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Part I

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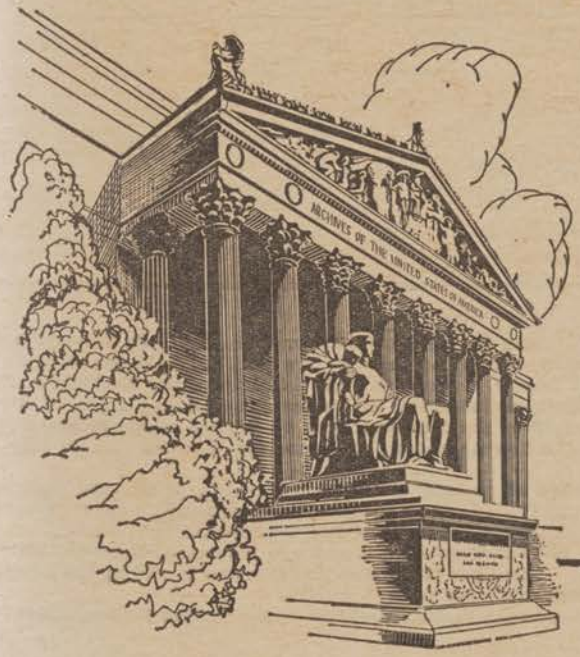

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CAPTIVE NATIONS WEEK, 1970

By the President of the United States of America

A Proclamation

The Eighty-Sixth Congress on July 17, 1959, by Joint Resolution authorized and requested the President to proclaim the third week of July in each year as Captive Nations Week. The aspirations of the peoples of oppressed nations for independence and basic human freedoms are vital and inextinguishable. It is in keeping with our own principles and traditions as a free and independent nation that we should look with sympathy and understanding upon their hopes and efforts to realize these just goals.

NOW THEREFORE I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 12, 1970, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge them to renew their dedication to the cause of freedom and independence for all nations and to sustain these high ideals, which are both the precious heritage of this Republic and a foundation stone of lasting world peace.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of July, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[F.R. Doc. 70-8814; Filed, July 7, 1970; 4:59 p.m.]

Executive Order 11543

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the National Railway Labor Conference, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the United Transportation Union, a labor organization; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

Richard Nixon

THE WHITE HOUSE,
July 7, 1970.

LIST A

EASTERN RAILROADS

Akron & Barberton Belt Railroad Company
Akron, Canton & Youngstown Railroad Company
Ann Arbor Railroad
Baltimore and Ohio Railroad Company
Baltimore and Ohio Railroad Company (Buffalo Division)
Baltimore and Ohio Railroad Company (Strouds Creek and Muddlety Territory)
Baltimore and Ohio Chicago Terminal Railroad
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Corporation
Buffalo Creek Railroad
Central Railroad Company of New Jersey
New York and Long Branch Railroad
Central Vermont Railway, Inc.
Cincinnati Union Terminal Company
Curtis Bay Railroad Company
Delaware and Hudson Railway Company
Detroit and Mackinac Railway Company
Detroit and Toledo Shore Line Railroad
Detroit, Toledo and Ironton Railroad
Erie Lackawanna Railway
Grand Trunk Western Railroad
Greenwich and Johnsonville Railway Company
Indiana Harbor Belt Railroad
Indianapolis Union Railway Company
Lehigh and New England Railway Company
Lehigh Valley Railroad
Maine Central Railroad Company
Portland Terminal Company
McKeesport Connecting Railroad Company
Monongahela Railway
Monon Railroad
Montour Railroad
New York, Susquehanna and Western Railroad

Norfolk and Western Railway Company
Lines of former New York, Chicago and St. Louis Railroad
Lines of former Pittsburgh and West Virginia Railway
Northampton and Bath Railroad
Penn Central Transportation Company
Former Pennsylvania Railroad Company
Former New York Central Railroad Company
Former New York, New Haven and Hartford Railroad Company
Pennsylvania-Reading Seashore Lines
Pittsburg & Shawmut Railroad Company
Pittsburgh and Lake Erie Railroad, including Lake Erie and Eastern Railroad
Reading Company
Ironton Railroad
Toledo Terminal Railroad Company
Washington Terminal Company
Western Maryland Railway Company
Youngstown and Northern Railroad Company

LIST A

WESTERN RAILROADS

Alton and Southern Railway
Atchison, Topeka and Santa Fe Railway Company
Bauxite and Northern Railway Company
Burlington Northern, Inc. (including the former Chicago, Burlington and Quincy Railroad; former Great Northern Railway; former King Street Passenger Station; former Northern Pacific Railway; former Pacific Coast Railroad and former Spokane, Portland and Seattle Railway (System Lines))
Butte, Anaconda and Pacific Railway Company
Camas Prairie Railroad Company
Chicago and Eastern Illinois Railroad
Chicago and Illinois Midland Railway Company
Chicago and North Western Railway Company
Chicago and Western Indiana Railroad Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
Chicago Short Line Railway
Chicago, West Pullman and Southern Railroad Company
Colorado and Southern Railway Company
Davenport, Rock Island and North Western Railway Company
Denver and Rio Grande Western Railroad Company
Des Moines Union Railway Company
Duluth, Missabe and Iron Range Railway Company
Duluth, Winnipeg and Pacific Railway Company
East St. Louis Junction Railroad
Elgin, Joliet and Eastern Railway Company
Fort Worth and Denver Railway Company
Fort Worth Belt Railway Company
Galveston, Houston and Henderson Railroad Company
Galveston Wharves
Green Bay and Western Railroad Company
Houston Belt and Terminal Railway Company
Illinois Central Railroad
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of the CRI&P–Ft.W&D Railway
Kansas City Southern Railway Company, (including KCS affiliates at Milwaukee-Kansas City Southern Joint Agency)
Kansas City Terminal Railway Company
Lake Superior Terminal and Transfer Railway Company
Longview, Portland and Northern Railway Company
Los Angeles Junction Railway Company
Louisiana and Arkansas Railway Company
Manufacturers Railway Company
Minneapolis, Northfield and Southern Railway
Minnesota, Dakota and Western Railway Company
Minnesota Transfer Railway Company
Missouri-Kansas-Texas Railroad Company
Missouri Pacific Railroad Company (including the former Union Railway (Memphis))
Missouri-Illinois Railroad Company
New Orleans and Lower Coast Railroad Company
New Orleans Union Passenger Terminal
Norfolk and Western Railway Company (former Wabash Railroad—Lines East and West)
Northwestern Pacific Railroad Company
Ogden Union Railway and Depot Company
Oregon, California and Eastern Railway Company
Peoria and Pekin Union Railway Company
Portland Terminal Railroad Company
Port Terminal Railroad Association
St. Joseph Terminal Railroad Company
St. Louis-San Francisco Railway Company
St. Louis Southwestern Railway Company
Sioux City Terminal Railway Company

Soo Line Railroad Company
Southern Pacific Transportation Company (Pacific Lines) (including former El Paso and Southwestern System and Nogales, Arizona, Yard)
Southern Pacific Transportation Company (Texas and Louisiana Lines)
South Omaha Terminal Railway Company
Spokane International Railroad Company
Terminal Railroad Association of St. Louis
Texas and Pacific Railway Company (including the former Midland Valley Railway and former Kansas, Oklahoma and Gulf Railway)
Texas Mexican Railway Company
Toledo, Peoria and Western Railroad Company
Union Pacific Railroad Company
Union Terminal Company (Dallas)
Union Terminal Railway Company-St. Joseph Belt Railway Company
Western Pacific Railroad Company
Wichita Terminal Association

LIST A

SOUTHEASTERN RAILROADS

Atlanta and West Point Rail Road Company,
The Western Railway of Alabama
Atlanta Joint Terminals
Central of Georgia Railway
Chesapeake and Ohio Railway Company
Clinchfield Railroad Company
Gulf, Mobile and Ohio Railroad Company
Kentucky and Indiana Terminal Railroad Company
Louisville and Nashville Railroad Company
Mississippi Export Railroad Company
New Orleans Public Belt Railroad
Norfolk and Portsmouth Belt Line Railroad Company
Norfolk and Western Railway Company (Atlantic and Pocahontas Regions)
Norfolk Southern Railway Company
Seaboard Coast Line Railroad Company
Southern Railway
Alabama Great Southern Railroad (including former New Orleans and Northeastern Railroad)
Cincinnati, New Orleans and Texas Pacific Railway (including former Harriman and Northeastern Railroad)
Georgia Southern and Florida Railway
New Orleans Terminal Company
St. Johns River Terminal Company

[F.R. Doc. 70-8846; Filed, July 8, 1970; 11:35 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 321]

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

Limitation of Handling

§ 908.621 Valencia Orange Regulation 321.

(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 July 7, 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 July 10, 1970, through July 16, 1970, are hereby fixed as follows:

(i) District 1: 230,000 cartons;

(ii) District 2: 270,000 cartons;

(iii) District 3: 47,201 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: July 7, 1970.

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

[F.R. Doc. 70-8842; Filed, July 8, 1970; 11:26 a.m.]

[947.329]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Oregon-California Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) The recommendations of the committee reflect its appraisal of the composition of the 1970 crop of Oregon-Northern California potatoes and the marketing prospects for this season. Harvesting is expected to begin on or about July 13 and the regulation should become effective on that date.

The grade, size, and maturity requirements provided herein are necessary to prevent immature potatoes, and those that are of undersirable sizes, or below grade from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes.

The proposed regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

(c) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1970 crop potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) producers and handlers have operated under the said marketing order program since 1948 so special preparation by handlers is not required (4) information regarding the committee's recommendations relating to the marketing policy and proposed regulations were made available to producers and handlers in the production area on June 22, 1970, (5) the regulations hereinafter set forth are similar to those recommended and contained in the initial regulation made effective at the beginning of last season, (6) compliance with these regulations will not require special preparation by handlers which cannot be completed by the effective date.

§ 947.329 Limitation of shipments.

During the period July 13, 1970, through October 15, 1970, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) Grade and size requirements:

(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—6 ounces minimum weight: *Provided,* That potatoes which are 2 inches minimum diameter or 4 ounces minimum weight may be shipped if U.S. No. 1 grade, or better.

(b) Maturity (skinning) requirements:

(1) All varieties — "Moderately skinned" through September 15, 1970, and "slightly skinned" thereafter.

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer

any 7 consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) Special purpose shipments: The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Planting or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that potatoes grown in District No. 2 or District No. 4 may be shipped for planting or for livestock feed within, or to such district for such purposes.

(3) Grading or storing: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that:

(i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing within or to such districts for such purposes;

(ii) Potatoes grown in District 5 may be shipped for grading or storing to any specified locations in the adjoining States of Idaho and Washington and Malheur County in the State of Oregon for such purposes;

(iii) Potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, prepeeled products, potato chips, or potato sticks.

(4) Charity.

(5) Canning, freezing, prepeeling, and "other processing" as hereinafter defined: *Provided,* That shipments of potatoes for the purposes specified pursuant to this subparagraph shall be exempt from inspection requirements specified in § 947.60 and from assessment requirements specified in § 947.41.

(6) Export: *Provided,* That all shipments of potatoes for the purpose specified pursuant to this subparagraph shall be 1¾ inches minimum in diameter and U.S. No. 1 grade or better.

(d) Safeguards:

(1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a certificate of privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each certificate of privilege.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (5) and (6) of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (3)(iii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a certificate of privilege to make such shipments,

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph,

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's certificate of privilege and/or the receiver's eligibility to receive further shipments pursuant to receive further shipments pursuant to any certificate of privilege. Upon the cancellation of any such certificate of privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing: *Provided,* That such requirements of this subparagraph shall not be applicable to shipments of potatoes for starch.

(e) Minimum quantity exception: Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) Inspection: For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) Definitions:

(1) The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned" and "slightly skinned" shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein.

(2) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 "United States Standards for Grades of Peeled Potatoes" (§§ 52.2421–52.2433 of this title).

(3) The term "other processing" has the same meaning as the term appearing in the Act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form of stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(4) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

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

Dated July 6, 1970, to become effective July 13, 1970.

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

[F.R. Doc. 70-8748; Filed, July 8, 1970; 8:52 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

FLUE-CURED TOBACCO, 1970 CROP

Correction

In F.R. Doc. 70-8298 appearing at page 10579 in the issue for Tuesday, June 30, 1970, make the following changes in § 1464.16:

1. In footnote 1:

a. The first word in the third line reading "as" should read "on".

b. The second word in the 15th line reading "will" should read "with".

2. In the table the entry between "B6GR" and "B5GK" reading "B4GF" should read "B4GK" and the advance rate of "62.25" should read "57.25".

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.9]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart H—Rural Housing Conditional Commitments

Part 1822, Title 7, Code of Federal Regulations is amended by adding a new Subpart H, reading as follows:

Subpart H—Rural Housing Conditional Commitments

AUTHORITY: The provisions of this Subpart H issued under sec. 413, 83 Stat. 399; orders of Secretary of Agriculture, 29 F.R. 16210, 32 F.R. 6650.

§ 1822.301 General.

This subpart sets forth the policies and procedures and delegation of authority for issuing conditional commitments by the Farmers Home Administration (FHA) to qualified developers and sellers to finance single-family dwellings with Rural Housing (RH) loans.

§ 1822.302 Objective.

Conditional commitments are issued to encourage home construction and rehabilitation in rural areas by providing builders and sellers with conditional assurance that homes to be built or rehabilitated will meet FHA lending requirements and that subject to the availability of funds, FHA will make loans to qualified loan applicants to buy the homes.

§ 1822.303 Definitions.

(a) "Conditional commitment" is assurance from FHA to the commitment applicant that the homes to be built or rehabilitated and offered for sale will be suitable for purchase at a price not above a specified maximum amount by loan applicants who are qualified for RH loans. The conditional commitment does not reserve funds for a loan; nor does it assure that a loan applicant will be available to buy the home.

(b) A "commitment applicant" is an individual, partnership, or corporation which is engaged in the construction or rehabilitation and sale of homes and is applying for a conditional commitment under this subpart.

(c) A "loan applicant" is an individual or family that is applying for an RH loan.

(d) "Commitment price" is the maximum amount that could be included in an RH loan to be paid the commitment applicant for the purchase of a specified house. This will be the appraised value minus closing costs.

(e) "Rural area" is open country or places of 5,500 persons or less which is not a part of or associated with urban areas and is rural in character as further defined in § 1822.3(c).

(f) Homes "built" or "constructed" are new homes to be built by the customary method as well as manufactured homes to be erected. They do not include homes on which construction has started or on which conditional commitments have been issued by the Federal Housing Administration or the Veterans Administration.

(g) "Rehabilitation" means major repairs, installation of major items of equipment, and additions and structural changes to existing houses.

(h) "Subdivision" means a cluster of five or more adjacent building sites. It does not include scattered lots among older homes.

§ 1822.304 Eligibility.

To be eligible for conditional commitments, commitment applicants must:

(a) Have demonstrated their ability to complete the type of proposed work in a competent and workmanlike manner.

(b) Have demonstrated that they are financially responsible, and have the ability to finance the proposed housing construction or rehabilitation.

(c) Agree to certify that there will be no discrimination in the sale of the dwellings.

(d) Agree to comply with the conditions specified by FHA.

(e) Plan to build or rehabilitate homes that will qualify for purchase by RH borrowers.

(f) Conform with any applicable laws, ordinances, codes and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, sanitation, zoning, and protective covenants.

(g) Have the legal capacity to enter into the required agreements and the actual capacity to carry them out.

§ 1822.305 Limitations.

(a) Conditional commitments will be issued by FHA only for new homes to be constructed or homes to be rehabilitated.

(b) Conditional commitments will be issued only for homes that are well located.

(c) Number of conditional commitments:

(1) The total number of commitments issued in any locality will not exceed the number of homes for which there is an immediate and ready market in that locality.

(2) The number of homes on which conditional commitments will be outstanding to a commitment applicant at any time, will not exceed 15.

(3) The total number of commitments under this subpart outstanding in the county will not exceed the number on which the county supervisor can reasonably expect to be able to approve RH loans within 3 months after the houses covered by the commitments are completed, considering the availability of loan funds and the backlog of applications in the county office.

(d) The period of the conditional commitment will be for 12 months from date of issue. The commitment may be extended for an additional 6 months if justified because of unexpected delays in construction caused by such factors as bad weather or materials shortages, or marketing difficulties.

§ 1822.306 Application.

(a) The application will be in the form of a letter specifying the number of homes for which commitments are being requested, the number of previous commitments issued by FHA on homes that are unsold as of the date of the application, and a narrative description of the type and location of the houses to be built or rehabilitated. Attached to the letter will be a completed copy of:

(1) Form FHA 444–10, "Information on Property (Rural Housing Nonfarm Tract)," for each house together with the necessary attachments specified on reverse of the form.

(2) Form FHA 400–4, "Nondiscrimination Agreement," signed and dated for the commitment applicant.

§ 1822.307 Fees.

(a) Each commitment applicant will pay an application fee at the time he submits an application for conditional commitment. The fee for each house will be:

(1) For proposed construction of new homes—$45.

(2) For existing homes to be rehabilitated—$35.

(b) The county supervisor will give the commitment applicant a receipt for the fee using Form FHA 451–1, "Receipt for Payment." In columns (a) through (e), he will insert "Fee for conditional commitment application."

(c) The fee will be refunded if for any reason preliminary inspection of the property or investigation of the commitment applicant indicates that a conditional commitment cannot be issued on the property. For example, the property might be located in a nonrural area or the homes may not be of a type that FHA can appropriately finance. Fees will not be refunded, however, for any property on which the appraisal has been made. If a refund is required, a memorandum should be sent to the Finance Office stating the applicant's name, receipt number and date, and the amount.

§ 1822.308 Responsibilities.

