS AND CONTRACT PROVISIONS

Chapter 5A of Title 41 of the Code of Federal Regulations is amended as follows:

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

Paragraph (e) of § 5A-2.201-70 is revised to read as follows:

§ 5A-2.201-70 **Forms to be used.**

* * * * *

(e) GSA forms containing standardized supplemental provisions.

(1) GSA Form 1424, GSA Supplemental Provisions, September 1969 edition, shall be incorporated by reference in each solicitation for offers, except solicitations for offers under the AID buying program, by using the following provision:

GSA Form 1424, GSA Supplemental Provisions, September 1969 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1424, if not enclosed, is available upon request.

(2) GSA Form 1246, GSA Supplemental Provisions (Special Program Bidding Terms and Contract Provisions), December 1969 edition, shall be incorporated by reference in each solicitation for offers under the AID buying program by using the following provision:

GSA Form 1246, GSA Supplemental Provisions (Special Program Bidding Terms and Contract Provisions), December 1969 edition, receipt of which is acknowledged by the bidder, is hereby incorporated by reference. A copy of GSA Form 1246, if not enclosed, is available upon request.

* * * * *

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to show the revised title of GSA Form 1246.

Sec.
5A-16.950-1246 GSA Supplemental Provisions (Special Program Bidding Terms and Contract Provisions).

Subpart 5A-16.9—Illustration of Forms

Section 5A-16.950-1246 is revised to include the illustration of the December 1969 edition of GSA Form 1246.

NOTE: The form illustrated in 5A-16.950-1246 is filed as part of the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publication Division—3BRD, Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective 60 days after publication in the FEDERAL REGISTER, but may be observed earlier upon availability of revised GSA Form 1246.

Dated: March 6, 1970.

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

[F.R. Doc. 70-3356; Filed, Mar. 18, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4778]

[Nevada 054578]

NEVADA

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Humboldt National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 59 E.,
Secs. 3, 5, and 7;
Sec. 9, N½;
Sec. 17, N½.
T. 33 N., R. 59 E.,
Sec. 7, lots 5 to 9, inclusive;
Sec. 15;
Sec. 19, lots 7 to 15, inclusive;
Secs. 21 and 23;
Sec. 25, W½;
Secs. 27, 29, 31, 33, and 35.
T. 33 N., R. 60 E.,
Secs. 5 and 7;
Sec. 17, lots 1 to 4, inclusive, NE¼, E½W½;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.

The areas described aggregate 11,070.22 acres in Elko County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 13, 1970.

[F.R. Doc. 70-3305; Filed, Mar. 18, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

[Ex Parte Nos. MC–19 (Sub-No. 8), MC–1 (Sub-No. 1)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS AND PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Order. At a general session of the Interstate Commerce Commission, held at its offices in Washington, D.C., on the 26th day of February 1970.

It appearing, that the Commission issued a notice of proposed rulemaking, dated June 12, 1969, in which notice was given of its proposals, inter alia, to eliminate or change carrier estimating of weights and probable charges; require the shipping documents to specify the expected times of pickup and delivery; define reasonable dispatch; require more responsive notification to the shipper of actual charges as well as when there is a delay in either pickup or delivery; require weight certification on the bill of lading; improve the format and content of the brochure of general information which the carrier is required to furnish the shipper prior to the time arrangements are made for the move; and to take such other action as the facts and circumstances may justify or require;

It further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission's report containing its findings of facts and conclusions thereon, which report, served on March 5, 1970, is hereby referred to and made a part hereof;

And it further appearing, that upon consideration of the record in Ex Parte No. MC–19 (Sub-No. 8), the Commission found it necessary, upon its own motion, also to consider Part 1322 of Chapter X of Title 49 of the Code of Federal Regulations, Extension of Credit to Shippers by Motor Carriers:

It is ordered, That § 1003.1(a) of Chapter X of Title 49 of the Code of Federal Regulations be amended by adding form BOp 103 to the list of form; Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations be revised. These amendments are set forth below.

It is further ordered, That these amendments shall be effective May 1, 1970, and will apply only on household goods removed from the shipper's premises on and after the said effective date.

It is further ordered, That these proceedings in Ex Parte No. MC–19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, and Ex Parte No. MC–1 (Sub-No. 1), Payment of Rates and Charges of Motor Carriers, be, and they are hereby, discontinued.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

§ 1003.1 [Amended]

The list of forms in paragraph 1(a) of § 1003.1 is amended by adding the following:

BOp 103 Summary of information for shippers of household goods.

CROSS REFERENCE—Part 1056 of this chapter (49 Stat. 546, as amended, 558, as amended, 560, as amended; 49 U.S.C. 304, 316, 317).

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Part 1056 is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 1056 issued under 49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended, 565, as amended; 49 U.S.C. 304, 316, 317, 319, 320, 323).

§ 1056.1 Definitions.

As used in this part:

(a) *Household goods.* The term "household goods" means (1) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; (2) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and (3) articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

(b) *Interpretation of the definition in paragraph (a) of this section.* Paragraph (a)(1) of this section shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder. Paragraph (a)(2) of this section shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as an incident to the removal of the establishment, or a portion thereof, from one location to another. Paragraph (a)(3) of this section shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

(c) *Reasonable dispatch.* The term reasonable dispatch means the performance of transportation on the dates or during the period of time agreed upon by the carrier and the shipper and shown on the order for service (§ 1056.9) and recorded on the bill of lading.

(d) *Other terms.* Where any other terms used in the regulations in this part are defined in section 203(a) of Part II of the Interstate Commerce Act, such definition shall be controlling. Where terms are used in the regulations in this part which are neither defined herein nor in said section 203(a), they shall have the ordinary, practical meaning of such terms.

§ 1056.2 Establishment of rates stated in amounts per hundred pounds and not upon any other basis; cancellation of rates otherwise established.

All common carriers by motor vehicle engaged in the transportation of household goods in interstate or foreign commerce shall establish, in the manner and form required by section 217 of the Interstate Commerce Act, and by the regulations of the Commission issued pursuant thereto, rates for the transportation of household goods in interstate or foreign commerce stated in amounts per hundred pounds, and shall not establish rates upon any other basis. All rates applicable to the transportation of household goods established upon any other basis than in amounts per hundred pounds shall be canceled and superseded by rates published in accordance with this section.

§ 1056.3 Accessorial or terminal services; tariffs providing therefor; containers, packing, and unpacking charges.

(a) Every motor common carrier engaged in the transportation of household goods, in interstate or foreign commerce,

shall establish in the manner prescribed in section 217 of Part II of the Interstate Commerce Act, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor.

(b) The separate tariff charges so established for containers, packing, and unpacking shall provide for separate charges for containers, for packing, and for unpacking stated in amounts per container. Charges for other services shall be separately stated on a unit or hourly basis, whichever is appropriate. Tariffs may state an hourly labor charge applicable to miscellaneous labor service performed at the request of a shipper in connection with the transportation, when a rate is not separately stated in the tariff for the service so requested.

(c) No charge so established shall be lower than the cost of performing the service. This section shall apply only where the line-haul transportation is performed by a motor carrier. The rate for transportation of such goods shall not include the charge for any accessorial service and no such services other than those for which separate charges have been so established shall be rendered by any such carrier.

§ 1056.4 Discounts prohibited; rates based on prepayment charges prohibited.

No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by any such common carrier, and no rates or charges shall be established based upon prepayment of charges.

§ 1056.5 Absorption or advancement of dock charges.

Motor common carriers of household goods shall not absorb any dock or other charge made by any warehouseman, nor shall any such carrier advance any such charge for the account of any shipper, owner, or other person, except upon the authorization of such person. Whenever such charges are advanced on behalf of the shipper, the carrier shall obtain a receipt therefor from the warehouseman and deliver it to the shipper or the person designated by the shipper at the time the advance charges are paid.

§ 1056.6 Determination of weights.

(a) *Gross weight, tare weight, net weight, and constructive weight.* (1) Each common carrier by motor vehicle shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, with the driver but without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the fuel tanks on such vehicle shall be full and the vehicle shall contain all pads, chains, dollies, handtrucks, and other equipment needed in the transportation of shipments to be loaded thereon, and such weight shall then be entered on the bill of lading and in part B of the vehicle-load manifest. After the vehicle has been loaded, it shall be weighed, with the driver but without the crew thereon, at the certified scale nearest to the point of origin of the shipment, and the net weight of the shipment shall be obtained by deducting the tare weight from the gross weight, and both the gross and net weights shall then be entered on the bill of lading and in part B of the vehicle-load manifest. Where no certified scale is available at the point of origin, the gross weight shall be obtained at the nearest certified scale either in the direction of the movement of the shipment, or in the direction of the next pickup or delivery in the case of part loads. In the transportation of part loads, this subsection shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads shall be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Also, the person paying the freight charges, or his representative, upon request of either, shall be permitted without charge to accompany, in his own conveyance, the carrier to the weighing station and to observe the weighing of his shipment after loading. The carrier shall use a certified scale which will permit the shipper to observe the weighing of his shipment without causing delay.

(2) If no certified scale is available at origin, at any point en route, or at destination, a constructive weight, based upon 7 pounds per cubic foot of properly loaded van space, may be used. Each motor common carrier of household goods shall file with the Regional Office of the Interstate Commerce Commission in the region in which the carrier maintains its principal office, a quarterly report of all instances during the reporting period where constructive weights, as described herein, were used. The particular details to be reported shall include the dates of pickup and delivery, the name of the shipper, the origin and destination of the shipment, the bill of lading number, the vehicle-load manifest number, the weight of the shipment, the amount of actual charges, and the reason for the use of constructive weight.

(b) *Obtaining weight tickets.* The carrier shall obtain a weight ticket signed by the weighmaster or its driver for each weighing required under this section, with tare and gross weights evidenced by separate tickets, and the driver shall enter thereon the number of the bill of lading accompanying the shipment involved. No other additions or alterations shall be made on any such ticket. As soon as such weight tickets are obtained, true copies thereof shall be attached to the receipt or bill of lading accompanying the shipment, and retained in the carrier's file. A true copy of each weight ticket pertaining to a shipment shall be given to the shipper at the weighing station if the shipper is present or upon delivery of the shipment if the shipper is not present at the weighing. A part load for any one shipper not exceeding 1,000 pounds may be weighed on a certified scale prior to being loaded on the vehicle. Additionally, an automobile or other article weighing in excess of 500 pounds which is mounted on wheels may be weighed separately by obtaining the weight of such article on a certified scale prior to loading on the vehicle to be used for its transportation.

(c) *Minimum weight shipments.* No common carrier shall accept a shipment of household goods for transportation which appears to be subject to the minimum weight provisions of the carrier's tariff without first having advised the shipper of such minimum weight provisions.

(d) *Reweighing of shipment.* The carrier, upon request of shipper, or his representative, made prior to the delivery date or the first day of the period of time for delivery specified in the bill of lading, will reweigh the shipment. The carrier shall inform the person requesting the reweigh, within a reasonable time prior to the gross reweighing, of the tariff charges therefor and the location of a certified scale in close proximity to the destination of the shipment which shall be used, and of the right of the shipper or his representative, to observe the gross and tare reweighing. The carrier, without altering or deleting the initial weights, shall cause to be recorded on the bill of lading and the vehicle-load manifest the gross, tare, and net weights on reweigh, and shall give the shipper, or his representative, original or true copies of the weight tickets on reweigh in the same manner as prescribed in paragraph (b) of this section for initial weighing. The lower of the two net scale weights shall be used for determining the applicable charges. The carrier shall publish in its tariff a reasonable charge for reweigh, which charge shall be paid by the shipper requesting reweigh.

§ 1056.7 Information for shippers.

Except as otherwise provided herein, each carrier of household goods shall cause to be given to every prospective shipper the summary of information set forth in form BOp 103 (§ 1003.1 of this chapter).[1] If no personal interview is had with a prospective shipper, the carrier shall cause form BOp 103 to be delivered to the shipper and obtain a receipt therefor prior to the day on which the order for service is placed. Such receipt shall be preserved as a part of the record of shipment, if the shipment is subsequently accepted by the carrier. For the application of this section the owner of the household goods to be shipped, or his representative, shall be deemed to be the shipper. The requirements of this section shall not apply in those instances where the carrier has actual notice that the shipper has previously received form BOp 103.

§ 1056.8 Estimates of charges.

(a) *Estimates by the carrier.* Every motor common carrier engaged in the transportation of household goods, in interstate or foreign commerce, shall

[1] Form BOp 103 will be available at the Office of the Secretary, Interstate Commerce Commission, after May 1, 1970.

upon request of a shipper of household goods cause to be given to such shipper an estimate of the charges for proposed services in the manner and form specified below. The estimate shall be made only after a visual inspection of the goods by the estimator. Across the top of each form there shall be imprinted, in red letters not less than ½-inch high, the words "Estimated Cost of Services." The form shall be fully executed as appropriate in each case in accordance with the instructions therein. The original or a true legible copy of each estimate form prepared in accordance with this paragraph shall be delivered to the shipper; and a copy thereof shall be maintained by the carrier as part of its record of shipment.

(b) *Delivery when actual charges exceed estimated charges.* Whenever the total tariff charges on a shipment on which all or part of such charges are to be paid on delivery of such shipment shall exceed by more than 10 percent the amount of an estimate of charges on that shipment given by the carrier, such carrier must, upon request of the shipper or his representative, relinquish possession of the shipment upon payment of the amount of the estimated charges plus an additional 10 percent of the estimated charges, and the carrier shall defer demand for the remainder of the tariff charges for a period of at least 15 days following delivery excluding Saturdays, Sundays, and holidays.

(c) *Estimate form for shipper's use.* Carriers may furnish to shippers or prospective shippers an estimate form which may contain statements of the weights of average pieces of furniture and other household articles of various types, for use by the shipper in making his own estimate of the total weight of his goods. Any instructions necessary to enable the shipper to use the estimate form shall be printed in the form. If cubic-foot measurements are used in arriving at the weight, the form shall state that a weight factor of 7 pounds per cubic foot shall be used.

(d) *Notification to shipper of charges.* Whenever the shipper specifically requests notification of the actual weight and charges on a shipment, and supplies the carrier with an address or telephone number at which the communication will be received, the carrier shall comply with such request immediately upon determining the actual weight and charges. Such notification shall be made by telephone, telegraph, or in person at the carrier's expense unless the carrier provides in its tariff that the actual cost of such notification shall be collected from the shipper.

(e) *Report of underestimates and overestimates.* Commencing with a report for the 3 months beginning July 1, 1970, every motor common carrier of household goods shall file with the Regional Office of the Interstate Commerce Commission in the region in which the carrier maintains its principal office, a quarterly report, on a report form prescribed by the Commission, of all instances during the period where the actual charges for services rendered are more than 10 percent above or more than 10 percent below the amount of the estimate of such charges, with an explanation of reasons for the variances. This report shall be filed within 30 days after the end of the quarter to which it relates and constitute a public record. The report shall contain a statement of the amount of credit extended pursuant to paragraph (b) of this section, and all collection information pertinent thereto. No irregularity in the provision of an estimate of charges relieves the carrier of the requirements for reporting underestimates and overestimates.

§ 1056.9 Order for service.

(a) *Order for service required.* Every motor common carrier shall, prior to receipt of a shipment of household goods, prepare an order for service which contains the following minimum information:

(1) Shipper's name, address, and telephone number.

(2) Consignee's name, address, and telephone number.

(3) Name, address, and telephone number of the carrier's delivering agent or, if the shipment is to be interlined, the name, address, and telephone number of the delivering carrier.

(4) Agreed pickup date and agreed delivery date, or in lieu of specific dates, the agreed period or periods of time within which pickup, delivery, or the entire move, will be accomplished.

(5) The location of the certified scale to be used in weighing the shipment at origin.

(6) Shipper's contacts, en route, if any, and at destination.

(7) Complete description of special services ordered.

(8) Any identification or registration number assigned the shipment by the carrier.

(9) Amount of estimated charges and method of payment of total tariff charges.

(10) Maximum amount required to be paid in cash, certified check, or money order to relinquish possession of a c.o.d. shipment.

(11) Whether shipper requests notification of charges as provided in § 1056.-8(d) and the address at which such communication will be received.

(b) *Signatures required; waiver of shipper's signature.* The order for service shall be signed by the shipper or his representative who is ordering the service, and by the carrier or its agent; the requirement of the shipper's signature shall apply to all orders for service except where there is both an agreement for the extension of credit by the carrier and a written waiver of such requirement signed by the shipper or his representative. A copy of the order for service shall be dated and furnished the shipper or his representative at the time it is executed.

§ 1056.10 Receipt or bill of lading; information thereon.

(a) *Issuance of a receipt or bill of lading.* No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation; but common carriers must issue such receipt or bill of lading when such household goods are received.

(b) *Information required on receipt or bill of lading.* Whenever a receipt or bill of lading is issued in compliance with paragraph (a) of this section, the carrier shall cause to be included therein the following information:

(1) The name and address of the motor carrier (not the agent's name and address) which will transport the shipment; if the shipment is to be interlined, the names and addresses of all connecting carriers which will transport the shipment.

(2) The name, address, and telephone number of the office of the carrier issuing the receipt or bill of lading that should be contacted in relation to the shipment, should there be a need for such contact.

(3) The name, address, and telephone number of a person to whom notification provided for in § 1056.12(c) shall be given, except when this cannot be obtained from the shipper.

(4) The actual pickup date and the agreed delivery date or the agreed period of time within which delivery of the shipment is expected at destination. The agreed delivery date or the agreed period of time in which delivery is expected to be made shall conform to the order for service.

(5) The tare, gross, and net weights as required by § 1056.6(a)(1): *Provided, however,* That the tare weight shall be entered on the copy of the receipt or bill of lading given to the shipper with the tare weight ticket attached thereto before the vehicle onto which the shipment has been loaded is weighed to determine the gross weight of the vehicle and the net weight of the shipment. True copies of the gross weight tickets required by § 1056.6(b) shall be attached to the receipt or bill of lading as soon as such weight tickets are obtained, and if the shipper is present at the weighing, he shall then be given a copy of the gross weight ticket, otherwise, he shall be given a copy thereof at destination.

(6) The number of the vehicle-load manifest on which the bill of lading number is recorded as required by § 1056.6(a)(1).

(7) Amount of estimated charges and method of payment of total tariff charges.

(8) Maximum amount required to be paid in cash, certified check, or money order to relinquish possession of a c.o.d. shipment on which actual charges exceed estimated charges.

(9) Whether the shipper requests notification of actual charges and where such communication will be received.

On the same line on which the tare weight is to be entered, there shall be printed the words, "Shipper: The tare weight of the vehicle must be entered on this line prior to loading your shipment on the vehicle." Across the bottom of the

receipt or bill of lading, and copies thereof, there shall be printed in red letters not less than ⅛-inch high the words "Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall knowingly and willfully neglect or fail to make full, true, and correct entries or who shall knowingly and willfully falsify, destroy, mutilate, or alter this receipt or bill of lading, shall be subject to a penalty of $5,000 for each such offense. (Sec. 222; 49 U.S.C. 322.)"

§ 1056.11 Vehicle-load manifest; information required.

(a) *Vehicle-load manifest.* Each motor common carrier engaged in the transportation of household goods, in interstate or foreign commerce, shall maintain for each vehicle operated in such transportation a vehicle-load manifest in the manner and form specified in paragraph (b) of this section. Each vehicle-load manifest shall be consecutively numbered, shall be carried in the vehicle transporting the shipments identified thereon, and shall be displayed upon request of the owner of the goods, the party paying the carrier's charges, or the representative of either of them. When completed the vehicle-load manifest shall be maintained by the carrier as a part of its permanent records for shipments entered thereon.

(b) *Information required.* Whenever a vehicle-load manifest is executed in compliance with paragraph (a) of this section, the carrier shall cause to be entered thereon the following information:

(1) The name of ICC-MC number of the carrier operating the vehicle identified thereon.

(2) The number of the tractor and trailer or truck on which shipments of household goods are to be transported. The weight of a tractor or truck shall be determined by weighing the vehicle on a certified scale, and when so weighed the vehicle shall include all equipment, the driver but not the crew, and all fuel tanks shall be full. The weight of a trailer shall be determined by weighing the vehicle on a certified scale, and when so weighed the vehicle shall include all pads, chains, dollies, handtrucks, and other equipment necessary for the loading and unloading of the goods to be transported thereon.

(3) An entry for each shipment transported on the vehicle, showing the number of the receipt or bill of lading issued for each shipment, including shipments moving from or to interline carriers, storage, and intrastate shipments.

(4) The actual date of pickup or loading of each shipment transported on the vehicle.

(5) The name of the shipper of each shipment.

(6) The origin and destination of each shipment.

(7) The tare weight of the vehicle prior to the loading of each shipment and the location of the scale at which such tare weight was obtained.

(8) The gross weight of the vehicle after the loading of each shipment and the location of the scale at which such gross weight was obtained.

(9) The net weight of each shipment, which shall be determined by deducting from the gross weight after loading the tare weight prior to loading each shipment. Whenever a part load not exceeding 1,000 pounds for any one shipper or an automobile or other article weighing in excess of 500 pounds which is mounted on wheels is weighed separately as provided in § 1056.6(b), and the vehicle onto which such part load, automobile, or other article is loaded is not weighed after such loading, the net weight of the shipment shall be entered on the vehicle-load manifest in the space provided therefor, and the entry in the gross weight column of the vehicle-load manifest shall be determined by adding the weight of such shipment to the tare weight of the vehicle prior to the loading of such shipment.

(10) The actual date of delivery or offloading of each shipment entered thereon. When a shipment entered in Part A of a vehicle-load manifest is delivered, entry of the delivery date in the space provided in Part A shall be sufficient to comply with the requirements of this subparagraph, and it shall not be necessary to enter the delivery date of such shipment on the preceding vehicle-load manifest on which such shipment originally was recorded.

(11) The signature of the driver making the entries on the vehicle-load manifest. The driver's signature shall be a certification by him that the entries on the vehicle-load manifest are true and correct.

(12) The section of the vehicle-load manifest which warns of the penalty provisions of section 222 of the Interstate Commerce Act shall be printed in a color which contrasts with the color used for the other printed matter on the form.

§ 1056.12 Reasonable dispatch.

(a) *Reasonable dispatch required.* Each common carrier by motor vehicle will cause to be transported with reasonable dispatch each shipment accepted by it for transportation.

(b) *Notification of delay in pickup.* Whenever a carrier is unable to make pickup of a shipment of household goods on the date or during the period specified in the order for service, the carrier shall notify the shipper or his representative, by telephone, telegraph, or in person, at the carrier's expense, of the delay, the date or period of time during which pickup of the shipment will be made, and shall repeat such notification if any subsequent date or period of time so assigned is not met. Such notification shall be given as soon as it becomes apparent to the carrier that it is unable to pick up the shipment in compliance with the terms of the order for service. Notification as required herein shall not affect the determination of compliance by the carrier with reasonable dispatch as required in paragraph (a) of this section.

(c) *Notification of delay in delivery.* Whenever a carrier is unable to make delivery of a shipment of household goods on the date or during the period specified in the receipt or bill of lading the carrier shall notify the shipper, or person designated by the shipper, by telephone, telegraph, or in person, at the carriers' expense, of the location and general condition of the shipment, the reason for such delay, and the date or period of time during which delivery of the shipment will be made, and shall repeat such notification if any subsequent date or period of time so assigned is not met. Such notification shall be given as soon as it becomes apparent to the carrier that it is unable to deliver the shipment in compliance with the terms of the receipt or bill of lading: *Provided,* That the requirement of this paragraph shall not apply where the carrier is unable to obtain from the shipper an address or telephone number for such notification. Notification as required herein shall not affect the determination of compliance by the carrier with reasonable dispatch as required in paragraph (a) of this section.

(d) *False or misleading information prohibited.* No carrier shall knowingly and willfully give false or misleading information as to the reasons for delay in picking up or delivering shipments.

(e) *Record of notification.* When notification required by paragraph (b) or (c) of this section is given, a record shall be prepared setting forth the time and date of notification, method of notification, the name of the person notified, the reason for delay, the location and condition of the shipment in cases of delay in delivery, the new date or period assigned for pickup or delivery, and the signature of the person who gave such notification, which record the carrier shall preserve as a part of its record of the shipment.

§ 1056.13 Tendering for delivery.

Except upon the request or concurrence of the shipper, or his representative, a shipment shall not be tendered for delivery prior to the agreed delivery date or period of time specified on the bill of lading: *Provided, however,* That whenever a carrier is able to tender a shipment for final delivery more than 24 hours prior to such specified date or the first day of such specified period of time, and the shipper or his representative has not requested or concurred in such early delivery, the carrier may, at its option, place the shipment in storage for its own account and at its own expense in a warehouse located in close proximity to the destination point of the shipment. Whenever a carrier shall exercise such option it shall immediately notify the shipper of the name and address of the warehouse in which the shipment has been placed, and shall make and keep a record of such notification as a part of its record of shipment. The carrier's responsibility for the shipment under the terms and conditions of the bill of lading and its responsibility for the charges for handling and storage thereof shall continue until final delivery: *Provided, however,* That the carrier's responsibility under the bill of lading and for storage and handling charges shall not extend beyond the agreed delivery date or the first day of the period within which

delivery was to have been accomplished as specified in the bill of lading.

§ 1056.14 Signed receipt for shipment—release prohibited.

No delivery acknowledgment on any shipping document to be signed by the consignee at time of delivery shall contain any language which purports to release or discharge the carrier or its agents from liability, other than a statement that the property has been received in apparent good condition except as noted on the shipping documents.

§ 1056.15 Selling of insurance to shippers prohibited.

No such common carrier or any employee, agent, or representative thereof, shall sell, or offer to sell, or procure for any shipper, any kind of insurance, under any type of policy, covering loss or damage to a shipment or shipments of household goods to be transported in interstate or foreign commerce by such carrier, but this section shall not preclude such a carrier from procuring in its own name insurance covering its liability for such loss or damage.

§ 1056.16 Liability of carriers.

(a) *Liability restricted.* Common carriers by motor vehicle of household goods shall not assume any liability in excess of that for which they are legally liable under their lawful bills of lading and published tariffs.

(b) *Filing tariffs and evidence of insurance prerequisite to advertising that "all loads are insured."* Such carriers or any employee, agent, or representative thereof, shall not advertise or represent to the public that "all loads are insured" or other similar wording, unless such carrier has filed tariffs with this Commission assuming complete liability, and has filed evidence of insurance with this Commission providing protection covering all shipments to their full value without limitation and insuring against every peril to which any shipment may be exposed.

§ 1056.17 Claims for loss or damage.

(a) *Acknowledgment of claims.* Every common carrier of household goods which receives a written claim for loss of or damage to property transported by it shall acknowledge receipt of such claim in writing to the claimant within 30 calendar days after its receipt by the carrier or the carrier's agent. The carrier shall at the time such claim is received, cause the date of receipt to be recorded on the claim.

(b) *Handling by carrier.* Every such carrier which receives a written claim for loss or damage to household goods transported by it shall pay, decline, or make a firm compromise settlement offer in writing to the claimant within 120 days after receipt of the claim by the carrier or its agent: *Provided,* That, if the claim cannot be processed and disposed of within 120 days after the receipt thereof, the carrier shall at that time and the expiration of each succeeding 30-day period while the claim remains pending, advise the claimant in writing of the status of the claim and the reasons for the delay in making final disposition thereof, and send a copy of such letter to the District Supervisor, Interstate Commerce Commission, Bureau of Operations, of the area in which the carrier has its principal place of business.