(a) *County supervisor.* The county supervisor is responsible for evaluating applications for conditional commitments and is authorized to approve them.

(b) *State director.* The State director will keep informed of the number of conditional commitments made and the number outstanding, and will provide adequate training and assistance to county supervisors in processing applications.

§ 1822.309 Processing applications.

(a) *Evaluation of applications.* The county supervisor will carefully evaluate each application and will issue a conditional commitment only if:

(1) The house will be located on a good residential site.

(2) The commitment applicant meets the requirements of §§ 1822.304 and 1822.305.

(3) The house is one that FHA can finance.

(4) The proposed subdivision complies with the local codes and ordinances and also meets the requirements of the guide "Planning and Developing Building Sites" available at all FHA offices.

(b) *Prior authorization from State office.* Prior authorization will be obtained from the State office when the commitment applicant desires to build five or more homes in a subdivision that is being developed or one that will be developed.

(c) *Appraisal.* Each house and site will be appraised in accordance with appraisal instructions issued by the national office of the FHA and available at all FHA offices. The commitment price will be shown on Form FHA 444–11, "Conditional Commitment."

(d) *Issuing conditional commitments (Form FHA 444–11).* After the commitment application has been evaluated, and if it is approved, approval will be evidenced by the county supervisor's signing Form FHA 444–11.

(1) Form FHA 444–11 will be completed by the county supervisor in an original and one copy. The original will be given to the commitment applicant, and the copy will be retained in the county office file.

(2) In case any commitment applicant or house does not qualify for a conditional commitment, the documents attached to the letter of application will be returned to the commitment applicant with a letter explaining why the application was not approved.

(3) When a qualified family applies for a loan to buy a home on which a conditional commitment has been issued, the commitment documents will be transferred to the RH loan docket.

§ 1822.310 Inspections.

Inspections of work to be done will be performed in accordance with § 1804.6(d) of this chapter. The original and one copy of Form FHA 424–12, "Inspection Report," will be prepared. The county supervisor will give the commitment applicant the original of Form FHA 424–12 and the copy will be retained in the county office case file. Failure to correct any deficiencies or to complete the work in accordance with plans and specifications approved by FHA will be a basis for canceling the conditional commitment.

§ 1822.311 Changes in plans and specifications.

The county supervisor is authorized to approve changes in plans and specifications that are consistent with good construction practice and will not adversely effect the value of the property. If a change will reduce the appraised value of the property, the county supervisor will revise the commitment price and inform the commitment applicant. Changes will be made on the plans and specifications and initialed by the county supervisor and the commitment applicant. These changes may be confirmed by the county supervisor in a letter.

§ 1822.312 Builder's warranty.

The builder will execute Form FHA 424–19, "Builder's Warranty," upon completion of the work.

Dated: July 1, 1970.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[F.R. Doc. 70–8750; Filed, July 8, 1970; 8:52 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Farm Equipment Dealer for Purpose of Receiving Financial Assistance

On June 2, 1970, there was published in the FEDERAL REGISTER (35 F.R. 8504) a notice that the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations so as to increase the SBA loan size standard for Standard Industrial Classification Industry No. 5252, Farm Equipment Dealers (Retail) to annual sales not exceeding $3 million.

Interested parties were given 15 days in which to submit written statements of facts, opinions, or arguments concerning the proposed amendment.

After consideration of all relevant matter in connection with the proposal, it has been determined to adopt the change as proposed. Accordingly, the amendment set forth below is hereby adopted:

Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding to Schedule D the following industry size standard:

Industry or subindustry	Industry, subindustry or class of products	Annual sales size standard (maximum in millions)
5252	Farm equipment dealers	3.0
• • •	• • •	• • •

Effective date. The above shall become effective on publication in the FEDERAL REGISTER.

Dated: June 26, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70–8691; Filed, July 8, 1970; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70–WE–4–AD; Amdt. 39–1020]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

Amendment 39–941 (35 F.R. 3220), AD–70–4–3 requires installation of placards, checks of the cockpit bleed air overheat system and master caution light, inspection of structures, systems and components, and repairs, if necessary. After issuing Amendment 39–941, an alternative means of compliance with paragraphs (a) and (b) of this amendment was established. Therefore, the AD is being amended to provide for the installation of an alternate APU fire extinguisher container incorporating adequate pressure relief, to eliminate the possibility of container rupture.

Since this amendment provides for an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–941 (35 F.R. 3220), AD–70–4–3 is further amended as follows:

(1) Revise paragraph (c) by inserting the words: "or later FAA-approved revision" after the words "* * * January 17, 1970,".

(2) Add paragraph (d) to read: "In lieu of the placards and procedures required in paragraphs (a) and (b), remove APU fire extinguisher container, Part No. 806000–21 and install Part No. 806000–31 container in accordance with Boeing Service Bulletin 26–1011, dated June 9, 1970, or later FAA-approved revision or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region."

This amendment becomes effective July 9, 1970.

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

Issued in Los Angeles, Calif., on June 29, 1970.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[F.R. Doc. 70–8741; Filed, July 8, 1970; 8:52 a.m.]

[Airspace Docket No. 69–EA–155]

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

Designation of Transition Area

On page 19994 of the FEDERAL REGISTER for December 20, 1969, the Federal Aviation Administration published a proposed rule which would designate a Great Bend, N.Y., transition area over Wheeler-Sack Army Airfield.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901, G.m.t., August 20, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 15, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Great Bend, N.Y., transition area described as follows:

GREAT BEND, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°03'25" N., 75°43'15" W., of Wheeler-Sack AAF, N.Y.; within 2 miles each side of the Wheeler-Sack AAF runway 15 centerline, extended from the 5-mile radius area to 5 miles southeast of the end of the runway; within 2 miles each side of the Wheeler-Sack AAF runway 21 centerline, extended from the 5-mile radius area to 7.5 miles south of the end of the runway; within 3 miles each side of the Watertown, N.Y., VOR 069° radial, extending from the 5-mile radius area to the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°51'30" N., 75°40'00" W., to 43°59'30" N., 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W. to point of beginning, excluding the portion which coincides with the Watertown, N.Y. 700-foot and 1,200-foot transition area.

[F.R. Doc. 70-8732; Filed, July 8, 1970; 8:51 a.m.]

[Airspace Docket No. 70-EA-45]

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

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Newburgh, N.Y. (35 F.R. 2105) control zone.

The hours of operation of the Metropolitan Transportation Authority Airport Traffic Control Tower at Stewart Airport, Newburgh, N.Y., are 0700 to 2300 hours, local time, daily. Since the weather observation and reporting requirements to support the control zone will be available only during the time the control tower is operating, we will require alteration of the control zone to reflect a change in the control zone hours of designation.

The military instrument approach procedures for the airport have been canceled and a new NDB (ADF) instrument approach procedure has been developed. The control zone alteration will reflect these changes and also the change of name from Stewart Air Force Base to Stewart Airport.

Since the proposed amendment is less restrictive in substance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Newburgh, N.Y., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 41°30'05" N., 74°05'45" W. of Stewart Airport, Newburgh, N.Y., and within 2.5 miles each side of the 078° bearing from the Stewart RBN (41°29'09" N., 74°13'44" W.), extending from the 5-mile radius zone to the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on June 17, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-8733; Filed, July 8, 1970; 8:51 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATION

[Reg. ER-629; Dockets Nos. 21557, 21633]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Certain Fiscal 1970 Logair and Quicktrans Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1970.

On April 7, 1970, by notice of proposed rule making EDR-179 (35 F.R. 6013), the Board proposed to amend Part 288 of the economic regulations (14 CFR Part 288) by increasing, for the remainder of fiscal 1970, the minimum rates for DC-9-30/L-188C aircraft for Logair and Quicktrans domestic military cargo charters. Written data, views, and arguments have been filed in response to the notice by Overseas National Airways, Inc. (ONA) and the Department of Defense (DOD). In addition, Universal Airlines, Inc. (Universal) filed a motion for leave to file an unauthorized reply comment in this proceeding and Docket 22111. This motion was granted in ER-626, adopted June 18, 1970. All comments and supporting materials have been considered, and all contentions not otherwise disposed of herein are rejected.

Upon consideration of the comments, the Board has determined to establish as the fair and reasonable minimum linehaul rates for DC-9-30 and L-188C aircraft the rates of $1.4664 per course-flown statute mile for Logair services for $1.5323 for Quicktrans services.[1]

Quicktrans revisions. The Quicktrans rates proposed in EDR-179 were based in part on the recognition of 5.5 aircraft as necessary to perform ONA's Quicktrans contracts, resulting in an aircraft utilization of 6.24 hours. DOD challenges these findings on a number of grounds. First, DOD characterizes the allowance of 5.5 aircraft for ONA's services as an "effective aircraft" methodology and contends that this approach ignores the cost provisions for backup/maintenance aircraft contained in historical data generated by aircraft in revenue service. DOD argues that the Board should either abandon this "effective aircraft" methodology or readjust unit costs to remove the built-in provisions for backup/maintenance aircraft.

It appears that DOD has misinterpreted the changes in ONA's costs proposed in EDR-179. ONA's routing charts indicated that the number of aircraft actually needed to perform its L-188C Quicktrans contracts, including provision for backup and maintenance aircraft, is 5.5. Applying this determination to the carrier's experience through November 30, 1969, resulted in a utilization lower than that upon which the current rates were based, and adjustments to fixed costs were made accordingly. DOD has not offered any data which persuade us that a lower number of aircraft are actually needed. Moreover, contrary to DOD's contentions, our traditional methodology of computing aircraft operating expenses does not in fact include built-in provision for additional backup aircraft. Accordingly, we reject DOD's suggestion that a reformation of unit costs other than fixed costs is necessary.

DOD also argues that the data used in the notice for establishing a utilization rate of 6.24 hours for 5.5 aircraft are not consistent with ONA's Form 41 data which indicate a utilization of 6.55 hours. DOD's contention is correct. The utilization used in EDR-179 was based upon data submitted before Form 41 data were available. As DOD points out, the utilization should be 6.55 hours, and the costs used to compute the rates established herein have been adjusted accordingly.

Finally, DOD contends that the proposed utilization is inconsistent with the 7-hour utilization proposed in EDR-181 for fiscal 1971 operations. However, the utilization proposed in EDR-179, and as modified herein, was based on the carriers' experience during the first 5 months of fiscal 1970, while the utilization adopted in the finalization of fiscal 1971 rates reflects changes in the scope of Quicktrans operations proposed for that year.[2]

Logair revisions. DOD contends that the tentative determination in the notice that nine L-188C's were needed for Universal's Logair operations during the first 5 months of fiscal 1970 is unsupported. According to DOD, Universal's patterns indicate a need for only six aircraft, and if a backup factor is used, it should be 10 percent as proposed in the case of ONA's Quicktrans operations.

Data presented in Universal's reply comment indicates that in view of the geographical distribution of its Logair system into three routes involving three

[1] The Quicktrans rate has been lowered from the $1.5500 rate proposed in EDR-179, while the Logair rate is unchanged. The rates previously established for fiscal 1970 were $1.4144 for Logair services and $1.4573 for Quicktrans services.

[2] See ER-626, adopted June 18, 1970, p. 4.

turnaround points with tight turnaround times, coupled with the practical necessity for providing for schedule disruptions due to ground, weather, and mechanical delays and occasional minor damage to aircraft, together with demands of 4–5 days for major maintenance checks every 72 days, an allowance of three backup aircraft (one at each turnaround point), in addition to the six aircraft operating the routes, is reasonable.[3] In view of these data, we are not persuaded that any adjustment in the proposed Logair rates is warranted.

Effective date. DOD supports the effective date of April 7, 1970, proposed in the notice. ONA, on the other hand, contends that the revised rates should be applied retroactively to July 1, 1969, on the grounds that it has suffered losses resulting from rates predicated in part on the unrealistically low cost forecasts submitted by Universal.

As we stated in the notice, it is our policy that MAC rates should remain in effect for the entire fiscal year, absent the unusual circumstances present in this proceeding. However, even assuming that we could lawfully establish rates retroactively as of a date prior to the notice of rule making, such a policy would create undue uncertainty for both carrier and user, since neither could be assured at any point in time that the rates for service would not be retroactively changed by the Board.[4] As found in the notice, however, good cause has been shown for making the changes effected herein effective as of the date on which the parties had notice that the rates would be reopened, i.e., the date of the notice. Accordingly, the rates prescribed herein shall be effective as of April 7, 1970.

No other comments were received with respect to the minimum rates proposed, and, except to the extent modified herein, the costs and other findings contained in the notice are incorporated by reference. The costs revised pursuant to the comments are set forth in the appendix hereto.[5]

Since the rates herein are effective for a short period and are superseded on July 1, 1970, by the rates set forth in ER–626, we have determined to reflect our determinations herein by a special economic regulation.

Accordingly, in consideration of the foregoing, the Board hereby adopts the following special economic regulation, effective April 7, 1970, as follows:

SECTION 1. Notwithstanding the provisions of § 288.7(b) the minimum rates for Logair and Quicktrans services for DC–9–30/L–188C aircraft, other than specified in paragraph (c) of that section, for the period April 7, 1970, through June 30, 1970, are:

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
L–188C	1.4664	1.5323	150
DC–9–30	1.4664	1.5323	150

(Secs. 204(a), 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70–8757; Filed, July 8, 1970; 8:53 a.m.]

[3] By contrast, ONA's Quicktrans routes pivot on a single hub and its schedules permit a slack of 3 aircraft-days per week for maintenance.

[4] Cf., Transcontinental and Western Air, Inc. v. C.A.B., 336 U.S. 601 (1949).

[5] Appendix filed as part of original document.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Filing of Copies of Contract Market Rules and Regulations

Pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U.S.C., chapter 1, 1964 ed., as amended. Supp. IV, 1969), § 1.41 of the general regulations (17 CFR 1.41) promulgated under such Act is hereby revised to read as follows:

§ 1.41 Contract market rules, regulations; filing of copies.

Each contract market shall promptly furnish to the Commodity Exchange Authority copies of all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof, or by any committee or clearing organization thereof, and of all changes and proposed changes therein, and shall notify the Commodity Exchange Authority promptly of all changes in its membership. Three copies of all such material shall be furnished to the Act Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, and one copy shall be furnished to the director of the regional office of the Commodity Exchange Authority having local jurisdiction with respect to such contract market.

The revision made by this amendment is minor and editorial in nature. It does not appear that notice and public procedure would make additional information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment is impracticable and unnecessary.

The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 8a, as amended by secs. 20–23, 82 Stat. 32, 33; 7 U.S.C. 12a, 1964 ed., Supp. IV 1969)

Issued: July 2, 1970.

RICHARD E. LYNG, *Assistant Secretary.*

[F.R. Doc. 70–8696; Filed, July 8, 1970; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter III—Delaware River Basin Commission

PART 410—BASIN REGULATIONS—WATER QUALITY

Water Quality Standards

Public hearings on proposed amendments to the comprehensive plan and to the Basin Regulations—Water Quality were held in accordance with the Administrative Manual and after due notice in Pocono Manor, Pa., on October 22, 1968 (with respect to nondegradation of interstate waters); on January 28, 1970, in Philadelphia (with respect to the definition of secondary treatment and bacterial criteria); and on December 11, 1969, in Philadelphia (with respect to winter overload criteria).

The Commission has considered relevant views and evidence and has consulted with water users and interested public bodies, and has proceeded otherwise in accordance with the Compact.

Notice is hereby given that on March 26, 1970, the Delaware River Basin Commission amended its water quality standards for the Delaware River. The amendments apply to water quality standards adopted on March 7, 1968, and incorporated by reference in Part 410 of the Code of Federal Regulations.

Copy of the amended standards has been filed with the original. They may be obtained from the Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603.

W. BRINTON WHITALL, *Secretary.*

JUNE 30, 1970.

[F.R. Doc. 70–8689; Filed, July 8, 1970; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N'-(4-Chloro-*o*-Tolyl)-*N*,*N*-Dimethylformamidine

A petition (PP 0F0885) was filed with the Food and Drug Administration by

CIBA Agrochemical Co., Post Office Box 1105, Vero Beach, Fla. 32960, and NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, Ill. 60098, proposing the establishment of tolerances for residues of the insecticide *N'*-(4-chloro-*o*-tolyl) - *N,N*-dimethylformamidine in or on the raw agricultural commodities pears at 5 parts per million, peaches and plums at 4 parts per million, and apples at 3 parts per million. The residues result from application of the insecticide as the free base or as the hydrochloride salt.

The same firms filed a related food additive petition (FAP OH2457) proposing the establishment of a food additive tolerance of 10 parts per million for residues of this insecticide in or on dried prunes from application of the insecticide to the growing raw agricultural commodity plums.

Subsequently, the petitioners withdrew proposing the tolerances regarding peaches, plums, and dried prunes.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding the following new section:

§ 120.285 *N'*-(4-Chloro-*o*-tolyl)-*N,N*-dimethylformamidine; tolerances for residues.

Tolerances are established for combined residues of the insecticide *N'*-(4-chloro-*o*-tolyl) - *N,N*-dimethylformamidine and its metabolites containing the 4-chlorotoluidine moiety (calculated as the insecticide) from application of the insecticide as the free base or as the hydrochloride salt in or on raw agricultural commodities as follows:

5 parts per million in or on pears.

3 parts per million in or on apples.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: June 24, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8721; Filed, July 8, 1970; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Combination Drug

The Commissioner of Food and Drugs has evaluated a new animal drug application (41-541V) filed by the Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, proposing the use of a combination drug containing clopidol, bacitracin methylene disalicylate, and 3-nitro-4-hydroxyphenylarsonic acid for use in the feed of broiler chickens for specified conditions. The application is approved.

Pending recodification of previously established regulations in Part 121 under regulations to be established under provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act, this order is issued in accordance with § 3.517 *New animal drugs; transitional provisions re section 512 of the act.*

Therefore, pursuant to provisions of the act (sec. 512 (i), (n), 82 Stat. 347, 350-51; 21 U.S.C. 360b (i), (n)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120, Parts 121 and 144 are amended as follows:

1. In § 121.262(c), table 1 is amended by adding a new subitem k to item 1.14, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.14 * * *					
k. 1.11		Bacitracin	4	For broiler chickens; as bacitracin methylene disalicylate.	Growth promotion and feed efficiency.
* * *	* * *	* * *	* * *	* * *	* * *

2. In § 121.325(b), the table is amended by adding subitem a to item 4, as follows:

§ 121.325 Clopidol.

* * * * *

(b) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
4. * * *					
a. 2		Bacitracin	4	For broiler chickens; as bacitracin methylene disalicylate.	Growth promotion and feed efficiency.

3. Section 144.26(b) is amended by adding a new subparagraph, as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(63) It is a medicated feed containing antibiotics, clopidol, and 3-nitro-4-hydroxyphenylarsonic acid in the amounts and for the purposes indicated in §§ 121.262 and 121.325 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed

objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: June 30, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70–8720; Filed, July 8, 1970; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7051]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Foster Children

On April 14, 1970, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 151 and 152 of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 912 of the Tax Reform Act of 1969 (83 Stat. 722) was published in the FEDERAL REGISTER (35 F.R. 6069). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

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

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: July 6, 1970.

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 151 and 152 of the Internal Revenue Code of 1954 to section 912 of the Tax Reform Act of 1969 (83 Stat. 722), such regulations are amended as follows:

PARAGRAPH 1. Section 1.152 is amended by revising section 152(b)(2) and by revising the historical note. These amended provisions read as follows:

§ 1.152 Statutory provisions; dependent defined.

SEC. 152. *Dependent defined.* * * *

(b) *Rules relating to general definition.* * * *

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child satisfies the requirements of subsection (a)(9) with respect to such individual), shall be treated as a child of such individual by blood.

* * * * *

[Sec. 152 as amended by sec. 2, Act of Aug. 9, 1955 (Public Law 333, 84th Cong., 69 Stat. 626); sec. 4 Technical Amendment Act 1958 (72 Stat. 1607); sec. 1, Act of Sept. 23, 1959 (Public Law 86–376, 73 Stat. 699); sec. 912, Tax Reform Act 1969 (83 Stat. 722)]

PAR. 2. Paragraph (a) of § 1.151–3 is amended to read as follows:

§ 1.151–3 Definitions.

(a) *Child.* For purposes of sections 151(e), 152, and the regulations thereunder, the term "child" means a son, stepson, daughter, stepdaughter, adopted son, adopted daughter, or for taxable years beginning after December 31, 1958, a child who is a member of an individual's household if the child was placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by the individual with the agency (see paragraph (c)(2) of § 1.152–2), or, for taxable years beginning after December 31, 1969, a foster child (if such foster child satisfies the requirements set forth in paragraph (b) of § 1.152–1 with respect to the taxpayer) of the taxpayer.

* * * * *

PAR. 3. Paragraph (c) of § 1.152–2 is amended by adding at the end thereof a new subparagraph (4):

§ 1.152–2 Rules relating to general definition of dependent.

* * * * *

(c) * * *

(4) For purposes of determining the existence of any of the relationships specified in section 152 (a) or (b)(1), a foster child of an individual (if such foster child satisfies the requirements set forth in paragraph (b) of § 1.152–1 with respect to such individual) shall, for taxable years beginning after December 31, 1969, be treated as a child of such individual by blood. For purposes of this subparagraph, a foster child is a child who is in the care of a person or persons (other than the parents or adopted parents of the child) who care for the child as their own child. Status as a foster child is not dependent upon or affected by the circumstances under which the child became a member of the household.

* * * * *

[F.R. Doc. 70–8758; Filed, July 8, 1970; 8:53 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

Mutilated Coins

The nature of these revisions is to reflect the discontinuance of the processing of mutilated coin at the Denver Mint. Public notice and procedure are unnecessary. Subpart C is hereby amended by revising §§ 100.12 and 100.14(a) to read as follows:

Subpart C—Exchange of Mutilated Coin

§ 100.12 Where mutilated coins should be transmitted.

Multilated coins shall not be transmitted to the Federal Reserve bank or branches or to the Treasurer of the United States but should be forwarded to the New York Assay Office.

§ 100.14 Standard silver dollars, subsidiary silver coins, and coins minted under authority of Public Law 89–81.

(a) Mutilated coins will be purchased at the New York Assay Office. They should be transmitted to the Assay Office at the expense and risk of the owner (charges prepaid). Mutilated coins of 90 percent silver will be purchased at the price fixed from time to time by the Director of the Mint, which is approximately the market price of silver bullion on the date purchased, or the monetary value of silver contained in the coins, whichever is lower. Multilated silver coins shall not be commingled with other types of coins in the shipment.

* * * * *

(Sec. 1, 49 Stat. 938; 31 U.S.C. 773a)

Effective date. These regulations will become effective on August 1, 1970.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JULY 2, 1970.

[F.R. Doc. 70–8760; Filed, July 8, 1970; 8:53 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70–20a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Inside Thorofare, Ventnor City, N.J.

1. The county of Atlantic, N.J., by letter dated December 11, 1968, requested

the Commander, Third Coast Guard District to revise the operation regulations for the Dorset Avenue drawbridge across Inside Thorofare, Ventnor City, N.J. Public Notice No. 3–34 dated January 7, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Third Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 4, 1970 (35 F.R. 5592).

2. After consideration of all known factors, it is concluded that these special operation regulations should be adopted. Accordingly, 33 CFR 117.220(d) is amended by changing in lines 6 and 7 and also in lines 15 and 16 the words "provided in paragraphs (m) and (n) of this section" to the words "provided in paragraphs (m), (n), and (o) of this section" and is further amended by adding a new paragraph (o) to read as follows:

§ 117.220 New Jersey Intracoastal Waterway and tributaries; bridges.

* * * * *

(o) The draw of the Dorset Avenue bridge shall be opened promptly on signal from October 1 through May 30 and from 9:15 p.m. to 9:15 a.m. from June 1 through September 30. From 9:15 a.m. to 9:15 p.m. from June 1 through September 30 the draw need be opened only on the quarter and three-quarter hours for any vessels waiting to pass, however a public vessel on an emergency or a vessel in distress shall be passed promptly and if opened for such vessels the draw shall remain open sufficiently long to permit passage of any other vessels within at least 300 yards of the bridge that has signaled for its opening. The emergency or distress signal shall be four blasts of a whistle, horn, or siren.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(e)(5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: June 30, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70–8729; Filed, July 8, 1970; 8:51 a.m.]

[CGFR 70–47a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Broad Creek River, Del.

1. The Delaware State Highway Department requested the Commander, Fifth Coast Guard District, to amend the special operation regulations for its bridges across Broad Creek River at Poplar Street and U.S. 13A at Laurel, Del. A public notice dated March 18, 1970, setting forth the proposed revision of the regulations governing these drawbridges was issued by the Commander, Fifth Coast Guard District and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the FEDERAL REGISTER of April 15, 1970 (35 F.R. 6149).

2. Interested persons were afforded an opportunity to participate in this rule making through the submission of comments. No comments were received and after consideration of all known factors in this case, the proposal is accepted. Accordingly 33 CFR 117.245(f)(14) is amended to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) *Waterways discharging into Chesapeake Bay.* * * *

(14) Broad Creek River, Del.:

(i) Highway bridges at Poplar Street and U.S. 13A, and Penn Central railroad bridge at Laurel. At least 4 hours' advance notice is required at all times.

(ii) Delaware State Highway Department bridge, Delaware Avenue at Laurel. The draw need not be opened for the passage of vessels, and paragraph (b), (c), and (d) of this section shall not apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: June 30, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 70–8730; Filed, July 8, 1970; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

Address Change for Application for Reward

Part 261 of Title 36, Code of Federal Regulations, is amended as follows:

1. Section 261.3(c) is revised to read as follows:

§ 261.3 Rewards in connection with fire prosecutions.

* * * * *

(c) Applications for reward should be forwarded to the Regional Forester who has responsibility for the land involved in the trespass. However, an application will not be considered unless presented to a responsible Forest Service officer within 3 months from the date of conviction of an offender.

* * * * *

2. Section 261.5(e) is revised to read as follows:

§ 261.5 Rewards in connection with property prosecutions.

* * * * *

(e) Applications for reward should be forwarded to the Regional Forester, Research Director, or Area Director who has responsibility for the property involved in the trespass. However, no application will be considered unless presented to a responsible Forest Service officer within 3 months from the date of conviction of an offender. In order that all claimants for rewards may have an opportunity to present their claims within the prescribed limit, the Department will not take action with respect to rewards for 3 months from the date of the conviction of an offender.

(58 Stat. 736; 16 U.S.C. 559a)

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

T. K. COWDEN,
Assistant Secretary of Agriculture.

JULY 2, 1970.

[F.R. Doc. 70–8700; Filed, July 8, 1970; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

PART 137—OFFICIAL MAIL

1. In § 137.2 *Executive and judicial officers,* amend paragraph (f) to read as follows:

§ 137.2 Executive and judicial officers.

* * * * *

(f) *ZIP coding of mail*—(1) *Addressing.* The address on all official mailings of Federal executive departments and agencies under this section must include the ZIP Code number.

(2) *Presorting and postage charges.* When identical pieces of individually addressed matter are included in a single mailing, and the reimbursement to the Post Office Department required by paragraph (a) of this section is made at the bulk third-class postage rates prescribed by § 134.1(b) of this chapter they must be prepared in packages and sacks as prescribed by § 134.4(c) of this chapter.

NOTE: The corresponding Postal Manual section is 137.26.

2. In § 137.6(a), subparagraphs (3) and (4) are deleted, and a new subparagraph (3) is inserted in lieu thereof to show provisions for free mailing of balloting material while U.S. citizens are residing outside of territorial United States or District of Columbia.

§ 137.6 Absentee balloting materials.

(a) *Purpose.* * * *

(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them. To be mailable free of postage, the balloting materials must be deposited at a U.S. Post Office, an overseas U.S. Military Post Office, or presented to an American Embassy.

* * * * *

NOTE: The corresponding Postal Manual section is 137.61c.

PART 144—PERMIT IMPRINTS

1. In § 144.3 paragraph (a) is amended to allow permit holders the option of showing in imprint the amount of postage paid or ounces for which postage is paid.

§ 144.3 Content of permit imprints.

(a) *First-class mail.* Permit imprints must show city and State; date (may be omitted); "First-class mail" and "U.S. Postage Paid" followed by either the amount of postage paid or the number of ounces for which postage is paid; and permit number. The ZIP Code of the permit holder may be shown immediately following the name of the State or in a separate inscription reading "ZIP Code 00000" when it is possible to include the ZIP Code without creating uncertainty as to permit holder's correct address or permit number.

* * * * *

NOTE: The corresponding Postal Manual section is 144.31.

2. In § 144.4 *Form of permit imprints,* amend paragraph (a) to read as follows:

§ 144.4 Form of permit imprints.

* * * * *

(a) First-class mail:

* * * * * * *

NOTE: The corresponding Postal Manual section is 144.41.

PART 153—MAIL DEPOSIT AND COLLECTION

1. Section 153.2 is amended by adding new paragraph (d) to provide for deposit of mail in bundle mail drops or left with carrier on duty in VIM mailrooms.

§ 153.2 Ordinary deposit of mail.

* * * * *

(d) *VIM (Vertical Improved Mail) mailrooms.* Mail may be deposited in bundle mail drops where provided, otherwise, it may be left with the carrier on duty when the VIM call window is open.

NOTE: The corresponding Postal Manual section is 153.24.

2. Section 153.6(c)(1) is amended to authorize termination of a mail chute in a VIM mailroom and (h) (2) and (3) are amended to update the listing of authorized manufacturers.

§ 153.6 Mail chutes and receiving boxes.

* * * * *

(c) *Specifications for construction of chutes*—(1) *Size.* The chute must be approximately 2 inches by 8 inches in size and must extend in a continuously vertical line from the point of beginning to a receiving box or it may terminate in a VIM mailroom.

NOTE: The corresponding Postal Manual section is 153.631.

* * * * *

(h) *Mailing chute and receiving box manufacturers.* * * *

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn, N.Y. 11207; Construction Products Co. Inc., Route No. 7, Brookfield, Conn. 06804; Cutler Mail Chute Co., 76 Anderson Avenue, Rochester, N.Y. 14607; Federal Mail Chute Corp., Ltd., 364 Bush Street, San Francisco, Calif. 94104; Pioneer Mail Chute Corp., 401 Washington Avenue, Carlstadt, N.J. 07072.

(3) Louis Sack Co. Inc., 24 Lake Street, Somerville, Mass. 02143, and Emerson Sack Warner Corp., 85 Washington Street, Somerville, Mass., 02143, are authorized to manufacture only receiving boxes for mailing chutes.

NOTE: The corresponding Postal Manual section is 153.683.

(5 U.S.C. 301, 39 U.S.C. 501, 4052, 4152, 6003)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-8597; Filed, July 8, 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 4858]

[Oregon 5773]

OREGON

Reservation for Constructed Forest Service Road

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the provisions of existing withdrawals, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, nor the disposal of materials under the Act of July 31, 1947, 61 Stat. 681, as amended, 30 U.S.C. sections 601, 604 (1964), and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964, 78 Stat. 1089, 16 U.S.C. sections 532, 533 (1964):

WILLAMETTE MERIDIAN

BURNS-IZEE ROAD NO. 1911

T. 23 S., R. 30 E.,
Sec. 20, NW¼NE¼, SW¼NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 21, NE¼SW¼, NW¼SW¼, NW¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 28, NE¼NE¼.

A strip of land 200 feet in width, being 100 feet in width on both sides of the centerline of the Burns-Izee Road in and through the above-described subdivisions as shown on a plat filed in the Land Office, Bureau of Land Management, Portland, Oreg.

The area described contains about 49 acres in Harney County.

2. The withdrawal made by this order shall not preclude agricultural entries, or sales, exchanges, or leases under public land laws applicable to public domain lands of any legal subdivisions traversed by any cooperator road constructed on any lands withdrawn by this order: *Provided,* That any such entry, sale, exchange, or lease shall be subject to this order and to any road right-of-way easement over the lands issued by the Department of Agriculture.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 2, 1970.

[F.R. Doc. 70-8724; Filed, July 8, 1970; 8:50 a.m.]

[Public Land Order 4859]

[Sacramento 825, 2646]

CALIFORNIA

Partial Revocation of Withdrawal for National Forest Administrative Site and Public Service Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Departmental Order of December 17, 1907, and Public Land Order No. 3342 of March 2, 1964, which withdrew lands for the Bowman Administrative Site and the Pope Public Service Site, respectively, are hereby revoked insofar as they affect the following described lands:

(Sacramento 2646)

SIERRA NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Bowman Administrative Site

T. 8 S., R. 23 E.,
Sec. 17, E½SE¼SW¼ and W½W½SE¼.

The area described aggregates 60 acres in Madera County.

(Sacramento 825)

ELDORADO NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Pope Public Service Site

T. 12 N., R. 18 E.,
Sec. 5, S½SW¼.

The area described contains 80 acres in El Dorado County. The land is patented.

2. At 10 a.m. on August 7, 1970, the lands described in T. 8 S., R. 23 E., shall be open to such forms of disposition as may by law be made of national forest lands subject to valid existing rights.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 2, 1970.

[F.R. Doc. 70-8725; Filed, July 8, 1970; 8:50 a.m.]

[Public Land Order 4860]

[New Mexico 10623]

NEW MEXICO

Partial Revocation of Public Water Reserves

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive order of February 11, 1918, creating Public Water Reserve No. 53, New Mexico No. 4, and Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretation No. 110 of November 19, 1929, Interpretation No. 250 of February 6, 1929, and Interpretation No. 251 of March 8, 1939, respectively, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 22 S., R. 13 W.,
Sec. 28, SE¼SW¼.
T. 15 S., R. 16 W.,
Sec. 27, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28, S½NE¼, NE¼SE¼.
T. 19 S., R. 17 W.,
Sec. 9, NE¼, N½NW¼;
Sec. 10, N½NE¼, NW¼.

The areas described aggregate 800 acres of which 520 acres are privately owned in Grant and Luna Counties.

The lands lie within the southwestern part of the State. The topography is mountainous to rolling. Vegetative cover consists of grama, bear and tobosa grass with an overstory of pinon-juniper trees.

2. At 10 a.m. on August 7, 1970, the public lands described as SE¼SW¼ sec. 28, T. 22 S., R. 13 W., N½SW¼, SE¼SW¼, SW¼SE¼ sec. 27; NE¼SE¼ sec. 28, T. 15 S., R. 16 W., and NE¼NE¼ sec. 10, T. 19 S., R. 17 W., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 7, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These public lands are open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws for metalliferous minerals. They will be open to location for nonmetalliferous minerals at 10 a.m. on August 7, 1970.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 2, 1970.

[F.R. Doc. 70-8726; Filed, July 8, 1970; 8:50 a.m.]