(c) *Register of loss and damage claims.* Every common carrier of household goods shall maintain a freight claim register, showing for each cargo loss and damage claim received, the claim number, date, and amount; the waybill or expense bill number and date; name of claimant; kind of commodity; date claim was paid; total amount paid; or date claim was disallowed and reasons; amount of salvage recovered, if any; amounts reimbursed by insurance companies, connecting carriers, or others, and the amount absorbed by the carriers. Each claim received shall be entered in the register and should be supported by the complete file of claim papers. However, if the claim papers are retained by insurance companies, connecting carriers, or others, the carrier's records should contain an acknowledgment from the party retaining the claim file that the papers are in its possession.

§ 1056.18 Prohibition against carrier action as agent for another carrier.

No such common carrier shall act as agent for any other such common carrier in the solicitation of shipments of household goods, in interstate or foreign commerce, between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal.

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Section 1322.1 is revised to read as follows:

§ 1322.1 Carrier may extend credit to shipper.

(a) *Extension of credit.* Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days excluding Saturdays, Sundays, and legal holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. In regard to traffic of nonprofit shippers' associations and shippers' agents, within the meaning of section 402(c) of part IV of the Interstate Commerce Act, the carriers shall require such organizations to furnish the names of the beneficial owners of the property in the bills of lading or at least have the bills of lading incorporate by reference a document containing the names of the beneficial owners.

(b) *Exceptions—Carriers of household goods.* The provisions of paragraph (a) of this section shall not apply in any instance in which the carrier shall be required by § 1056.8(b) of this chapter, "Transportation of household goods in interstate or foreign commerce," to relinquish possession of a shipment of household goods in advance of the payment of the total amount of the tariff charges thereon (49 Stat. 546, as amended, 565; 49 U.S.C. 304, 323).

[F.R. Doc. 70-3334; Filed, Mar. 18, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

A notice of proposed rule making was pubished February 4, 1970 (35 F.R. 2526), to amend Part 280, Title 50, Code of Federal Regulations, which are the regulations governing the eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on February 26, 1970, and through submission of written material which was accepted through March 12, 1970.

The proposed amendment of February 4, 1970 (35 F.R. 2526), regarding radio reporting from outside the regulatory area on even-numbered days (§ 280.6(e)(2)(ii)) did not receive general approval of the participating public who stated that sending messages through commercial stations KMI and WOM was costly and difficult because of the volume of traffic handled by those stations. An alternate plan was suggested wherein several stations operated by the industry, all of which use the same frequencies, would receive required transmissions from the vessels and relay the messages to the Regional Director. An alternate time span during which to send transmissions was also suggested.

Since it appears that the alternate reporting procedures will satisfy the purpose of the regulation, the proposed § 280.6(e)(ii) is revised to incorporate the changes suggested by the public. The revised paragraph contains a proviso, however, that if the reporting procedures suggested by the public are not effective, an announcement so stating will be made in the FEDERAL REGISTER and the reporting procedures as described in the proposed rule making (35 F.R. 2526, February 4, 1970) will apply.

Other proposed amendments contained in the proposed rule making reduced from 72 to 48 the number of hours prior to departure from port that the Regional Director must be notified of a vessel master's intention to fish outside of the regulatory area, and required all messages described in § 280.6(e) to be sent to telephone number (213) 830–0411. Two additional proposed amendments were read at the hearing. One would cancel the requirement for vessels to notify the Regional Director prior to landings in a foreign port during the open season. The other would discontinue the requirement for vessels permanently based in a foreign country to notify the Regional Director prior to unloading in that country. These proposed changes received general acceptance and are incorporated.

In addition, the references in the regulations making possession of yellowfin in excess of the allowable incidental catch illegal at any time during a trip have been changed so that only the landing of excess yellowfin is illegal. This conforms to the common practice that during some period during a trip the amount of yellowfin aboard may exceed the incidental catch when measured against the catch of other fishes with which yellowfin may be mingled due to the composition of the catch at any one time during a trip.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated March 16, 1970.

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

Sec.
280.1 Definitions.
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AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commisssion established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(f) *Regional Director.* The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 300 South Ferry Street, Terminal Island, Calif., telephone number, area code 213, 831–9281, extension 575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

(h) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonymy: *Neothunnus macropterus*).

(i) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonymy: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

(j) *Fishing vessel.* Every kind, type, or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) *Cargo vessel.* Every kind, type, or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) *Person.* Individual, association, corporation or partnership subject to the jurisdiction of the United States.

(m) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled as defined in § 280.2(b)(3).

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, California, on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna, when landed with one or more of the following fishes, usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations maintains records of the catches of yellowfin tuna made in the regulatory area from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the cumulative round weight of such yellowfin tuna catches and the estimated additional quantities of yellowfin tuna expected to be caught by the fishing vessels of all nations operating in the regulatory area, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations by means of such vessel: *Provided*, That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may land in any port or place yellowfin tuna as provided for in subparagraphs (1), (2), and (3) of this paragraph: *Provided*, That the Director by appropriate notice in the FEDERAL REGISTER may adjust the incidental catch rates provided for in subparagraphs (1), (2), and (3) of this paragraph to assure that the United States 4,000 ton yellowfin allotment for vessels of 300 short tons or less carrying capacity is not underutilized and the fifteen percent (15%) overall incidental catch is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided for in subparagraphs (1), (2), and (3) of this paragraph shall be subject to seizure pursuant to section 10(c) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(c)).

(1) Purse seiners of over 300 short tons carrying capacity may land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna permitted to be landed by such vessels exceed fifteen percent (15%) by round weight when included with those species listed in § 280.2(b)(3).

(2) Purse seiners of 300 short tons carrying capacity or less may land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna so permitted to be landed by such vessel exceed thirty percent (30%) by round weight when included with those species listed in § 280.2(b)(3); except that those purse seiners of 300 short tons capacity or less known as local wetfish boats that meet the following criteria,

(i) Do not possess mechanical refrigeration aboard,

(ii) Do not deliver any yellowfin tuna during the open yellowfin tuna fishing season and,

(iii) Make deliveries on a daily basis, may accumulate the thirty percent (30%) allowance by weight for incidental catches of yellowfin tuna for the separate period from the closure date until the end of that month, and for each separate period consisting of one calendar month thereafter: *Provided*, That when the catch of yellowfin tuna by purse seiners of 300 short tons carrying capacity or less reaches 4,000 tons the incidental catch rate for those vessels will revert to fifteen percent (15%). A notice of reversion which will apply to purse seiners of 300 short tons of capacity or less leaving port after a selected date will be published in the FEDERAL REGISTER.

(3) Bait boats may land in any port or place yellowfin tuna not to exceed fifty percent (50%) by round weight of the vessel's carrying capacity in short tons or 130 short tons, whichever is the lesser amount: *Provided*, That when the catch of yellowfin tuna by bait boats reaches 1,500 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to fifteen percent (15%) of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(4) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries. Managing owners of purse seine vessels over 300 tons carrying capacity will be notified by registered mail that their vessel is in the large boat category and, therefore, that their incidental catch rate for yellowfin tuna caught in the eastern Pacific regulatory area on trips begun after the yellowfin closure will be fifteen percent (15%). Managing owners not receiving the above notification by registered mail can assume their vessel is in the category of 300 tons or less of carrying capacity. Except that to qualify for the bait boat yellowfin allocation described in this paragraph (c), managing owners of bait boats will, before the vessel departs on its first trip after the yellowfin closure, supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the Bureau of Commercial Fisheries will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a fifteen percent (15%) incidental catch of yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessels' capacity determined.

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in paragraph (c) of this section shall

be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

(e) On trips begun after the closure of the yellowfin season:

(1) All yellowfin tuna caught by fishing vessels which on the same trip fished both within and outside the regulatory area in the Pacific Ocean shall be subject to the incidental catch limitations as set out in paragraph (c) of this section.

(2) All vessels planning to fish exclusively outside the regulatory area in the Pacific Ocean shall report to the Regional Director within 48 hours before leaving port; within 24 hours before departing the regulatory area; and within 24 hours before returning to the regulatory area. Such reports, which must reach the Regional Director within the time limits specified, can be made by letter, telegram, prepaid commercial radio message (either radiogram or ship-to-shore radiophone), or telephone and may be relayed to the Regional Director by the master, managing owner or his shore representative.

(i) On departure from the regulatory area reports described under this subparagraph (2) shall include the latitude of departure from the regulatory area and approximate time of departure. On returning to the regulatory area the reports shall include the catch of yellowfin tuna and of other species made outside the regulatory area and the latitude and approximate time of reentry.

(ii) In addition, each vessel while outside the regulatory area shall transmit a message between 1400 and 1800 hours California time on each even-numbered day; such reporting to continue throughout the closed season. The following message shall be transmitted to a station operated by the tuna industry on one of the following frequencies: 16,565.0 KHz, 16,572.0 KHz, 12,421.0 KHz, 12,428.0 KHz, 8281.2 KHz, or 8284.4 KHz: "This Message is being transmitted in Compliance with the United States Eastern Tropical Pacific Yellowfin Tuna Regulations, and it Confirms that the Vessel (Name of Reporting Vessel) has not Reentered the Eastern Pacific Regulatory Area as of this Date: (Give Date)." Any station receiving such message shall notify the Regional Director at telephone number (213) 830–0411 of such receipt on the same day the message is received. Any vessel that fails to receive an acknowledgement from an industry station that a required transmission has been received by such station must attempt to transmit the same message on the day following the failure to receive such acknowledgement. If in three successive days the vessel fails to receive an acknowledgement that a required transmission has been received, it will be considered that the vessel's radio equipment is not functioning properly and the vessel shall then return directly to port: *Provided, however,* That if the Director, Bureau of Commercial Fisheries, determines that the reporting procedures given herein (280.6(e)(2)(ii)) are not effective, he will announce his findings in the FEDERAL REGISTER. On publication of such findings the above reporting procedures will apply except that the messages shall be sent through either station KMI (Oakland) or station WOM (Miami) to the Regional Director to area code 213, telephone number 830–0411.

(iii) Those vessels announcing that they will fish entirely outside the regulatory area shall, after leaving port, proceed directly to waters outside the regulatory area and upon reentering the regulatory area, will proceed directly to port for unloading: *Provided,* That if a vessel must make an emergency port call for disembarking a sick or injured crew member, refueling, repairs, or for any other emergency, the vessel will proceed directly to port and will notify the Regional Director forty-eight (48) hours prior to the port call, giving the name of the port to be entered. If the vessel then wishes to resume fishing outside the regulatory area, it must notify the Regional Director again of its intentions as provided in (2) above and proceed directly to waters outside the regulatory area.

(3) All fishing vessels will notify the Regional Director, at least forty-eight (48) hours prior to any delivery or sale in a foreign country, of fish caught in or outside of the regulatory area of the eastern tropical Pacific Ocean. Such reports shall include the amount by species and whether the fish were caught inside or outside of the regulatory area. These reports can be made by prepaid commercial radio message or may be relayed to the Regional Director by the managing owner or his shore representative. Except that those vessels that are permanently based in a foreign country and routinely unload in that country are required to make such reports only when unloading in a country other than that in which they are based.

(4) Any vessel failing to file the reports and to follow the procedures required in this paragraph shall be restricted to the incidental catch limit of fifteen percent (15%) of yellowfin for the entire fishing voyage. This incidental limit is by weight of yellowfin tuna when landed with one or more of the species listed in § 280.2(b)(3).

(f) All messages required in paragraph (e) of this section shall be telephoned to area code 213, telephone number 830–0411.

§ 280.7 Emergency action by Director.

(a) If in light of developments during the closed season for yellowfin tuna the Director finds that the provisions relating to fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are implemented, he shall announce by appropriate notice in the FEDERAL REGISTER such determination and immediately thereafter:

(1) Every vessel at sea, which has yellowfin tuna aboard in excess of the fifteen percent (15%) allowable incidental catch, which were taken or are claimed to have been taken outside the regulatory area in the Pacific Ocean shall immediately return to its home port or port of departure to unload or to have its catch aboard certified by any Fish and Wildlife Service or State employee designated as an enforcement officer. Any vessel failing to return immediately to home port or port of departure for the purpose stated shall be permitted to land an amount of yellowfin not to exceed fifteen percent (15%) of its total catch.

(2) Fishing vessels which have fished at any time during the calendar year in the regulatory area and which depart port on a fishing voyage after the notice of the Director as described in this section and fish within the Pacific Ocean shall land only the allowable incidental catch as described in § 280.6(c).

§ 280.8 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States, tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other marketable species of fish received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.9 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Convention Act of 1950 as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the Bureau of Commercial Fisheries (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.10 Reports and recordkeeping.

(a) The master or other person in charge of a fishing vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the estimated quantities (in short tons, round weight), of tuna fish and other marketable fish, by species, which are taken on board the vessel: *Provided,* That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log.

(2) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc., 8805.6 kc., 12,403.5 kc., or 16,533.5 kc., or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 P.s.t. and shall state the name of the fishing vessel and the cumulative estimated quantities, by species of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this subsection may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(3) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage, port of departure, and listing separately by species and round weight in pounds or short tons, the gross quantities of tuna fish and other marketable species of fish so sold or delivered: *Provided,* That at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided, further,* That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weigh-out has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as are required by the regulations in this part to be made, kept, or furnished (16 U.S.C. 956).

§ 280.11 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.10 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.12 Fish and Wildlife employees designated as enforcement agents.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.13 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Bureau Director or his delegate with the consent of the government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

[F.R. Doc. 70-3279; Filed, Mar. 18, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 728]

WHEAT

Notice of Determinations

Notice of determinations to be made with respect to marketing quotas, national, State and county acreage allotments, commercial wheat-producing area, projected national yield, projected county yields, date of referendum, wheat marketing allocations, and national allocation percentage for 1971 crop.

As required by the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1332, 1333, 1334, 1334a, 1336, 1379b), including amendments contained in the Food and Agriculture Act of 1962, the Agricultural Act of 1964, and the Food and Agriculture Act of 1965, the Secretary of Agriculture is preparing to determine whether marketing quotas for wheat are required to be proclaimed for the 1971–72 marketing year; and if marketing quotas are so required to be proclaimed, to determine and proclaim the national acreage allotment for the 1971 crop of wheat, to apportion among States and counties the national acreage allotment for the 1971 crop of wheat, to designate the 1971 commercial wheat-producing area, to determine a projected national yield for the 1971 crop of wheat, to formulate regulations for establishing projected county yields for the 1971 crop of wheat, to establish the date of the referendum for marketing quotas for the 1971 crop of wheat and the wheat marketing allocation and the national allocation percentage for the 1971–72 marketing year. If marketing quotas are proclaimed for the 1971–72 marketing year, the Secretary will also determine and declare whether marketing quotas shall be in effect for the 1972–73 marketing year or for the 1972–73 and 1973–74 marketing years as necessary to effectuate the policy of the Act.

Subsections (a) and (b) of section 332 of the Act, as amended by section 311 of the Food and Agriculture Act of 1962, read as follows:

Sec. 332(a) Whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year and for either the following marketing year or the following 2 marketing years, if the Secretary determines and declares in such proclamation that a 2- or 3-year marketing quota program is necessary to effectuate the policy of the Act.

(b) If a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, excluding the estimated quantity of wheat which will be utilized for such purpose as a result of the substitution of wheat for feed grains under section 328 of the Food and Agriculture Act of 1962; less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the Act: *Provided,* That if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for the next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover: *And provided further,* That the national marketing quota for wheat for any marketing year shall be not less than 1 billion bushels.

Section 333 of the Act, as amended by the Food and Agriculture Act of 1965, reads as follows:

Sec. 333 The Secretary shall proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (acreage other than that not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed.

Section 334(a) of the Act, as amended, reads as follows:

Sec. 334(a) The national allotment for wheat, less a reserve of not to exceed 1 per centum thereof for apportionment as provided in this subsection and less the special acreage reserve provided for in this subsection, shall be apportioned by the Secretary among the States on the basis of the preceding year's allotment for each such State, including all amounts allotted to the State and including for 1967 the increased acreage in the State allotted for 1966 under section 335, adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors. The reserve acreage set aside for apportionment by the Secretary shall be used (1) to make allotments to counties in addition to the county allotments made under subsection (b) of this section, on the basis of the relative needs of counties for additional allotments because of reclamation and other new areas coming into production of wheat, or (2) to increase the allotment for any county, in which wheat is the principal grain crop produced, on the basis of its relative need for such increase if the average ratio of wheat acreage allotment to cropland on old wheat farms in such county is less by at least 20 per centum than such average ratio on old wheat farms in an adjoining county or counties in which wheat is the principal grain crop produced or if there is a definable contiguous area consisting of at least 10 per centum of the cropland acreage in such county in which the average ratio of wheat acreage allotment to cropland on old wheat farms is less by at least 20 per centum than such average ratio on the remaining old wheat farms in such county: *Provided,* That such low ratio of wheat acreage allotment to cropland is due to the shift prior to 1951 from wheat to one or more alternative income-producing crops which, because of plant disease or sustained loss of markets, may no longer be produced at a fair profit and there is no other alternative income-producing crop suitable for production in the area or county. The increase in the county allotment under clause (2) of the preceding sentence shall be used to increase allotments for old wheat farms in the affected area to make such allotments comparable with those on similar farms in the adjoining areas or counties but the average ratio of increased allotments to cropland on such farms shall not exceed the average ratio of wheat acreage allotment to cropland on old wheat farms in the adjoining areas or counties. There shall also be made available a special acreage reserve of not in excess of 1 million acres as determined by the Secretary to be desirable for the purpose hereof which shall be in addition to the national acreage reserve provided for in this subsection. Such special acreage reserve shall be made available to States to make additional allotments to counties on the basis of the relative needs of counties, as determined by the Secretary, for additional allotments to make adjustments in the allotments on old wheat farms * * * on which the ratio of wheat acreage allotment to cropland on the farm is less than one-half the average ratio of wheat acreage allotment to cropland on old wheat farms in the county. Such adjustments shall not provide an allotment for any farm whch would result in an allotment—cropland ratio for the farm in excess of one-half of such county average ratio and the total of such adjustments in any county shall not exceed the acreage made available therefor in the county. Such apportionment from the special acreage reserve shall be made only to counties where wheat is a major income-producing crop, only to farms on which there is limited opportunity

for the production of an alternative income-producing crop, and only if an efficient farming operation on the farm requires the allotment of additional acreage from the special acreage reserve. For the purpose of making adjustments hereunder the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.

Section 334(b) of the Act requires that the State acreage allotment of wheat for the 1971 crop, less a reserve of not to exceed 3 per centum thereof, be apportioned among the counties in the State on the basis of the preceding year's wheat allotment in each such county, including for 1967 the increased acreage in the county allotted for 1966 pursuant to section 335, adjusted to the extent deemed necessary to establish a fair and equitable apportionment base for each county, taking into consideration established crop rotation practices, estimated decrease in farm allotments because of loss of history, and other relevant factors.

Section 334(a) of the Act, as added by section 314 of the Food and Agriculture Act of 1962, provides that if the acreage allotment for any State for the 1971 crop of wheat is 25,000 acres or less, the Secretary, in order to promote efficient administration of the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949, may designate such State as outside the commercial wheat-producing area for the 1971–72 marketing year. That section also provides that if any State is so designated, acreage allotments for the 1971 crop of wheat and marketing quotas for the 1971–72 marketing year shall not be applicable to any farm in such State, and that acreage allotments in any State shall not be increased by reason of such designation.

Section 336 of the Act, as amended by section 316 of the Food and Agriculture Act of 1962 and Public Law 88–297, provides that if a national marketing quota for wheat for one, two, or three marketing years is proclaimed, the Secretary shall, not later than August 1 of the calendar year in which such national marketing quota is proclaimed, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the marketing year or years for which proclaimed; that the Secretary shall proclaim the results of any referendum within 30 days after the date of such referendum, and if he determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, he shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. Section 336 of the Act also provides that if the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.

Section 301(b)(8)(B) of the Act, as amended by the Food and Agriculture Act of 1965, provides for the determination of a projected national yield of wheat on the basis of the national yield per harvested acre of wheat during each of the 5 calendar years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 301(b)(13)(J) of the Act, as amended by the Food and Agriculture Act of 1965, provides for the determination of projected county yields of wheat on the basis of the yield per harvested acre of wheat for the county during the 5 calendar years immediately preceding the year in which such projected county yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

Section 324 of the Food and Agriculture Act of 1962 added a new subtitle, designated "Subtitle D—Wheat Marketing Allocation", to title III of the Agricultural Adjustment Act of 1938. Under the sections of the Act comprising this new subtitle (§§ 379a to 379j, inclusive), during any marketing year for which a national marketing quota is in effect for wheat, beginning with the marketing year on the 1964 crop, a wheat marketing allocation program shall be in effect. Whenever such a program is in effect for any marketing year the Secretary is required to determine the wheat marketing allocation for such year, which shall be the amount of wheat which in determining the national marketing quota for such marketing year the Secretary estimated would be used during such year for food products for consumption in the United States, and that portion of the amount of wheat which in determining such quota he estimated would be exported in the form of wheat or products thereof during such marketing year on which the Secretary determines that marketing certificates should be issued to producers in order to achieve, insofar as practicable, the price and income objectives of subtitle D. The Secretary is also required to determine the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota.

It is proposed that in connection with apportionment of the national wheat acreage allotment among States a reserve of not to exceed one per centum of the national acreage allotment shall be withheld for apportionment to counties as provided in section 334(a) of the Act. It is also proposed that a special acreage reserve of not in excess of 1 million acres be withheld for apportionment to counties as provided in section 334(a) of the Act.

It is proposed that in connection with the apportionment of the State acreage allotments among counties of the State, the Agricultural Stabilization and Conservation Committee for each State with the approval of the Secretary shall determine the percentage of the State acreage allotment, not in excess of three per centum, which shall be reserved for apportionment to farms in the State on which wheat will be produced in 1971, but classified as new wheat farms in 1971, because such farms do not have wheat history acreages for any of the 3 years, 1968, 1969, or 1970.

States with acreage allotments of 25,000 acres or less were designated as being outside the commercial wheat-producing area for each of the years 1955 through 1963. In view of the fact, however, that marketing certificates are required to be issued for farms both within and without the commercial wheat-producing area for 1971, it is proposed that all wheat producing States, including each State for which a State wheat acreage allotment of 25,000 acres or less is determined, shall be designated as being within the commercial wheat-producing area.

Prior to making any of the foregoing determinations with respect to marketing quotas and National, State, and county acreage allotments, including the determination and allocation of reserves for the 1971 crop of wheat, the designation of the 1971 commercial wheat-producing area, the date of the referendum, the formulation of regulations for the establishment of projected county yields for the 1971 crop of wheat, the wheat marketing allocation, and the national allocation percentage for the 1971–72 marketing year, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, ASCS, U.S. Department of Agriculture, Washington, D.C. All written submissions must be postmarked not later than 20 days after the date of publication of the notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Issued at Washington, D.C., this 14th day of March 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-3326; Filed, Mar. 18, 1970; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN OKLAHOMA CITY INTRASTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R.

9909), notice is hereby given of a proposal to designate the Metropolitan Oklahoma City Intrastate Air Quality Control Region (Oklahoma) as set forth in the following new § 81.47 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Oklahoma and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 1:30 p.m., March 26, 1970, at the Ninth Floor Courtroom, U.S. Post Office Building, Third and Robinson Streets, Oklahoma City, Okla.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852, of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.47 is proposed to be added to read as follows:

§ 81.47 Metropolitan Oklahoma City Intrastate Air Quality Control Region.

The Metropolitan Oklahoma City Intrastate Air Quality Control Region (Oklahoma) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Oklahoma:

Canadian County.	Oklahoma County.
Cleveland County.	Pottawatomie County.
Logan County.	
McClain County.	

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: March 10, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70–3222; Filed, Mar. 18, 1970; 8:45 a.m.]

[42 CFR Part 81]

CHAMPLAIN VALLEY INTERSTATE AIR QUALITY CONTROL REGION

Notice of Proposed Designation and Consultation With Appropriate State and Local Authorities

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Champlain Valley Interstate Air Quality Control Region (Vermont-New York) as set forth in the following new § 81.48 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the States of Vermont and New York and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., March 30, 1970, in the Federal Courtroom, Fifth Floor, U.S. Post Office and Courthouse Building, 11 Elmwood Avenue, Burlington, Vt. 05402.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Parklawn Building, Room 17–82, 5600 Fishers Lane, Rockville, Md. 20852 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.48 is proposed to be added to read as follows:

§ 81.48 Champlain Valley Interstate Air Quality Control Region.

The Champlain Valley Interstate Air Quality Control Region (Vermont-New York) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Vermont:

Addison County.	Grand Isle County.
Chittenden County.	Rutland County.
Franklin County.	

In the State of New York:

Clinton County.	Essex County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law 90–148, 81 Stat. 490, 504, 42 U.S.C. 1857c–2(a), 1857g(a).

Dated: March 9, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70–3223; Filed, Mar. 18, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70–SO–21]

CONTROL ZONE 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 Macon, Ga., 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 Macon control zone described in § 71.171 (35 F.R. 2054), would be redesignated as:

Within a 5-mile radius of Lewis B. Wilson Airport (lat. 32°41'35" N., long. 83°38'50" W.); within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 5.5 miles southwest of the runway end; within 3 miles each side of Macon VORTAC 316° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Robins AFB (lat. 32°38'30" N., long. 83°35'35" W.); within 3 miles each side of Macon VORTAC 140° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

The Macon 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-mile radius of Herbert Smart Airport (lat. 32°49'20" N., long. 83°33'50" W.); within an 11-mile radius of Lewis B. Wilson Airport (lat. 32°41'35" N., long. 83°38'50" W.); within a 14-mile radius of Robins AFB (lat. 32°38'30" N., long. 83°35'35" W.); within 5 miles each side of Macon VORTAC 227° radial, extending from the 14-mile radius area to 10.5 miles southwest of the VORTAC; within 3 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 8.5 miles southwest of the LOM.

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

Control zone. 1. Increase the extension predicated on Macon VORTAC 140° radial 2 miles in width and decrease it 1.5 miles in length.

2. Increase the extensions predicated on Macon VORTAC 316° and 325° radials 2 miles in width and 0.5 mile in length.

3. Designate an extension predicated on Lewis B. Wilson Airport Runway 5 extended centerline 4 miles in width and 5.5 miles in length.

4. Revoke the extension predicated on Robins AFB ILS localizer southeast course.

Transition area. 1. Increase the basic radius circles as follows:

a. Herbert Smart Airport from 6 to 8 miles.

b. Lewis B. Wilson Airport from 10 to 11 miles.

c. Robins AFB from 10 to 14 miles.

2. Designate an extension predicated on Macon VORTAC 227° radial 10 miles in width and 10.5 miles in length.

3. Reduce the extension predicated on Macon ILS localizer southwest course 7 miles in width and 3.5 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Macon terminal complex.

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 March 2, 1970.

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

[F.R. Doc. 70-3314; Filed, Mar. 18, 1970; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey

MARCH 13, 1970.

1. Plats of survey for the following described land, accepted January 23, 1970, will be officially filed in the Land Office, Boise, Idaho, effective at 10 a.m., on April 22, 1970.

BOISE MERIDIAN, IDAHO

T. 7 N., R. 39 E.,
Sec. 24, lots 5 and 6;
Sec. 25, lots 5 to 7, inclusive;
Sec. 26, lots 8 to 19, inclusive;
Sec. 27, lot 2;
Sec. 34, lots 10 to 17, inclusive;
Sec. 35, lot 2.
T. 3 N., R. 42 E.,
Sec. 4, lots 9 and 10;
Sec. 5, lots 12 to 24, inclusive;
Sec. 6, lots 7 to 12, inclusive;
Sec. 7, lots 9 to 18, inclusive;
Sec. 8, lots 4 to 7, inclusive;
Sec. 9, lots 11 to 13, inclusive;
Sec. 10, lots 9 to 14, inclusive;
Sec. 11, lots 5 to 11, inclusive;
Sec. 12, lots 3 to 6, inclusive;
Sec. 13, lots 10 to 17, inclusive;
Sec. 14, lots 6 to 9, inclusive;
Sec. 15, lot 3;
Sec. 24, lots 5 to 8, inclusive.
T. 3 N., R. 43 E.,
Sec. 19, lots 9 to 13, inclusive;
Sec. 30, lots 13 to 15, inclusive;
Sec. 31, lots 10 and 11;
Sec. 32, lot 8.

The areas described aggregate 1,063.95 acres.

2. The lands involve dependent resurveys, survey of islands, and omitted lands.

3. The omitted lands are subject to the provisions of the Act of May 31, 1962 (76 Stat. 89). Before sale of any of the omitted lands can be made, a notice in accordance with the regulations in 43 CFR 2214.6–1 must be published in the FEDERAL REGISTER. Inquiries concerning the lands should be addressed to the Manager, Idaho Land Office, 550 West Fort Street, Boise, Idaho 83702.

CURTIS R. TAYLOR,
Acting Manager, Land Office.

[F.R. Doc. 70–3316; Filed, Mar. 18, 1970; 8:48 a.m.]

[Serial No. N–3773]

NEVADA

Notice of Offering of Land for Sale

MARCH 9, 1970.

Notice is hereby given that under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, and pursuant to an application from the town of Carlin, Nev., the Secretary of the Interior will offer for sale the following tract of land:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 52 E.,
Sec. 22, W½NE¼SW¼NW¼, NW¼SW¼NW¼, N½SW¼SW¼NW¼, NW¼SE¼SW¼NW¼.

The area described contains 22.5 acres. The land is located within the city limits of Carlin, and is planned for use as a dumpsite.

It is the intention of the Secretary to enter into an agreement with the town of Carlin to permit the town to purchase the land at its appraised fair market value.

The land will be sold subject to all valid existing rights. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Any adverse claimants to the above-described land should file their claims or objections with the undersigned within 30 days of the filing of this notice.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70–3304; Filed, Mar. 18, 1970; 8:47 a.m.]

[New Mexico 10947]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

MARCH 11, 1970.

Notice of a Department of Agriculture, Forest Service, application New Mexico 10947, for withdrawal and reservation of lands for recreation and administrative site purposes, was published as F.R. Doc. 70–1406 on page 2600 of the issue for Thursday, February 5, 1970. The applicant agency has amended its application to include additional lands which are described below.

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, Land Office Manager, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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 applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the amended application is:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Sandia Scenic Drive Recreation Zone

A strip of land 500 feet each side of the centerline of the Sandia Scenic Drive through the following subdivisions:

T. 12 N., R. 5 E.,
Sec. 17, NE¼NE¼NE¼;
Sec. 20, SE¼SW¼ and W½SW¼SE¼;
Sec. 29, NE¼NW¼, NW¼NW¼NW¼ and S½NW¼NW¼.

MICHAEL T. SOLAN,
Land Office Manager.

[F.R. Doc. 70–3267; Filed, Mar. 18, 1970; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH–282]

HAWAIIAN SUGARCANE

Notice of Hearing on Prices and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the council room of the Hawaii County Building, 25 Aupuni Street, on April 24, 1970, beginning at 9 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices or rates for the 1970 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreements, by

producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Tom O. Murphy, James E. Agnew, C. F. Denny, Robert R. Stansberry, and Floyd McCoy are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on March 12, 1970.

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

[F.R. Doc. 70-3325; Filed, Mar. 18, 1970; 8:48 a.m.]

Office of the Secretary

CHICAGO MERCANTILE EXCHANGE

Designation as Contract Market for Frozen Boneless Beef

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq., Supp. IV, 1969), I hereby designate the Chicago Mercantile Exchange of Chicago, Ill., as a contract market for frozen boneless beef effective on this date, as shown below. The said exchange has applied for, and has otherwise complied with, the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the orders issued by the Secretary of Agriculture on September 11, 1936, August 22, 1955, June 13, 1968, and July 19, 1968, designating the said exchange as a contract market for the commodities specified in such orders, may constitute either a single designation or several designations.

Issued this 13th day of March 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-3280; Filed, Mar. 18, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CARNEGIE INSTITUTION OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00108-33-46040. Applicant: Carnegie Institution of Washington, Baltimore, Md. 21210. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for both training and research. Graduate students and postdoctoral fellows will be trained in the techniques and application of electron microscopy. For carrying out and supplying research projects, the instrument will be used to examine gene-sized length of native or denatured deoxyribonucleic acid (DNA). Strands 0.01-0.1 microns in length, will be spread on grids by the Kleinschmidt technique and shadowed with metals. For viewing these preparations the optimal accelerating voltage has been found to be 75 kv. The second research use for the microscope will be to probe the ultrastructure of cellular components in thin sections to examine the substructure of the nucleolus and chromatin derived from it, as well as to study mitochondrial structure and to investigate the development of myofibrils, the nexal "tight-junctions" in differentiating heart cells in culture.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a means for: (1) Going from the lowest (600 diameters (×)) to very highest magnification (400,000) without opening the column or changing the pole piece; and (2) a capability for a 25 kv. accelerating voltage with anode-cathode spacing for optimum beam intensity without opening the column. The most closely comparable domestic electron microscope is the Model EMU-4B which was being manufactured by the Radio Corp. of America (RCA) at the time the applicant ordered the foreign article, but which is currently being manufactured by Forgflo Corp. (Forgflo). In the domestic electron microscope, (1) the change from the lowest (500×) to the highest magnification (240,000×) requires a pole piece change to produce distortion-free micrographs.

We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated January 22, 1970, that the procedures inherent in the domestic electron microscope would affect the accomplishment of the purposes for which the foreign article is intended to be used; (2) the EMU-4B provides a 25 kv. accelerating voltage but no means of obtaining high-beam intensity without opening the column which could significantly affect the success of the experiments.

For the foregoing reasons, we find that the RCA Model EMU-4B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-3284; Filed, Mar. 18, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Air Pollution Control Administration

AIR POLLUTION PREVENTION AND CONTROL

Issuance of Air Quality Criteria and Information on Recommended Control Techniques

Pursuant to section 107 (b) and (c) of the Clean Air Act (42 U.S.C. 1857c-2 (b) and (c)), notice is hereby given that the National Air Pollution Control Administration, after consultation with appropriate advisory committees and Federal departments and agencies, has issued the following documents:

Air Quality Criteria for Carbon Monoxide (NAPCA Publication No. AP-62).
Air Quality Criteria for Photochemical Oxidants (NAPCA Publication No. AP-63).
Air Quality Criteria for Hydrocarbons (NAPCA Publication No. AP-64).
Control Techniques for Carbon Monoxide Emissions from Stationary Sources (NAPCA Publication No. AP-65).
Control Techniques for Carbon Monoxide, Nitrogen Oxide, and Hydrocarbon Emissions from Mobile Sources (NAPCA Publication No. AP-66).

Control Techniques for Nitrogen Oxide Emissions from Stationary Sources (NAPCA Publication No. AP-67).

Control Techniques for Hydrocarbon and Organic Solvent Emissions from Stationary Sources (NAPCA Publication No. AP-68).

The air quality criteria reflect the latest scientific knowledge useful in indicating the kind and extent of identifiable effects on health and welfare which may be expected from the presence of carbon monoxide, photochemical oxidants, and hydrocarbons in varying quantities in the ambient air.

The control technology documents provide information, including cost information, on those techniques currently available and recommended for application to sources of carbon monoxide, nitrogen oxides, hydrocarbons, and organic solvents.

Specific effects attributable to the oxides of nitrogen, particularly direct effects of nitrogen dioxide on human health, are under study and as of this date have not been sufficiently well defined to serve as a basis for the issuance of air quality criteria. It is anticipated, however, that criteria for oxides of nitrogen will be published early in 1971. Control techniques applicable to the oxides of nitrogen are being issued in advance of associated air quality criteria because of their contribution to the formation of photochemical oxidants. Where ambient air quality standards for oxidants cannot be achieved or maintained by control of the other precursors of photochemical oxidants or by control of nitrogen oxides from mobile sources, control of nitrogen oxides from stationary sources within the air quality control region will be necessary.

Each document named in this notice has been officially transmitted to the Governor of every State, and to the agency in each State that is officially designated by the Governor as the official State air pollution control agency for purposes of the Act. In accordance with section 108(c)(1) of the Act, upon receipt of the above-named documents, the Governors of those States in which air quality control regions are designated have 90 days to file with the Secretary of Health, Education, and Welfare a letter of intent that the State will, within 180 days, adopt, after public hearings, ambient air quality standards for carbon monoxide, photochemical oxidants, and hydrocarbons applicable to any designated air quality control region, or portions thereof, within such State, and within 180 days thereafter, and from time to time as may be necessary, adopt a plan for the implementation, maintenance, and enforcement of such standards.

The State standards and plan shall be the air quality standards applicable to the State if the standards and plan are established in accordance with the letter of intent and if the Secretary determines that the State standards are consistent with the air quality criteria and recommended control techniques; that the plan is consistent with the purposes of the Act insofar as it assures achieving the standards of air quality within a reasonable time; that a means of enforcement of the standards is provided by State action; and that State procedures exist immediately to compel a particular pollution source or combination of sources (including moving sources), which present an imminent and substantial endangerment to the health of persons, to stop the emission of contaminants or to take such other action as may be necessary.

Copies of each document are available to the general public from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Approved: March 16, 1970.

JOHN T. MIDDLETON,
Commissioner, National Air Pollution Control Administration.

[F.R. Doc. 70-3317; Filed, Mar. 18, 1970; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION VI (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions and named person in Region VI (San Francisco) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), during the present vacancy in the position of the Assistant Regional Administrator for Program Coordination and Services, Region VI (San Francisco), with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Program Coordination and Services unless all other officers whose names and titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Assistant Regional Administrator for Program Coordination and Services.

2. Director, Planning Division, Program Coordination and Services Office.

3. Reno Kramer, HUD Program Coordinator.

This designation revokes the designation effective August 4, 1969 (34 F.R. 19150, Dec. 3, 1969).

(Secretary's delegation effective May 4, 1969)

Effective date. This designation is effective as of date of publication in the FEDERAL REGISTER.

WARD ELLIOTT,
Acting Regional Administrator, Region VI.

[F.R. Doc. 70-3319; Filed, Mar. 18, 1970; 8:48 a.m.]

ACTING ASSISTANT SECRETARY FOR RENEWAL AND HOUSING MANAGEMENT ET AL.

Designations

SECTION A. *Acting Assistant Secretary for Renewal and Housing Management.* The officials appointed to, or designated to serve as Acting during a vacancy in, the following listed positions are hereby designated to serve as Acting Assistant Secretary for Renewal and Housing Management during the absence of the Assistant Secretary for Renewal and Housing Management, with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Renewal and Housing Management: *Provided*, That no official is authorized to serve as Acting Assistant Secretary for Renewal and Housing Management unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Renewal and Housing Management.

2. Director, Office of Renewal Assistance.

3. Director, Office of Housing Management.

SEC. B. *Acting Director, Office of Renewal Assistance.* The officials appointed to, or designated to serve as Acting during a vacancy in, the following listed positions are hereby designated to serve as Acting Director, Office of Renewal Assistance, during the absence of the Director, Office of Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Director, Office of Renewal Assistance: *Provided*, That no official is authorized to serve as Acting Director, Office of Renewal Assistance, unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Director, Office of Renewal Assistance.

2. Director, Program Management Division, Office of Renewal Assistance.

3. Director, Redevelopment Division, Office of Renewal Assistance.

SEC. C. *Acting Director, Office of Housing Management.* The officials appointed to, or designated to serve as Acting during a vacancy in, the following listed positions are hereby designated to serve as Acting Director, Office of Housing Management, with all the powers, functions, and duties redelegated or assigned to the Director, Office of Housing Management: *Provided*, That no official is authorized to serve as Acting Director, Office of Housing Management, unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Director, Office of Housing Management.

2. Director, Housing Programs Management Division, Office of Housing Management.

3. Director, Property Disposition Division, Office of Housing Management.

SEC. D. *Supersedures.* These designations supersede the designation of Acting Assistant Secretary for Renewal and Housing Assistance published at 33 F.R. 9218, June 21, 1968; the designation of Acting Deputy Assistant Secretary for Renewal Assistance published at 32 F.R. 16444, November 30, 1967; and the designation of Acting Deputy Assistant Secretary for Housing Assistance published at 33 F.R. 7889, May 30, 1968.

(Sec. E of Secretary's delegation effective July 1, 1966, 31 F.R. 8965, June 29, 1966)

Effective date. These designations shall be effective as of February 7, 1970.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Management.

[F.R. Doc. 70-3318; Filed, Mar. 18, 1970; 8:48 a.m.]

DIRECTOR, UTILITIES TECHNOLOGY, ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Redelegation of Authority With Respect to Administration of Contracts for Grants for Urban Mass Transportation Projects

Redelegation of authority. The Director, Utilities Technology, Assistant Secretary for Research and Technology, is authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the administration of contracts for grants for urban mass transportation research, development, and demonstration projects under section 6(a), and research and training projects under section 11, of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601-1611), and as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note):

To approve requisitions for funds, third-party contracts, and budget amendments.

(Secretary's delegation of authority effective Feb. 7, 1970, 35 F.R. 2750, Feb. 7, 1970)

Effective date. This redelegation of authority shall be effective as of March 2, 1970.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[F.R. Doc. 70-3320; Filed, Mar. 18, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21828]

AMERICAN-TRANS CARIBBEAN MERGER

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 8, 1970, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 10, 1970, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 13, 1970.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[F.R. Doc. 70-3328; Filed, Mar. 18, 1970; 8:48 a.m.]

[Docket No. 21945 etc.; Order 70-3-68]

IMPERIAL AIRWAYS, INC.

Order To Show Cause

Issued under delegated authority March 13, 1970.

The establishment of final and temporary service mail rates for Imperial Airways, Inc., Dockets 21945, 21946; nonpriority mail rates, Docket 18381.

Imperial Airways, Inc. (Imperial) is an air taxi operator providing services pursuant to Part 298 of the Board's Economic Regulations. By petitions filed February 24, 1970, Imperial requested that the Board establish final mail rates for the transportation of mail by aircraft between Minneapolis/St. Paul, Minn., on the one hand, and both Mankato (Docket 21945) and St. Cloud (Docket 21946) Minn., on the other hand. By Order 69-1-114, January 27, 1969, the Board authorized North Central Airlines, Inc., to suspend service at Mankato pending improvements in the airport facilities. Imperial now provides the only regularly scheduled air service in these two markets.

No service mail rates are currently in effect for this service by Imperial. Imperial requests that the multielement rates[1] established in Orders E-25610 and E-17255 be made applicable to Imperial.

On March 6, 1970, the Postmaster General filed a reply in Docket 21946 supporting Imperial's petition for services between Minneapolis/St. Paul and St. Cloud, Minn. On March 9, 1970, the Postmaster General filed a reply in Docket 21945 supporting Imperial's petition for service between Minneapolis/St. Paul and Mankato, Minn. Both replies were contingent on Imperial being subject to all of the provisions of Orders E-25610 and E-17255, as amended.

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Imperial at the level established in Order E-25610, as amended, and the terms and provisions of that order shall be applicable to Imperial.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers for the transportation of nonpriority mail, established by Order E-17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. We propose to establish temporary service mail rates for nonpriority mail for Imperial at the level established in Order E-17255, as amended. We will also make Imperial a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Imperial by the Postmaster General for the air transportation of mail between Minneapolis/St. Paul, on the one hand, and both Mankato and St. Cloud, Minn., on the other hand. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order[2] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid on and after February 24, 1970, to Imperial Airways, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Minneapolis/St. Paul, Minn., on the one hand, and both Mankato (Docket 21945) and St. Cloud (Docket 21946) Minn., on the other hand, shall be the rates established by the Board in Order E-25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid on and after February 24, 1970 to Imperial Airways, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Minneapolis/St. Paul, Minn., on the one hand, and both Mankato (Docket 21945) and St. Cloud (Docket 21946) Minn., on the other hand, shall be the rates established by the Board in Order E-17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

[1] The present rates per Order 69-12-132, Dec. 30, 1969, are as follows:

Priority mail: 24 cents per ton-mile plus 9.36 cents per pound at Mankato and St. Cloud and 2.34 cents per pound at Minneapolis/St. Paul, Minn.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Mankato and St. Cloud and 1.66 cents per pound at Minneapolis/St. Paul, Minn.

[2] As this Order to Show Cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302 and 298, and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons, and particularly Imperial Airways, Inc., the Postmaster General, and North Central Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Imperial Airways, Inc., for the transportation of priority and nonpriority mail.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below.

3. Imperial Airways, Inc., is hereby made a party to the proceedings in Docket 18381;

4. This order shall be served upon Imperial Airways, Inc., the Postmaster General, and North Central Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except as insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-3330; Filed, Mar. 18, 1970; 8:48 a.m.]

[Docket No. 20291; Order 70-3-66]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 13, 1970.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters; Docket 20291, Agreement CAB 21614, Agreement CAB 21633.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conferences 1 and 2 and Joint Conferences 1–2 and 1–2–3 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above-designated CAB Agreement numbers.

The agreements amend provisions of the construction rules by: (1) Permitting routings between Johannesburg and Tananarive via Durban and via Blantyre-Limbe at the direct route fares; and (2) adding the routings Minneapolis/St. Paul-Boston and Minneapolis/St. Paul-Montreal to the list of exceptions under which any services operated with two-engined aircraft or Boeing 727 aircraft may be used at through economy-class fares in international air transportation.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA Resolutions*
21614	200(Mail 989)014a.
21633	100(Mail 832)014a.
	JT12(Mail 729)014a.
	JT123(Mail 633)014a.

Accordingly, it is ordered, That:

Action on Agreements CAB 21614 and 21633 be, and hereby is, deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3329; Filed, Mar. 18, 1970; 8:48 a.m.]

[Docket No. 21761]

WEIGHT LIMITATION INVESTIGATION

Postponement of Procedural Dates

MARCH 13, 1970.

The National Air Transportation Conferences have requested that the date for prehearing conference herein be postponed from March 30, 1970, to April 13, 1970, and that other procedural dates, including intervention petitions, be postponed until April 6th. The National Aviation Trades Association has requested postponement of the closing date for Petitions to Intervene until April 14th, and states that this matter will be discussed at a meeting of its board of directors on March 20th.

It is desirable that all parties and the examiner have a general idea of the size of the proceedings, the issues to be raised, and the number of parties, before discussing the organization of the case at the prehearing conference. Consequently, petitions to intervene should be submitted a substantial time before the Conference. The directors of National Aviation Trades Association should have ample time after March 30th to decide on and to file petitions to intervene by April 6th.

Accordingly, the final date for filing statements of position, proposed issues, proposed procedural dates, petitions for leave to intervene, and other motions is postponed until April 6th and the prehearing conference is postponed until 10 a.m., e.s.t., April 13, 1970, Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 70-3327; Filed, Mar. 18, 1970; 8:48 a.m.]

[Docket No. 22011; Order 70-3-70]

WIEN CONSOLIDATED AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of March 1970.

Reduced rates on oil-well-drilling cement and mud between points in Alaska proposed by Wien Consolidated Airlines, Inc., Docket 22011.

By tariff revisions filed February 17, 1970, and marked to become effective March 19, 1970, Wien Consolidated Airlines, Inc. (Wien), proposes to establish specific commodity rates on oil-well-drilling cement and oil-well-drilling mud from Anchorage and Fairbanks to Prudhoe and Sag River, Alaska. The rates would apply to shipments of not less than 500 or 1,000 tons aggregated within a 30-day period and would be subject to a space-available provision.

Wien justifies its proposal by asserting that it would provide for the first time air freight rates especially applicable to the commodities involved, which are now transported by surface means. The proposals would effect reductions ranging between 3 and 14 percent of the currently applicable general commodity rates.

No complaints have been filed against Wien's proposal.

Upon consideration of all relevant factors, the Board finds that Wien's proposed rates may be unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended, pending investigation. The proposed rates would result in reduced charges to shippers who tender large volumes of traffic to the carrier over a period of time. Shippers unable to provide this volume of traffic, however, would continue to pay the higher charges based upon the currently applicable general commodity rates.

The proposal discriminates against shippers who are unable to provide 500 tons or more of the commodities involved over a period of 30 days. The rate for two identical shipments of 10,000 pounds from Anchorage to Prudhoe Bay, for example, would be different if one shipper tenders a total of 500 tons within a 30-day period.

Wien has not presented any cost justification in support of its proposal. We find that the difference in rates available to the public for identical shipments

have not been adequately justified and should not be permitted to become effective pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions in Wien Consolidated Airlines, Inc.'s, Tariff CAB No. 12 (and 1st revised title page and 1st revised page 3 thereto), and rules, regulations, and practices affecting such rates and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions in Wien Consolidated Airlines, Inc.'s, Tariff CAB No. 12 (and 1st revised title page and 1st revised page 3 thereto) are suspended and their use deferred to and including June 16, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served on Wien Consolidated Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3331; Filed, Mar. 18, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 483]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 16, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

5023-C2-P-70—Electrocom Corp. (KCI297), C.P. to replace transmitter for frequency 454.20 MHz at station located at 350 Cedar Street, Needham, Mass.

5024-C2-P-70—Southwestern Bell Telephone Co. (KLB800), C.P. to change base frequency from: 152.66 MHz to: 152.72 MHz at station located at 5 miles northeast of Fayetteville, Ark.

5025-C2-P-70—Michigan Bell Telephone Co. (KQD607), C.P. to relocate base station location No. 1 to: 1415 South Division Avenue, Grand Rapids, Mich., operating on frequency 35.50 MHz also change antenna system.

5048-C2-P-70—Hawaiian Telephone Co. (New), C.P. for a new 1-way station to be located at 115 Kalakaua Street, Hilo, Hawaii, to operate on base frequency 152.84 MHz.

5049-C2-P-(6)-70—San Juan Radio Telephone Corp. (WWA311), C.P. for additional facilities at a new site to be identified as location No. 4: Altos de La Mesa, Caguas, P.R., to operate on frequencies: 454.025, 454.075 MHz (Base), and 459.125, 459.175 MHz (Repeater). Also add control facilities at location No. 1: Calle Lamar 303, Hato Rey, P.R., to operate on frequencies 454.125, 454.175 MHz (Control).

5050-C2-P/L-70—George Metroyanis, doing business as Mobile Radio Communications of Gary (KSD311), C.P. and license to reinstate facilities. Frequency: 454.10 MHz. Location: 30th Avenue and Connecticut Street, Gary, Ind.

5051-C2-P/L-70—George Metroyanis, doing business as Mobile Radio Communications of Gary (KSD315), C.P. and license to reinstate facilities. Frequency: 35.22 MHz. Location: 30th Avenue and Connecticut Street, Gary, Ind.

5068-C2-P-70—Norfolk Radio Paging Service (KIG297), C.P. to change antenna location to: 234 Monticello, Norfolk, Va., operating on frequency 35.58 MHz, also replace transmitter.

5067-C2-P-70—Midwest Mobile Radio Service, Inc. (New), C.P. for a new 2-way station to be located at 3001 South 42d Street, St. Joseph, Mo., to operate on base frequency 152.21 MHz.

5069-C2-P-(2)-70—Albert E. Armour, Jr. (KOF912), C.P. to replace transmitters at location No. 1: Atop Sacaton Peak, 10 miles north-northwest of Casa Grande, Ariz., operating on frequencies 454.20 MHz, 454.25 MHz.

5080-C2-P-(3)-70—General Telephone Co. of Florida (KIA768), C.P. to convert the existing three channels 152.51, 152.63, 152.69 MHz from MTS to IMTS operation at station located at south side of Causeway Boulevard, 2 miles east of U.S. Highway No. 41 and 5.9 miles east-southeast of Tampa, Fla. Also replace transmitters and change antenna system for same.

5081-C2-P-(2)-70—General Telephone Co. of Florida (New), C.P. for a new 1-way station to be located at Cleveland Avenue and Betty Lane, Clearwater, Fla., to operate on frequencies 152.54 MHz and 152.60 MHz also add auxiliary test facilities to operate on frequencies 157.80 and 157.86 MHz.

5082-C2-P-70—Louis C. Schatz, doing business as Albany Telephone Answering Service (New), C.P. for a new 1-way station to be located at First and Washington, Albany, Ga., to operate on base frequency 158.70 MHz.

5083-C2-P-70—Margaret Walsh, doing business as Radio Telephone Secretaries (KLF 645), C.P. to change antenna system and location to: Northern Building, 305 East Walnut Street, Green Bay, Wisc., operating on base frequency 152.24 MHz.

5084-C2-P-70—William L. Lewis, doing business as Baxley Radio (KLF581), C.P. to change antenna system at station located at 109 Park Avenue, Baxley, Ga., operating on base frequency 152.21 MHz.

5103-C2-P-70—Sherman M. Wolf, doing business as Radio Call (KCB890), C.P. to add transmitter at a new site to be identified as location No. 3: 16 Eureka Avenue, Swampscott, Mass., to operate on base frequency 43.58 MHz and location No. 4: 26 Vernon Street, Quincy, Mass., to operate on base frequency 43.58 MHz.

5122-C1/C2-AL-(2)-70—Rice Communications, Inc., and Data Processing Center, Inc., doing business as Southwest Communications (KOP906), Consent to assignment of license from: Rice Communications, Inc., and Data Processing Center, Inc., doing business as Southwest Communications, Assignor to: X. Nady, Jr., Assignee.

2096-C2-R-70—Bell Telephone Co. of Nevada (KD9271), Renewal of (Developmental) license expiring Apr. 27, 1970.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

Major Amendment

3806–C2–AL–70—Advanced Communications Co. (KLF531), Application amended to change assignee from Great Eastern Communications Co. to RAM Broadcasting of Connecticut, Inc. All other particulars same as reported in public notice dated Jan. 19, 1970, No. 475.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Washington

Joseph N. Thomason (New), 2533–C2–P–70.
Robert S. Ditton (KOE516), 3290–C2–P–(4)–70.

RURAL RADIO SERVICE:

5026–C1–P/L–70—The Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new fixed station to be located at 5.9 miles southwest of Moorcroft, Wyo., to operate on frequency 157.80 MHz.

5027–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPI66), C.P. to replace transmitter at station located at 34.4 miles west-southwest of Casper, Wyo., operating on frequency 459.40 MHz.

5028–C1–P–70—The Mountain States Telephone & Telegraph Co. (KPX96), C.P. to replace transmitter at station located at 28.1 miles northeast of Three Forks, Wyo., operating on frequency 459.40 MHz.