[Public Land Order 4861]

[Oregon 015542]

OREGON

Partial Revocation of Stock Driveway Withdrawals

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. section 300 (1964), it is ordered as follows:

1. The departmental orders of June 14, 1922, and February 25, 1930, creating Stock Driveway Withdrawal No. 156 (Oregon No. 14), and No. 209 (Oregon No. 26, as modified and enlarged by orders dated May 11, 1931, Jan. 19, 1937, Jan. 8, 1943, Sept. 22, 1932, and Nov. 18, 1938), respectively, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 9 S., R. 23 E.,
Sec. 1, S½SE¼;
Sec. 11, N½NE¼, NW¼;
Sec. 12, N½N½.
T. 10 S., R. 26 E.,
Sec. 28, SW¼SW¼;
Sec. 29, SW¼, W½SE¼, SE¼SE¼;
Sec. 30, E½SW¼, SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼, E½SW¼, W½SE¼.
T. 11 S., R. 26 E.,
Sec. 2, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 3, SW¼NW¼, N½S½;
Sec. 4, lots 2 and 3, S½NE¼;
Sec. 11, NW¼NE¼, S½NE¼, NE¼SE¼;
Sec. 12, N½SW¼, SE¼SW¼;
Sec. 13, SW¼NE¼; E½NW¼, N½SE¼, SE¼SE¼;
Sec. 24, N½NE¼;
Sec. 31, SE¼;
Sec. 32, SW¼;
Sec. 36, N½.
T. 12 S., R. 26 E.,
Sec. 5, lots 1, 2, 3, and 4;
Sec. 12, W½W½;
Sec. 13, W½W½;
Sec. 24, W½W½;
Sec. 25, W½W½;
Sec. 34, S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 35, W½SW¼.
T. 13 S., R. 26 E.,
Sec. 2;
Sec. 3, lot 1, SE¼NE¼, E½SE¼;
Sec. 10, NE¼NE¼, E½SE¼;
Sec. 14, S½NE¼, N½NW¼, SE¼NW¼, E½SE¼;
Sec. 24, W½NW¼, SE¼NW¼.
T. 16 S., R. 26 E.,
Sec. 1, lots 1 and 2, S½NE¼.
T. 11 S., R. 27 E.,
Sec. 19, lots 1, 2, and 3.
T. 13 S., R. 27 E.,
Sec. 31, lots 1, 2, 3, and 4, E½, E½W½;
Sec. 32.
T. 16 S., R. 27 E.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1, 2, 3, and 4;
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lots 1, 2, 3, and 4.

The areas described aggregate 7,625 acres in Grant and Wheeler Counties.

The lands are situated on the John Day River drainage, south and west of John Day, Oreg. Vegetation consists of sagebrush, grasses, and forbs native to the area. The lands are not suitable for farming.

2. At 10 a.m. on August 7, 1970, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 7, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 2, 1970.

[F.R. Doc. 70-8727; Filed, July 8, 1970; 8:50 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. S. O. 1041]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 2d day of July 1970.

It appearing, that an acute shortage of certain plain boxcars exists on the railroads named in section (a) paragraph (1) herein; that shippers located on the lines of these carriers are being deprived of such cars required for loading, resulting in a severe emergency and causing grain elevators to be unable to accept newly harvested grain, or to store grain on the ground, thus creating economic loss; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and

contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1041 Service Order No. 1041.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owners empty, except as otherwise authorized in subparagraphs (2) and (3) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 375, issued by E. J. McFarland, or reissues thereof as having mechanical designation XM, with inside length 44 feet 6 inches or less and equipped with doors less than 9 feet wide, owned by the following railroads: Burlington Northern Inc.; Chicago, Rock Island and Pacific Railroad Co.; Missouri Pacific Railroad Co.; Union Pacific Railroad Co.

(2) Boxcars described in subparagraph (1) of this paragraph, may be loaded to stations on the lines of the car-owning railroad. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(3) Boxcars described in subparagraph (1) of this paragraph, owned by the carriers listed and located in States other than those listed under the name of the owning carrier, may be loaded to any station in such listed States:

BN	CRIP	MP	UP
Colorado	Arkansas	Arkansas	Colorado
Illinois	Colorado	Illinois	Kansas
Iowa	Illinois	Kansas	Nebraska
Kansas	Iowa	Missouri	Wyoming
Missouri	Kansas	Nebraska	
Nebraska	Missouri	Texas	
Wyoming	Nebraska		
	Oklahoma		
	Texas		

(4) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (2) and (3) of this paragraph.

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

(c) *Effective date.* This order shall become effective at 12:01 a.m., July 6, 1970.

(d) *Expiration date.* This order shall expire at 11:59 p.m., July 15, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8746; Filed, July 8, 1970; 8:52 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and ring-necked pheasants on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at refuge headquarters, Ellsworth, Nebr. 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of sharp-tailed grouse and ring-necked pheasant is permitted during the established State seasons. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and ring-necked pheasants subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated, well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1971.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 2, 1970.

[F.R. Doc. 70-8740; Filed, July 8, 1970; 8:51 a.m.]

PART 32—HUNTING

Crescent Lake National Wildlife Refuge, Nebr.

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

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

NEBRASKA

CRESCENT LAKE NATIONAL WILDLIFE REFUGE

Public hunting of antelope and deer on the Crescent Lake National Wildlife Refuge, Nebr., is permitted only on the area designated by signs as open to hunting. This open area, comprising 40,900 acres, is delineated on maps available at Refuge headquarters, Ellsworth, Nebr., 69340, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting of antelope and deer shall be in accordance with all applicable State regulations covering the hunting of antelope and deer subject to the following special conditions:

(1) Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.

(2 Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas, generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1970.

DON R. PERKUCHIN,
Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr.

JULY 2, 1970.

[F.R. Doc. 70-8739; Filed, July 8, 1970; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Secretary to the Special Assistant to the Secretary (Public Affairs) is added to Schedule C, and that the Schedule C exception of the position of one Confidential Secretary to the Deputy Special Assistant to the Secretary (Public Affairs) has been permitted to expire by its own terms on June 30,

1970. Effective on publication in the FEDERAL REGISTER, subparagraph (19) of paragraph (a) of § 213.3305 is revoked and subparagraph (25) is added as set out below.

§ 213.3305 Treasury Department.

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

(19) [Revoked]

* * * * *

(25) One Secretary to the Special Assistant to the Secretary (Public Affairs).

* * * * *

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

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

[F.R. Doc. 70–8751; Filed, July 8, 1970; 8:52 a.m.]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Secretary to a Special Assistant to the Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (a) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

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

(13) One Special Assistant to the Director and one Confidential Secretary to this Special Assistant.

* * * * *

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

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

[F.R. Doc. 70–8657; Filed, July 8, 1970; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Associate Director is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (h) and subparagraph (1) is added to § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(h) *Office of Management and Budget.*

(1) Associate Director.

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

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

[F.R. Doc. 70–8834; Filed, July 8, 1970; 11:07 a.m.]

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

Wage Rates for Principal Types of Federal Positions

Part 532 is amended by adding regulations for the administration of wage schedules under 5 U.S.C. 5341(c), added by section 4 of Public Law 90–560. A new Subpart E is added as set out below.

Subpart E—Wage Rates for Principal Types of Federal Positions

AUTHORITY: The provisions of this Subpart E issued under 5 U.S.C. 5341(c).

Subpart E—Wage Rates for Principal Types of Federal Positions

§ 532.501 Applicability.

(a) *Agency.* This subpart and section 5341(c) of title 5, United States Code, apply to an agency which has employees whose rates of pay are fixed and adjusted under section 5341(a) of title 5, United States Code in accordance with prevailing rates.

(b) *Employee.* This subpart and section 5341(c) of title 5, United States Code, apply to an employee who is excepted from chapter 51 of title 5, United States Code by section 5102(c)(7) of that title.

§ 532.502 Definitions.

In this subpart:

(a) "Survey area" means that part of a wage area within which private enterprise establishments included in the wage survey are located and within which sufficient comparable samples can be obtained;

(b) "Wage area" means the geographic area within which a single wage schedule is established for wage employees;

(c) "Wage employee" means an employee to whom this subpart applies;

(d) "Wage schedule" means a schedule which establishes pay rates for wage employees;

(e) "Wage survey" means the collection of wage rate data from private industry for use in establishing a wage schedule.

§ 532.503 Determining applicability of section 5341(c).

In determining the applicability of section 5341(c) of title 5, United States Code:

(a) "Principal types of Federal positions" means those groups of occupations which require work of a specialized nature and which are peculiar to a specialized Government industry which is the dominant industry among the total wage employment in the wage area. The specialized Government industry is the dominant industry when the number of wage employees in the wage area in occupations which make up the principal types of Federal positions comprise either (1) 25 percent or more of the total wage employment in the wage area or (2) not less than 1,000 employees when the total wage employment in the wage area exceeds 4,000. When more than one Government specialized industry in the wage area qualifies under this paragraph, the two specialized Government industries having the greatest number of wage employees are the dominant industries. For the purpose of this subparagraph total wage employment in a wage area means the total of all wage employees in the wage area who are paid under the same wage schedule.

(b) "Sufficient number of comparable positions" means that number of positions in private industry in the survey area similar to those in the specialized Government industry identified under paragraph (a) of this section which will provide survey coverage representative of the principal types of Federal positions. Subject to obtaining adequate data under § 532.505(e)(3), there is deemed to be a sufficient number of comparable private positions in a survey area when all positions in private establishments in industries designated by the Commission to be similar to each dominant industry as determined under paragraph (a) of this section are at least equal in number to the total number of wage positions for that dominant industry in the local wage area.

§ 532.504 Responsibility of surveying agency.

The agency making the survey (the surveying agency) is responsible for making the determinations required by section 5341(c) of title 5, United States Code, and for carrying out the other requirements of this subpart.

§ 532.505 Determination process.

(a) *Time of making determinations.* The initial determination as to whether there exists in the survey area a sufficient number of comparable positions in private industry to establish a wage schedule for the principal types of Federal positions subject to the regular wage schedule, is made before a wage survey is ordered to be conducted in a survey area and is based on all relevant, available evidence.

(b) *More than one type of wage schedule.* When there is more than one type of wage schedule in the wage area, the agency shall make a separate determination for each wage schedule.

(c) *Obtaining views from organizations or individuals.* (1) In making its determinations, the surveying agency shall consider all relevant evidence submitted by labor organizations holding formal or exclusive recognition for Federal wage employees in the wage area, the findings and recommendations of its local wage survey organization, and any recommendations of the agency wage committee established under the Coordinated Federal Wage System.

(2) At least 30 calendar days before a survey is ordered, the surveying agency shall inform all installations in the wage area having wage employees subject to the wage schedule of the date by which

organizations or individuals may present to it any recommendations and supporting evidence concerning principal types of Federal positions for which they believe there is not sufficient private industry in the survey area on which to establish wage schedules.

(3) For at least 10 workdays before the date for submission of recommendations and supporting evidence, each installation in the wage area shall post the notice of the final date for submitting recommendations and supporting evidence to the local survey organization.

(4) Recommendations and supporting evidence shall be presented in writing to the local survey organization on or before the date specified.

(d) *Determinations regarding principal types of Federal positions.* Before ordering a wage survey, the surveying agency shall make a determination in writing concerning each recommendation before it as to whether or not the positions involved are principal types of Federal positions.

(e) *Determinations regarding adequacy of private industry data in the survey area.* (1) When the surveying agency has determined that there are principal types of Federal positions in a wage area, it shall determine whether there is a sufficient number of comparable positions in private industry in the survey area as provided by § 532.503(b), except that when the survey area includes one of the 25 largest Standard Metropolitan Statistical Areas as listed in the latest issue of the Statistical Abstract of the United States the survey area is deemed to have a sufficient number of comparable positions as provided by § 532.503(b).

(2) When the surveying agency has determined that there are principal types of Federal positions in a wage area, the surveying agency shall add survey jobs specified by the Commission to be surveyed in industry establishments set out in the Federal Personnel Manual, and these additional survey jobs will be surveyed within the survey area when the surveying agency determines that the number of comparable positions in private industry in the survey area is sufficient to meet the requirements of § 532.503(b) or will be surveyed in the nearest similar wage area selected under § 532.506(b) when it is necessary to secure wage data from outside the wage area under the regulations in this subpart.

(3) After completing the survey, the agency shall analyze the data obtained for the survey jobs representing the principal types of Federal position and the data obtained from other jobs in the private industry counterpart of the principal types of Federal positions to assure that the data meet the requirements for adequacy as set out in the Federal Personnel Manual.

(4) The data from the additional jobs added under this paragraph are included and will be used with all other data collected during the survey to establish the wage schedule for the wage area.

§ 532.506 Establishing rates on basis of out-of-area data.

(a) *Establishing the rate.* When the surveying agency determines that the number of comparable positions in private industry in the survey area is not sufficient to meet the requirements of § 532.503(b), or when it determines that the data obtained in the survey and analyzed under § 532.505(e)(3) do not meet all requirements for adequacy, the surveying agency shall establish the wage schedule for the wage area only after obtaining wage data concerning the principal types of Federal positions from comparable private positions in the nearest similar wage area, except that when the wait for wage data from the nearest similar wage area would unduly delay the issuance of the wage schedule for the local wage area, the Commission may authorize (1) the earlier issuance of an interim schedule for the wage area without the wage data from the nearest similar wage area, and (2) the issuance of the final wage schedule based on wage data from the nearest similar wage area at a later date but effective on the same date as the interim schedule.

(b) *Selecting nearest similar area.* (1) The surveying agency shall examine available information first on wage areas contiguous to the local wage area to identify wage areas in which a sufficient number of private industry positions can be exepected to be found, and shall select the area that is most nearly similar to the local wage area in terms of a gross comparison of private employment, population, relative numbers of private employees in major industry categories, and the kinds and sizes of industrial establishments.

(2) If none of the contiguous wage areas has a sufficient number of private industry positions comparable to the principal types of Federal positions, the surveying agency shall next examine available information on the wage areas surrounding the contiguous wage areas to identify wage areas where there are a sufficient number of private industry positions comparable to the principal types of Federal positions, and shall select the wage area that is most nearly similar on the basis of the factors set out in subparagraph (1) of this paragraph.

(3) If none of the wage areas surrounding the contiguous wage areas has a sufficient number of private industry positions comparable to the principal types of Federal positions, the surveying agency shall select the wage area nearest to the local wage area that has private industry with comparable positions.

(4) When there are two dominant industries, the surveying agency shall select the nearest similar area for each dominant industry in the manner prescribed by subparagraphs (1), (2), and (3) of this paragraph.

(c) *Obtaining and using data.* The surveying agency shall obtain necessary data from the wage area selected under paragraph (b) of this section by surveying a sufficient number of jobs found in private industry to provide survey coverage representative of the principal types of Federal positions. The data from that survey shall be included with all other data collected during the survey in the local wage area to determine the wage schedule for the local wage area, except that the data secured under this paragraph may be used only to the extent that the number of job matches in the outside wage area (or outside wage areas when there are two dominant industries and the surveying agency has obtained data from two outside wage areas) does not exceed the total number of job matches secured in the local wage area.

(d) *Establishing rates.* (1) The surveying agency shall establish the wage schedules for the local wage area by using the data secured within the local wage area and the data secured from the nearest similar wage area, except that the pay rates established by using these data (i) may not exceed the pay rates established for the same grades in the nearest similar wage areas selected under paragraph (b) of this section, and, (ii) may not be lower than the local wage area rates would be without using these data.

(2) When data are secured from two additional wage areas because there are two dominant industries, the pay rates established by using these data may not exceed the higher of the pay rates established for each grade in the two additional wage areas selected under paragraph (b) of this section.

(e) *Continuation of rates.* Rates established under this subpart continue in effect until revised or canceled. No employee shall have his pay reduced because of cancellation or revision of the rates.

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

[F.R. Doc. 70-8658; Filed, July 8, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

IMPORTED FIRE ANT

Proposed Quarantine in North Carolina

Notice of public hearing on extending quarantine to the State of North Carolina and notice of rule making relating to the amendment of such quarantine and supplemental regulations:

The Administrator of the Agricultural Research Service has information that the imported fire ant, *Solenopsis saevissima richteri* Forel, a dangerous insect injurious to cultivated crops, which has been found to exist in certain parts of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas, has been discovered in certain parts of the State of North Carolina.

Notice is hereby given that it is proposed, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to quarantine the State of North Carolina and to regulate, under the imported fire ant quarantine and supplemental regulations (7 CFR 301.81, 301-81-1 et seq.), the interstate movement from this State into or through any other State, Territory, or District of the United States of:

(1) Soil; compost; decomposed manure; humus; muck; and peat; separately or with other things;

(2) Plants with roots with soil attached;

(3) Grass sod;

(4) Hay and straw;

(5) Logs, pulpwood, and stumpwood;

(6) Used mechanized soil-moving equipment;

(7) Any other products, articles, or means of conveyance, of any character whatsoever, not covered by subparagraphs (1) through (6) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the imported fire ant, and the person in possession thereof has been so notified.

Further, notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Agricultural Research Service proposes to amend the imported fire ant quarantine and supplemental regulations (7 CFR 301.81, 301.81-2a) by adding North Carolina to the States designated as quarantined and specifying regulated areas in said State for purposes of the regulations if it is determined that such action is necessary.

Most of the restrictions would apply to the movement of regulated articles from regulated areas. Less than the entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the imported fire ant and if the regulation of less than the entire State would otherwise be sufficient to prevent the interstate spread of the pest. Regulated areas would be restricted to portions of the State in which infestations have been found or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restrictions which would apply to the interstate movement of regulated articles from portions of the quarantined States other than the "regulated areas" relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

A public hearing to consider the above proposals will be held before a representative of the Agricultural Research Service at the Superior Courthouse, Beaufort (Carteret County), N.C., at 10 a.m., e.d.t., on July 29, 1970, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Protection Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before July 27, 1970, or with the presiding officer at the hearing. All written submissions received 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)).

Done at Washington, D.C., this 6th day of July 1970.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 70-8747; Filed, July 8, 1970; 8:52 a.m.]

Consumer and Marketing Service

[7 CFR Part 909]

[Docket No. AO-143-A4]

GRAPEFRUIT GROWN IN ARIZONA AND CALIFORNIA

Decision and Referendum Order With Respect to Proposed Further Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indio, Calif., on February 18, 1970, after notice thereof published in the FEDERAL REGISTER (35 F.R. 628) on proposals to amend the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of White Water, Calif.; hereinafter referred to collectively as the "order" effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 15, 1970, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 70-6262; 35 F.R. 7806). None were filed.

The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 70-6262; 35 F.R. 7806) are, as hereinafter modified, hereby approved and adopted as the material issues, findings, and conclusions, and the general findings of this decision as if set forth in full herein.

The discussion in the third paragraph of issue numbered (7) appearing at 35 F.R. 7808 is augmented by inserting, for clarification purposes, the following in lieu of the first sentence of that paragraph: "Each subdistrict in the Arizona District should be represented on the committee by two members, one of which should be affiliated with a cooperative marketing organization and one not so affiliated, except that three members should represent the subdistrict which produced more than 50 percent of the total production in the District in the fiscal period preceding the one in which nominations were held."

As stated in the recommended decision at 35 F.R. 7808 discussing issue numbered (11), in order to encourage alternate members to attend committee meetings, and participate in the deliberations and discussions of the committee, each alternate should be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings; but it should not require an invitation of the committee to attend a particular meeting before an alternate member may be reimbursed for such expenses. However, it seems reasonable that alternate members may at times be asked to perform certain other functions for the committee. For example, an alternate member may be asked to serve on a subcommittee or to work on gathering data

on the growing, handling, and marketing conditions for grapefruit. In such circumstances, the committee should first request the alternate member to do this work in order for him to receive reimbursement for reasonable expenses necessarily incurred in connection therewith. To make it abundantly clear that reimbursement for performing committee business other than attending committee meetings shall be only when directed to do so, the phrase ", at the request of the committee," is added immediately after the word "business" in the last sentence of the discussion of issue numbered (11), 35 F.R. 7808. In addition the first sentence of the same discussion is modified by deleting therefrom ", where directed by the committee", so as to bring it into conformity with the view that an invitation to attend a committee meeting is not a prerequisite to reimbursement.

To effectuate the foregoing, the provisions of § 909.29 should be revised as hereinafter set forth.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Grapefruit Grown in Arizona and Designated Part of California" and "Order Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif." which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1968, through July 31, 1969 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona, in Imperial County, Calif., and the described portions of the following counties of the State of California: That part of San Bernardino County situated east of a line drawn due north and south through Rice; that part of Riverside County situated east of a line drawn due north and south through the Post Office in White Water; and that part of San Diego County situated east of a line drawn due north and south through the Post Office in Julian, in the production of grapefruit for market, to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of grapefruit grown in the aforesaid production area. Warren C. Noland and Edmund J. Blaine, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: July 2, 1970.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Grapefruit Grown in the State of Arizona; in Imperial County, Calif.; and in That Part of Riverside County, Calif., Situated South and East of White Water, Calif.[2]

§ 909.0 Findings and determinations.

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

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Indio, Calif., on February 18, 1970, upon proposed amendments to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona, in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of White Water, Calif. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby further amended, regulates the handling of grapefruit grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which the hearing has been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the grapefruit covered thereunder.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of grapefruit grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended as follows:

1. The provisions of § 909.4 *Grapefruit* are revised to read as follows:

§ 909.4 Grapefruit.

"Grapefruit" means all varieties of Citrus paradisi, MacFadyen, grown in the production area.

2. A new § 909.4a is added as follows:

§ 909.4a Production area.

"Production area" means the State of Arizona; Imperial County, California; and the described portions of the following counties of the State of California: that part of San Bernardino County situated east of a line drawn due north and south through Rice, that part of Riverside County situated east of a line drawn due north and south through the Post Office in White Water; and that part of San Diego County situated east of a line drawn due north and south through the Post Office in Julian.

3. The provisions of § 909.5 are revised to read as follows:

§ 909.5 Districts and subdistricts.

The production area shall be divided into districts and subdistricts as defined below:

(a) "Arizona District" means the total area defined within the following subdistricts:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreement and orders have been met.

[2] Upon this order becoming effective, the designation of Part 909 will read "Grapefruit Grown in Arizona and Designated Part of California".

(1) "Yuma Subdistrict" means that part of the State of Arizona situated within Yuma County and that part of Imperial County, Calif., situated east of a line drawn due north and south through the Post Office in Winterhaven, Calif.

(2) "Phoenix Subdistrict" means that part of the State of Arizona outside of Yuma County.

(b) "California District" means that part of the production area in California not included under Yuma Subdistrict.

4. The provisions of § 909.8 *Handle* are amended by adding thereto the following sentence:

§ 909.8 Handle.

* * * The term "handle" shall not include the transportation of grapefruit from the point of production to a packinghouse within the production area for preparation for market.

§ 909.9 [Amended]

5. The provisions of § 909.9 are amended by deleting "828.23" and inserting "43615" in lieu thereof.

6. The provisions of § 909.10 *Fiscal period* are amended to read as follows:

§ 909.10 Fiscal period.

"Fiscal period" means the period from August 1, 1969, through August 31, 1970, and after August 31, 1970, such term shall mean the period from September 1 of any year to August 31 of the following year.

7. The provisions of § 909.20 *Establishment and membership* are revised to read as follows:

§ 909.20 Establishment and membership.

(a) An Administrative Committee composed of 10 members is hereby established. For each member there shall be an alternate member and the provisions of this part applicable to qualification, number, affiliation, nomination, and selection of members shall also apply to the qualification, number, affiliation, nomination, and selection of alternate members: *Provided*, That the alternate member specified in § 909.20(c) need not be of the same group affiliation as the member. Each member and alternate member shall be a producer in the district or subdistrict being represented on the committee.

(b) The term of office of members and alternate members shall be one fiscal period: *Provided*, That an incumbent member or alternate member, as applicable, shall continue to serve as such until his successor is selected and has qualified.

(c) The California District shall be represented on the committee by five members. Two members shall be affiliated with a cooperative marketing organization, two members shall not be so affiliated, and one member shall be affiliated with the group whose producers, during the fiscal period preceding the one in which nominations for members and alternates are made, produced more than 50 percent of the total production of grapefruit produced by all producers in that district: *Provided*, That the alternate member for such member shall be a producer in the California District outside that portion of Riverside County which is situated east of a line drawn due north and south through the Post Office in White Water and west of a line drawn due north and south through Shavers Summit: *And provided further*, That such alternate member need not be of the same group affiliation as the member.

(d) The Arizona District shall be represented on the committee by five members determined as follows:

(1) Except as otherwise provided, each subdistrict shall be represented by two members who are producers in the subdistrict being represented: *Provided*, That the subdistrict whose producers, during the fiscal period preceding the one in which nominations for members and alternate members are made, produced more than 50 percent of the total production of grapefruit in the Arizona District shall be represented by three members: *And provided further*, That in the event the production in any such subdistrict during such fiscal period is less than for the preceding fiscal period by 25 percent or more, the average production during the three fiscal periods preceding the one in which such nominations are made shall be used.

(2) One member in each subdistrict shall be affiliated with a cooperative marketing organization and one member shall not be so affiliated. Whenever a subdistrict is represented by three members, the third member shall be alternated between such groups.

(e) Annually, prior to nomination meetings, apportionment of the committee shall be effected as specified in the provisions of this section.

8. The provisions of § 909.21 *Nomination* are revised to read as follows:

§ 909.21 Nomination.

(a) The Secretary shall cause to be held each year a meeting or meetings of producers in the California District and in the Yuma Subdistrict and the Phoenix Subdistrict for the purpose of making nominations for members and alternate members of the Administrative Committee.

(b) Not more than one nominee for member and not more than one nominee for alternate member from each district or subdistrict may be affiliated with the same packinghouse.

(c) Except as hereinafter provided, only producers affiliated with cooperative marketing organizations may elect nominees affiliated with such organizations; and only producers not affiliated with cooperative marketing organizations may elect nominees not so affiliated. In the event some of a producer's grapefruit is handled through a cooperative marketing organization and some is handled through an organization that is not a cooperative marketing organization, such producer shall be eligible to participate in only the category (i.e., as affiliated with or not affiliated with a cooperative marketing organization) by which the major volume of his fruit is handled. At least one nominee shall be elected for each member and alternate member position to be filled. If nominations are not made by a particular category of producers, as provided in this section, producers present at the nomination meeting may, regardless of the affiliation previously referred in this paragraph (c), elect nominees for all the positions to be filled and, in such event, any limitations as to such affiliation of the nominees shall not apply.

(d) In the event a producer produces grapefruit in more than one district or subdistrict, such producer may participate in the nomination meeting or meetings in only one district or subdistrict. Each producer shall be entitled to cast one vote for each of the nominees from the district or subdistrict; and each vote shall be cast on behalf of himself, his agents, partners, subsidiaries, affiliates, and representatives.

(e) Nominations shall be submitted to the Secretary on or before July 1 of each year.

9. The provisions of § 909.22 *Selection* are revised to read as follows:

§ 909.22 Selection.

From the nominations made pursuant to § 909.21, or from other qualified producers, the Secretary shall select the members and alternate members from each district. In the event nominations are not made in accordance with the provisions of § 909.21, the Secretary may select the members and alternate members without regard to their affiliation.

10. The provisions of § 909.25 *Alternate members* are revised to read as follows:

§ 909.25 Alternate members.

Except as hereinafter provided, an alternate member of the Administrative Committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor is selected and has qualified. If both a member and his alternate are absent from an assembled committee meeting, the chairman, with the concurrence of the majority of members from the district affected who are present, shall designate an alternate member from the same district who is present at the meeting and is not acting as a member, to act in the place and stead of the absent member and alternate: *Provided*, That to the extent practicable the alternate member so designated shall be of the same affiliation as the absent member.

11. The provisions of § 909.29 *Compensation and expenses* are revised to read as follows:

§ 909.29 Compensation and expenses.

The members of the Administrative Committee, and alternates when acting as members, shall serve without compensation; but they may be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. An alternate member

may be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings, notwithstanding that the committee member for whom he serves as alternate also attends such meeting, and for performing other committee business.

12. The provisions of § 909.31 *Procedure* are amended by revising paragraphs (a) and (b) to read as follows:

§ 909.31 Procedure.

(a) Seven members of the Administrative Committee shall be necessary to constitute a quorum of the committee.

(b) For any decision of the Administrative Committee to be valid, at least seven members must cast a concurring vote. At all assembled meetings, each vote must be cast in person.

* * * * *

13. The provisions of § 909.40 *Expenses* are amended to read as follows:

§ 909.40 Expenses.

The Administrative Committee is authorized to incur such expenses, including inspection expenses, as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers, as provided in § 909.41.

14. The provisions of § 909.41 *Assessments* are amended by revising the first sentence of paragraph (a), redesignating paragraph (c) as paragraph (d), and adding a new paragraph (c) to read as follows:

§ 909.41 Assessments.

(a) Each handler who first handles grapefruit shall, with respect to the grapefruit so handled by him, pay to the Administrative Committee, upon demand, his pro rata share of the expenses, including inspection expenses, which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period. * * *

* * * * *

(c) Notwithstanding the requirement that credits and refunds shall be deferred as provided in § 909.42(b), the Administrative Committee may, with approval of the Secretary, credit each handler entitled to a refund with such refund against assessments currently owed by him.

* * * * *

15. The provisions of § 909.42 *Accounting* are amended by revising paragraph (b) to read as follows:

§ 909.42 Accounting.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, the Administrative Committee may, with the approval of the Secretary, establish an operating reserve from funds remaining at the end of a fiscal period, which are in excess of expenses incurred during such period. Such operating reserve shall be accumulated over such period of time as the committee determines is fair and equitable to all handlers and shall not exceed an amount approximating the preceding year's budget exclusive of inspection expenses. The reserves shall be managed as a revolving fund, and the credits and refunds provided in paragraph (a) of this section deferred until such time as the reserve reaches the amount prescribed by the committee: *Provided*, That pursuant to § 909.41(c), funds in such reserve shall be available to be applied as credits against handlers' assessments.

16. The provisions of § 909.56 *Marketing zones* are amended to read as follows:

§ 909.56 Marketing zones.

(a) Zone 1: The States of California and Arizona.

(b) Zone 2: The State of Florida.

(c) Zone 3: The State of Texas.

(d) Zone 4: The States of Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah.

(e) Zone 5: The States not enumerated in Zones 1, 2, 3, 4, and 6.

(f) Zone 6: All export markets and States of Hawaii and Alaska.

§ 909.23 [Amended]

17. The provisions of § 909.23 are amended by deleting "§ 909.21(i)" and inserting "§ 909.21(e)" in lieu thereof.

[F.R. Doc. 70-8699; Filed, July 8, 1970; 8:48 a.m.]

[7 CFR Part 910]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Definitions

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100 et seq.) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The amendment to said rules and regulations was proposed by the Lemon Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendment would change the definition of "carload" to mean, a quantity of lemons equivalent to 1,000 cartons of lemons, rather than 930 cartons of lemons as is currently specified in this order under § 910.8 *Carload*. Such an equivalent would more nearly represent the industry's average shipments of cartons of lemons per carload, than does 930 cartons. Also, it would be easier to maintain and work with lemon statistics if the equivalent were 1,000 cartons per carload.

The proposal would amend § 910.100 *General*, and add a new § 910.104 *Carload*, under "Definitions" of Subpart—Rules and Regulations (7 CFR 910.100 et seq.). Under the proposal § 910.100 *General*, and § 910.104 *Carload*, would read as follows:

DEFINITIONS

§ 910.100 General.

Terms used in this subpart, except as otherwise provided, shall have the same meaning as when used in the marketing agreement and order (§§ 910.1 to 910.92).

§ 910.104 Carload.

Pursuant to § 910.8, the quantity of lemons comprising a "carload", as such term is therein defined, is hereby increased, effective August 2, 1970, from a quantity of lemons equivalent to 930 cartons of lemons to a quantity of lemons equivalent to 1,000 cartons of lemons.

Dated: July 2, 1970.

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

[F.R. Doc. 70-8697; Filed, July 8, 1970; 8:48 a.m.]

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A4, AO-254-5]

LIMES AND AVOCADOS GROWN IN FLORIDA

Decision and Referendum Order With Respect to Proposed Further Amendment of Marketing Agreements and Orders

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead, Fla., on March 18, 1970, after notice thereof published in the FEDERAL REGISTER (35 F.R. 3173), on proposed further amendment of the respective marketing agreements and orders (7 CFR Parts 911 and 915) regulating the handling of Florida limes and avocados, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on May 19, 1970, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decision, affording

opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 70–6407; 35 F.R. 7977) on May 23, 1970. No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 70–6407; 35 F.R. 7977) are hereby approved and adopted as the material issues, findings and conclusions, and the general finding of this decision as if set forth in full herein.

Further amendment of the marketing agreements and orders. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Limes Grown in Florida," "Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida," "Marketing Agreement, as Amended, Regulating the Handling of Avocados Grown in South Florida," and "Order Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period April 1, 1969, through March 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 911), in the production of limes for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such limes; and

(2) Among the producers who, during the period April 1, 1969, through March 31, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 915), in the production of avocados for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such avocados.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Post Office Box 9, Lakeland, Fla. 33802, is hereby designated referendum agent to conduct said referenda.

The procedure applicable to each referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended," (7 CFR 900.400 et seq.).

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreements, as amended, be published in the FEDERAL REGISTER. The respective regulatory provisions of the said marketing agreements are identical with those contained in the said orders as further amended by the annexed orders which will be published with this decision.

Dated: July 6, 1970.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as amended, Regulating the Handling of Limes Grown in Florida.

§ 911.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on March 18, 1970, upon proposed amendments to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby amended, regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as amended and as hereby amended, that make necessary different terms and provisions applicable to different parts of such area;

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

1. Section 911.27 is amended by adding a final sentence to read as follows:

§ 911.27 Alternate members.

* * * In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided,* That only grower alternate members may be so designated to serve for grower members and only handler alternate members may be so designated to serve for handler members.

2. The first sentence of § 911.40 is amended to read as follows:

§ 911.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. * * *

3. Section 911.41 is amended as follows:

The first sentence is revised, a final sentence to paragraph (a) is added, and paragraph (b) is revised to read as follows:

§ 911.41 Assessments.

(a) Each person who first handles limes shall, with respect to limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. * * * If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary.

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person: *Provided,* That in no case, shall the rate of assessment exceed the maximums as prescribed herein (i) for administrative purposes, a limitation of 10 cents per 55 pounds of fruit, and (ii) for marketing research and development purposes, a limitation of 10 cents per 55 pounds of fruit. At any time during or after a fiscal year, the Secretary may,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

subject to the limitations in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessment in advance.

4. Section 911.42 is amended by revising paragraph (a)(2) thereof to read as follows:

§ 911.42 Accounting.

(a) * * *

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such year may be carried over into following years as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal years' operational expenses: *Provided,* That, if at the end of a fiscal year the reserve is equal to or more than 2 fiscal years' operational expenses such reserve shall be used to defray expenses of the committee during the following fiscal year. Funds in the reserve may also be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

5. Section 911.45 is amended to read as follows:

§ 911.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. Such projects may include any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that marketing research and development projects should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following, as applicable, for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) The committee shall prepare, and submit to the Secretary, annual reports summarizing the operations and accomplishments of such marketing research and development projects. A copy of each such report shall be made available to growers and handlers upon request therefor.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Avocados Grown in South Florida.*

§ 915.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on March 18, 1970, upon proposed amendments to the amended marketing agreement and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The said order, as amended and as hereby amended, regulates the handling of avocados grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area covered thereby as are necessary to give due recognition to the differences in production and marketing of avocados covered thereby; and

(5) All handling of avocados grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby amended, as follows:

1. Section 915.27 is amended by adding a final sentence to read as follows:

§ 915.27 Alternate members.