5122–C1–C2–AL–(2)–70—Rice Communications, Inc., and Data Processing Center, Inc., doing business as Southwest Communications (KPI67), Consent to assignment of license from: Rice Communications, Inc., and Data Processing Center, Inc., doing business as Southwest Communications, Assignor to: X. Nady, Jr., Assignee.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5029–C1–P–70—American Telephone & Telegraph Co. (KAK48), C.P. to add frequency 4010 MHz toward Lino Lakes, Minn. Station location: 2 miles northeast of Wyoming, Minn.

5030–C1–P–70—American Telephone & Telegraph Co. (KVI51), C.P. to add frequency 3970 MHz toward Wyoming, Minn., and 3990 MHz toward St. Paul, Minn. Station location: 5.4 miles south-southeast of Lino Lakes, Minn.

5031–C1–P–70—American Telephone & Telegraph Co. (KVI50), C.P. to add frequency 3950 MHz toward Lino Lakes, Minn. Station location: 70 West Fourth Street, St. Paul, Minn.

5032–C1–P–70—Illinois Bell Telephone Co. (KSO40), C.P. to add frequency 6019.3 MHz toward Weldon, Ill. Station location: 201 South Neil Street, Champaign, Ill.

5033–C1–P–70—Illinois Bell Telephone Co. (KXR47), C.P. to add frequency 6330.7 MHz toward Lake Fork, Ill. Station location: 4 miles south of Weldon, Ill.

5034–C1–P–70—Illinois Bell Telephone Co. (KSO95), C.P. to add frequency 6019.3 MHz toward Springfield, Ill. Station location: 2.1 miles east-southeast of Lake Fork, Ill.

5035–C1–P–70—South Central Bell Telephone Co. (KIY29), C.P. to add frequency 6226.9 MHz toward Farmington, Ky. Station location: 1.9 miles south-southeast of Grand Rivers, Ky.

5036–C1–P–70—South Central Bell Telephone Co. (New), C.P. for a new station to be located at approximately 1.7 miles north-northwest of Farmington, Ky. Frequency: 6034.2 MHz toward Murray, Ky.

5037–C1–P–70—Southern Bell Telephone & Telegraph Co. (KIU58), C.P. to add frequency 10,755 MHz toward Port Canaveral, Fla. Station location: 712 Florida Avenue, Cocoa, Fla.

5038–C1–P–70—Southern Bell Telephone & Telegraph Co. (KIU59), C.P. to add frequency 4110 MHz toward Cocoa, Fla. Station location: 508 Palmetto Avenue, Melbourne, Fla.

5039–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJW90), C.P. to add frequency 3900 MHz toward Melbourne, Fla. Station location: On State Road No. 507, 2.9 miles north of Fellsmere, Fla.

5040–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJW91), C.P. to add frequency 3950 MHz toward Fellsmere, Fla. Station location: On Highway No. 60, 8 miles west of Vero Beach, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

5041–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJW92), C.P. to add frequency 3990 MHz toward Vero Beach, Fla. Station location: 712 Citrus Avenue, Fort Pierce, Fla.

5042–C1–P–70—Southern Bell Telephone & Telegraph Co. (KOC62), C.P. to add frequency 6315.9 MHz toward Fort Pierce, Fla., a new point of communication. Station location: Approximately 2 miles west-southwest of Stuart, Fla.

5043–C1–P–70—Southern Bell Telephone & Telegraph Co. (KOC63), C.P. to add frequency 6063.8 MHz toward Stuart, Fla., a new point of communication. Station location: 0.1 mile west of Jupiter, Fla.

5044–C1–P–70—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station to be located at 2101 45th Street, West Palm Beach, Fla. Frequency: 6315.9 MHz toward Jupiter, Fla., and 10,875 MHz toward West Palm Beach, Fla.

5045–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJG24), C.P. to add frequency 11,605 MHz toward Boynton Beach, Fla., and 11,325 MHz toward West Palm Beach, Fla., a new point of communication. Station location: 326 Fern Street, West Palm Beach, Fla.

5046–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJW99), C.P. to add frequency 11,155 MHz toward West Palm Beach, Fla., and 10,875 MHz toward Boca Raton, Fla., a new point of communication. Station location: 4 miles west-southwest of Boynton Beach, Fla.

5047–C1–P–70—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station to be located at 500 northwest 20th Street, Boca Raton, Fla. Frequency: 11,325 MHz toward Boynton Beach, Fla.

5070–C1–P–70—American Telephone & Telegraph Co. (KAA70), C.P. to add frequencies 3970, 4050, and 4130 MHz toward Ames, Iowa. Station location: Adjacent lot west of 909 High Street, Des Moines, Iowa.

5071–C1–P–70—American Telephone & Telegraph Co. (KAS42), C.P. to add frequencies 3910, 4090, and 4170 MHz toward Boone, Iowa. Station location: 6 miles southwest of Ames, Iowa.

5072–C1–P–70—American Telephone & Telegraph Co. (KYN90), C.P. to add frequencies 3870, 4050, and 4130 MHz toward Radcliffe, Iowa. Station location: 9.5 miles north-northeast of Boone, Iowa.

5073–C1–P–70—American Telephone & Telegraph Co. (KAS43), C.P. to add frequencies 3910, 4090, and 4170 MHz toward Hampton, Iowa. Station location: 1 mile south-southeast of Radcliffe, Iowa.

5074–C1–P–70—American Telephone & Telegraph Co. (KAS44), C.P. to add frequencies 3870, 4050, and 4130 MHz toward Nora Springs, Iowa. Station location: 5 miles west-southwest of Hampton, Iowa.

5075–C1–P–70—American Telephone & Telegraph Co. (KAS45), C.P. to add frequencies 3910, 4090, and 4170 MHz toward Glenville, Minn. Station location: Nora Springs, 3.5 miles east-northeast of Mason City, Iowa.

5076–C1–P–70—American Telephone & Telegraph Co. (KAS46), C.P. to add frequencies 3870, 4050, and 4130 MHz toward Hartland, Minn. Station location: 3 miles southeast of Glenville, Minn.

5077–C1–P–70—American Telephone & Telegraph Co. (KAS67), C.P. to add frequencies 3910, 4090, and 4170 MHz toward Medford, Minn. Station location: 3.2 miles east-northeast of Hartland, Minn.

5078–C1–P–70—American Telephone & Telegraph Co. (KAS68), C.P. to add frequencies 3870, 4050, and 4130 MHz toward Lonsdale, Minn. Station location: 1.5 miles west-southwest of Medford, Minn.

5079–C1–P–70—American Telephone & Telegraph Co. (KAS69), C.P. to add frequencies 3910, 4090, and 4170 MHz toward Minneapolis, Minn. Station location: 2.5 miles north-northeast of Lonsdale, Minn.

5085–C1–MP–70—Golden West Telephone Co. (KNB36), Modification of C.P. to change frequencies 6179.2 and 6315.9 MHz to 6197.2 and 6315.9 MHz. Location: Black Metal Mountain, 2 miles northwest of Parker Dam, Calif.

5086–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJA97), C.P. to add frequency 3950 MHz toward Minturn, S.C. Station location: 213 South Coit Street, Florence, S.C.

5087–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJL90), C.P. to add frequency 3990 MHz toward Laurinburg, N.C. and Florence, S.C. Station location: 2 miles southwest of Minturn, S.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

5088–C1–P–70—Southern Bell Telephone & Telegraph Co. (KJG27), C.P. to add frequency 3950 MHz toward Minturn, S.C. Station location: 212 McLean Street, Laurinburg, N.C.

5104–C1–P–70—Continental Telephone Co. of California (New), C.P. for a new station to be located at June Lake, Calif., lat. 37°46′50″ N., long. 119°04′29″ W. Frequency: 2162.0 MHz toward Lee Vining, Calif., via passive reflector.

5105–C1–P–70—Continental Telephone Co. of California (KNM38), C.P. to add frequency 2112.0 MHz toward June Lake, Calif., via passive reflector. Station location: Lee Vining Boulevard and Third Street, Lee Vining, Calif.

5106–C1–P–70—Northwestern Bell Telephone Co. (KYJ75), C.P. to add frequencies 10,835 and 11,155 MHz toward East Detroit, Minn. Station location: 715 Summit Avenue, Detroit Lakes, Minn.

5107–C1–P–70—Northwestern Bell Telephone Co. (KYJ74), C.P. to add frequencies 11,285 and 11,605 MHz toward Detroit Lakes, Minn., and 6286.2 and 6404.8 MHz toward Rollag, Minn., a new point of communication. Station location: 3 miles east of Detroit Lakes, Minn.

5108–C1–P–70—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 2.5 miles south of Rollag, Minn. Frequencies: 6004.5 and 6123.1 MHz toward East Detroit Lakes, Minn., and 6034.2 and 6152.8 MHz toward Fargo, N. Dak.

5109–C1–P–70—Northwestern Bell Telephone Co. (KAK53), C.P. to change frequencies 6192.0 and 6345.0 MHz to replace frequencies 6135 and 6375 MHz toward Arthur, N. Dak., and add 6256.5 and 6375.2 MHz toward Rollag, Minn., a new point of communication. Location: 409 First Avenue North, Fargo, N. Dak.

5110–C1–P–70—Northwestern Bell Telephone Co. (KAK54), C.P. to change frequencies 6015 and 6255 MHz toward Fargo, N. Dak., to 6216 and 5935 MHz. Station location: 3.5 miles south of Arthur, N. Dak.

Major Amendment

3373–C1–P–70—The Mountain States Telephone & Telegraph Co. (KAS72), Change frequencies on path toward Monarch Pass, Colo., via passive reflector from 6011.9 and 6071.2 MHz to 5945.2 and 6093.5 MHz. All other particulars the same as reported in public notice, Report No. 471 dated Dec. 22, 1969.

3374–C1–P–70—The Mountain States Telephone & Telegraph Co. (KAN31), Change frequencies on path toward Salida, Colo., via passive reflector from 6264.0 and 6323.3 MHz to 6197.2 and 6345.5 MHz. All other particulars the same as reported in public notice, Report No. 471 dated Dec. 22, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

5053–C1–TC–(3)–70—Garden State Micro Relay, Inc., Transfer of control from: Electronics Capital Corp., Transferor. To: Irving B. Harris, Donald P. Nathanson, Burt I. Harris, Sr., et al., and all the other stockholders of Harriscope Cable Corp. and Malibu Communications Corp., Transferee. Stations: (KEM55) Chatsworth, N.J.; (KEM56) Milmay, N.J.; (KYZ90) North Wildwood, N.J.

5054–C1–TC–(5)–70—T.V. Cables of Mississippi, Inc., Transfer of control from: Electronics Capital Corp., Transferor. To: Irving B. Harris, Donald P. Nathanson, Burt I. Harris, Sr., et al., and all of the other stockholders of Harriscope Cable Corp. and Malibu Communications Corp. Stations: (KLT74) Farrell, Miss.; (KLT75) Cleveland, Miss.; (KTQ99) Indianola, Miss.; (KTR20) Leland, Miss.; (KTR21) Alligator, Miss.

5093–C1–P–70—New York-Penn Microwave Corp. (KGP37), C.P. to power split frequencies 6212.1 and 6271.4 MHz on azimuth 197°46′. Location: 10 miles north-northeast of Clearfield, Pa., at lat. 41°09′50″ N., long. 78°21′23″ W. (Informative: Applicant proposes to provide the signals of WOR–TV and WNEW–TV of New York City to Television Communications Corp. in Clearfield, Pa.)

5094–C1–P–70—Trans-Muskingum, Inc. (New), C.P. for a new station to be located at Mount Herman, 2 miles west of Uniontown, W. Va., at lat. 39°37′38″ N., long. 80°31′37″ W. Frequency 10,755 MHz on azimuth 240°30′.

5095–C1–P–70—Trans-Muskingum, Inc. (New), C.P. for a new station to be located 4.7 miles northeast of Middlebourne, W. Va., at lat. 39°26′20″ N., long. 80°57′26″ W. Frequency 11,405 MHz on azimuth 232°00′.

5096–C1–P–70—Trans-Muskingum, Inc. (New), C.P. for a new station to be located at Sand Hill, W. Va., at lat. 39°14′40″ N., long. 81°16′31″ W. Frequency 10,755 MHz on azimuths 273°30′ and 304°15′.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

5097–C1–P–70—Trans-Muskingum, Inc. (KQO71), C.P. to add frequency 11,405 MHz on azimuth 38°30′. Location: near Gateway, Ohio, at lat. 39°23′12″ N., long. 81°32′36″ W. (Informative: Applicant proposes to provide the television signal of WPGH–TV of Pittsburgh, Pa. to the Ohio Valley Cable Corp. in Marietta, Ohio, and to Durfee's TV Cable Co., Inc., in Parkersburg, W. Va.)

5099–C1–P–70—Eastern Microwave, Inc. (KEA64), C.P. to power split frequencies 6212.1, 6271.4, and 6330.7 MHz toward Gloversville, N.Y., on azimuth 46°53′. Location: 4 miles southeast of Cherry Valley, N.Y., at lat. 42°46′31″ N., long. 74°40′56″ W. (Informative: Applicant proposes to provide the television signals of WPIX–TV, WOR–TV, and WNEW–TV of New York City to Gloversville TV Cable Co., Inc., in Gloversville, N.Y.)

5100–C1–P–70—Eastern Microwave, Inc. (KEA64), C.P. to add frequencies 6212.1 MHz and 6271.4 MHz, via power-split, toward WRGB–TV and WTEN–TV, both near New Scotland, N.Y., on a common azimuth of 105°08′. Location: 4 miles southeast of Cherry Valley, N.Y. (Informative: Applicant proposes (a) to provide WRGB–TV with the signal of WPIX–TV, New York, which telecasts New York Yankee baseball games and (b) to provide WTEN–TV with the signal of WOR–TV, New York, which telecasts New York Mets baseball games. NOTE: Special authority to effect this service was granted on Mar. 6, 1970.)

5101–C1–P–70—Eastern Microwave, Inc. (KEM59), C.P. to add frequency 6019.3 MHz, via power-split, toward WSYR–TV, Syracuse, N.Y., on azimuth of 354°45′. Location: Sentinel Heights, N.Y. (Informative: Applicant proposes to provide WSYR–TV with the signal of WPIX–TV, New York, which telecasts New York Yankee baseball games. NOTE: Special authority to effect this service was granted on Mar. 6, 1970.)

5102–C1–P–70—Eastern Microwave, Inc. (KYZ75), C.P. to add frequency 5960.0 MHz, via power-split, toward WDAU–TV, Scranton, Pa., on azimuth of 285°22′. Location: High Knob, 1.5 miles west of Pecks Pond, Pa. (Informative: Applicant proposes to provide WDAU–TV with the signal of WPIX–TV, New York, which telecasts New York Yankee baseball games. NOTE: Special authority to effect this service was granted on Mar. 6, 1970.)

American Television Relay, Inc., C.P.s (6) to change frequencies at the licensed stations as set forth below:

5111–C1–P–70 (KSV58), 3435 North 16th Street, Phoenix, Ariz., at lat. 33°29′07″ N., long. 112°02′48″ W.
6182.4V, Pinal Peak, Ariz., 101°13′.

5112–C1–P–70 (KPK30), Oatman Mountain, 25.25 miles northeast of Gila Bend, Ariz., at lat. 33°03′06″ N., long. 113°08′06″ W.
5960.0H, 6019.3H, 6078.6H, 6137.9H, White Tank Mountain, Ariz. 42°53′.
5960.0H, 6019.3H, 6078.6H, 6137.9H, Telegraph Pass, Ariz. 249°51′.

5113–C1–P–70 (KPK31), Telegraph Pass, 16.5 miles east-southeast of Yuma, Ariz., at lat. 32°40′22″ N., long. 114°20′14″ W.
6212.1H, 6271.4H, 6330.7H, 6390.0H, Oatman Mountain, Ariz., 69°12′.
6212.1H, 6271.4H, 6330.7H, 6390.0H, Yuma, Ariz., 277°00′.

5114–C1–P–70 (KNZ42), Black Mountain, 46.5 miles east-southeast of El Centro, Calif., at lat. 33°03′02″ N., long. 114°49′35″ W.
6212.1V, 6271.4V, 6330.7V, 6390.0V, Yuma, Ariz., 153°39′.

5115–C1–P–70 (KPZ83), 13th Street and 32d Avenue, Yuma, Ariz., at lat. 32°42′12″ N., long. 114°37′18″ W.
5960.0V, 6019.3V, 6078.6V, 6137.9V, Telegraph Pass, Ariz., 97°16′.

5116–C1–P–70 (KPV76), White Tank Mountain, 10.5 miles north-northwest of Perryville, Ariz., at lat. 33°34′10″ N., long. 112°33′33″ W.
6212.1H, 6271.4H, 6330.7H, 6390.0H, Pinal Peak, Ariz., 101°18′.
6212.1H, 6271.4H, 6330.7H, 6390.0H, Phoenix, Ariz., 102°47′.
6212.1V, Oatman Mountain, Ariz., 223°12′.

5123–C1–P–70—Mountain Microwave Corp. (KVD68), C.P. to add point of communication at Blackwood, Nebr. Frequencies 6212.0H and 6330.7H MHz on azimuth 108°09′. Location: 5 miles south of Julesburg, Colo. at lat. 40°55′01″ N., long. 102°13′47″ W.

5124–C1–P–70—Mountain Microwave Corp. (New), C.P. for a new station at Blackwood, 10.5 miles northwest of Hayes Center, Nebr., at lat. 40°38′10″ N., long. 101°07′34″ W. Frequencies 6019.3V and 6137.9V MHz on azimuths 26°13′, and 140°03′.

5117–C1–P–70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Big Butte 5.75 miles west-southwest of Anatone, Wash., at lat. 46°06′54″ N., long. 117°-14′55″ W. Frequency 6041.6H on azimuth 214°04′.

5118–C1–P–70—Telecommunications of Oregon, Inc. (KOS36), C.P. for a new fixed station, Mount Harris near La Grande, Oreg., at lat. 45°26'24'' N., long. 117°53'34'' W. Frequency 6204.7H on azimuth 171°31'.

5119–C1–P–70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Lone Pine Mountain 4.5 miles southeast of Baker, Oreg., at lat. 44°44'20'' N., long. 117°-44'46'' W. Frequency 5989.7V on azimuth 130°39'.

5120–C1–P–70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Morgan Mountain 3.2 miles east-northeast of Lime, Oreg., at lat. 44°26'03'' N., long. 117°-15'03'' W. Frequency 6241.7H on azimuth 155°11'; 6241.7H on azimuth 181°07'.

5121–C1–P–70—Western Tele-Communications, Inc. (New), C.P. for a new fixed station, Apple Valley, 7 miles southeast of Nyssa, Oreg., at lat. 43°49'32'' N., long. 116°51'40'' W. Frequency 11,625H on azimuth 114°45'; frequency 11,625H on azimuth 140°22'; frequency 11,625H on azimuth 267°22'; frequency 11,625H on azimuth 355°00'; frequency 11,625H on azimuth 351°14'; frequency 11,625H on azimuth 82°15'. (Informative: Applicants propose to provide the television signal of KUID–TV of Moscow, Idaho, to GenCoe, Inc., in Boise, Nampa, Parma, Payette, Weiser, and Emmett, all in Idaho, and to Vale, Oreg. Request was made for waiver of section 21.701(i) of the Commission's rules.)

New York-Penn Microwave Corp.

Major Amendment

2410–C1–P–70 (New), Change frequency to 11,035 MHz.

2411–C1–P–70 (New), Change polarization for frequency 5974.8 MHz to horizontal.

2412–C1–P–70 (New), Change polarization for frequency 6226.9 MHz to horizontal.

2413–C1–P–70 (New), Change frequencies to 6212.1 and 6301.0 MHz toward Port Clinton, Pa.

2415–C1–P–70 (New), Change frequencies to 5960.1 and 6108.3 MHz toward Bauer Rock, Pa.

2416–C1–P–70 (New), Change frequencies to 5989.6 MHz toward Girard Hill, Pa., and 5960.0, 6019.3, and 6049.0 MHz toward Hershey, Pa.

2417–C1–P–70 (New), Change location to Girard Hill, 2 miles west-northwest of Delano, Pa., at lat. 40°50'58'' N., long. 76°06'41'' W. Change polarization for frequency 6375.2 MHz to vertical.

2420–C1–P–70 (New), Change frequencies to 6182.4, 6241.7, and 6301.0 MHz toward Blue Mountain, Pa., and to 6226.9, 6271.4, 6330.7, and 6390.0 MHz toward Little Mountain, Pa.

2421–C1–P–70 (New), Change location to Little Mountain, Pa., 0.7 mile northwest of Summerdale, Pa., at lat. 40°18'57'' N., long, 76°57'09'' W. Change frequencies and path azimuths as set forth below: 6019.3, 6049.0, 6078.6, 6137.9 MHz, Hershey, Pa., 97°23', 5945.2, 5974.8, 6360.3 MHz, Burnt Knob, Pa., 276°25'. 10,735, 10,815, 10,855 and 10,895 MHz Harrisburg, Pa., 133°36', 10,975, 11,055 and 11,095 MHz, Harrisburg, Pa., 133°36'.

2422–C1–P–70—(New), Change frequencies to 11,225, 11,265, 11,345, 11,465, 11,505, 11,545, and 11,585 MHz toward Little Mountain, Pa., on azimuth 313°40'.

2423–C1–P–70—(New), Change frequencies to 6167.6, 6182.4, and 6212.0 MHz toward Little Mountain, Pa., on azimuth of 96°02'. Change frequencies to 6256.5, 6315.9, and 6375.2 MHz toward Little Flat Tower, Pa.

2424–C1–P–70—(New), Change frequencies to 5974.8, 6034.2, and 6093.5 MHz toward Burnt Knob, Pa., and to 6004.5, 6123.1 MHz toward Tyrone Mountain, Pa.

2426–C1–P–70—(New), Change frequencies to 6286.2 and 6404.8 MHz toward Little Flat Tower, Pa. Change frequencies to 6241.7 and 6360.3 MHz toward Kinter Hill, Pa.

2427–C1–P–70—(New), Change frequencies to 5960.0 and 6019.6 MHz toward Tyrone Mountain, Pa. Change frequency to 6078.6 MHz to McNaughton Hill, Pa. Change frequency to 6137.9 MHz to Bell Point Hill, Pa.

2428–C1–P–70—(New), Change frequency to 6301.0 MHz toward Kinter Hill, Pa. Change frequency to 6241.7 MHz toward University of Pittsburgh.

2429–C1–P–70—(New), Change frequency to 6019.3 MHz toward Bell Point Hill, Pa. Change azimuth toward Pittsburgh to 92°10'..

2430–C1–P–70—(New), Change azimuth toward University of Pittsburgh to 272°11'.

2431–C1–P–70—(New), Change frequency to 6390.0 MHz toward Cobham, Pa. Change frequency to 6212.1 MHz toward Kinter Hill, Pa. Change location of station to lat. 41°14'49'' N., long. 79°13'02'' W.

2432–C1–P–70—(New), Change frequency to 6004.5 MHz toward McNaughton Hill, Pa. Change frequency to 6123.1 MHz toward Beacon Hill, Pa. Change location of station to lat. 41°44'11'' N., long. 79°15'22'' W.

2433–C1–P–70—(New), Change frequency to 6286.2 MHz to Cobham, Pa. Change frequency to 6226.9 MHz to Erie, Pa.

2434–C1–P–70—(New), Change frequency to 6004.5 MHz toward Beacon Hill, Pa. All other particulars same as reported in public notice dated Nov. 10, 1969.

3976–C1–P–70—Microwave Relay Services Inc. (New), Major amendment: Change frequency 6345.5 to 5945.2 MHz. All other particulars same as reported in public notice dated Jan. 26, 1970.

3481–C1–P–69—Minnesota Microwave, Inc. (New), Application amended (a) to delete Brookings and Watertown, S. Dak., as points of communication, and (b) add frequency 11,285 MHz toward new point of communication at De Smet, S. Dak. (lat. 44°26'29'' N., long. 97°37'10'' W.), on azimuth of 256°15'. Station location: 2.4 miles northwest of Toronto, S. Dak. Other particulars same as reported on public notice dated Dec. 16, 1968.

1634–C1–P–69—Mountain Microwave Corp. (New), Application amended to delete Brookings and Lake Kampeska, S. Dak., as points of communication. Other particulars same as reported on public notice dated Sept. 30, 1968, and June 23, 1969.

985–C1–P–70—Minnesota Microwave, Inc. (New), Application amended to correct station coordinates to lat. 45°19'00' N., long. 96°26'36'' W. Other particulars same as reported on public notice dated Sept. 2, 1969.

427–C1–P–69—Sekan Microwave, Inc. (New), Application amended (a) to delete Pittsburg and Cherryvale, Kans., as points of communication, (b) to add frequencies 10,975, 11,055, and 10,895 MHz toward new point of communication at Independence, Kans. (lat. 37°13'15'' N., long. 95°43'47'' W.) on azimuth of 258°24', and (c) to add same frequencies toward new point of communication at Coffeyville, Kans. (lat. 37°04'05'' N., long. 45°38'24'' W.) on azimuth of 233°08'. (Informative: This amendment appears to resolve the apparent mutual exclusivity of Mid-America Cable TV, Inc., applications (File Nos. 151 through 155–C1–P–68) and Sekan Microwave, Inc., applications (File Nos. 427 and 428–C1–P–69). NOTE: Sekan application (428–C1–P–69) dismissed without prejudice. See this public notice.)

5247–C1–P–67—Eastern Microwave, Inc. (KEM35), Change frequency 6390.0 MHz toward Chenango Bridge, N.Y., to read 5960.9 MHz. All other particulars to remain the same as reported on public notice dated June 26, 1967, Report No. 341.

625–C1–P–67—Eastern Microwave, Inc. (KEM35), Change frequency 6390.0 MHz toward Endicott, N.Y., and Vestal, N.Y., to read 5960.9 MHz. All other particulars to remain the same as reported on public notice dated Oct. 3, 1966, Report No. 303.

[F.R. Doc. 70–3332; Filed, Mar. 18, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ACTING DEPUTY MANAGING DIRECTOR

Notice of Designation

Notification is hereby given of the designation of Wm. Jarrel Smith as Acting Deputy Managing Director, effective December 15, 1969.

Mr. Smith will exercise, without limitation, all of the duties and responsibilities of the Deputy Managing Director's position, pending formal transfer to that position.

Dated: December 12, 1969.

HELEN DELICH BENTLEY,
Chairman.

[F.R. Doc. 70–3396; Filed, Mar. 18, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. AR67–1 etc.]

AREA RATE PROCEEDING ET AL.

Notice Fixing Oral Argument

MARCH 11, 1970.

The Commission has before it the Presiding Examiner's initial decision issued on September 22, 1969, the briefs on exceptions and the briefs opposing exceptions. On February 9, 1970, Humble Oil & Refining Co. et al., filed a motion requesting oral argument.

Take notice that an oral argument is scheduled to be heard by the Commission en banc commencing at 9 a.m., e.d.t., on May 1, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

All participants in this proceeding who desire to present oral argument shall notify the Secretary of the Commission in writing on or before April 1, 1970, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3272; Filed, Mar. 18, 1970; 8:45 a.m.]

[Docket No. RI70-922 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Amending Rate Suspension Order

MARCH 11, 1970.