* * * In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided,* That only grower alternate members may be so designated to serve for grower members and only handler alternate members may be so designated to serve only for handler members.

2. The first sentence of § 915.40 is amended to read as follows:

§ 915.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. * * *

3. Section 915.41 is amended as follows:

The first sentence is revised, a final sentence to paragraph (a) is added, and paragraph (b) is revised to read as follows:

§ 915.41 Assessments.

(a) Each person who first handles avocados shall, with respect to the avocados so handled by him, pay to the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. * * * If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee with the approval of the Secretary.

(b) The Secretary shall fix the rate of assessment not in excess of 20 cents per 55 pounds of fruit to be paid by each such person: *Provided*, That in no case, shall the rate of assessment exceed the maximums as prescribed herein (i) for administrative purposes, a limitation of 10 cents per 55 pounds of fruit, and (ii) for marketing research and development purposes, a limitation of 10 cents per 55 pounds of fruit. At any time during or after a fiscal year, the Secretary may, subject to the limitation in this paragraph, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all fruit handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessment in advance.

4. Section 915.42 is amended by revising paragraph (a)(2) thereof to read as follows:

§ 915.42 Accounting.

(a) * * *

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such year may be carried over into following years as a reserve. Such reserve may be established at an amount not to exceed approximately 3 fiscal years' expenses: *Provided*, That, if at the end of a fiscal year the reserve is equal to or more than 2 fiscal years' operational expenses such reserve shall be used to defray expenses of the committee during the following fiscal year. Funds in the reserve may also be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

5. Section 915.45 is amended to read as follows:

§ 915.45 Marketing research and development.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. Such projects may include any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to the applicable provisions of this part.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of fruit covered by this part in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity.

(c) If the committee should conclude that marketing research and development projects should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following, as applicable, for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

(d) The committee shall prepare, and submit to the Secretary, annual reports summarizing the operations and accomplishments of such marketing research and development projects. A copy of each such report shall be made available to growers and handlers upon request therefor.

[F.R. Doc. 70-8749; Filed, July 8, 1970; 8:52 a.m.]

[7 CFR Part 1134]

[Docket No. AO-301-A10]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Western Colorado marketing area, which was issued June 12, 1970 (35 F.R. 10024), is hereby extended to July 10, 1970.

The above notice of extension of time for filing exceptions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on July 2, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-8698; Filed, July 8, 1970; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

CAST IRON PIPE AND FITTINGS

Proposed Revocation of Exception of Certain Articles From Requirements of Marking To Indicate Country of Origin

Notice is hereby given that the Bureau of Customs is considering whether cast iron pipe and fittings are required to be marked to indicate the country of origin in accordance with the provisions of section 304 of the Tariff Act of 1930. These articles are encompassed within the description "Pipes, iron or steel, and pipe fittings of cast or malleable iron" listed in T.D. 49896 (1939) (4 F.R. 2509) among the articles found, pursuant to section 304(a)(3)(J), to have been imported in substantial quantities during the 5-year period immediately preceding January 1, 1937, and not required during such period to be marked to indicate the country of their origin, which articles are now excepted from the marking requirements by § 11.10(a) of the Customs Regulations (19 CFR 11.10(a)).

Data submitted to the Bureau indicates that a total of approximately 2,758 tons of cast iron pipe and fittings was imported into the United States during the 5-year period preceding January 1, 1937. This constituted less than one-tenth of 1 percent of the total domestic production during that period and approximately 3 percent of total imports of other pipes and tubes during the same period. The Bureau has tentatively concluded, therefore, on the basis of all information presently available, that cast iron pipe and fittings were not imported in substantial quantities in the 5-year period immediately preceding January 1, 1937, and, as such are not entitled to continued exemption from country of origin marking requirements under section 304(a)(3)(J).

Consideration will be given to all data, views or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, within

30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 2, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-8759; Filed, July 8, 1970; 8:53 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-87]

STEINHATCHEE RIVER, FLA.

Drawbridge Operation

1. The Commandant, U.S. Coast Guard is considering a request by the State of Florida, Department of Transportation, to establish special operation regulations for its bridge across the Steinhatchee River, mile 2.3 between Steinhatchee and Jena, Fla. Present regulations governing this bridge require the draw to open on signal. The proposed regulations would require 6 hours' advance notice between 6 a.m. and 6 p.m. The draw need not be opened between 6 p.m. and 6 a.m. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2)) and 49 CFR 1.46(c)(5).

2. Accordingly, it is proposed to add 33 CFR 117.245(i)(6-b) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(i) * * *

(6-b) Steinhatchee River, Fla. At least 6 hours' advance notice required between 6 a.m. and 6 p.m. At all other times the draw need not be opened for the passage of vessels.

* * * * *

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before August 3, 1970. All submission should be made in writing to the Commander, Seventh Coast Guard District, Federal Building, Miami, Fla. 33130.

4. It is requested that each submission state the subject to which it is directed, the specific wording recommended, the reason for any recommended change, and the name, address and firm or organization, if any, of the person making the submission.

5. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

6. After the time set for the submission of comments by the interested parties, the Commander, Seventh Coast Guard District will forward the record, including all written submission and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: June 29, 1970.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70-8731; Filed, July 8, 1970; 8:51 a.m.]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-52]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Columbia, S.C., control zone and transition area and the North, S.C., 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 Regions, 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 Columbia control zone described in § 71.171 (35 F.R. 2054) would be redesignated as:

Within a 5-mile radius of Columbia Metropolitan Airport (lat. 33°56'26" N., long. 81° 07'13" W.); within 2 miles each side of Columbia ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

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

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Columbia Metropolitan Airport (lat. 33°56'26" N., long. 81°07'13" W.); within 9.5 miles north and 4.5 miles south of Columbia ILS localizer east course, extending from the 11-mile radius area to 18.5 miles east of Columbia VORTAC 027° radial; within 9.5 miles southwest and 4.5 miles northeast of Columbia VORTAC 147° radial, extending from the 11-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles south and 4.5 miles north of Columbia ILS localizer west course, extending from the 11-mile radius area to 18.5 miles west of the LOM.

The North transition area described in § 71.181 (35 F.R. 2134) would be amended as follows: "* * * longitude 81°05'00" W.) * * *." would be deleted and "* * * long. 81°05'00"W.); excluding the portion within Columbia transition area * * *." would be substituted therefor.

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

Columbia—Control zone. 1. Revoke the extension predicated on the VORTAC 327° radial.

2. Reduce the extension predicated on the ILS localizer west course 1 mile in length.

Transition area. 1. Increase the basic radius circle from 9 to 11 miles.

2. Increase the extension predicated on the ILS localizer west course 1 mile in width and 6.5 miles in length.

3. Designate an extension predicated on the ILS localizer east course 14 miles in width and 18.5 miles in length.

4. Designate an extension predicated on the VORTAC 027° radial 14 miles in width and 18.5 miles in length.

The proposed alterations are required to provide controlled airspace protection for IFR operations at Columbia Metropolitan Airport in climb to 1,200 feet above the surface and in descent from 1,500 feet above the surface, and to avoid dual controlled airspace designation at North, S.C.

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 June 26, 1970.

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

[F.R. Doc. 70-8735; Filed, July 8, 1970; 8:51 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SO-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would designate the Dalton, Ga., 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 thirty (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 Dalton transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport.

The proposed designation is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface. A prescribed instrument approach procedure to Dalton Municipal Airport, utilizing the Dalton (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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 June 29, 1970.

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

[F.R. Doc. 70-8736; Filed, July 8, 1970; 8:51 a.m.]

[14 CFR Part 121]

[Docket No. 7325; Notice 70-26]

AIRCRAFT DISPATCHER QUALIFICATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to revise and clarify the aircraft dispatcher qualification requirements of § 121.463.

Interested persons are invited to participate in the making of this proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 9, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The FAA has received petitions for rule making from the Air Line Dispatchers Association (ALDA) and the Air Transport Association (ATA) seeking to update current aircraft dispatcher qualification requirements. While the broad objective was the same in both petitions, the ALDA and the ATA were in disagreement with regard to how that objective could most safely and effectively be achieved. Generally speaking, it is the ALDA's view that there should be increased route, airport, and airplane familiarization obtained on the flight deck, while the ATA recommends that all such familiarization be deleted as unnecessary.

With regard to operating familiarization, current § 121.463 requires as pertinent here: (a) That the qualifying dispatcher have at least 5 hours of operating familiarization observing, from the flight deck, operations conducted under Part 121 in each type of airplane for which he is qualifying; and (b) that a dispatcher make at least one one-way qualification trip on the flight deck within the preceding 12 calendar months over the area in which he is authorized to exercise dispatch jurisdiction. While he must make an entry into as many points as practicable, it is not necessary that he make a flight over each route in the area.

The ALDA has submitted several arguments in support of its position. It asserts that familiarization trips are necessary for the observation of pilot techniques, communication procedure, terrain, air traffic control in practice, and dominant traffic control in practice, airport approaches and hazards, approach control, tower practices, and dominant meteorological conditions, all of which, the ALDA asserts, are essential to dispatcher training and knowledge. Also, the ALDA states that the dispatcher must be exposed to the pilot's environment so that the dispatcher is knowledgeable to the extent that his judgment is reliable and respected. Such exposure would permit one dispatcher to monitor other dispatchers from the flight deck. In addition, the ALDA states that the only way to maintain a highly trained, sensitive, and efficient organization is to expose dispatchers to the actual operating conditions with which they must deal, and the only appropriate means by which this end is achieved is through operating familiarization and route qualification which acquaints the dispatcher with all facets of an operation with which he is concerned. Finally, ALDA states that when utilized to the proper extent, operating familiarization and route qualification trips provide the dispatcher with an opportunity to retain and increase his first hand knowledge of engine and aircraft performance parameters.

The ATA has submitted the following arguments in support of its position that no flight deck experience is required for dispatcher qualification. The ATA states that when the present regulation was promulgated, the dispatcher's role was more closely tied with the pilot's duties in flight and flight safety than it is today. With the current state of the art, the dispatcher function is now primarily the important one of preplanning and coordination of equipment and manpower as well as the monitoring of aircraft departure and arrival information. In addition, the ATA states that a dispatcher can be better qualified with regard to aircraft operating procedures, communications, terminals, and airports through ground training. Finally, the ATA objects to qualification requirements which are higher for an aircraft dispatcher than those for a pilot, who can be qualified en route and into an airport without seeing the route or the airport.

The proposals made in this notice are the result of independent FAA study, the data submitted by both the ALDA and the ATA in support of their petitions, and relevant presentations made at a public hearing held on March 27, 1968 (Notice of Public Hearing, published in the FEDERAL REGISTER, 33 F.R. 3187, on Feb. 2, 1968).

The concept of route qualification for aircraft dispatchers was essential to the safety of air carrier operations during the era of the low frequency airway system. During this era, routes, many of which were off-airways or point to point, were approved on an individual basis for each air carrier. Day VFR and night VFR routes were common, and even lighted airways were in use. In addition, it was not uncommon for routes to be approved through mountainous areas at operating altitudes below the surrounding terrain. Against this background, the dispatcher had to play an intimate role in the actual conduct of each flight within his jurisdiction, and he had to know thoroughly the physical structure and peculiarities of each route. Generally, this knowledge was obtainable only by acutal observation from the flight deck of the aircraft.

Today, aeronautical and electronic science have significantly altered the above situation. The original concept of routes no longer prevails and air carriers customarily fly at altitudes where knowledge of specific terrain is no longer a factor. Furthermore, the system has been made more efficient through the standardization of navigation facilities and air traffic control procedures.

As indicated in Notice No. 70-18 (published in the FEDERAL REGISTER, 35 F.R. 7021, on May 2, 1970) which proposes revision of the pilot-in-command qualification requirements, the concept of a

"route" is no longer applicable in light of the developing concept of area navigation and the flexibility of routing between airports which has rendered obsolete the concept of "route" as a particular track over the ground. This consideration applies equally in the area of aircraft dispatcher qualification and this notice is based in part on the same proposal in Notice 70–18.

With regard to qualification into specific airports and over particular routes, the FAA does not believe that there is justification for such a requirement for dispatchers when it is not required of a pilot in command. However, the FAA does believe that the dispatcher must be properly qualified through ground training and operating familiarization. He must have adequate knowledge of the characteristics of appropriate airports, and air traffic and approach control procedures. These can be learned through ground training and through the use of pictorial displays, and are currently covered in the regulations.

With regard to the requirement for operating familiarization in § 121.463(a), it is proposed to limit this requirement to aircraft groups rather than for each aircraft types. Thus, if a dispatcher has obtained operating familiarization on the B–707 (a Group II aircraft), he would not be required to have operating familiarization on any other aircraft within that group.

It is also proposed to revise the recurrent training requirements currently in § 121.463(a). The proposed revision deletes the current provision and proposes in lieu thereof a recurrent training requirement that a dispatcher must have satisfactorily completed, during each consecutive 12-calendar-month period, operating familiarization consisting of at least 5 hours observing, from the flight deck, operations under Part 121 in one of the types of airplanes in each group he is to dispatch. It is further proposed that this requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. Finally, it is proposed that this requirement may be satisfied in a simulator approved under § 121.407; however, in that event no reduction in hours would be permitted.

This notice also proposes an amendment to the 90-day exception to the operating familiarization requirement for dispatchers initially qualifying in a particular group of airplanes. Currently, § 121.463(a)(4) permits a dispatcher who has not had operating familiarization to dispatch for 90 days following the completion of initial dispatcher training. It has come to the attention of the FAA that this exception has not proven to be effective inasmuch as new airplane deliveries may be delayed beyond 90 days. The FAA believes, therefore, that to effect the intent of the exception, which is to permit the use of cockpit jump seats for crew training during the early months of a particular airplane's operation, this provision should be revised to permit a dispatcher to dispatch, without having had operating familiarization, for 90 days after the initial introduction of the airplane into Part 121 operation.

In consideration of the foregoing, it is proposed to amend § 121.463 of Part 121 of the Federal Aviation Regulations as follows:

§ 121.463 Aircraft dispatcher qualifications.

(a) No domestic or flag air carrier may use any person, nor may any person serve, as an aircraft dispatcher for a particular airplane group unless that person has, with respect to an airplane of that group, satisfactorily completed the following:

(1) Initial dispatcher training, except that a person who has satisfactorily completed such training for another type airplane of the same group need only complete the appropriate transition training.

(2) Operating familiarization consisting of at least 5 hours observing from the flight deck, operations under this part, except that a person may serve as an aircraft dispatcher without meeting this requirement for 90 days after initial introduction of the aircraft into operations under this part. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight.

(b) No domestic or flag air carrier may use any person, nor may any person serve as an aircraft dispatcher for a particular type aircraft unless that person has, with respect to that aircraft, satisfactorily completed differences training, if applicable.

(c) No domestic or flag air carrier may use any person, nor may any person serve as an aircraft dispatcher unless within the preceding 12 calendar months he has satisfactorily completed operating familiarization consisting of at least 5 hours observing, from the flight deck, operations under this part in one of the types of airplanes in each group he is to dispatch. This requirement may be reduced to a minimum of 2½ hours by the substitution of one additional takeoff and landing for an hour of flight. This requirement may be satisfied by observation of 5 hours of simulator training for each airplane group in one of the simulators approved under § 121.407 for the group. However, if this requirement is met by the use of a simulator, no reduction in hours is permitted.

(d) No domestic or flag air carrier may use any person, nor may any person serve as an aircraft dispatcher to dispatch airplanes in operations under this part unless the air carrier has determined that he is familiar with all essential operating procedures for that segment of the operation over which he exercises dispatch jurisdiction. However, a dispatcher who is qualified to dispatch aircraft through one segment of an operation may dispatch aircraft through other segments of the operation after coordinating with dispatchers who are qualified to dispatch aircraft through those other segments.

These amendments are proposed under the authority of sections 313(a), 601, 602, 604, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, 1424, and 1427), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 2, 1970.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 70–8734; Filed, July 8, 1970; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 15, 74]

[Docket No. 18894; FCC 70–679]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Technical Standards

In the matter of amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems; Docket No. 18894 (RM–1530).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On November 19, 1969, Hammett and Edison, a firm of consulting engineers, filed a petition (RM–1530) asking that rule making be instituted to establish standards to govern the technical performance of CATV systems. Comments with respect to this petition were filed by: Association of Maximum Service Telecasting, Inc.; Frontier Broadcasting Co.; National Cable Television Association, Inc.; Educational Television Stations Division of the National Association of Educational Broadcasters; The Montana Network; Garryowen Butte T.V., Inc.; and Garryowen Cascade T.V., Inc. Reply comments were filed by the National Cable Television Association, Inc., and the Association of Maximum Service Telecasters, Inc. In formulating our present proposal, particular attention has been paid to the above-mentioned documents.

3. All pleadings filed in Docket No. 18397 which touch upon technical standards have been reviewed, and particular attention has been paid to the more detailed recommendations contained in comments filed by Abraham L. Cohen, an engineering consultant; American Telephone and Telegraph Co.; Archer S. Taylor, vice president of the engineering consulting firm Malarkey, Taylor, and Associates, Inc.; Association of Maximum Service Telecasters, Inc.; National Cable Television Association, Inc.; and Storer Broadcasting Co. Particular attention has also been paid to reply comments in Docket No. 18397 filed by Archer S. Taylor, and by the National Cable Television Association, Inc.

I. *Technical standards transferred from Docket 18397.* 4. On December 13, 1968, the Commission issued its Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 18397, 15 FCC 2d 417, inaugurating a general inquiry into its appropriate regulatory posture with respect to the CATV industry. By design, this inquiry was intended to present in one proceeding the major CATV policy issues then confronting the Commission. Interalia, we solicited comments on the question, "8. What technical standards would be necessary or desirable to achieve national and local compatibility and good quality service to the public?" At the same time, interested parties were advised that the Commission would manage the docket flexibly so that "further notices expanding or altering the scope of this Rule Making and Inquiry may subsequently be issued as necessary or appropriate" supra, paragraph 3. Recent developments suggest that it is now appropriate to utilize this retained flexibility to give appropriate consideration to establishment of the necessary technical standards for the CATV industry. Consequently, we will now separate the technical standards material from Docket No. 18397 in order to be able to give it early consideration.

II. *Possible requirement of minimum channel capacity.* 5. The Commission recognizes that CATV is rapidly evolving from its original role as a small, five-channel, reception service.[1] In the First and Second CATV Reports,[2] the Commission discussed the trend of CATV toward 12-channel or larger systems, as well as cable's likely entry into large metropolitan centers.[3] And it appears that interest in these directions is high.[4] In these circumstances, the Commission must consider the future possibility of a nationally as well as internationally interconnected cable grid which will cater to a variety of sophisticated communications needs.[5] In this regard, the Commission has instructed its Cable Television Bureau to begin liaison with the appropriate Canadian and Mexican authorities to assure early cooperation in establishing compatible requirements for neighboring areas. Hopefully, this step should assist in prolonging national options in the CATV area.

6. Our present over-the-air television system operates as an economy of scarcity. There is more potential demand for access to television stations than there is available air time on the stations in even the most populous areas. Cable television offers the technological and economic potential of an economy of abundance. It is anticipated that cable television, once it attains this stature, will greatly alleviate the problem of availability of air time. We believe that the economic and social advantages of such a system are such that the public interest requires the Commission to encourage its development.

7. The Commission has been advised that there will be an ever increasing demand for cable channel capacities (some estimates ranging above 100). The Commission, therefore, wishes to place cable television operators on notice that the Commission intends to continue to require minimum system capacities adequate to serve foreseeable demand, and thus cautions operators to avoid the economic burden of installing systems of inadequate capacity that will soon need to be expanded at extra cost. In short, two considerations emerge: (1) Cable has great potential for new communications services of great benefit to the public; and (2) our present planning should promote achievement of that potential. In this latter respect, a major consideration is thus the specification of minimum channel capacity. It is easy to state our objective on this facet: To specify in the major markets the largest possible channel capacity, as a required minimum, which is compatible with the technology and with the rapid development of cable systems. We request comment on what that number should be, with a detailed showing as to the basis for any recommended number. Thus, we note that 20-channel systems are now proposed by many cable operators for these large city markets. We have been informally told that 40-channel systems can be installed without too great an incremental cost over the 20-channel systems. Clearly, this is an area where comments and our own further efforts should concentrate. We would stress the need for detailed comments, since we intend to adopt final rules in this respect on the basis of the comments. Also we request comment on whether some lesser figure should be applicable to systems operating in the smaller markets, and if so, the channel number and how such markets should be delineated. Finally, we request comments on the most appropriate time to make any regulation adopted in this area (and those discussed in paragraphs 8–11) applicable to CATV systems (e.g., the time period within which existing systems might be required to convert; applicability to systems not in operation on the date of publication of any rule in the FEDERAL REGISTER or to systems which have been extensively constructed prior to that date). In this connection, we would seek the adoption of an applicability or conversion requirement which is equitable and secures, to the maximum degree practicable, the public interest benefits sought here and in paragraphs 8–11.

III. *Possible requirement of 2-way capability.* 8. We intend that future cable systems should be installed in such a manner that, with the additional provision of no more than appropriate sending devices for individual subscribers and minimal equipment (such as jumpers, additional switch contacts, or plug-in connectors, for example), each subscriber may be afforded a means for directly communicating with a local program origination point. This return communication capability should provide at least the capacity equivalent to a single 4 kHz message channel and may be shared with a limited number of other subscribers so that cuing problems are avoided. It is not our purpose at this time to prescribe how return communications should be facilitated nor to require that all subscribers avail themselves of this capability, but that future systems be designed to accommodate 2-way communication for those subscribers desiring it.

IV. *Possible requirement of separate origination centers.* 9. The structure and operation of our system of radio and television broadcasting affects, among many other things, the sense of "community" of those within the signal area of the stations involved. Recently, governmental programs have been directed toward increasing citizen involvement in community affairs. Cable television has the potential to be a vehicle to much needed community expression. To strengthen the sense of community and allow greater communication, cable systems should supply a separate channel, available on a when-desired basis, for each distinct community within its franchised area. It will also be necessary that each community possess the local capability for production of material to be cablecast over its channel.

10. These purposes could be achieved by limiting cable systems to franchised areas of limited size. But they might also be achieved by merely requiring all systems to have the technical facilities in each community—the studios, equipment, and distribution facilities—designed to facilitate local access and service. However, we are willing to consider other arrangements which produce a community production capability comparable to the physical existence of a studio and a channel clearly identified as limited to local service. We propose to require that each community within the franchise area of the system be equipped with production capability for the programing of its community channel, and we invite suggestions as to the alternative means of providing such a system.

11. We also invite comments upon the proper means of determining a "community" within each market. It would be possible to define "communities" along ethnic, governmental, or historical lines, as well as the more conventional geographic boundaries. We propose to leave the details of such determinations to franchising authorities and cable system owners, but we do request comments on what should be appropriate general Commission guidelines in this area (e.g., 25,000 to 50,000 households generally as a "community").

V. *Conversion period.* 12. When technical standards are finally adopted, it is contemplated that all CATV systems

[1] Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 18397, paragraph 4.

[2] First Report and Order in Dockets Nos. 14895 and 15233, 38 FCC 683 (1965); Second Report and Order in Dockets Nos. 14895, 15233 and 15971, 2 FCC 2d 725 (1966).

[3] Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 18397, paragraph 4.

[4] See the attached study of CATV development in the top 50 television markets. (Appendix B which is filed as part of original document.)

[5] Compare Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 18397, Part V.

would comply and file a certificate of compliance within 3 years from the date the standards are published in the FEDERAL REGISTER. Thereafter, the filing of an annual certificate of compliance would be required. As is customary in our procedures, variances of these requirements could be granted in unusual or hardship cases. Consequently, comment is solicited with regard to any anticipated problems which might be expected to justify delay.

VI. *Performance tests and certification.* 13. In line with our Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 18397, the standards we are proposing here are aimed primarily at furthering the quality of service rendered the public. Secondarily, we hope that the standards will help secure a degree of compatibility among systems which in the future may be useful for accomplishing system interconnection such as that alluded to in paragraph 5 above. In developing the proposed new rules, we have chosen to write the technical standards in terms of system performance as measured at subscriber terminals, preferring to avoid, at least at this time, problems involved in placing performance requirements on individual units in the system. We are concerned that each subscriber receive cabled signals of at least a certain standard of quality; we are not undertaking to prescribe the methods or the kinds of equipment the cable system must use.

14. Accordingly, we are proposing to require that each CATV system perform and report certain performance measurements at least once a year. The measurements should reflect the degree to which the system conforms to the prescribed technical standards. If the tests show that the system meets the standards, there is reasonable basis for considering that the system provides its subscribers with an acceptable service. We recognize, however, that conformity with these minimum standards is not absolute assurance that the service to an individual subscriber is satisfactory. Therefore, regardless of the performance tests, we shall expect that picture impairments attributable to the system which result in substantial subscriber complaints will be rectified by CATV operators. As special circumstances may dictate, we may require that additional tests be performed on certain systems, or that special measures be taken to ensure an acceptably good quality of service.

15. We intend to adopt technical standards which, without imposing unreasonable cost burdens, may require of most existing CATV systems a renewed attention to quality, some readjustment, and possibly some redesign. We intend to revise the standards or add new requirements as the state of technology and our regulatory experience may indicate. For example, we are not at this time proposing standards applicable to the carriage of FM broadcast signals on CATV systems. We may find it necessary to do so in the future. We are not at this time proposing a standard for the allowable degree of "ghosting" or interference caused by reflections, or for performance characteristics involving phase relationships in the system, all of which intimately affect the quality of color television transmission. Future experience may impel us to adopt such standards. We welcome comment on these points.

16. In their petition, Hammett and Edison suggest that, in order to avoid inconvenience to subscribers in whose homes the system terminals are located, CATV systems should be required to install a number of monitoring terminals readily available for checking the performance of the cable network. We consider that numerous readily available monitoring points should be installed throughout the system; their value to the system operator in maintaining system performance is so evident that a broad rule requiring them seemingly would generate no problems. However, a specific rule which covers the infinite range of circumstances under which cable systems are installed may involve cumbersome burdens which we find hard to justify. We think it preferable simply to indicate our strong belief that every good CATV system should be well endowed with monitoring check points and that an in-house program of monitoring them is necessary. At this time we will leave it up to the individual system operators to choose the optimum locations for such points and their number.

17. We take note of suggestions that technical standards which may be promulgated for CATV systems should be sufficiently flexible to permit operation of multipair cable techniques or switched techniques. We agree to this principle. The standards we are proposing herein are formulated from engineering considerations applicable primarily to the vast majority of cable systems now installed in this country—the single coaxial cable which carries a plurality of standard television broadcast signals occupying individual frequency bands in the cable. Where feasible, we have proposed wording or measurement methods which may also be applicable to other distribution techniques. However, we are unable to devise a complete set of standards which are universally applicable. We intend no discouragement of other-than-standard systems. We consider, for example, that the use of multiple cable techniques would be permissible provided an adequate engineering showing is made as to the quality of service such a system would render. A rule covering these situations is proposed.

VII. *Miscellaneous.* 18. All interested persons are invited to file written comments on or before October 7, 1970, and reply comments on or before October 28, 1970, on the question of amendment of Subpart K of Part 74 of the Commission's rules proposing to establish technical standards for the CATV industry. Parties may, of course, not only comment on this proposal, but suggest revisions or alternatives. In reaching its decision on these matters, the Commission may also take into account any other relevant information before it, in addition to the comments filed by this notice.

19. Authority for the amendments proposed herein is contained in sections 2, 3, 4, and 303 of the Communications Act of 1934, as amended. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Accordingly, it is ordered, That the petition for institution of a rule making to establish technical standards for the CATV industry, by Hammett and Edison, on November 19, 1969, is granted to the extent reflected herein and is otherwise denied.

It is further ordered, That those aspects of Docket No. 18397 relating specifically to technical standards are transferred to this proceeding.

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[a]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX A

A. Part 15 is amended as follows:

§ 15.4 [Amended]

1. In § 15.4, paragraph (e) is deleted.

§§ 15.161–15.165 [Deleted]

2. Subpart D (§§ 15.161–15.165) of Part 15 is deleted.

B. Subpart K of Part 74 is amended as follows:

1. In § 74.1101, paragraphs (l)–(r) are added to read:

§ 74.1101 Definitions.

* * * * *

(l) *Cable television channel.* A frequency band 6 MHz in width within which a standard television broadcast signal is delivered by cable to a subscriber terminal.

(m) *Channel frequency response.* Within a cable television channel, the relationship as measured at a subscriber terminal between amplitude and frequency of a constant-amplitude input signal.

(n) *System noise.* That combination of undesired and fluctuating disturbances within a cable television channel, exclusive of undesired signals of discrete frequency which degrade the reproduction of the desired signal and which are due to thermal effects, modulation products, and other noise effects. System noise is specified in terms of its rms level or its mean power as measured in a 4 MHz bandwidth centered within a 6 MHz cable television channel.

(o) *Subscriber terminal.* The community antenna television system cable terminal to which a subscriber's equipment is connected. Separate terminals may be provided for delivery of cable television signals, FM broadcast, or other signals of differing classification.

(p) *Terminal isolation.* At any subscriber terminal, the attenuation between

[a] Commissioner Cox concurring in the result; concurring statement of Commissioner Johnson filed as part of original document.

that terminal and any other subscriber terminal in that system.

(q) *Visual signal level.* The rms voltage produced by the visual signal during the transmission of synchronizing pulses.

(r) *CATV system channel capacity.* The highest total number of cable television channels on which television signals from separate sources can be delivered simultaneously to every subscriber in the system.

2. A new § 74.1151 is added to read:

§ 74.1151 Performance tests and certification.

(a) The operator of each Community Antenna Television system shall be responsible for insuring that each such system is designed, installed, and operated in a manner which fully complies with the provisions of this subpart. Each system operator shall be prepared to show, upon reasonable request by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

(b) The operator of each CATV system shall file with the Commission a statement of the CATV system channel capacity, listing the cable television channels which that system delivers to its subscribers, and the station or stations whose signals are delivered on each channel, specifying the minimum visual signal level it maintains on each channel under normal operating conditions. When cable television channels are deleted or the specified visual signal levels are changed, the Commission shall be notified within 30 days following the date of such change.

(c) The operator of each CATV system shall conduct complete performance tests of that system at least one each calendar year (at intervals not to exceed 14 months) and shall file with the Commission a certificate detailing the results of such tests. The performance tests shall be directed at determining the extent to which the system complies with all the technical standards set forth in § 74.1153. The tests shall be made on each cable television channel in the system, and shall include measurements made at least three widely separated subscriber terminals, one of which is representative of terminals most distant from the system input in terms of cable distance. A statement of the qualifications of the person performing the tests shall be included.

(d) After reviewing the certificates of compliance required in paragraph (c) of this section, the Commission may require that certain measurements be repeated, that additional measurements be made, or that clarifying explanation be supplied, as necessary to correct defective certificates.

3. A new § 74.1153 is added to read:

§ 74.1153 Technical standards.

(a) The following requirements apply to community antenna television system performance as measured at any subscriber terminal with a matched termination, and to each of the cable television channels in which signals picked up off-air are delivered to such terminals.

(1) The frequency boundaries of cable television channels delivered to subscriber terminals shall conform to those set forth in §73.603(a) of this chapter: *Provided,* That upon special application including an adequate showing of public interest, other channel arrangements may be approved.

(2) The frequency of the visual carrier shall be maintained 1.25 MHz±25 kHz above the lower boundary of the cable television channel.

(3) The frequency of the aural carrier shall be 4.5 MHz±1 kHz above the frequency of the visual carrier.

(4) The visual signal level shall be not less than 1 millivolt (0 dBmV) across a 75-ohm terminating impedance. (At other impedance values the minimum visual signal level shall be $\sqrt{0.0133Z}$ millivolts, where Z is the impedance value which properly matches the subscriber terminal impedance.)

(5) The visual signal level on each channel shall be maintained within:

(i) 6 decibels of its minimum value; and

(ii) 6 decibels of the visual signal level on either adjacent cable television channel; and

(iii) 10 decibels of the visual signal level on any other cable television channel.

(6) The rms voltage of the aural signal shall be maintained between 13 and 17 decibels below the associated visual signal level.

(7) The peak-to-peak variation in visual signal level caused by undesired low frequency disturbances (hum or repetitive transients) generated within the system, or by inadequate low frequency response, shall not exceed 5 percent of the visual signal level.

(8) The channel frequency response shall be within a range of ±2 decibels for all frequencies within −1 MHz and +4 MHz of the visual carrier frequency.

(9) The ratio of visual signal level to system noise shall not be less than 36 decibels. This requirement is applicable only to

(i) Each signal which is carried by a cable television system serving subscribers within the Grade B contour for that signal, or

(ii) Each signal which is first picked up within its Grade B contour.

(10) The ratio of visual signal level to the rms amplitude of any coherent disturbances such as intermodulation products, cochannel television signals, or discreet-frequency interfering signals shall not be less than 46 decibels.

(11) The terminal isolation provided each subscriber shall not be less than 30 decibels, except that the isolation between separate television and FM broadcast terminals for the same subscriber shall not be less than 15 decibels.

(12) Radiation from a community antenna television system shall be limited as follows:

Frequencies	Radiation limit (uV/m)	Distance (feet)
Up to and including 54 MHz	15	100
Over 54 up to and including 216 MHz	20	10
Over 216 MHz	15	100

(b) Community antenna television systems distributing signals by using multiple cable techniques or specialized receiving devices, and which, because of their basic design, cannot comply with one or more of the technical standards set forth in paragraph (a) of this section, may be permitted to operate provided that an adequate showing is made which establishes that the public interest is benefitted. In such instances the Commission may prescribe special technical requirements to ensure that subscribers to such systems are provided with a good quality of service.

3. A new § 74.1155 is added to read:

§ 74.1155 Measurements.

(a) Measurements made to demonstrate conformity with the performance requirements set forth in § 74.1121 shall be made under conditions which reflect system performance during normal operations including the effect of any microwave relay operated in the Community Antenna Relay Service (CARS) intervening between pickup antenna and the cable distribution network. Special signals inserted in a cable television channel for measurement purposes should be operated at levels approximating those used for normal operation. Pilot tones, auxiliary signals, and non-television signals normally carried on the cable television system should be operated at normal levels.

(b) When it may be necessary to remove the television signal normally carried on a cable television channel in order to facilitate a performance measurement, it will be permissible to disconnect the antenna which serves the channel under measurement and to substitute therefore a matching resistance termination. Other antennas and inputs should remain connected and normal signal levels should be maintained on other channels.

(c) As may be necessary to ensure satisfactory service to a subscriber, the Commission may require additional tests to demonstrate system performance or may specify the use of different test procedures.

(d) The frequency response to a cable television channel may be determined by one of the following methods, as appropriate:

(1) By using a swept frequency or a manually variable signal generator at the sending end and a calibrated attenuator and frequency-selective voltmeter at the subscriber terminal; or

(2) By using a multiburst generator and modulator at the sending end and a demodulator and oscilloscope display at the subscriber terminal.