On November 10, 1969, Shell Oil Co. (Shell) filed a letter agreement containing a renegotiated rate increase and two related notices of change in rate for its sale for resale of natural gas under its FPC Gas Rate Schedule No. 23 to Phillips Petroleum Co. from Texas RR. District No. 10, as set forth in appendix of this amendatory order. Two of these filings, through inadvertence, were not correctly reported and no action was taken on the other filing in our rate suspension order issued December 30, 1969, in Shell Oil Company, Docket No. RI70-924, under the lead docket of Ashland Oil & Refining Company, et al., Docket No. RI70-922 et al. This order takes care of these matters.

Shell's proposed renegotiated rate increase to Phillips in Texas Railroad District No. 10 to 11.12650 cents per Mcf and its proposed periodic rate increase to 12.1380 cents per Mcf both exceed the area increased rate ceiling for sales from this area as announced in the Commission's statement of general policy No. 61-1, as amended. Phillips gathers and processes the gas and resells the residue gas to interstate pipeline companies at rates which are effective subject to refund. Since Phillips' resale rates are in effect subject to refund, Shell's proposed rate increases should be suspended for 1 day's duration. Inasmuch as Shell has previously filed an acceptable general undertaking, these proposed increases will be effective, subject to refund, as of the expiration of the respective suspension periods involved.

It is also appropriate to accept for filing Shell's letter agreement dated October 1, 1969, designated as Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 23, as of December 11, 1969, but not the proposed rate contained therein which is suspended as ordered herein.

The Commission orders:

(A) The December 30, 1969, order is amended insofar as it applies to Shell Oil Co. in Docket No. RI70-924 as provided in the Appendix of this amendatory order.

(B) Supplement Nos. 10 and 11 to Shell's FPC Gas Rate Schedule No. 23 are effective, subject to refund in Docket No. RI70-924, as of December 12, 1969, and January 2, 1970, respectively.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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 at 14.65 p.s.i.a. Rate in effect	Cents per Mcf at 14.65 p.s.i.a. Proposed increased rate	Rate in effect subject to refund in docket No.
RI70-924...	Shell Oil Co., 50 West 50th Street, New York, N.Y. 10020.	23	[1] 9	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (RR. District No. 10).	----------	11-10-69	[2] 12-11-69	Accepted	----------	----------	
		23	10		$547	11-10-69	[2] 12-11-69	12-12-69	4.29198	11.12650	
		23	11		81	11-10-69	1-1-70	1-2-70	11.12650	12.1380	

[1] Letter Agreement dated Oct. 1, 1969, amends contract to provide for base rate of 11 cents per Mcf from 10-1-69 through 12-31-69, and 1 cent per Mcf periodic increase for each succeeding 5-year period. Provides for 0.5 cent per Mcf deduction by buyer if gas content contains hydrogen sulphide or sulphur content in excess of contract quality provisions. Changes contractual unit of measurement from 16.4 p.s.i.a. to 14.65 p.s.i.a.

[2] The stated effective date is the date requested by Shell.

[F.R. Doc. 70-3275; Filed, Mar. 18, 1970; 8:45 a.m.]

[Docket No. CP70-209]

CAPROCK PIPELINE CO.

Notice of Application

MARCH 13, 1970.

Take notice that on March 6, 1970, Caprock Pipeline Co. (applicant), Post Office Box 511, Amarillo, Tex. 79105, filed in Docket No. CP70-209 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for an order of the Commission granting permission and approval to abandon certain natural gas facilities, and a certificate of public convenience and necessity authorizing the construction and operation of certain other 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 states that the gas processing operations at the Amarillo Helium Plant in Potter County, Tex., will be phased out on April 15, 1970, and that residue gas which applicant purchases and redelivers to El Paso Natural Gas Co. (El Paso) will no longer be available at the present point of delivery on El Paso's Plains-Dumas pipeline, and applicant's related facilities, consisting of compressor and metering facilities and 6.9 miles of 6-inch pipeline will no longer be necessary. Applicant proposes to abandon such facilities by sale to its parent company, Pioneer Natural Gas Co.

Applicant further states that the residue gas volumes previously available at the Amarillo Helium Plant will become available at the Exell Helium Plant in Moore County, Tex., on June 1, 1970.

Applicant proposes to construct and operate 3.25 miles of 6⅝-inch O.D. pipeline, and related meter facilities, and to make deliveries of such gas to El Paso at a new delivery point on El Paso's Plains-Dumas pipeline in Moore County.

The total estimated cost of the proposed facilities is $56,547, which will be financed by proceeds from the sale of facilities to be abandoned in Potter County.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 or permission and approval for the proposed abandonment, 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. 70-3290; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. CP70-207]

COLORADO INTERSTATE GAS CO.

Notice of Application

MARCH 12, 1970.

Take notice that on March 6, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-207 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 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 install a third compressor unit of 1,100 horsepower at its Fort Morgan Storage Field in northeast Colorado which applicant states is necessary to inject the required quantity of gas to maintain reservoir pressure and volume.

The total estimated cost of the proposed facilities is $414,519, which will be financed from funds on hand, funds generated through operations, and short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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. 70-3291; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. CP67-366]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

MARCH 12, 1970.

Take notice that on March 2, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP67-366 a petition to amend the order of the Commission issued on August 28, 1967, to modify the pipeline route and location of a meter station, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant proposes to modify the route of the proposed extension of the Littleton Lateral, resulting in the construction of approximately 15 miles of 24-inch pipeline rather than the previously authorized 13.6 miles, and the relocation of the proposed South Platte Meter Station to a site adjacent to the Public Service Company of Colorado (PSC) easement, along which they will construct a pipeline to connect the new delivery point with their distribution system in the general area. The application states that its new meter station site is more accessible by road and, therefore, advantageous to both applicant and PSC.

The additional length is estimated to cost $162,000, of which $87,000 will be contributed by PSC.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 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 petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3292; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. CP70-206]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MARCH 12, 1970.

Take notice that on March 5, 1970, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70-206 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 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 construct and operate approximately 0.39 mile of 4-inch line extending from its existing 6-inch Fort Meade Lateral in Polk County, Fla., in an easterly direction to the Aluminum Company of America (Alcoa), together with the necessary metering and regulating facilities. Applicant states that such facilities are necessary to sell and deliver natural gas on a direct preferred interruptible basis to Alcoa for use in the production of aluminum floride. Applicant estimates that the maximum deliveries to Alcoa will be approximately 1,080 Mcf daily and 211,200 Mcf annually.[1]

The total estimated cost of the proposed facilities is $37,800, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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. 70-3293; Filed, Mar. 18, 1970; 8:46 a.m.]

[1] The application states that the volumes will be 1,080 M²B. t.u. and 211,200 M²B.t.u., respectively.

[Docket No. E-7470]

NIAGARA MOHAWK POWER CORP.

Application for Approval of Initial Systemwide Recreation Plan for Constructed Projects

MARCH 11, 1970.

Public notice is hereby given that application has been filed for approval of an Initial Systemwide Recreation Plan (pursuant to Federal Power Commission letter dated Dec. 1, 1967) by Niagara Mohawk Power Corp., of Syracuse, N.Y. (correspondence to: Lauman Martin, Senior Vice President and General Counsel, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y. 13202) presenting the recreation resource potential of Niagara's 82 hydroelectric developments within the State of New York. The initial plan developed in consultation and cooperation with the New York State Conservation Department and Federal and local recreation agencies, describes existing recreation facilities at seven hydroelectric developments and proposed construction of additional recreation facilities at 18 hydroelectric developments. Niagara, in cooperation with the Conservation Department of the State of New York, proposes to install a system of public trails over its project property including canoe portages and boat launching sites. Some of the developments are under Commission licenses, others are included in pending applications for licenses, while others are scheduled for submittal of such applications.

The initial plan describes the location and recreation facilities, both proposed and existing, as follows: Orleans County: Glenwood development on Oak Orchard Creek. Facilities proposed—picnicking and boat access. Waterport development on Oak Orchard Creek. Facilities proposed—picnicking and boat access. Oswego County: Lighthouse Hill development on Salmon River. Facilities proposed—camping, picnicking and boat access. Herkimer County: Prospect development on West Canada Creek. Facility proposed—boat access. Trenton development on West Canada Creek. Facility proposed—picnicking. Moshier development on Beaver River. Facility proposed—picnicking. Beardslee development on East Canada Creek. Facilities proposed—picnicking and boat access. St. Lawrence County: Carry Falls development on Raquette River. Facilities available—camping and boat access. Stark development on Raquette River. Facilities available—picnicking and boat access. Blake development on Raquette River. Facilities available—camping and boat access. Rainbow development on Raquette River. Facilities available—picnicking and boat access. Five Falls development on Raquette River. Facilities available—picnicking and boat access. Higley development on Raquette River. Facility available—picnicking. Flat Rock development on Oswegatchie River Facilities proposed—picnicking and boat access. Heuvelton development on Oswegatchie River. Facility proposed—picnicking. Jefferson County: Herrings development on Black River. Facility proposed—picnicking. Deferiet development on Black River. Facilities proposed—picnicking and boat access. Black River development on Black River. Facility proposed—picnicking. Lewis County: Soft Maple development on Beaver River. Facilities proposed—picnicking, camping, and boat access. Effley development on Beaver River. Facilities proposed—camping and boat access. Taylorville development on Beaver River. Facilities proposed—camping, and boat access. Franklin County: Chasm development on Salmon River. Facilities proposed—camping and picnicking. Saratoga County: Spier Falls development on Hudson River. Facility proposed—boat access. Stewarts Bridge development on Sacandaga River. Facilities available—picnicking and boat access. Warren County: Sherman Island development on Hudson River. Facilities proposed—picnicking and boat access.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3273; Filed, Mar. 18, 1970; 8:45 a.m.]

[Project 2106]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Approval of Exhibit R (Recreation Use Plan) for Constructed Project

MARCH 11, 1970.

Public notice is hereby given that application for approval of Exhibit R has been filed under the regulations under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (correspondence to: J. F. Roberts, Jr., Vice President, Rates and Evaluation, Pacific Gas and Electric Co., 245 Market Street, San Francisco, Calif. 94106) as part of the license for the McCloud-Pit Project No. 2106, located on the McCloud and Pit Rivers in Shasta County, Calif., in the vicinity of Central City.

According to the Exhibit R, the project lands and waters are presently being used for camping, picnicking, fishing, hunting, hiking, boating, and swimming. The licensee has constructed a 28-unit campground with improved fishing access on lands under the supervision of the Forest Service which the latter operates and maintains. The licensee operates and maintains a 1-acre picnic site, parking area, and vista point near the left abutment of the dam. Access to the project area is available through public roads, and a Forest Service road will encircle the Iron Mount Reservoir, which the State of California annually stocks with fish at licensee's expense. Licensee, in cooperation with the Forest Service, has designated 10 sites as potential recreational development areas covering approximately 6 acres of licensee-owned lands and 96 acres of U.S. lands. The licensee plans to develop four of the designated recreation sites as follows: A 15-unit campground to be operated and maintained by the Forest Service, a 20-unit picnic area with an improved fishing access area, an 18-unit extension to the existing campground, and an 8-unit picnic area with vista point, boat launch facility, and improved fishing access area. The remaining six sites are planned for development by either private or public agencies, as needs dictate, to include a 15-unit picnic area with improved fishing access area, a 20-unit picnic area with boat launch facility and improved fishing access area, a 39-unit campground, a 78-unit campground, a 45-unit campground with improved fishing access area, and a 25-acre Organization Camp. Access to each planned site will be provided by the developers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-3270; Filed, Mar. 18, 1970; 8:45 a.m.]

[Dockets Nos. CP69-346—CP69-348]

PACIFIC GAS TRANSMISSION CO. AND EL PASO NATURAL GAS CO.

Findings and Order

MARCH 13, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, authorizing importation of natural gas, granting petitions for leave to intervene, and consolidating proceedings.

On June 23, 1969, Pacific Gas Transmission Co. (PGT) filed in Docket No. CP69-346 an application pursuant to

section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation and sale of additional volumes of natural gas for resale to Pacific Gas and Electric Co. (PGE). On June 23, 1969, PGT filed in Docket No. CP69–347 an application pursuant to section 3 of the Natural Gas Act for an order authorizing the importation of additional volumes of natural gas from Canada to the United States which will be sold to PGE. On June 24, 1969, El Paso Natural Gas Co. (El Paso) filed in Docket No. CP69–348 an application as supplemented on November 7, 1969, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation and sale of additional volumes of natural gas for resale to Southern California Gas Co. and Southern Counties Gas Company of California (jointly Southern). Applicants' proposals are more fully set forth in the applications.

PGT seeks authorization for the following construction:

(A) Change of two impellers at applicant's existing Compressor Station No. 4 near Sandpoint, Idaho;

(B) Expansion of applicant's existing Compressor Station No. 5 near Farragut, Idaho, from 9,100 installed horsepower to 21,200 installed horsepower; change of one impeller at said station;

(C) Change of two impellers at applicant's existing Compressor Station No. 6 near Rosalia, Wash.;

(D) Expansion of applicant's existing Compressor Station No. 7 near Starbuck, Wash., from 9,100 installed horsepower to 21,200 installed horsepower; change of one impeller at said station;

(E) Expansion of applicant's existing Compressor Station No. 8 near Wallula, Wash., from 10,000 installed horsepower to 22,100 installed horsepower; change of two impellers at said station;

(F) Change of two impellers at applicant's existing Compressor Station No. 9 near Ione, Oreg.;

(G) Expansion of applicant's existing Compressor Station No. 10 near Kent, Oreg., from 12,100 installed horsepower to 24,200 installed horsepower; change of one impeller at said station;

(H) Construction of one station discharge cooler at Applicant's existing Compressor Station No. 11 near Madras, Oreg.;

(I) Expansion of Applicant's existing Compressor Station No. 12 near Paulina, Oreg., from 12,100 installed horsepower to 24,200 installed horsepower; change of one impeller at said station;

(J) Expansion of Applicant's existing Compressor Station No. 13 near Diamond Junction, Oreg., from 12,100 installed horsepower to 24,200 installed horsepower; change of one impeller and construction of one station discharge gas cooler at said station;

(K) Change of two impellers at Applicant's existing Compressor Station No. 14 near Bonanza, Oreg.;

(L) Construction of an additional pipeline crossing of the Kootenai River in Idaho, and 10.1 miles of parallel 36-inch pipe adjacent thereto;

(M) Construction of an additional pipeline crossing of the Pend Oreille River in Idaho;

(N) Construction of an additional pipeline crossing of the Snake River in Washington;

(O) Construction of an additional pipeline crossing of the Umatilla River in Oregon;

(P) Construction of an additional pipeline crossing of the Sprague River in Oregon, and 7.1 miles of parallel 36-inch pipe adjacent thereto; and

(Q) Construction of additional supervisory controls at Applicant's existing Spokane, Wash., Dispatch Center.

El Paso seeks authorization for the following construction:

A. *Compressor Stations*—1. *Waha Compressor Station.* A new compressor station consisting of four 1,068-horsepower gas turbine-driven centrifugal compressor units, with necessary appurtenances. This station will be known as Waha Compressor Station and will be located adjacent to Applicant's existing Waha Treating Plant in Reeves County, Tex.

2. *Gresham Compressor Station.* A new compressor station consisting of one 8,500-horsepower gas turbine-driven centrifugal compressor unit, with necessary appurtenances. This station will be known as Gresham Compressor Station and will be located on applicant's 36" O.D. Waha-Cornudas mainline at milepost 65.6, Culberson County, Tex.

3. *Cornudas Compressor Station.* One 1,068-horsepower gas turbine-driven centrifugal compressor unit, with necessary appurtenances, at the existing Cornudas Compressor Station located in Hudspeth County, Tex. This horsepower addition, together with presently installed horsepower, will make a total of 28,968 horsepower at this location.

4. *El Paso Compressor Station.* Uprate by 800 horsepower, through installation of an uprating kit, the 8,500-horsepower gas turbine-driven centrifugal compressor unit proposed in Docket No. CP69–225 at El Paso Compressor Station located in El Paso County, Tex. This horsepower addition, together with presently installed horsepower, will make a total of 37,000 horsepower at this location.

5. *Florida Compressor Station.* One 9,300-horsepower gas turbine-driven centrifugal compressor unit, with necessary appurtenances, at Florida Compressor Station located in Luna County, N. Mex. This horsepower addition, together with presently installed horsepower, will make a total of 27,900 horsepower at this location.

6. *Bowie Compressor Station.* A new compressor station consisting of one 9,300-horsepower gas turbine-driven centrifugal compressor unit, with necessary appurtenances. This station will be known as Bowie Compressor Station and will be located on the 30" O.D. Lordsburg-Casa Grande mainline at milepost 405.2, Cochise County, Ariz.

7. *Oracle Compressor Station.* A new compressor station consisting of one 9,300-horsepower gas turbine-driven centrifugal compressor unit, with necessary appurtenances. This station will be known as Oracle Compressor Station and will be located on the Lordsburg-Casa Grande mainline at milepost 477.1, Pinal County, Ariz.

8. *Casa Grande Compressor Station.* One 9,300-horsepower gas turbine-driven centrifugal compressor unit, with necessary appurtenances at Casa Grande Compressor Station located in Pinal County, Ariz. This horsepower addition, together with presently installed horsepower, will make a total of 27,900 horsepower at this location.

B. *Pipelines.* 1. Approximately 15.1 miles of 30" O.D. pipeline, with necessary appurtenances, in Hudspeth County, Tex., looping a segment of the California mainline from milepost 159.4 to Hueco Compressor Station.

2. Approximately 27.6 miles of 30" O.D. pipeline, with necessary appurtenances, in Maricopa County, Ariz., looping a segment of the California mainline from milepost 600.4 to Gila Compressor Station.

3. Approximately 14.7 miles of 30" O.D. pipeline, with necessary appurtenances, in Maricopa and Yuma Counties, Ariz., looping a segment of the California mainline from milepost 655.8 to Wenden Compressor Station.

4. Approximately 27.7 miles of 30" O.D. pipeline, with necessary appurtenances, in Yuma County, Ariz., looping a portion of the California mainline from milepost 704.5 to milepost 732.2.

C. *Metering facilities.* 1. A 30" O.D. orifice-type check meter, with necessary appurtenances, located on the 30" O.D. loop described in paragraph B.4 above in Yuma County, Ariz.

2. Two 16" O.D. orifice-type sales meter runs, with necessary appurtenances, to be located at Ehrenberg Meter Station in Yuma County, Ariz.

D. *River crossings.* 1. A single 30" O.D. submerged river crossing of the Colorado River commencing in Yuma County, Ariz., and terminating at the Arizona-California boundary.

2. A single 30" O.D. pile bent river crossing of the Gila River in Maricopa County, Ariz.

In addition to the aforementioned facilities El Paso proposes to make miscellaneous auxiliary installations within the contemplation of § 2.55(a) of the Commission's General Policy and Interpretations.

In Docket No. CP69–347 PGT proposes to import natural gas produced in Alberta, Canada, which gas will be purchased by PGT from Alberta and Southern Gas Co., Ltd., and delivered to PGT at the international boundary in the vicinity of Kingsgate, British Columbia, by Alberta Natural Gas Co. Deliveries will be made through existing facilities at the international boundary.

PGT proposes to import an additional 185,000 Mcf of gas per day and to sell an additional 165,000 Mcf of gas per day to PGE for resale in northern California. The remaining additional imported gas will be used as fuel for the transportation of the gas from the international boundary to California. PGT proposes to begin deliveries of the additional gas to PGE by November 1, 1970, and to be delivering all of the additional 165,000 Mcf by January 1, 1971.

El Paso proposed initially to transport from existing gas supplies in the Delaware and Val Verde Basins and to sell to Southern for resale in southern California an additional 150,000 Mcf of gas per day beginning November 1, 1969, and an additional 50,000 Mcf of gas per day beginning November 1, 1970, to make total additional deliveries 200,000 Mcf per day.

PGT's project is estimated to cost $23,123,000, to be financed from cash on hand, cash generated from operations, and external financing the nature of which has not been determined. El Paso's project is estimated to cost $34,743,000,

inclusive of the cost of auxiliary installations, to be financed from working funds supplemented, as necessary, with short-term borrowings.

After due notice by publication in the FEDERAL REGISTER on July 8, 1969 (34 F.R. 11339), in Dockets Nos. CP69–346 and CP69–347, petitions for leave to intervene were filed as follows:

Filing date	*Party*
July 23, 1969	California Gas Producers Association and Independent Oil and Gas Producers of California.
July 28, 1969	El Paso Natural Gas Co.
July 28, 1969	Northwest Natural Gas Co.
July 28, 1969	Cascade Natural Gas Corp.
July 31, 1969	Pacific Gas and Electric Co.

Notices of intervention were filed as follows:

Filing date	*Party*
July 14, 1969	Washington Utilities and Transportation Commission.
July 17, 1969	Idaho Public Utilities Commission.
July 18, 1969	Public Utility Commissioner of Oregon.
July 25, 1969	People of the State of California and the Public Utilities Commission of the State of California.

California Gas Producers Association and Independent Oil and Gas Producers of California (Producers) requested a formal hearing. El Paso, Northwest Natural Gas Co., and Cascade Natural Gas Corp. filed to participate in the event of a formal hearing. The petition of PGE was not timely filed. No further petitions for leave to intervene, notices of intervention, or protests to the granting of the applications have been filed.

After due notice by publication in the FEDERAL REGISTER on July 9, 1969 (34 F.R. 11394), in Docket No. CP69–348, petitions for leave to intervene were filed as follows:

Filing date	*Party*
July 17, 1969	Southern California Edison Co.
July 23, 1969	California Gas Producers Association and Independent Oil and Gas Producers of California.
July 23, 1969	San Diego Gas & Electric Co.
July 23, 1969	Arizona Public Service Co.
July 23, 1969	Transwestern Pipeline Co.
July 23, 1969	Southern California Gas Co. and Southern Counties Gas Company of California.
July 28, 1969	City of Los Angeles.

Notices of intervention were filed as follows:

Filing date	*Party*
July 24, 1969	Public Utility Commissioner of Oregon.
July 25, 1969	People of the State of California and the Public Utilities Commission of the State of California.

Producers requested a formal hearing. Arizona Public Service Co., Transwestern Pipeline Co., and Southern filed to participate in the event of a formal hearing. Arizona Public Service Co. expressed support for the application. The petition of the city of Los Angeles was not timely filed. No further petitions for leave to intervene, notices of intervention, or protests to the granting of the application have been filed.

Producers submit that when the volumes of natural gas proposed to be transported to California by PGT and El Paso are added to the volumes heretofore authorized to be transported to California and to California production, the total will be in excess of the California market requirements. Producers regard northern and southern California as an integrated market and contend, therefore, that the subject proposals are mutually exclusive and should be considered in a consolidated proceeding as provided by Ashbaker Radio Corp. v. FCC, 326 U.S. 327. Producers point out that PGE has historically underestimated the potential of California production and that if PGT's project is certificated as proposed there will be a surplus of gas in northern California. Producers also question the availability of sufficient gas to El Paso. On September 2, 1969, Producers filed a motion to consolidate the subject applications.

After negotiations among El Paso, PGT, PGE, and Southern, said parties propose the following: El Paso will sell and deliver an additional 100,000 Mcf of gas per day to Southern on or after November 1, 1970, and another additional 100,000 Mcf on or after November 1, 1971; PGT will sell and deliver an additional 165,000 Mcf of gas per day to PGE on or after November 1, 1970; and PGE will sell to Southern volumes of natural gas requested by Southern up to 100,000 Mcf per day from November 1, 1970, to November 16, 1970, and from April 15, 1971, to November 16, 1971, and up to 150,000 Mcf per day from November 16, 1970, to April 14, 1971, and from November 16, 1971, to December 31, 1971. El Paso's agreement to delay service to Southern and PGE's agreement to sell gas to Southern will serve to alleviate the probability of a gas surplus in California.

The proposals of applicants, including El Paso's revised delivery schedule and subject to the agreement between applicants' customers, are consistent with the public interest and required by the public convenience and necessity and will be authorized as requested. Producers are agreeable to the issuance of import authorization and certificates under these circumstances if, in addition, the applications are considered in a consolidated proceeding and the agreement between PGE and Southern is made a part of the record upon which this order is based.

This order is not determinative of the California market requirements or of applicants' gas supply under any circumstances other than those presented in the instant applications. The action taken here is limited to the facts presented in this case and such action should not be regarded as precedential or binding upon the Commission in similar proceedings in the future.

At a hearing held on March 12, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and the agreement dated February 6, 1970, between PGE and Pacific Lighting Service Co., submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, El Paso Natural Gas Co., a Delaware corporation having its principal place of business in El Paso, Tex., is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order of January 11, 1944, in Docket No. G–288 (4 FPC 486).

(2) Applicant, Pacific Gas Transmission Co., a California corporation having its principal place of business in San Francisco, Calif., is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order of August 5, 1960, in Docket No. G–17350 et al. (24 FPC 134).

(3) The facilities hereinbefore described, as more fully described in the applications in this proceeding, will be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof and the transportation and sale of natural gas by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(4) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) The construction and operation of facilities and the transportation and sale of natural gas by applicants are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(6) The importation of natural gas by PGT from Canada to the United States, as hereinbefore described and as more fully described in the application, will not be inconsistent with the public interest within the meaning of section 3 of the Natural Gas Act provided that such importation is upon the terms and conditions hereinafter ordered.

(7) Participation by petitioners for leave to intervene, including those who filed untimely petitions, may be in the public interest.

The Commission orders:

(A) The applications in Dockets Nos. CP69–346, CP69–347, and CP69–348 are consolidated for hearing.

(B) Certificates of public convenience and necessity are issued to applicants in Dockets Nos. CP69–346 and CP69–348 authorizing the construction and operation of facilities and the transportation and sale of natural gas in interstate commerce, as hereinbefore described and as more fully described in the applications in this proceeding, upon the terms and conditions of this order.

(C) The certificates issued by paragraph (B) above and the rights granted

thereunder are conditioned upon applicants' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(1), (c)(3), (c)(4), (e), (f), and (g) of § 157.20 of such regulations.

(D) The construction authorized in Docket No. CP69–346 shall be completed and the facilities shall be placed in actual operation by January 1, 1971, and the construction authorized in Docket No. CP69–348 shall be completed and the facilities shall be placed in actual operation by November 1, 1971, all as provided by paragraph (b) of § 157.20 of the regulations under the Natural Gas Act.

(E) Interest during construction on PGT's project must cease to be capitalized as soon as the proposed facilities are ready for service and no later than January 1, 1971, unless it can be justified that the property construction was delayed for reasons other than the availability of gas supply.

(F) The sale and delivery by PGT of 165,000 Mcf of gas per day as authorized herein shall not commence prior to November 1, 1970. The sale and delivery by El Paso of 200,000 Mcf of gas per day as authorized herein shall not commence prior to November 1, 1970, with respect to the first 100,000 Mcf and November 1, 1971, with respect to the second 100,000 Mcf.

(G) Authorization is granted to PGT in Docket No. CP69–347 to import additional quantities of natural gas from Canada to the United States, as hereinbefore described and as more fully described in the application, upon the following terms and conditions:

(a) The authorization herein granted shall not be transferable or assignable and shall remain in effect only so long as PGT continues the acts and operations herein authorized in accordance with the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder, and in accordance with the terms and conditions of this order.

(b) The authorization hereby granted may be modified from time to time or terminated, after opportunity for hearing, upon further order of the Commission.

(c) PGT shall not materially change or alter its import operations without first obtaining the permission and approval of the Commission.

(d) In the event that PGT should abandon or permanently cease for any reason whatsoever all or any part of the instant import operation, PGT shall forthwith notify the Commission of said fact and the reason therefor.

(e) The maximum amount of natural gas to be imported by PGT under the instant authorization shall not exceed 185,000 Mcf per day on an annual basis.

(f) PGT should comply with the filing requirements of § 153.8 of the Commission's regulations under the Natural Gas Act.

(H) Petitioners to intervene are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–3296; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. CP69–256]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

MARCH 12, 1970.

Take notice that on March 9, 1970, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Tex. 77001, filed in Docket No. CP69–256 a petition to amend the order of the Commission issued on June 13, 1969, to authorize the importation of additional volumes of natural gas from Canada during the 12-month period commencing November 1, 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant proposes to import an additional 15,000,000 Mcf beyond the currently authorized 25,000,000 Mcf for the 12-month period. Applicant states that this gas is to be purchased from Transcanada Pipelines Ltd. (Transcanada). Applicant states that the additional gas is necessary to meet the needs of its existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–3294; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. CP60–57]

TENNESSEE GAS PIPELINE CO.

Order Fixing Date for Prehearing Conference and Prescribing Time Within Which To File Petitions to Intervene

MARCH 13, 1970.

On March 11, 1960, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) of Houston, Tex., filed an application[1] in Docket No. CP60–57, as amended, and supplemented on March 31, July 7, September 9, 1960, and May 22, 1961, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Tennessee to take into its transmission system natural gas, as is more particularly set forth in the application on file with the Commission and open to public inspection.

In the amendment to its application filed May 22, 1961, Tennessee requested authorization to construct and operate seven pipeline extensions to connect additional gas reserves to its system. Six of the pipelines were constructed offshore Louisiana and one was constructed in Vermilion Parish, La.

The locations and sizes of the facilities are set forth below:

Location	Size	Miles
Calliou Island Line	10¾″ by 9/32″	9.8
South Timbalier Block 54 Line	12¾″ by 5/16″	16.8
Grand Isle Block 47 Line	12¾″ by 5/16″	7.1
Bay Marchand Block 5 Line	16″ by 3/8″	11.5
West Delta Block 30 Line	12¾″ by 5/16″	12.4
West Cameron Block 68 Line	20″ by 13/32″	11.6
Lac Blanc Line	12¾″ by 5/16″	6.4
		83.7

The total estimated cost of the facilities was $8,354,000. By letter dated February 14, 1962, Tennessee advised the Commission that it had completed and placed in service on January 29, 1962, the facilities which the Commission had authorized Tennessee to construct and operate by temporary certificate issued July 21, 1961, in Docket No. CP60–57.

On November 24, 1964, the Commission issued a notice advising the parties to the above-styled proceeding that if no protests were received from the parties of record by December 17, 1964, it would dispose of the proceeding pursuant to the provisions of § 1.32 (a) and (b) of the Commission's rules of practice and procedure. The Commission in the aforementioned notice pointed out that the related producer applications had been permanently certificated by the issuance of the Commission's Opinion No. 436, 32 FPC 254, in Docket No. G–13221 et al. The New York State Public Service Commission in a letter dated December 17,

[1] The present application was previously noticed and set for hearing by publication in the FEDERAL REGISTER on Nov. 16, 1960 (25 F.R. 10898). Notice of postponement of hearing until further notice was published on Dec. 20, 1960 (24 F.R. 12381).

1964, stated that it was filing both a protest and objection to the procedure set forth in the Commission's notice. The New York Commission was the only party which protested the procedure suggested in the notice. No other action has been taken with respect to this proceeding since the issuance of the notice of November 24, 1964.

At one time Tennessee's application in Docket No. CP60–57 was consolidated with other applications so that it is not altogether clear in the Commission's files whether the parties who once expressed an interest in this proceeding still have a reason for wishing to participate in the formal hearing which this order will institute. Therefore, interested persons should file new petitions to intervene if they wish to become actively involved in this proceeding.

Because a considerable period of time has elapsed since the issues in this proceeding were raised, a prehearing conference should be beneficial in enabling the applicant and the parties to narrow the issues and determine the nature and scope of the evidence to be presented:

The Commission finds:

(1) It is in the public interest to require that persons desiring to intervene in this proceeding file new petitions to intervene setting forth their interests as they now exist.

(2) It is appropriate in the administration of the Natural Gas Act to provide for a prehearing conference to be held in this proceeding.

The Commission orders:

(A) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.d.t., on April 21, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, for the purpose of considering all matters at issue, determining the scope of the evidence which should be presented, fixing dates for service of testimony and exhibits, and for commencement of hearing, and entertaining adoption of suggestions which might expedite the proceeding.

(B) Protests 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 or 1.10) on or before April 6, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–3297; Filed, Mar. 18, 1970; 8:46 a.m.]

[Docket No. CP70–205]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 11, 1970.

Take notice that on March 2, 1970, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP70–205 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to be used in the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install a sales meter station and appurtenant equipment near milepost 1,312.77 on its transmission system in Rowan County, N.C. Applicant states that said meter station will be used as an additional point of delivery to Piedmont Natural Gas Co., Inc. (Piedmont), an existing resale customer, to enable it to serve an interruptible industrial customer in the area and will reinforce part of Piedmont's existing distribution system in the area through a connection with Piedmont's line approximately 5 miles to the southeast.

The total estimated cost of the proposed facilities is $78,000, which will be financed by available company funds, and ultimately reimbursed by Piedmont.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 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. 70–3271; Filed, Mar. 18, 1970; 8:45 a.m.]

[Docket No. CP70–213]

WESTERN TRANSMISSION CORP.

Notice of Application

MARCH 13, 1970.

Take notice that on March 9, 1970, Western Transmission Corp. (Applicant), 250 Park Avenue, New York, N.Y. 10017, filed in Docket No. CP70–213 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition by Applicant of the entire property, business, and assets employed by Westrans Industries, Inc. (Westrans), in the purchasing, gathering, transporting, and selling of natural gas in the Washakie Basin area of Wyoming and Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire such assets of every kind, both tangible and intangible, its goodwill and business as a going concern, and all certificates, tariffs, orders, and rights granted, approved, or filed with the Commission. Applicant further proposes to accomplish this transfer of Westrans assets by transferring to Westrans all of the common stock of Applicant, such stock comprising 1,000 shares of common stock with a par value of $1 per share.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 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 a 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. 70-3295; Filed, Mar. 18, 1970; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CHARTER BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Charter Bankshares Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of The First National Bank in St. Petersburg, St. Petersburg, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter Bankshares Corp., Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank in St. Petersburg, St. Petersburg, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 7, 1969 (34 F.R. 9105), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board. The Board has also considered testimony received in the course of a public oral presentation on this application conducted before the Board on February 17, 1970.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] March 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3298; Filed, Mar. 18, 1970; 8:47 a.m.]

CHARTER BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Charter Bankshares Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of The Harbor City National Bank of Eau Gallie, Eau Gallie, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Charter Bankshares Corp., Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Harbor City National Bank of Eau Gallie, Eau Gallie, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 7, 1969 (34 F.R. 9104), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board. The Board has also considered testimony received in the course of a public oral presentation on this application conducted before the Board on February 17, 1970.

It is hereby ordered, For the reasons set forth in the Board's statement[3] of this date, that said application be and hereby is approved, *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] March 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3299; Filed, Mar. 18, 1970; 8:47 a.m.]

CHARTER BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Charter Bankshares Corp., Jacksonville, Fla., for approval of acquisition of 51 percent or more of the voting shares of First National Beach Bank, Jacksonville Beach, Jacksonville Beach, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), and application by Charter Bankshares Corp., Jacksonville, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of 51 percent or more of the voting shares of First National Beach Bank, Jacksonville Beach, Jacksonville Beach, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the application and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 7, 1969 (34 F.R. 9105), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board. The Board has also considered testimony received in the course of a public oral presentation on this application conducted before the Board on February 17, 1970.

It is hereby ordered, For the reasons set forth in the Board's statement[3] of this date that said application be and hereby is approved, *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Concurring Statement of Governor Brimmer and Dissenting Statement of Governor Robertson are also filed as part of the original document and available upon request.

[2] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson. Chairman Burns did not participate in the decision on this application.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Concurring Statement of Governor Brimmer and Dissenting Statement of Governor Robertson are also filed as part of the original document and available upon request.

[2] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson. Chairman Burns did not participate in the decision on this application.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Concurring Statement of Governor Brimmer and Dissenting Statement of Governor Robertson are also filed as part of the original document and available upon request.

this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2]

March 12, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3300; Filed, Mar. 18, 1970; 8:47 a.m.]

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of voting shares of the successor by merger to The Barnitz Bank, Middletown, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Banc Group of Ohio, Inc., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Barnitz Bank, Middletown, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks of the State of Ohio and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 10, 1970 (35 F.R. 2803), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[3] of this date, that said application be and hereby is approved, *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] March 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3302; Filed, Mar. 18, 1970; 8:47 a.m.]

FIRST MIDWEST BANCORP., INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of First Midwest Bancorp., Inc., St. Joseph, Mo., for approval of action to become a bank holding company through the acquisition of all (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of St. Joseph; The First Trust Bank, St. Joseph; and First Stock Yards Bank, South St. Joseph, all in Missouri.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Midwest Bancorp., Inc., St. Joseph, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of all (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of St. Joseph, St. Joseph; The First Trust Bank, St. Joseph; and First Stock Yards Bank, South St. Joseph, all in Missouri.

As required by section 3(b) of the Act, the Board gave written notice to the Comptroller of the Currency and the Commissioner of Finance of the State of Missouri of receipt of the application and requested their views and recommendation. The Comptroller recommended approval, and the Commissioner offered no objection.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 25, 1969 (34 F.R. 18833), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[3] of this date, that said application be and hereby is approved, *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] March 13, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-3301; Filed, Mar. 18, 1970; 8:47 a.m.]

NATIONAL CREDIT UNION ADMINISTRATION

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following Statement of Organization, Functions, and Delegations of Authority for the National Credit Union Administration is hereby published in the FEDERAL REGISTER in accordance with provisions of section 3 of the Administrative Procedure Act, as amended (5 U.S.C. 552).

PART 1. *Creation of the Administration.* The National Credit Union Administration was established by enactment of Public Law 91-206, March 10, 1970. The Act amended the Federal Credit Union Act (12 U.S.C. 1751 et seq.) so as to provide for the transfer of all functions, property, records, and personnel from the Bureau of Federal Credit Unions of the Department of Health, Education, and Welfare, to the National Credit Union Administration created thereby.

PART 2. *Mission.* The mission of the administration is to:

Promote self-help security through privately owned and democratically controlled Federal credit unions.

Stimulate systematic savings to provide capital and cash reserves for credit union members.

Make available to people of small means, credit for provident purposes at reasonable rates through a national system of cooperative thrift and credit.

Help stabilize the economy of the United States by developing sound thrift, credit, and personal financial management practices.

Make studies of the personal financial problems of persons of small means to determine how cooperative saving and lending may help and to publish the results of such research.

PART 3. *Organization and functions.* The National Credit Union Administration (NCUA) consists of a National Credit Union Board and an Administrator of the National Credit Union Administration.

[2] Voting for this action: Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson. Chairman Burns did not participate in the decision on this application.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governor Maisel.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

SECTION 3–A. *National Credit Union Board.* The Board consists of a Chairman and one member from each of the six Federal credit union regions. The Chairman and each member is appointed by the President, by and with the advice and consent of the Senate. With the exception of the Chairman—who serves at the pleasure of the President—each member of the Board is appointed for a 6-year term of office (except for those members appointed to a shorter term in accordance with section 3(d) of Public Law 91–206).

The Board meets quarterly, and at such other times as the Chairman, Administrator, or one-third of the members so request.

The Board provides advice, counsel, and guidance to the Administrator with respect to matters of policy relating to the activities and functions of the Administration under the Federal Credit Union Act.

SEC. 3–B. *Administrator of the National Credit Union Administration.* The chief executive officer of the NCUA is the Administrator of the National Credit Union Administration. The Administrator is appointed by the President, by and with the advice and consent of the Senate, and serves at the pleasure of the President.

The basic functions, responsibilities, and authorities of the Administrator with respect to the administration of the national Federal credit union program are enumerated in the Federal Credit Union Act. Among his principal functions are the following: Directs nationwide administration of the Federal credit union program. Provides policy direction, coordination, and appraisal of the Administration's management activities. Assures that the Administration's fee income will be sufficient for its self-support.

Stimulates the adoption of new accounting methods and techniques and improved management practices in the Federal credit unions so as to lower their operating costs and improve their efficiency. Provides executive direction to activities designed to evaluate the effectiveness of the program in meeting the changing economic needs of the Nation. Directs the planning of research on the problems of persons of small means in obtaining credit at reasonable rates of interest, and on the methods and benefits of cooperative saving and lending among such persons. Directs the study and development of legislative proposals, and represents the Administration in dealings with the Congress.

The following organizational components of the NCUA are under the executive direction and supervision of the Administrator:

Office of Administration. Plans, directs, and controls the management policies and activities of the Administration. Administers NCUA-wide programs in the areas of: Financial management, budget preparation and control, fiscal accounting and auditing, management analysis, personnel administration, security, labor-management relations, equal opportunity programs, procurement and property management, operating facilities, and office services. Represents the Administration on management matters with the Bureau of the Budget, Civil Service Commission, General Services Administration, other Federal agencies, and non-Federal organizations.

Office of Charter Application and Liquidation. Develops policies, standards, and procedures for investigation and chartering of Federal credit unions, including review and recommendations on charter applications. Formulates standard and special bylaw provisions and amendments, including periodic review to determine changes appropriate to meet current needs of Federal credit unions. Formulates standards and procedures for, and controls and analyzes voluntary and involuntary liquidation of Federal credit unions. Approves the cancellation of charters after liquidation, conversion or merger of Federal credit unions, and revocation of charters for failure to commence business. Formulates standards and procedures for the merger or conversion of Federal credit unions or for partial liquidations by division of assets and liabilities of an existing credit union with a new credit union, and may approve such action. Issues notices of intention to suspend charter and charter suspension notices where a Federal credit union lacks a valid field of membership.

Office of Public Information. Plans and directs the Administration's public information and public affairs programs. Coordinates and exercises functional supervision over information services and all other activities of the Administration involving public information, publications, reports, and materials for the information media. Prescribes standards and procedures for production, clearance, release, and distribution of: Material prepared throughout the Administration for release through Government or non-Government channels; official reports and publications; manuscripts of official speeches and articles by Administration personnel; and publication and informational materials prepared by or for the use of Administration personnel. Responds to or coordinates responses to public inquiries. Responds to press inquiries, arranges press conferences, and distributes press and related materials to the public media.

Office of Research and Analysis. Develops and conducts programs of research in the field of cooperative thrift and credit, with emphasis on the role of credit unions in meeting the needs of persons of small and moderate means. Prepares periodic reports on research activities for use of the Administration, other governmental, and private organizations. Prepares interpretive articles and memoranda on credit union operations for the use of the Administration and credit union officials. Designs, establishes, and supervises regular data collection programs involving Federal and State chartered credit union operations in the consumer savings and credit fields. Analyzes financial, statistical, and other call reports from Federal credit unions.

Office of Supervision and Examination. Develops the Administration's program for the examination of Federal credit unions, and establishes standards and procedures for such examinations. Reviews examination reports and participates in field examinations to assure conformity to and effectiveness of established policies and procedures. Analyzes proposed actions on problem cases, suspensions, and special reserve requirements. Establishes standards for accounting procedures and forms for Federal credit unions. Coordinates preparation and revision of program and operations manuals. Plans and conducts the Adminstration's training and staff development programs. Directs the Administration's technical training programs for international trainees, and its programs for cooperating with national and international cooperative thrift and credit organizations.

In addition, the Office of Supervision and Examination formulates standards and procedures for the field program, and exercises general supervision over the field organization of the NCUA. The field organization consists of six NCUA regions, whose regional offices and boundaries are as follows:

Boston Region—Boston, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, and Virgin Islands.

Harrisburg Region—Harrisburg, Pa.: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Atlanta Region—Atlanta, Ga.: Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Chicago Region—Chicago, Ill.: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Austin Region—Austin, Tex.: Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

San Francisco Region—San Francisco, Calif.: Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Wake Island, and Washington.

Each regional office is headed by a Regional Director, whose functions include the following: Directs the execution of all phases of the Federal credit union program in the regions. Conducts regional programs for: Recruitment and development of staff; investigation of applications for proposed new credit unions; examination of the operations of individual credit unions; comprehensive review of examination reports for conformance with policies and procedures, and for accuracy, completeness, and effectiveness; control of shortage, problem, retarded, and liquidation cases; approval or recommendation as to the acceptability of nonstandard accounting systems and forms, and amendments to charters and bylaws; maintenance of effective working relationships with State credit union leagues and State supervisory agencies.

Office of the General Counsel. Provides the Administration with legal

advice, opinions, and services. Represents the Administration in all litigation when such direct representation is authorized by law, and in other cases makes and/or supervises contacts with attorneys responsible for the conduct of such litigation. Performs all liaison functions in connection with legal matters involving the Administration, and formulates or reviews requests for formal opinions or rulings by the Attorney General and the Comptroller General. Drafts proposals for legislation originating in the Administration, and reviews proposed legislation submitted to the Administration for comment. Performs all liaison functions with the Office of the Federal Register. Serves as the Administration's Claims Officer, performing and/or supervising duties related to the Federal Tort Claims Act, the Military Personnel and Civilian Employees' Claims Act of 1964, the Federal Claims Collection Act of 1966, and related statutes.

PART 4. *Order of succession.* During the absence or disability of the Administrator, or in the event of a vacancy in that office, the Deputy Administrator shall serve as Acting Administrator. During the absence or disability of both the Administrator and Deputy Administrator, an official designated by the Administrator shall serve as Acting Administrator.

PART 5. *Delegation by the Administrator*—SEC. 5–A. *Authority of the Administrator.* Under provisions of the Federal Credit Union Act, as amended, the Administrator serves as the chief executive officer of the National Credit Union Administration. The authority of the Administrator to delegate his authority stems principally from two provisions of law:

Section 21(d) of the Federal Credit Union Act, as amended (12 U.S.C. 1766 (d)), authorizes and empowers the Administrator to execute any and all functions vested in him by the Act through such persons as he designates or employs. He is authorized and empowered to delegate to any person or persons, including any institution operating under the general supervision of the Administration, the performance and discharge of any authority, power, or function vested in him by the Federal Credit Union Act.

5 U.S.C. 302 provides that the head of an agency may delegate to subordinate officials various powers pertaining to the employment, direction, and general administration of personnel under his agency, and other administrative matters.

SEC. 5–B. *Delegation of authority by the Administrator.* Pursuant to sections 7 and 21(g) of the Federal Credit Union Act, as amended, all Federal Credit Union Examiners of the Administration, and all officials in the chain of command above such Examiners, are authorized to examine the books and records of Federal credit unions, and to administer oaths and affirmations and to take affidavits and depositions touching upon any matter within the jurisdiction of the Administration.

(Sec. 4, Public Law 91–206; 12 U.S.C. 1766(d))

Dated: March 10, 1970.

J. DEANE GANNON,
Acting Administrator of the National Credit Union Administration.

[F.R. Doc. 70-3283; Filed, Mar. 18, 1970; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Dockets Nos. 812-2515, 812-2516]

AFFILIATED FUND, INC., AND AMERICAN BUSINESS SHARES, INC.

Notice of and Order for Hearing on Applications for Orders of Exemption

MARCH 13, 1970.

Notice is hereby given that Affiliated Fund, Inc. ("Affiliated"), and American Business Shares, Inc. ("American"), 63 Wall Street, New York, N.Y. 10005 (hereinafter referred to collectively as "applicants"), both open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed applications requesting orders of the Commission pursuant to section 6(c) of the Act exempting applicants and the transactions described below from the provisions of section 22(c) of the Act and Rule 22c–1 thereunder, if and to the extent that such provisions might be construed to prevent applicants from continuing their practice of maintaining Periodic Investment Programs ("Programs") and Keogh Plans under which the applicant's custodian bank, Morgan Guaranty Trust Co. ("Bank"), invests amounts received from the participants in the Programs or in the Keogh Plans once a month. All interested persons are referred to the applications on file with the Commission for a statement of the representations therein which are summarized below.

Both Affiliated and American are managed by Lord, Abbett & Co. Under the Programs, capital gains distributions are automatically reinvested in full and fractional shares of the applicants at net asset value and dividends and additional voluntary purchase payments which may also be contributed for the purchase of full and fractional shares are invested at the public offering price. The minimum initial investment in the Programs is $250. The Bank as custodian of the purchase payments operates as an agent for the investor and the investment dealer. Bank charges for regular services in connection with the Programs are paid by the investment dealer or by the underwriter from commissions. In accord with the applicants' present policy, purchase payments received and held by the Bank are not invested in applicants' shares and/or fractional interests therein until the 20th day of each month ("Investment Date"). Under the Programs, payments are invested at the applicant's net asset value per share computed as of the close of business of the New York Stock Exchange ("NYSE") on the Investment Date. Purchase payments not received by the Bank prior to applicants' investment date under the Programs are held by the Bank and are invested at the price computed at the close of business of the 20th day of the following month. For purposes of direct purchases, applicants present policy is to price once daily.

Applicants have also made available to investors who wish to purchase applicants' shares in conjunction with the Self-Employed Individuals Tax Retirement Act of 1962, as amended, a form of retirement plan and custody agreement ("Keogh Plan"). Under the custody agreement, the Bank furnishes custodial services and charges service fees for the establishment and maintenance of a custody account for each participant. Purchase payments received under the Keogh Plans are invested in applicants' shares at the net asset value per share computed as of the close of business of the NYSE on the 20th day of the month.

Rule 22c–1 provides, in pertinent part, that redeemable securities of registered investment companies must be sold at a price based on the current net asset value of such security (computed on each day during which the New York Stock Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of an order to purchase such security.

Applicants assert that the date set for pricing and investment under the Programs, and Keogh Plans is consistent with the forward pricing provisions of Rule 22c–1, in so far as these provisions may be applicable, in that, by participation in the Programs or Keogh Plans, investors voluntarily contract with the custodian to place their orders on the 20th day of the month at a price computed as of the close of the NYSE on the 20th day of the month.

Applicants represent that investments are made under their Programs once each month as a matter of administrative practicality and cost. Applicants represent that they have been informed by the Bank that it would not be possible at the present time to change to a daily investment practice because it would necessitate additional computer time and space which is not available.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, from any provision or provisions of the Act or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said applications.

It further appears to the Commission that said matters are related and in-

volve common questions of law and fact; that evidence offered in respect of each of said matters may have a bearing on the others; and that substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the other for all purposes.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the applications under the applicable provisions of the Act and rules of the Commission thereunder be held on April 13, 1970, at 10 a.m., in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than applicants, desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission, on or before April 9, 1970, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the applications of Affiliated and American be consolidated for hearing.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration without prejudice to the Division specifying additional matters upon further examination:

(1) Whether the present practice of pricing applicants shares for sale to participants in the Programs and Keogh Plans is in conformity with the provisions of the Act and the rules thereunder; and if so,

(2) Whether the proposed exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the applicants, and that notice to all persons shall be given by publication of this order in the FEDERAL REGISTER; and that a general release of the Commission in respect of this order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-3309; Filed, Mar. 18, 1970; 8:48 a.m.]

[31-689]

BOISE CASCADE CORP.

Notice of Filing of Application

MARCH 13, 1970.

Notice is hereby given that Boise Cascade Corp. ("Boise Cascade"), Post Office Box 200, Boise, Idaho 83701, a Delaware corporation, has filed an application and amendments thereto pursuant to section 3(a)(5) of the Public Utility Holding Company Act of 1935 ("Act") requesting an order exempting it and all of its subsidiary companies from all the provisions of the Act. It is stated that Boise Cascade is not, and derives no material part of its income, directly or indirectly, from any one or more subsidiary companies which are, a company or companies the principal business of which within the United States is that of a public-utility company. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the basis for the claimed exemptions.

Boise Cascade manufactures and markets building and paper products and factory-built homes and mobile homes. It is also engaged in land development, in the on-site construction business and in engineering, design, consulting, and other activities. Consolidated net sales from its domestic and foreign operations for the year 1969 were about $1.7 billion. Boise Cascade owns and operates facilities within the United States for the generation and transmission of electric energy, most of which is used in connection with its own operations. Some of this energy is sold to its subsidiary company, Rainy River Improvement Co., a Minnesota corporation, which distributes such electric energy to the public within Minnesota. Gross revenues from such sales in the year 1969 amounted to about $912,000. Boise Cascade owns all of the outstanding stock and bonds issued by this subsidiary company.

In 1969 Ebasco Industries Inc. was merged into Boise Cascade and as a result of this merger Boise Cascade acquired four public-utility subsidiary companies which generate, transmit and sell electric energy in four Latin American countries. Combined sales of these subsidiary companies in 1969 amounted to $121,818,000. None of these subsidiary companies are engaged in the business of a public-utility company within the United States. Boise Cascade also has a Canadian subsidiary company, Ontario-Minnesota Pulp and Paper Co., Ltd., an Ontario corporation which is engaged principally in the manufacture and sale of paper and allied products and which sells part of the electric energy it generates to a municipality in Canada. Revenues from the sale of such electric energy in the year 1969 amounted to $106,555.

Notice is further given that any interested person may, not later than March 26, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, or the Commission may take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-3310; Filed, Mar. 18, 1970; 8:48 a.m.]

[70-4846]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

MARCH 13, 1970.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $25 million principal amount of First Mortgage Bonds, _____ percent Series due April 1, 2000. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by

the competitive bidding. The bonds will be issued under a mortgage and deed of trust dated January 1, 1942, between Penelec and Bankers Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated April 1, 1970.

The proceeds from the sale of the bonds will be applied to the prepayment of its short-term bank loans outstanding at the time of the sale of the bonds. Such bank notes are expected to aggregate $35 million at that time. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses of this financing. The 1970 construction program is estimated to cost $40 million, part of which is to be financed by the sale of the bonds, by funds generated internally and by short-term bank loans.

Fees and expenses relating to the proposed transaction are estimated at $98,000, including legal fees of $32,000 and accountant's fees of $6,000. A statement of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 6, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-3311; Filed, Mar. 18, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

CONILL VENTURE CORP.

Notice of Application for License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Conill Venture Corp., 231 South La Salle Street, Chicago, Ill. 60604, for a license to operate in the State of Illinois as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act). The proposed officers and directors are as follows:

John H. Perkins, 1149 Cherry Street, Winnetka, Ill. 60093. Chairman of the Board.
John L. Hines, 1040 Lake Shore Drive, Chicago, Ill. 60611. President, Chief Executive Officer, and Director.
Paul M. Dorfman, 548 Woodlawn Avenue, Glencoe, Ill. 60022. Vice President and Assistant Secretary.
Leo B. Engemann, 549 Winston Lane, Chicago Heights, Ill. 60411. Secretary-Treasurer.
Edwin J. Hlavka, 2301 Sixth Avenue, North Riverside, Ill. 60547. Assistant Treasurer.
John C. Colman, 4 Briar Lane, Glencoe, Ill. 60022. Director.
Alfred P. Haake, Jr., 1970 Spruce Drive, Glenview, Ill. 60025. Director.
Edward M. Thiele, 1180 Valley Road, Deerfield, Ill. 60015. Director.
Robert S. Spaeth, 2429 Marcey Avenue, Evanston, Ill. 60201. Director.
James F. Wyatt, 625 Concord Place, Barrington, Ill. 60010. Director.
Robert W. Johnson, 2711 Blackhawk Road, Wilmette, Ill. 60091. Director.
Stanley E. Hillman, 1001 Hawthorne Place, Lake Forest, Ill. 60045. Director.
George K. Weigel, 823 Brookwood Drive, Olympia Fields, Ill. 60461. Director.

The company proposes to commence operations with a capitalization of $3,113,000. The largest shareholders of the Class A Common Stock (voting) will be Conill Corp., 231 South La Salle Street, Chicago, Ill. 60604, with 29 percent of the stock and its affiliate, Continental Illinois Employees Profit Sharing Trust, with 20 percent of the stock. Conill Corp.'s principal assets are all the outstanding shares of Continental Illinois National Bank and Trust Company of Chicago. The remaining 51 percent of the Class A Common Stock (voting) will be held equally by Illinois Central Industries, Inc., 135 East 11th Place, Chicago, Ill. 60605, whose principal assets are shares of Illinois Central Railroad, Abex Corp., Waukesha Foundry Co., Chandeysson Electric Co., Seay & Thomas, Inc., Pepsi-Cola General Bottlers Inc.; Leo Burnett Co., Inc., Prudential Plaza, Chicago, Ill. 60601, the fourth largest, on the basis of annual billings, advertising agency in the world; Universal Oil Products Co., 30 Algonquin Road, Des Plaines, Ill. 60016, which provides services and products for the petroleum, petrochemical, chemical, rubber, food and pharmaceutical industries and produces copper products. Conill Corp. will also hold 83⅓ percent of the Class B Common Stock (nonvoting). The remaining 16⅔ percent of the Class B Common Stock (nonvoting) will be held by Mr. John L. Hines, President of the proposed licensee. Aid is proposed in the financial development of qualified small business concerns. No concentration in any particular industry is planned.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations. Notice is further given that any interested person may not later than 10 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

Dated: March 10, 1970.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-3333; Filed, Mar. 18, 1970; 8:49 a.m.]

[License No. 12/12-0118]

EAST-WEST CAPITAL CORP.

Notice of Order Revoking License

Notice is hereby given that East-West Capital Corp., Oakland, Calif., was licensed by the Small Business Administration on June 3, 1964, to operate solely under the Small Business Investment Act of 1958 (the Act) as amended.

The U.S. District Court for the Northern District of California entered an order dated February 4, 1970, in the United States of America vs. East-West Capital Corp., Civil Action No. 52000 SAW, by which the court determined and adjudged that East-West Capital Corp. violated the provisions of the Act and of the regulations promulgated thereunder.

Section 308(d) of the Act provides that the license of a Small Business Investment Company may be forfeited if said company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Act.

Now therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, it is hereby ordered that License No. 12/12-0118 issued to East-West Capital Corp. be, and hereby is, revoked and all the rights,

privileges, and franchises derived therefrom forfeited, and that notice of this revocation be served upon the Receiver and be published in the FEDERAL REGISTER.

Dated: March 9, 1970.

For the Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-3308; Filed, Mar. 18, 1970; 8:48 a.m.]

[Delegation of Authority No. 30-C (Region VII)]

REGIONAL DIVISION CHIEFS ET AL., REGION VII

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-C, 35 F.R. 2840, published in the FEDERAL REGISTER on February 11, 1970, the following authority is hereby redelegated to the positions as indicated herein:

I. *Regional Division Chiefs, Regional Counsel, and Staffs—A. Chief and Assistant Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortagages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve displaced business loans up to $350,000 (SBA share) and to decline them in any amount.

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. *Size determinations for financing only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

10. *Eligibility determinations for financing only.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officers (Financing Division).* 1. To approve or decline business, disaster, and displaced business loans, not exceeding $50,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

3. To execute loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Title of person signing.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

5. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $1 million, provided the chief concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

4. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

8. To disburse approved EDA loans, as authorized.

9. *Eligibility determinations for financing only.* To determine eligibility of applicants for assistance under the sections 501 and 502 programs of the Agency in accordance with Small Business Administration standards and policies.

10. *Size determinations for financing only.* To make initial size determinations in all sections 501 and 502 loans within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only. Product classification decisions for procurement purposes are made by contracting officers.

E. *Economic Development Specialists (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreements with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief and Assistant Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division).* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans.

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Region Claims Review Committee.* To consist of the Chief, Loan Administration Division, acting as chairman; Regional Counsel; and Chief, Financing Division, who will meet and consider reasonable and properly supported compromise proposals of indebtedness owed to the Agency and to take final action on such proposals provided such action represents the majority recommendation of the committee on claims not in excess of $5,000 (including CPC advances but excluding interest), or represents the unanimous recommendations of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).

J. *Chief, Procurement and Management Assistance Division.* [Reserved]

K. *Regional Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Regional Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the regional counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

M. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

N. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. *District Directors*—A. *Financing program.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $500,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

5. To cancel, reinstate, modify, and amend authorizations for business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

**8. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.

9. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Community Economic Development Program.* **1. To approve or decline section 501 State development company loans and section 502 local development company loans up to $350,000 (SBA share) when project cost does not exceed $700,000, provided the district director concurs in at least one prior recommendation.

2. To extend the disbursement period on sections 501 and 502 loan authorizations or undisbursed portions of sections 501 and 502 loans.

3. To execute sections 501 and 502 loan authorizations for Central Office and regional approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To enter into section 502 loan participation agreements with banks.

6. To approve or decline applications for the direct guarantee of the payment of rent not to exceed $500,000.

7. To issue and modify commitment letters, said issuance to read as follows:

(Name), Administrator,
By _____
(Name)
District Director.
(City)

8. To disburse approved EDA loans, as authorized.

C. *Loan administration program.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

D. *Procurement and Management Assistance Program.* [Reserved]

E. *Administrative.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate burse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

F. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies.

G. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

H. *Legal services.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA.

III. *District Division Chiefs, District Counsel and Staffs*—A. *Chief, Financing Division.* 1. To approve or decline business loans not exceeding $350,000 (SBA share) and economic opportunity loans not exceeding $25,000 (SBA share).

2. a. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $350,000 on disaster business loans (excluding displaced business loans), except to the extent of refinancing of a previous SBA disaster loan; and to approve disaster guaranteed loans up to $350,000 and to decline them in any amount.

b. To approve or decline displaced business loans up to $350,000 (SBA share).

3. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

4. To execute loan authorizations for Central Office, regional, and district approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

5. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

6. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

7. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

8. *Size determinations for financing only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, except sections 501 and 502 loans, and further to make product classification decisions for financing purposes only. Product classification decisions for procurement purposes are made by contracting officers.

9. *Eligibility determinations for financing only.* To determine eligibility of applicants for assistance under any program of the Agency except the SBIC and community economic development programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in § 120.2(e) of SBA Loan Policy Regulations.

B. *Supervisory Loan Officer (Financing Division), if assigned.* 1. To enter into business, economic opportunity, disaster, and displaced business loan participation agreements with banks.

2. To execute loan authorizations for Central Office, regional and district approved loans, said execution to read as follows:

(Name), Administrator,
By _____
(Name)
Title of person signing.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed business, economic opportunity, disaster, and displaced business loans.

4. To extend the disbursement period on all loan authorizations or fully undisbursed loans.

5. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

C. *Loan Officer (Financing Division).* 1. To approve minor modifications in the authorization.

2. To extend the disbursement period.

D. *Chief, Community Economic Development Division.* 1. To extend the disbursement period on sections 501 and 502 loan authorizations or fully undisbursed sections 501 and 502 loans.

2. To execute sections 501 and 502 loan authorizations for Central Office, regional, and district approved loans, said execution to read, as follows:

(Name), Administrator,
By _____
(Name)
Chief, Community Economic Development Division.

3. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

4. To enter into section 502 loan participation agreements with banks.

5. To issue and modify commitment letters, said issuance to read, as follows:

(Name), Administrator,
By ----------
(Name)
Chief, Community Economic Development Division.

6. To disburse approved EDA loans, as authorized.

E. *Economic Development Specialist (Community Economic Development).* 1. To extend the disbursement period on fully undisbursed sections 501 and 502 loans.

2. To cancel, reinstate, modify, and amend authorizations for fully undisbursed sections 501 and 502 loans.

3. To enter into section 502 loan participation agreement with banks.

4. To disburse approved EDA loans, as authorized.

F. *Chief, Loan Administration Division.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owned to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

G. *Supervisory Loan Officer (Loan Administration Division), if assigned.* 1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of litigated matters, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignment, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. To advertise regarding the public sale of (1) collateral in connection with the liquidation of loans, and (2) acquired property.

e. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

2. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of litigated matters, and acquired collateral, when and as authorized by EDA.

3. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims.

4. To take all actions necessary to mitigate losses from lease guarantees.

H. *Loan Officer (Loan Administration Division).* 1. To approve the following actions concerning all current direct and participation loans and First Mortgage Plan 502 loans:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorization.

d. Extension of disbursement period.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

I. *Chief, Procurement and Management Assistance Division.* [Reserved]

J. *District Counsel.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters, loans classified as in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

c. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due

thereon; (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; (3) to authorize the liquidation of a loan; and (4) the cancellation of authority to liquidate.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

K. *District Attorneys.* 1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development.

2. To close approved EDA loans, as authorized.

3. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

4. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with litigated matters; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to the district counsel:

a. The assignment, endorsement, transfer, and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all litigated matters.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all litigated matters.

5. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects when and as authorized by EDA.

L. *Chief, Administrative Division.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases.

2. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and; (d) issue Government bills of lading.

3. In connection with the establishment of disaster loan offices, to obligate Small Business Administration to reimburse General Services Administration for the rental of office space.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

M. *Office Services Manager or Office Services Assistant.* 1. To (a) purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits; and (d) issue Government bills of lading.

2. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

IV. *Branch Manager.* [Reserved]

V. The specific authority delegated herein, indicated by double asterisk (**), cannot be redelegated.

VI. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: February 2, 1970.

C. I. MOYER,
Regional Director, Region VII.

[F.R. Doc. 70-3268; Filed, Mar. 18, 1970; 8:45 a.m.]

[Delegation of Authority No. 30-A (Region IX), Amdt. 1]

REGIONAL DIVISION CHIEFS ET AL., REGION IX

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-A (34 F.R. 18836), as amended (34 F.R. 20076 and 35 F.R. 1073), Delegation of Authority No. 30-A (Region IX) (35 F.R. 3133), is hereby amended by revising Item IV to read as follows:

IV. *Branch Manager.* [Reserved]

Effective date: February 9, 1970.

DONALD MCLARNAN,
Regional Director, Region IX.

[F.R. Doc. 70-3307; Filed, Mar. 18, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 26]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 13, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 3009 (Sub-No. 83), filed February 18, 1970. Applicant: WEST BROTHERS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: James W. Conner (same address as above), also William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Neely, Miss., as an off-route point in connection with carrier's regular route authority over U.S. Highway 98 and Mississippi Highways 57 and 63. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Washington, D.C.

No. MC 10343 (Sub-No. 20), filed February 16, 1970. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over 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), between Kansas City and St. Louis, Mo.: From Kansas City over Interstate Highway 70 to St. Louis, and return over the same route, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 11207 (Sub-No. 295), filed February 16, 1970. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures*, from Cedars, Miss., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Atlanta, Ga.

No. MC 13250 (Sub-No. 104) (Clarification), filed February 2, 1970, published FEDERAL REGISTER, issue of February 27, 1970, and republished as clarified this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Pueblo, Colo., and points in its commercial zone, to points in Arizona, Arkansas, California, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nevada, Oklahoma, Oregon, Tennessee, Texas, and Washington. NOTE: Applicant states that no tacking is proposed. However, tacking would be possible in some instances to eliminate circuity in applicant's present authority from States such as Arizona, Nevada, Idaho, California, Washington, and Oregon to points in the destination States involved in the application on specific commodities. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to clarify this tacking information. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 14117 (Sub-No. 5), filed November 17, 1969. Applicant: G & B TRANSPORTATION CO., 421 West Fulton Street, Grand Rapids, Mich. 49502. Applicant's representative: William D. Parsley, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery, contractor's equipment, and steel*, between Grand Rapids, Mich., and points within 8 miles thereof, on the one hand, and, on the other, points in Michigan; (2) *sand, gravel, stone limestone* (except agricultural lime), *pebbles, cinders, aggregates, asphalt black top, dirt, fill materials, marl, dry and wet batch mix, brick and cement blocks, and cement*, in dump vehicles, between points in Michigan bounded on the north by a line formed by the northern boundaries of Oceana, Newayago, Mecosta, and Isabella Counties, on the east by a line formed by the eastern boundaries of Isabella, Gratiot, Clinton, Ingham, and Jackson Counties, on the south by a line formed by the southern boundaries of Jackson, Calhoun, Kalamazoo, and Van Buren Counties, and on the west by the shoreline of Lake Michigan; and (3) *heavy machinery and contractor's equipment* because of size or weight require the use of special equipment (except machinery for use in connection with pipe lines), between points in the Lower Peninsula of Michigan on and west of U.S. Highway 27. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through such tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 14321 (Sub-No. 6), filed December 23, 1969. Applicant: ENGEL BROTHERS, INC., 901 Julia Street, Elizabeth, N.J. Applicant's representative: Robert J. Gallagher, 350 Fifth Avenue, Suite 3020, Empire State Building, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, Nebraska, Oklahoma, and Kansas, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Kansas, and the District of Columbia. NOTE: Applicant states that there will be no necessity to tack authority if the application is granted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29120 (Sub-No. 116), filed February 16, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Sioux-Preme Packing Co., and storage facilities used by Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 30844 (Sub-No. 316), filed February 16, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Post Office Box 5000, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from the warehouses and facilities of Petrolite Corp., Bareco Division, located at Barnsdall, Okla., to points in Michigan, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 45736 (Sub-No. 37), filed February 17, 1970. Applicant: GUIGNARD FREIGHT LINES, INC., U.S. Highway 21 North, Post Office Box 26067, Charlotte, N.C. 28213. Applicant's representative: Lewis Guignard (same address as above). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Paper groundwood and newsprint, and woodpulp*, from the plantsite of Bowaters South Paper Corp., Calhoun, Tenn., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 59150 (Sub-No. 50), filed February 16, 1970. Applicant: PLOFF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, asbestos products, and building materials*, from Westwego, La., to points in Alabama, Arkansas, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 67200 (Sub-No. 35), filed February 24, 1970. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, Milford, Conn. 06460. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *School furniture*, crated and uncrated, from the plantsites and storage facilities of Columbia Manufacturing Co. at Westfield, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Ohio, Indiana, Illinois, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 75320 (Sub-No. 152) (Correction), filed February 13, 1970, published FEDERAL REGISTER issue of March 12, 1970, corrected and republished as corrected this issue. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, commodities of unusual value, and those injurious or contaminating to other lading), between Fort Smith, Ark., and Baton Rouge, La., from Fort Smith over U.S. Highway 71 to junction U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: The purpose of this republication is to show the correct commodity exceptions, a portion of which was omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Little Rock, Ark.

No. MC 79687 (Sub-No. 8), filed February 16, 1970. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zelienople, Pa. 16063. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, caps, covers, tops, stoppers, and accessories for glassware and glass containers, and paper cartons*, (1) from Pittsburgh, Pa., to points in Illinois, Indiana, Kentucky, and Michigan, and (2) *damaged and rejected shipments* of the commodities described above, from the above described destination points to Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 82492 (Sub-No. 32), filed February 19, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved, and prepared foods*, except commodities in bulk, in mechanically refrigerated vehicles, from Archbold, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82492 (Sub-No. 33), filed February 19, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Indiana, Michigan (Lower Peninsula), and Ohio, restricted to the transportation of traffic originating at the above-specified plantsites and/or cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 274), filed February 16, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and *related machinery parts and related contractor's materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers); (a) between points in California, Utah, and Wyoming, on the one hand, and, on the other, points in Idaho, Montana, Oregon, and Washington; and (b) between points in California, on the one hand, and, on the other, points in Nevada, Utah, and Wyoming. NOTE: Common control may be involved. Applicant states that it proposes to tack the authority sought herein with all existing authority as well as all pending auhority which may become final where possible. Under the same commodity description as sought herein, applicant would tack the authority sought with its Subs 9, 17, 102, 146, and 239 (pending). Sub 9 could be tacked in Wyoming for through service to Wisconsin; Sub 17 could be tacked in Montana or Wyoming for through service to Oil City and Braddock, Pa.; Sub 102 could be tacked in Wyoming or Montana for through service to Michigan, Ohio, and Pennsylvania; Sub 146 could be tacked in Montana for through service to Nebraska; and Sub 239 (pending) could be tacked in Wyoming or Utah for through service to North Dakota and South Dakota. In addition, applicant has a number of grants of Mercer description authority, contractor's equipment authority and machinery authority that could be tacked. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif., or Portland, Oreg.

No. MC 94350 (Sub-No. 255), filed February 24, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Post Office Box 1628, Greenville, S.C. 29602, and Ames, Hill & Ames, 666 11th Street NW., McLachlen Building, Suite 705, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and buildings, mounted on wheeled undercarriages, from points in Georgia, to points in South Carolina and Florida. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 99427 (Sub-No. 13) (Clarification), filed January 15, 1970, published FEDERAL REGISTER, issue of February 5, 1970, and republished as clarified this issue. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Mojave County, Ariz., to points in Clark County, Nev. NOTE: Applicant states that the requested authority could be joined at points in Mojave County, Ariz., with authority held under its Sub 2 to transport petroleum products between points in Arizona so as to permit a through service between points not included in this application. However, applicant states that it has no present intention to perform such through operations. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to clarify the tacking information. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Las Vegas, Nev.

No. MC 103993 (Sub-No. 501), filed Februa ry 19, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections mounted on undercarriages, from points in Frederick County, Md., and Fauquier County, Va., to points east of the Mississippi River, excluding Minnesota and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Alexandria, Va.

No. MC 103993 (Sub-No. 502), filed February 19, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) *trailer converter dollies, truck tractors, containers, bodies and materials, supplies and parts of such commodities*, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a heading is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 103993 (Sub-No. 503), filed February 19, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Lee County, N.C., to points east of the Mississippi River, including Minnesota and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 504), filed February 19, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as above), and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and *buildings in sections* when transported on undercarriages, from points in Union County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 103993 (Sub-No. 505), filed February 19, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements in truckaway service, from points in El Paso County, Colo., and Holmes County, Ohio, to points in the United States (except Alaska and Hawaii); and (2) *buildings*, in sections, mounted on undercarriages, from points in El Paso County, Colo., to points in the United States (except Alaska and Hawaii) and from points in Holmes County, Ohio to points in the United States (except Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Tennessee, Texas, Wisconsin, West Virginia, Alaska, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Colorado Springs, Colo.

No. MC 106398 (Sub-No. 456), filed February 18, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers, camp coaches, and trailers* designed to be drawn by passenger automobiles and *buildings* in sections, from Boulder, Colo., to points in the United States. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver or Colorado Springs, Colo.

No. MC 107012 (Sub-No. 104) (Correction), filed January 26, 1970, published FEDERAL REGISTER issue of February 19, 1970, corrected and republished as corrected this issue. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representatives: Martin A. Weissert and Donald C. Lewis, Post Office Box 988, Fort Wayne, Ind. 46801. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, uncrated, from Landrum, S.C., points in Greenville County, S.C., and Lyerly, Ga., to New Orleans, La., Pittsburgh, Pa., and points in Texas (except Dallas, Tex.). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the correct origin point as Landrum, S.C., in lieu of Sandrum, S.C., as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 277) (Amendment), filed December 22, 1969, published in FEDERAL REGISTER issue of January 29, 1970, amended February 25, 1970, and republished, as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, plywood, lumber, flooring and flooring adhesives, mouldings, jams, treads, sills, paneling, composition board, pulpboard, veneer, and particle board and paper*, from points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas to points in the United States * * * Alaska and Hawaii). NOTE: Applicant states that tacking could take place at points in Arkansas or Tennessee on traffic originating in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin for transportation beyond, authorized under its MC-107295, Part (B). The purpose of this republication is to expand the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107295 (Sub-No. 287) (Amendment), filed January 7, 1970, published FEDERAL REGISTER issue of February 19, 1970, and republished as amended this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Tile, facing, flooring, clay or earthenware, or quary, and tile mortar, mastics, and epoxies*, from Cleveland, Canton, East Sparta, Minerva, and Summitville, Ohio to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; and (b) *mouldings, bindings, tile, bathroom fixtures; parts, tools and* accessories used in the installation thereof, and *advertising material*, from Columbus, Ohio to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked at Canton and Columbus, Ohio on traffic originating at points in Arkansas, Illinois, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin for transportation beyond, as authorized under MC 107295. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to change part (a) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 303), filed February 16, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall, door and window systems; doors, window, and door and window frames and sash; and parts and accessories* used in the installation thereof, from Harrisonburg, Va., to points in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 768), filed February 19, 1970. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, from Pine Bend, Minn. to points in Iowa, Wisconsin, Illinois, Upper Michigan, and South Dakota, and (2) *vegetable oil and modifications and blends* thereof, in bulk, from Blooming Prairie, Minn. to points in Illinois, Wisconsin, Ohio, Michigan, Indiana, Missouri, and Kentucky. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the aplication may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 110012 (Sub-No. 21), filed February 13, 1970. 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. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated or uncrated, from the plantsite of Futuristic, Inc., Hawkins County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., Washington, D.C., Atlanta, Ga., or Nashville, Tenn.

No. MC 110328 (Sub-No. 8), filed February 17, 1970. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita Street, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chains*, from York, Pa., to Woburn, Mass., (2) (a) *metal ingots*, from Columbia, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Ohio, Rhode Island, Virginia, and West Virginia, and (b) *scrap metal*, from points in Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Ohio, Rhode Island, Virginia, and West Virginia, to Columbia, Pa. NOTE: Applicant states that it presently holds authority to transport metal ingots, in bulk, and scrap metal, in bulk, from and to the points sought by this application in Items 2 (a) and (b). The purpose of this application is for clarification and/or enlargement of existing authority. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 110683 (Sub-No. 68), filed February 5, 1970. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except 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 Rogersville, Tenn., as an intermediate point in connection with applicant's regular route operations between Knoxville and Bristol, Tenn. NOTE: If a hearing is deemed necessary, appplicant requests it be held at Washington, D.C. or Nashville, Tenn.

No. MC 111545 (Sub-No. 130), filed February 16, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, between Tyler, Tex. and points in Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, California, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 111545 (Sub-No. 131), filed February 16, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Engines, engine parts, and materials and equipment* used in the manufacture thereof, between Mobile, Ala., Muskegon, Mich., and Toledo, Ohio, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that it is not aware of any feasible tacking operations that would result from a grant herein, however, applicant opposes the imposition of a tacking restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111545 (Sub-No. 132), filed February 16, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and buildings, complete, knocked down, or in sections, from points in New Hanover County, N.C., Mecklenburg, Va., and Brunswick County, Va., to points in the United States (except Hawaii). NOTE: Applicant states that it is not aware of any feasible tacking operations that would result from a grant herein, however, applicant opposes the imposition of a tacking restriction. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 111545 (Sub-No. 133), filed February 16, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, bituminous fiber conduit and fittings, attachments, and accessories*, from points in Jefferson County, Ala., to points in the United States (except Hawaii). NOTE: Applicant states that it is not aware of any feasible tacking operations that would result from a grant herein, however, applicant opposes the imposition of a tacking restriction. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 112801 (Sub-No. 101) (Correction), filed November 21, 1969, published in FEDERAL REGISTER issues of December 18, 1969 and February 19, 1970, and republished in part, as corrected, this issue. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. The purpose of this republication, in part, is to show the State of *Maine*, as a destination point. The italicized part was inadvertently omitted. The rest of the application remains the same.

No. MC 112822 (Sub-No. 150) (Amendment) filed January 2, 1970, published FEDERAL REGISTER issue of March 5, 1970, amended and republished as amended this issue. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration; (1) from Jacksonville (Morgan County), Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, and Wyoming; and (2) from Sherman (Grayson County), Tex., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant further states that no duplicate authority is being sought. The purpose of this republication is to broaden the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 113410 (Sub-No. 68), filed February 20, 1970. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the Pipe Line Terminal of Hydrocarbon Transportation, Inc., at or near Rockford, Ill., to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114301 (Sub-No. 59), filed February 17, 1970. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Parsonsburg, Md., to points in Connecticut, Massachusetts, Maryland, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Virginia, and the District of Columbia and *materials and supplies* used in the manufacturing and shipping of insulation, on return; and (b) *feed ingredients*, from points in Pennsylvania on and west of U.S. Highway 15, to points in Delaware, New Jersey, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 114969 (Sub-No. 34), filed February 27, 1970. Applicant: PROPANE TRANSPORT, INC., Post Office Box 232, Milford, Ohio. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of the American Oil Co. at or near Huntington, Ind., to points in Indiana, Illinois, Michigan (Lower Peninsula), and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 117165 (Sub-No. 27) (Amendment), November 2, 1969, published in FEDERAL REGISTER issue of December 11, 1969, amended February 26, 1970, and republished as amended, this issue. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building wall and/or insulating fiberboard, sheathing, laminated wall boards, parts, materials, and accessories incidental thereto*, from the plantsite of Cardinal Industries at Wheaton, Ill., to points in Michigan, Ohio, Pennsylvania, Indiana, Kentucky, Iowa, Missouri, Wisconsin, Minnesota, Nebraska, Kansas, Oklahoma, Arkansas, and Tennessee; and (2) *building materials*, from the plantsite of the Philip Carey Corp., Wilmington, Ill., to points in Tennessee, Kentucky, Wisconsin, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include the destination State of Wisconsin in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 117883 (Sub-No. 133), filed February 18, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Post Office Box 62, 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, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at Davenport, Iowa, from the plantsite of Oscar Mayer & Co., Inc., at Perry, Iowa, and from the cold storage facilities utilized by Oscar Mayer & Co., Inc., at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named plantsites and cold storage facilities utilized by Oscar Mayer & Co. and destined to above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 91), filed February 11, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns, jars*, other than cut, with or without the equipment of caps, covers, stoppers, bail handles, or tops, 1 gallon or less in capacity, from Palestine, Tex., to Tulsa, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Oklahoma City, Okla., or Washington, D.C.

No. MC 118159 (Sub-No. 92), filed February 11, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, from points in Michigan to points in Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Oklahoma City, Okla., or Washington, D.C.

No. MC 118806 (Sub-No. 11), filed January 22, 1970. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road, Winnipeg, Manitoba, Canada.

Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel and aluminum articles, bins, tanks and grain boxes, and accessories and parts* for the described commodities, from the ports of entry on the international boundary lines of the United States and Canada, located in Minnesota, North Dakota, and Wisconsin; and (2) *returned shipments* of the above-described commodities, from the destination States named above, to the named ports of entry. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118831 (Sub-No. 71), filed February 20, 1970. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. 27262. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW., Washington, D.C., and Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephlalate*, in bulk, from Old Hickory, Tenn., to points in South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Raleigh, N.C., or Columbia, S.C.

No. MC 119619 (Sub-No. 26), filed February 12, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* requiring refrigeration, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119741 (Sub-No. 34), filed February 9, 1970. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Jacksonville (Morgan County), Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119818 (Sub-No. 3), filed February 23, 1970. Applicant: WILLARD T. BULIFANT, 6545 Chestnut Avenue, Pennsauken, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from points in the New York, N.Y., commercial zone as defined by the Commission, and Perth Amboy, N.J., to Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123383 (Sub-No. 45), filed February 17, 1970. Applicant: BOYLE BROTHERS, INC., 2036 South Fourth Street, Camden, N.J. 08104. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt and composition roofing products, composition boards, urethane and urethane products, and insulating materials, and materials and accessories* used in the installation thereof (except in bulk), from Port Clinton, Ohio, to points in West Virginia, Virginia, South Carolina, North Carolina, Pennsylvania, and New York. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 124174 (Sub-No. 75), filed November 3, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pots or mufflers, and exhaust or tail pipe*, with or without fittings, between the plantsite and storage facilities of Maremont Corp. at or near Loudon, Tenn., on the one hand, and, on the other, points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Oklahoma, Texas, New York, and New Jersey. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124211 (Sub-No. 145), filed February 17, 1970. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Box H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Banking materials, equipment, and supplies*, from points in the United States (except Alaska and Hawaii), to points in Mills, Montgomery, and Pottawattamie Counties, Iowa, and to points in Nebraska. NOTE: Applicant states proposed operations may be tacked with various authorities presently held but indicates it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Restriction: The authority sought herein, to the extent it duplicates any authority now held or heretofore granted to carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 124241 (Sub-No. 8), filed February 15, 1970. Applicant: REX WELLS and RAY WELLS, a partnership, doing business as WELLS BROTHERS, 584 Sparks Street, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Buhl, Idaho, to points in Colorado and Nevada under a continuing contract with Carter Packing Co., Inc., of Buhl, Idaho; and (2) *feed and feed ingredients*, from points in California, Colorado, Nevada, Oregon, Washington, and Wyoming to Buhl and Hagerman, Idaho, under a continuing contract with Rangen, Inc., of Buhl, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 124796 (Sub-No. 51) (amendment), filed August 13, 1969, published in the FEDERAL REGISTER, issues of September 18, October 17, and October 30, 1969, amended and republished this issue. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Sodium hydroxide* (except in bulk), from Indianapolis, Ind., to Atlanta, Ga.; Houston, Tex.; Charlotte, N.C.; Tampa, Fla.; and Kansas City, Mo.; and (b) *sodium hydroxide and dry laundry bleach* (except in bulk), from Houston, Tex., to points in Louisiana, Mississippi, and points in Arkansas on and south of U.S. Highway 40; and (c) *rejected, refused, or outdated shipments*

on return, all under a continuing contract or contracts with the Clorox Co., Oakland, Calif. NOTE: The purpose of this republication is to show the authority sought as amended. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or San Francisco, Calif.

No. MC 125708 (Sub-No. 123), filed February 4, 1970. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: James W. Major (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), classes A and B explosives, household goods as defined by the Commission and commodities which because of size or weight require special equipment); (a) from Vicksburg, Miss., to points in the United States (except Alaska and Hawaii); and (b) from points in the United States (except Alaska and Hawaii) to Vicksburg, Miss. NOTE: Applicant states that it knows of no points of joinder feasible with its present certificates, however, it would be unopposed to a restriction against tacking without justification. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Washington, D.C.

No. MC 126122 (Sub-No. 3), filed February 13, 1970. Applicant: JACK E. HARTMAN, Mount Ayr, Iowa 50854. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* from Mount Ayr, Iowa, to points in Missouri, on and north of U.S. Highway 36 and on and west of U.S. Highway 63. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126612 (Sub-No. 3), filed February 5, 1970. Applicant: SALVATORE GIARRAPUTO, doing business as SEMOLINA HAULING COMPANY, 86 Kent Avenue, Brooklyn, N.Y. 11211. Applicant's representative: Murray S. Bernstein, 235 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk in specially equipped tank vehicles having a prior movement by rail between Brooklyn, N.Y., on the one hand, and, on the other Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 126739 (Sub-No. 7), filed February 11, 1970. Applicant: MAHNENSMITH TRUCKING SERVICE, INC., Post Office Box 395, Van Buren, Ind. 46991. Applicant's representative: Richard P. Lintner (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry foods, animal health aids, and sanitation products*, from Fort Wayne, Ind., to points in that part of Ohio west of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 13 to junction Interstate Highway 71, thence along Interstate Highway 71 to the Ohio-Kentucky State line, and points in Michigan south of Michigan Highway 21, under contract with Allied Mills, Inc., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127335 (Sub-No. 2), filed February 18, 1970. Applicant: HAROLD COUSINS, INC., 117 Turk Street, Pontiac, Mich. 48053. Applicant's representative: John W. Ester, 1 Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to Milwaukee, and points in the Milwaukee, Wis., commercial zone, restricted to traffic having a subsequent movement by rail to Pontiac, Mich. NOTE: Applicant indicates tacking possibilities with presently held authority in its MC 127335, wherein it holds authority to transport malt beverages from Pontiac, Mich., to points in St. Clair, Macomb, Oakland, and Wayne Counties, Mich. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Sheboygan, Wis.

No. MC 127355 (Sub-No. 6) (Correction), filed January 30, 1970, published in the FEDERAL REGISTER issue of February 27, 1970, and republished as corrected, this issue. Applicant: M & N GRAIN COMPANY, a corporation, 902 East Wooter, Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Chicago, Ill., Milwaukee, Wis., and New Orleans, La., to points in Colorado, Illinois (except on traffic originating at Chicago), Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin (except on traffic originating at Milwaukee), and Wyoming, under contract with the Paul Dee Co., of Marshalltown, Iowa. NOTE: The purpose of this republication is to include the above portions of the wording concerning the destination States of Illinois and Wisconsin, which wording was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128273 (Sub-No. 56) (Amendment), filed December 30, 1969, published FEDERAL REGISTER issue of February 5, 1970, and republished as amended, this issue. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, (1) from New Orleans, La., to points in Montana, Wyoming, Colorado, New Mexico, Arizona, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, California, Oregon, Utah, and Washington; (2) from Golden Meadow, La., to points in California, Oregon, Utah, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it is authorized to conduct operations as a contract carrier under MC 133791; therefore, dual operations may be involved. The purpose of this republication is to broaden the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 58), filed February 9, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp, paper and paper products, materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between plantsites and storage facilities of Southland Paper Mills, Inc., at Herty and Sheldon, Tex., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant has a pending contract application under MC 133791. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 128273 (Sub-No. 59), filed February 6, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural insecticides, pesticides, and organic phosphate compound mixtures* (except in bulk), (a) between plantsites, producing points, and warehouse facilities of Chemagro Corp., in Wisconsin, Illinois, Louisiana, and Arkansas; and (b) from Chemagro Corp.'s plantsites, producing points, and warehouse facilities in Wisconsin, Illinois, Louisiana, and Arkansas, to points in Louisiana, Missouri, Arkansas, Kansas, Iowa, Nebraska, Wisconsin, Minnesota, North Dakota, South Dakota, Illinois, Indiana, Oklahoma, Kentucky, Tennessee, Texas, New Mexico, Colorado, Mississippi, Alabama, Georgia, Florida, South Carolina, and North Carolina; and (2) *supplies and materials* used in the manufacture and distribution of commodities in (1) above from all destination States to origin points in (1)(a) above. NOTE: Applicant states that the requested authortiy cannot be tacked with its existing authority.

Applicant has a pending contract application under MC 133791. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 129071 (Sub-No. 6), filed February 2, 1970. Applicant: WHITEHALL TRANSPORT, INC., Post Office Box 387, Whitehall, Wis. 54773. 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: (1) *Meat, meat products, and meat by-products* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides, skins, and commodities in bulk, from Whitehall and Eau Claire, Wis., to points in California, Colorado, Kansas, Missouri, and Tennessee for the account of Whitehall Packing Co, Inc.; and (2) *dairy products, butter, anhydrous milk fat, sweet cream, spray nonfat dry milk, spray buttermilk powder, sweetened condensed milk*, from Rice Lake, Wis., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Tennessee, and the District of Columbia for the account of Rice Lake Creamery Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129211 (Sub-No. 4), filed February 16, 1970. Applicant: M. C. B. COMPANY, INC., Vanderburg Road, Marlboro, N.J. 07746. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tableware, dinnerware, reproduced paintings, houseware, and household furnishings*, between Marlboro, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York (except New York, N.Y.), North Carolina, Ohio, Pennsylvania (except Philadelphia, Pa.), South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *houseware and household furnishings*, between Marlboro, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa., under contract with Weigl Co. Inc., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129307 (Sub-No. 35), filed February 16, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and/or cold storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn. and Cedar Rapids, Iowa, to points in Indiana, the Lower Peninsula of Michigan and Ohio, restricted to the transportation of traffic originating at the above-specified plantsites and/or cold storage facilities, and destined to the above specified destinations. NOTE: Applicant holds contract carrier authority under Docket No. MC 119394; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133494 (Sub-No. 2), filed January 26, 1970. Applicant: E. W. BELCHER, doing business as BELCHER TRUCKING COMPANY, Route 1, Box 402, Denton, Tex. 76201. Applicant's representative: Paul L. Caplinger, Post Office Box 7295, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal*, from Stuttgart, Ark., to the plantsite of P. T. Poultry Growers, at or near Swift, Tex., and (2) *cottonseed meal*, from Pine Bluff, Ark., to the plantsite of Meat Producers, Inc., Melissa, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 134207 (Sub-No. 1) (Clarification), filed January 16, 1970, published in FEDERAL REGISTER issue of February 5, 1970, clarified February 25, 1970, and republished, as clarified this issue. Applicant: ASSOCIATED FOOD STORES, INC., 1810 South Empire Road, Salt Lake City, Utah 84104. Applicant's representative: Irene Warr, Suite 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials* used in the manufacture of wearing apparel, (1) between Monroe, Circleville, and Panguitch, Utah, and Buckeye, Ariz.; (2) between Monroe, Circleville, and Panguitch, Utah, and Los Angeles, Calif.; and (3) between Monroe, Circleville, and Panguitch, Utah, and San Francisco, Calif., under contract with Utah Apparel Industries, Inc., at Circleville, Utah. NOTE: The purpose of this republication is to reflect Utah Apparel Industries, Inc., as the contracting shipper in lieu of Associated Food Stores. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134329, filed February 2, 1970. Applicant: FISCUS MOTOR FREIGHT, INC., 1121 South 29th Avenue, Yakima, Wash. 98902. Applicant's representatives: Douglas A. Wilson and Charles C. Flower, 303 East D Street, Suite No. 2, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Zinc sulphate and zinc products* in sacks, in bulk or liquid, from Yakima and Tacoma, Wash., to points in Colorado, Montana, Idaho, Oregon, and California, under contract with Bay Zinc Co., of Tacoma, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134353, filed February 9, 1970. Applicant: PFEIFER TRANSFER CO., a corporation, 206 North Warpole Street, Upper Sandusky, Ohio 43351. Applicant's representative: Harvey A. Rosenzweig, 100 East Broad Street, Suite 1800, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and other related iron commodities*, from Bellefontaine, Ohio, to points in Indiana, those in Michigan on and north of U.S. Highway 21, and those in Pennsylvania (except Sharon, Pa., and its commercial zone), under contract with Carter Steel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134328, filed February 2, 1970. Applicant: D & G TRUCKING CO., INC., 1450 Hamilton Avenue, Wynne, Ark. 72396. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper tubing and copper pipe*, from Wynne, Ark., to Shreveport, Baton Rouge, and New Orleans, La.; Dallas, Fort Worth, and Houston, Tex.; Miami, Fla.; Atlanta, Ga.; Phoenix, Ariz.; Chicago, Ill.; Memphis, Tenn.; and Los Angeles, Calif., under contract with Cambridge-Lee Metal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

MOTOR CARRIERS OF PASSENGERS

No. MC 946 (Sub-No. 3), filed January 26, 1970. Applicant: PAROCHIAL BUS SYSTEM, INC., 3320 Hutchinson Avenue, Bronx, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Bronx, N.Y., and Liberty Bell Park Race Track, Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 39211 (Sub-No. 10) (Amendment and Clarification), filed August 26, 1969, published FEDERAL REGISTER, issue of October 2, 1969, and republished as amended this issue. Applicant: OHIO BUS LINE, INC., 130 Main Street, Hamilton, Ohio 45013. Applicant's representative: Edgar M. Hymans (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage, express, newspapers, and mail* in the same vehicle with passengers, between the intersection of Ohio Highway 4 and Ohio Highway 63, and Columbus, Ohio: From the intersection of Ohio Highway 4 and Ohio Highway 63 over Ohio Highway 63 to the intersection of Ohio Highway 63 and

Ohio Highway 123, thence over Ohio Highway 123 to the intersection of Ohio Highway 123 and Interstate Highway 71, thence over Interstate Highway 71 to Columbus, and return over the same route, serving all intermediate points; and (2) over irregular routes, transporting: *Passengers and their baggage, express, newspapers, and mail* in the same vehicle with passengers, in charter operations, beginning and ending at all points on the above-described route, and extending to all points in the United States, including Alaska, but excluding Hawaii. Restriction: Operations in (1) above are to be restricted against the transportation of any passenger whose transportation involves movement between Cincinnati, Ohio, on the one hand, and, on the other, Columbus, Ohio. NOTE: The purpose of this republication is to show that applicant has eliminated part of the restriction set forth in previous publication, and also to show that applicant proposes to transport passengers over a regular service route, serving all intermediate points, as well as charter operations in connection with such route. If a hearing is deemed necessary, applicant requests it be held at Hamilton, Cincinnati, or Dayton, Ohio.

No. MC 61016 (Sub-No. 34), filed February 8, 1970. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers in the same vehicle with passengers*, between Westover Air Force Base, Chicopee, Mass., and Springfield, Mass., from Westover Air Force Base, Chicopee, Mass., over unnumbered highway to junction Massachusetts Highway 33, thence over Massachusetts Highway 33 to Broadway Street, thence over Broadway Street to Chicopee-Springfield city line, thence over city streets to the Springfield Bus Terminal on Main Street, Springfield, Mass., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 85819 (Sub-No. 4), filed December 8, 1969. Applicant: GULF COAST MOTOR LINE, INC., 105 South Myrtle Avenue, Clearwater, Fla. 33516. Applicant's representative: John M. Allison, 512 Florida Avenue, Post Office Box 1531, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, and newspapers* in the same vehicle, (1) between Weeki Wachee and St. Petersburg, Fla.: Over U.S. Highway 19 (Alternate U.S. Highway 19), and return over the same routes, serving all intermediate points; (2) between Tarpon Springs and Tampa, Fla.: Over U.S. Highway 19 and Florida Highways 580, 582, 60, and 589, and return over the same route, serving all intermediate points; (3) between Clearwater and Tampa, Fla.: Over Florida Highway 60 and Florida Highway 589, and return over the same route, serving all intermediate points; (4) between Clearwater and Tampa, Fla.: Through Oldsmar, Fla., over Florida Highways 60, 593, 590, 580, and 589, and return over the same route, serving all intermediate points; (5) between Clearwater and St. Petersburg, Fla.: Over U.S. Highway 19, Florida Highways 595A, 686, 688, 694, and Alternate U.S. Highway 19, and return over the same route, serving all intermediate points; and (6) between Clearwater and Tampa, Fla.: Through Largo, Fla., over Florida Highway 60; U.S. Highway 19 to its intersection with Florida Highway 686, thence over Florida Highway 686 to its intersection with Florida Highway 688, thence over Florida Highway 688 to its intersection with Interstate Highway 4, thence over Interstate Highway 4 to Tampa, Fla., and return over the same route. NOTE: Applicant holds intrastate authority to operate over the foregoing routes from the Florida Public Service Commission as reflected in copies of Certificate No. 268, bearing respective dates of March 30, 1948, February 28, 1957, and April 29, 1958. Applicant further states that no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 109312 (Sub-No. 40), filed February 17, 1970. Applicant: DE CAMP BUS LINES, 300 Allwood Road, Clifton, N.J. 07014. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. 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 Foster Wheeler Corp. located at 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., and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to tack authorities sought with presently held authority in No. MC 109312 in order to provide service to and from New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 134107, filed January 26, 1970. Applicant: EDWIN BARTOK, doing business as BARTOK BUS SERVICE, Route No. 1, Eldorado, Ill. 62930. Applicant's representative: Joseph R. Hale, Lincoln Boulevard East, Shawneetown, Ill. 62984. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operation, commencing at Harrisburg, Ill., with intermediate stops at Eldorado, Norris City, Omaha, and New Haven over and across Illinois Highway 45, 1, and 141 and Indiana Highway 62 terminating at the Babcock & Wilcox Co. plant in Mount Vernon, Ind., under contract with employees of Babcock & Wilcox plant at Mount Vernon, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., or Springfield, Ill., or St. Louis, Mo.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12927 (Sub-No. 1), filed January 30, 1970. Applicant: WILLIAM B. WHITFIELD, doing business as WHITFIELD EDUCATIONAL TOURS, 1302 Sierra Boulevard, Post Office Box 134, Huntsville, Ala. 35804. Applicant's representative: Macon L. Weaver, 472 State National Bank Building, Huntsville, Ala. 35801. For a license (BMC-5) to engage in operations as a *broker* at Huntsville, Ala., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, beginning and ending at Birmingham, Ala., and points in Jefferson County, Ala., and extending to points in the United States, including Alaska and Hawaii. Applicant presently holds similar authority in MC 12927, restricted to operations beginning and ending at points in Madison County, Ala., and extending to points in the United States, including Alaska and Hawaii. Applicant states petitioning to amend that license to include Birmingham, Ala., and points in Jefferson County, Ala.

No. MC 130105 (Clarification) filed December 15, 1969, published in FEDERAL REGISTER issue of February 19, 1970, clarified February 26, 1970, and republished, as clarified this issue. Applicant: ATLAS TOURS & TRAVEL SERVICE, INC., 518 Madison Avenue, Toledo, Ohio 43604. Applicant's representative: Ronald L. Wollett, 88 East Broad Street, Columbus, Ohio 43215. For a license (BMC-5) to engage in operation as a *broker* at Toledo, Ohio, in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and charter groups, between points in the United States including Alaska and Hawaii. NOTE: The purpose of this republication is to clarify the authority sought.

No. MC 130110, filed February 22, 1970. Applicant: EDWIN A. O'NEILL, 60 Sims Road, Wollaston (Quincy), Mass. Applicant's representative: William D. K. Crooks, Jr., 13 On Essex, Marblehead, Mass. 01945. For a license (BMC-5) to engage in operation as a *broker* in the Greater Boston area, in arranging for transportation by motor vehicle, in interstate and foreign commerce, of *passengers*, both individually and in groups, and their baggage in the same vehicle, in special and charter operations for round trip sightseeing and pleasure tours beginning in the Greater Boston area and extending to points in the United States, including Alaska and Hawaii.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 10761 (Sub-No. 244), filed February 2, 1970. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic peroxides, oxidizing materials, and oxidizing solutions*, except in bulk, in tank vehicles;

(1) between Buffalo and Geneseo, N.Y., on the one hand, and, on the other, Crosby, Tex.; and (2) from Buffalo and Geneseo, N.Y., to Baytown and Orange, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-3250; Filed, Mar. 18, 1970; 8:45 a.m.]

[S.O. 994; ICC Order 40, Amdt. 3]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 40 (The Chesapeake and Ohio Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 40 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 4, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 70-3335; Filed, Mar. 18, 1970; 8:49 a.m.]

[No. 35220]

AMERICAN FEED MANUFACTURERS ASSOCIATION AND NATIONAL SOYBEAN PROCESSORS ASSOCIATION

Practices and Policies in Settlement of Loss and Damage Claims on Grain and Grain Products; Petition for Declaratory Order

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of March 1970.

It appearing, that by petition filed on January 12, 1970, the American Feed Manufacturers Association and the National Soybean Processors Association request the Commission to enter a declaratory order to resolve the questions specified below in regard to the rules endorsed by the Commission in Claims for Loss and Damage of Grain, 56 I.C.C. 347 (1920);

It further appearing, that the questions presented by the petitioners are:

1. Are cars with lining open at the top considered (a) an unusual condition which might constitute probable cause for loss, or (b) defective equipment?

2. May the carriers use one weighing rule for loss and damage purposes and another for determining freight charges?

3. Does the publication of a rule limiting carriers' liability on clear-record cars shift the burden of proof to the shippers?

4. May the carriers wholly or partially avoid liability for material lost through or around grain doors for the sole reason that they were applied by the shipper?

5. Did the Commission intend the rules to apply to grain products (including vegetable oil meals, in bulk)?

And it further appearing, that the action sought will remove uncertainty;

Wherefore, and for good cause appearing:

It is ordered, That, in the exercise of the Commission's sound discretion under section 554(e) of the Administrative Procedure Act, an investigation be, and it is hereby, instituted into the matters and things presented in the petition; that the proceeding be docketed with the number and title set forth above; and that all common carriers by railroad subject to the jurisdiction of this Commission be, and they are hereby made respondents to this proceeding.

It is further ordered, That notice of the pendency of this proceeding be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by the publication of this order in the FEDERAL REGISTER.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Commission on or before April 6, 1970. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded, however mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That, as soon as practicable after the date for indicating a desire to participate in the proceeding has passed, the Secretary will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

And it is further ordered, That the evidence in this proceeding be submitted under the modified procedure, with the filing and service of pleadings as follows: (a) Opening statement of facts and argument by petitioners and any parties in support of petitioners on or before 20 days from the date of service of the Secretary's list of participants; (b) 30 days thereafter, statement of facts and argument by the respondents and parties in support of respondents; and (c) 10 days thereafter, replies by petitioners and supporting parties.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-3336; Filed, Mar. 18, 1970; 8:49 a.m.]

[Notice 510]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 16, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71906. By order of March 13, 1970, the Motor Carrier Board approved the transfer to Landis Morgan, Inc., Ukiah, Calif., of that portion of the operating rights in certificate No. MC-121382 (Sub-No. 2) issued September 26, 1968, to C. R. Von Arx and L. R. Von Arx, a partnership, doing business as Riverview Transportation Co., Santa Rosa, Calif., authorizing the transportation of lumber and forest products (except wood chips), between points in Monterey, San Benito, Fresno, Santa Cruz, Santa Clara, Stanislaus, Merced, Madera, San Mateo, San Francisco, Alameda, Contra Costa, San Joaquin, Marin, Solano, Sacramento, Sonoma, Napa, Yolo, Sutter, Placer, Lake, Colusa, Yuba, Mendocino, Glenn, Butte, Tehama, Humboldt, Trinity, and Shasta Counties, Calif. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210, attorney for applicants.

No. MC-FC-71932. By order of March 12, 1970, the Motor Carrier Board approved the transfer to 70-79 Truck Service, Inc., Eighty Four, Pa., of certificate in No. MC-129141, issued September 22, 1969, to William E. Harps, doing business as William (Bill) Harps Towing Service, Washington, Pa., authorizing the transportation of: Wrecked and disabled motor vehicles and replacements therefor, between points in a part of Pennsylvania on the one hand, and, on the other, points in Maryland, New Jersey, New York, West Virginia, the District of Columbia, and a part of Ohio. Stephen I. Richman, 325 Washington Trust Bldg., Washington, Pa. 15301, attorney for applicants.

No. MC–FC–71962. By order of March 12, 1970, the Motor Carrier Board approved the transfer to Marty's Express, Inc., Philadelphia, Pa., of that portion of the operating rights in certifiate No. MC–67403 issued March 5, 1952, to Raymond Slater, Philadelphia, Pa., authorizing the transportation of lumber, flooring, floor finishing materials, building materials, and plumbing, heating and air-conditioning supplies, over irregular routes, from Philadelphia, Pa., to points in Delaware, New Jersey, and New York. John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011, representative for applicants.

No. MC–FC–71973. By order of March 12, 1970, the Motor Carrier Board approved the transfer to CMR Transportation, Inc., Bound Brook, N.J., of certificate No. MC–133849 issued to Robert A. Brinker, Inc., Iselin, N.J., authorizing the transportation of: General commodities, with the usual exceptions, between Clifton and Caldwell, N.J., on the one hand, and, on the other, New Brunswick, N.J. Robert B. Pepper, practitioner for transferee, 297 Academy Street, Jersey City, N.J. 07306. George A. Olsen, practitioner for transferor, 69 Tonnele Avenue, Jersey City, N.J. 07306.

No. MC–FC–72007. By order of March 12, 1970, the Motor Carrier Board approved the transfer to Norwood Enterprises, Inc., Braintree, Mass., of certificate of registration No. MC–120685 (Sub-No. 1) issued January 28, 1965, to Hudson Express, Inc., Boston, Mass., evidencing a right to engage in interstate commerce as described in certificate No. 1117 dated December 30, 1963, issued by the Massachusetts Department of Public Utilities. Lawrence T. Sheils, 28 Hall Drive, Norwell, Mass., attorney for applicants.

No. MC–FC–72026. By order of March 13, 1970, the Motor Carrier Board approved the transfer to Gene E. Young, Ottumwa, Iowa, of the operating rights in certificate No. MC–1064 issued July 2, 1956 to Signa A. Young, Ottumwa, Iowa, authorizing the transportation of household goods between Ottumwa, Iowa, on the one hand, and, on the other, points in Illinois and Missouri. Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501, representative for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3337; Filed, Mar. 18, 1970; 8:49 a.m.]

[No. 32485]

PIPELINE COMPANIES

Uniform System of Accounts for Pipeline Companies

Correction

In F.R. Doc. 70–2871 appearing on page 4314, in the issue of Tuesday, March 10, 1970, the last three lines in the first column have been improperly placed and should be transposed above the last two lines in the second column.

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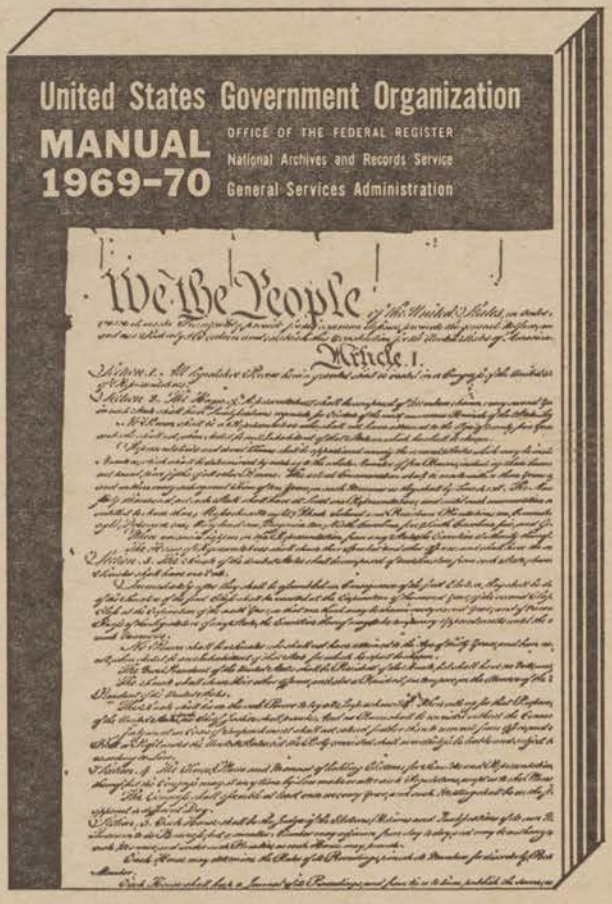

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