(e) System noise may be measured using a frequency-selective voltmeter (field strength meter) which has been suitably calibrated to indicate rms noise or average power level and which has a known bandwidth. With the system operating at normal levels and with a properly matched resistive termination substituted for the antenna, noise power indications at the subscriber terminal are taken in successive increments of frequency equal to the bandwidth of the frequency-selective voltmeter, summing the power indications to obtain the total noise power present over a 4 MHz band centered within the cable television channel. If an amplifier is inserted between the frequency-selective voltmeter and the subscriber terminal in order to facilitate this measurement, it should have a bandwidth of at least 4 MHz and appropriate corrections must be made to account for its gain.

(f) The amplitude of discrete frequency interfering signals within a cable television channel may be determined with either a spectrum analyzer or with a frequency-selective voltmeter (field strength meter), which instruments have been calibrated for adequate accuracy. If calibration accuracy is in doubt, measurements may be referenced to a calibrated signal generator, or a calibrated variable attenuator, substituted at the point of measurement. If an amplifier is used between the subscriber terminal and the measuring instrument, appropriate corrections must be made to account for its gain.

(g) The terminal isolation between any two terminals in the system may be measured by applying a signal of known amplitude to one and measuring the amplitude of that signal at the other terminal. The frequency of the signal should be close to the midfrequency of the channel being tested.

(h) Measurements to determine the field strength of radio frequency energy radiated by community antenna television systems shall be made in accordance with standard engineering procedures. Measurements made on frequencies above 25 MHz shall include the following:

(1) A field strength meter of adequate accuracy using a horizontal dipole antenna shall be employed.

(2) Field strength shall be expressed in terms of the rms value of synchronizing peak for each cable television channel for which radiation can be measured.

(3) The dipole antenna shall be placed 10 feet above the ground and positioned directly below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.

(4) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.

(5) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.

4. A new § 74.1157 is added to read:

§ 74.1157 Interference from a community antenna television system.

In the event that the operation of a community antenna television system causes harmful interference to reception of authorized radio stations the operator of the system shall immediately take whatever steps are necessary to remedy the interference.

5. A new § 74.1159 is added to read:

§ 74.1159 Responsibility for receiver generated interference.

Interference generated by a radio or television receiver shall be the responsibility of the receiver operator in accordance with the provisions of Part 15, Subpart C of this chapter: *Provided, however,* That the operator of the community antenna television system to which the receiver is connected shall be responsible for the suppression of receiver generated interference that is distributed by the system when the interfering signals are introduced into the system at the receiver.

[F.R. Doc. 70-8582; Filed, July 8, 1970; 8:45 a.m.]

[47 CFR Parts 73, 74]

[Docket No. 18893; FCC 70-678]

SUBSCRIPTION TELEVISION AND CABLECASTING

Showing of Sports Events

In the matter of amendment of §§ 73.643(b)(2) and 74.1121 of the Commission's rules and regulations pertaining to the showing of sports events on over-the-air subscription television or by cablecasting; Docket No. 18893.

1. Notice of proposed rule making is given in the above-entitled matter.

2. In a fourth report and order released in Docket No. 11279 on December 13, 1968 (15 F.C.C. 2d 466), the Commission established a nationwide over-the-air subscription television (STV) service and, except for technical standards to govern STV systems, it adopted rules governing that service. A fifth report and order released September 11, 1969 (19 F.C.C. 2d 559), adopted rules containing the technical standards and announced the information required to be submitted in applications for STV authorizations and the manner in which such applications are to be filed. The action of the Commission in establishing the new service was affirmed by the courts (National Association of Theatre Owners, et al. v. FCC, 420 F. 2d 194 (D.C. Cir. 1969), cert. denied, 397 U.S. 922 (1970)).

3. One of the principal issues in this proceeding was whether STV would "siphon" programing from conventional TV so that viewers would in the future have to pay for programs which they were previously able to see without direct charge. Commission concern over this issue was resolved by the adoption of three rules (47 CFR 73.643(b) (1)–(3) (1969)) designed to afford a substantial measure of protection against siphoning while at the same time allowing for some competition for programing and viewing audience between the two services. The Commission did not afford complete protection against siphoning because it was of the view that some competition between the two services might result in improved and more varied fare both for STV viewers and those who continue to rely on conventional television.

4. Two of the rules were designed to prevent the siphoning of feature films and of series type programs with interconnected plot or substantially the same cast of principal characters. The third rule (§ 73.643(b)(2)) was aimed at preventing the siphoning of live sports programs. That rule reads as follows:

> Sports events shall not be broadcast (live over STV) which have been televised live on a nonsubscription, regular basis in the community during the 2 years preceding their proposed subscription broadcast: *Provided, however,* That if the last regular occurrence of a specific event (e.g., summer Olympic games) was more than 2 years before the proposed showing on subscription television in a community, and the event was at that time televised on conventional television in that community, it shall not be broadcast on a subscription basis.
>
> NOTE 1: In determining whether a sports event has been televised in a community on a nonsubscription basis, only commercial television broadcast stations which place a Grade A contour over the entire community will be considered. Such stations need not necessarily be licensed to serve that community.
>
> NOTE 2: The manner in which this subparagraph will be administered and in which "sports," "sports events," and "televised live on a nonsubscription regular basis" will be construed is explained in paragraphs 288–305 of the fourth report and order in Docket No. 11279, 15 F.C.C. 2d 466.

5. The rationale of the rule is that if the viewing public in a community has been seeing certain live sports programs over conventional television in the fairly recent past, then by prohibiting STV from showing them in that community they will continue to be available for viewing over conventional television. On the other hand, if there were no such proscription STV theoretically might be able to outbid conventional TV for the programs and viewers would then have to pay to see what they formerly were able to see without direct charge. Under the rule, however, sports events previously not available on conventional TV, such as "blacked out" home games of a professional football team, could be shown on STV.

6. At recent congressional hearings on STV, several Congressmen and others expressed concern about whether the present sports rule would effectively prevent events now appearing on conventional TV from ultimately being viewed only on STV for a direct charge. (Hearings Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce, 91st Cong., first session, Serial No. 91-37, at, e.g., 25–29, 55, 118–119, 247–254, 303–347, 369–380 (1969).) Several proponents of STV indicated that since STV had no intent to siphon sports programs from conventional TV to STV, they had no objection to making the sports rule more stringent (Id. at 118–119, 247–254).

7. The concern about the 2-year sports rule is mirrored in H.R. 16418, reported out of the Committee on Interstate and Foreign Commerce of the House of Representatives on May 19, 1970 (H.R. Rept. No. 91–1110, 91st Cong., second session) and presently awaiting action on the floor of the House. That bill proposes to amend the Communications Act to provide for the issuance of over-the-air STV authorizations by the Commission under specified restrictions. One of the restrictions is that sports events may not be broadcast in a community over STV if such events were televised live on a regular basis in the community on conventional television during any period in the 5 years preceding their proposed STV broadcast.

8. The doubts about the sports rule stem from the belief that the owner of TV rights of a sports event might be willing to withhold the event from conventional TV for a period of 2 years in order subsequently to reap a bonanza through STV showing of the event. However, those having such doubts appear to believe that such an owner might not wish to withhold an event for a longer period, e.g. 5 years, in order to show it on STV because the loss of revenues for such a period would be too great.

9. When the Commission adopted the rule, it considered such arguments and expressed its belief that such ruses would be avoided by entrepreneurs because of adverse publicity that they would create that could redound to their detriment (e.g., adverse publicity resulting from switching the World Series from conventional TV to STV). It also said that it did not intend to create new markets for owners of television rights of sports events, that it would carefully observe the operation of the rule and take appropriate action to deal with any undesired developments, and that such action might include changing the sports rule standard from 2 to 5 years.

10. The Congressional hearings have furnished helpful information on the question of the efficacy of the sports rule. On further consideration of the matter, we believe it would be in the public interest to amend that rule to make it more effective in precluding possible sports siphoning. If the proposed legislation is passed, it of course will override any Commission rules on the subject. However, if it is not passed, the Commission rules prevail and our new proposal, if adopted, should remove all uncertainty about siphoning of sports events.

11. In taking this action we point out that, among other reasons, we are moved to do so because many of those questioning the rule have spoken in terms of withholding events from conventional TV for a period of 2 years. Actually, under the present rule, it would only be necessary to withhold for 1 year, a fact that makes the position of the doubters even stronger.

12. As indicated in paragraph 4, supra, under the present rule sports events may not be shown live on STV if they have been televised live on a nonsubscription, regular basis in the community during the 2 years preceding their proposed STV broadcast. Note 2 to the rule indicates that the meaning of "televised live on a nonsubscription regular basis" may be found in paragraphs 288–305 of the fourth report and order. Those paragraphs state that sports events must have been shown over conventional TV in the community during each of the 2 years preceding proposed STV broadcast in order to be considered as having been shown "on a regular basis" during the 2-year period. If the events appeared on conventional TV during one of the 2 years but not during the other, they are not considered as having been shown "on a regular basis" and they may be shown on STV.

13. This means that it would only be necessary to withhold sports events from conventional TV for a period of 1 year, rather than 2 years, in order to be able then to show them on STV. If doubts about the efficacy of the rule were expressed by those who thought it would be necessary to withhold the events for 2 years in order to show them on STV, their doubts a fortiori would be even greater with regard to a 1-year withholding period.

14. The rule which we propose today would read as follows:

> Sports events may not be broadcast [live over STV] if such events have been televised live on a nonsubscription, regular basis in the community during any 1 year in the 5 years preceding their proposed subscription broadcast.

Note 1 and Note 2 of the present rule would be carried over and made part of the new rule.

15. As to Note 2, this means that paragraphs 288–305 of the fourth report and order will continue to be used as a basis for administering and construing the rule. For example, we shall still classify sports events as "specific" and "nonspecific"; and we shall still divide nonspecific events into well-defined categories.[1] Hence, it would be possible, under the proposed rule, for STV to televise one category of nonspecific events in a certain sport and not another if one category had been televised regularly during any 1 year in the preceding 5 years and the other had not been.

16. Another example of material in paragraphs 288–305 that would be used in administering the proposed rule is the treatment in paragraph 295 of what constitutes a broadcast of a specific event. As stated there, some specific events consist of more than one game or match (e.g., there are at least four games in the World Series, and there are numerous matches in a specific golf or tennis tournament). Under our proposal, if a substantial number of games or matches (or portions thereof) were shown by a conventional TV station the last time it broadcast the event, it will be considered that the event was televised on a nonsubscription basis. Similarly, the broadcast of an auto race that takes 24 hours, like the Grand Prix at Le Mans, need not occupy 24 hours to be considered as having been broadcast by conventional TV for protection under the rule.[2]

17. We have today, in a memorandum opinion and order in Docket No. 18397 (FCC 70–677), adopted antisiphoning rules governing the showing of programs originated by CATV systems for which there is a per-program or a per-channel charge. Those rules are identical with the antisiphoning rules governing over-the-air STV showing of feature films, series type programs with interconnected plot or substantially the same cast of principal characters, and sports events, inasmuch as the principles of preventing siphoning of programs from conventional television pertain equally to cable and to over-the-air STV.

18. Since the sports rule is thus the same for the two types of service, we are here proposing to amend the sports rule not only for over-the-air STV but for the aforementioned kinds of CATV-originated programs as well.

19. Comments are invited on the proposed over-the-air and CATV sports rule, and on the use of Notes 1 and 2 thereof. It is realized that some of the material in paragraphs 288–305 mentioned in Note 2 will not be pertinent under the proposed rule. Thus, the notion of requiring the televising of an event(s) in each of 2 years in order that the event(s) be considered as having been regularly televised during the 2-year period disappears under our proposal. Comments suggesting possible omissions or changes in the concepts of paragraphs 288–305 will be welcome.

20. Inasmuch as we view the proposal contained in the present notice as noncontroversial (because it appears likely that STV proponents will not oppose a stricter sports rule) we are of the view that relatively short periods of time should be provided for the filing of comments and reply comments. Accordingly, pursuant to the procedures set forth in § 1.415 of the rules and regulations, interested parties may file comments on or before July 31, 1970, and reply comments on or before August 14, 1970. All relevant and timely comments will be considered by the Commisson before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

21. In accordance with the provisions of § 1.419 of the rules and regulations, and original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in this proceeding shall be furnished the Commission.

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[1] Examples of "specific" events: World Series; Super Bowl. Examples of "nonspecific" events: Baseball or football games played during regular season. Example of two categories of "nonspecific" events within same sport: preseason games between professional football teams as contrasted with games played during the regular season.

[2] This proceeding will also consider how to treat, as specific or as some category of nonspecific, certain types of events not explicitly dealt with in the fourth report and order, such as the baseball major-league divisional playoffs which were instituted in 1969 after the issuance of that document.

22. Authority for the amendments proposed herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8581; Filed, July 8, 1970; 8:45 a.m.]

[47 CFR Part 74]

[Docket No. 18891; FCC 70-674]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Diversification of Control

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18891.

1. In the Second Report and Order in Docket 18397, released on July 1, 1970 (FCC 70-673), the Commission stated that it would issue a further notice of proposed rule making and of inquiry in which it would treat several matters, relating to diversification of control of CATV and other media, which were not dealt with in that report and order. Persons interested in commenting on the matters discussed and rules proposed herein are referred to that Second Report for discussion of some of the policies and background pertaining to this notice. See, also, the First Report and Order in Docket 18397, released on October 27, 1969 (FCC 69-1170, 24 F.R. 17651); and the Notice of Proposed Rule Making and Notice of Inquiry in that docket, released on December 13, 1968 (15 FCC 2d 417, 33 F.R. 19028). All Docket 18397 matters relating to diversification of control of CATV and other media which were not disposed of in the aforementioned Second Report and Order are reassigned to this new docket to facilitate Commission consideration of future comments. Interested parties filing comments regarding that subject are directed to limit them to that subject, and to deal with other CATV questions in comments separately filed for consideration in other dockets.

Cross-ownership. 2. In the Second Report, the Commission adopted rules prohibiting cross-ownership of CATV systems, and national television networks or local television broadcast or translator stations.[1] Some of the comments received by the Commission advocated a cross-ownership prohibition extending to local radio stations as well—on the ground that in some respects radio stations are even more competitive with CATV systems than are television stations. Unlike TV, it was argued, radio and CATV are locally oriented, relatively low-cost advertising media; some added that radio-CATV cross-ownership would "reduce the number of 'voices' having proprietary control over the media facilities in the community." On the other hand, several parties thought that local cross-ownership of CATV systems and radio stations should be permitted on the ground that common use of studio facilities, equipment, and personnel would facilitate CATV program origination. The Pennsylvania CATV Association reported that some of its members thought association with a local radio station or newspaper might be helpful, but cautioned against turning cablecasting over to either since they might regard it as just an adjunct.

3. The Commission recognizes the significance of the contention that radio stations and CATV systems are directly competitive in their emphasis on local programing and as low-cost advertising outlets. On the other hand, however, it notes that in many areas a multiplicity of radio "voices" exists; and it is not certain that it would be undesirable to permit program-origination working arrangements between CATV systems and local radio stations. In many cases, a local radio station may be the best available, most experienced source of CATV local-programing assistance.[2] Additional comments on this subject would be welcomed. Thus, we request comment on whether there should be a total proscription (e.g., within the 1 mV/m contour of the FM station or the primary service area of the AM station), no ban, or one tailored to communities having only a small number of AM outlets (e.g., five or less) assigned to them. In this connection, we also request comments on what regulations, if any, would be appropriate with respect to a shared use of technical facilities and personnel between the system and a local radio station.

4. Numerous comments were received concerning cross-ownership of local daily newspapers and CATV systems. In view of the fact, however, that the related question of cross-ownership of newspapers and local broadcast stations is currently under study in another rule-making proceeding, the Commission deems it appropriate to defer consideration of this question temporarily to permit it to weigh both of these newspaper cross-ownership matters at the same time.[3] In the meantime, the Commission would welcome additional comments regarding relations between CATV systems and neighborhood and small-community weekly newspapers in their service areas.

Multiple ownership. 5. In paragraph 24 of the December 1968 Notice, the Commission proposed rule making in the area of multiple ownership of CATV systems. Those opposed to such rules, aside from challenging our jurisdiction, asserted principally that there is no need for multiple ownership rules since all existing CATV systems taken together do not serve nearly as many homes as are served by television stations under common ownership. NCTA, pointing out that the largest multiple CATV owner serves only 231,385 subscribers, urged that rule making be deferred until the largest CATV operator reaches as many homes as are covered by the stations owned and operated by the ABC network. Others asserted that the Commission should not "so perpetuate the shibboleth of localism" as to prevent interconnection on a national basis or prejudice the CATV industry's ability to compete with the telephone company in the provision of other services via cable.

6. We are not persuaded by the argument that multiple ownership rules should be postponed until large-scale CATV operations under common ownership have come into being. While the remedy of divestiture is available, it is far easier and much less disruptive to all concerned to prevent vast chains in the first place rather than to attempt to break them up after they have become established. The comparatively small number of CATV subscribers now served by commonly owned systems may be attributable to the circumstance that CATV operations have in the past been centered in smaller and more remote communities rather than in the nation's larger metropolises—perhaps in part because of the top 100 market provisions of § 74.1107 of the rules. We are now seeking to encourage CATV operations in the larger markets on a basis consistent with the public interest (e.g., with program origination, local signals, and perhaps other

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[3] Commissioners Bartley and Johnson dissenting.

[1] Although the Commission is not at this time favorably disposed toward exemption of noncommercial educational television stations from these cross-ownership strictures, it invites, and will fully consider, further comments concerning the desirability and possible specific provisions of such an exemption. The Commission is, of course, aware that operation of a local CATV system might be financially beneficial to the ETV station. At the same time, however, it desires to provide local television audiences with a multiplicity of separately controlled "voices"; and notes that a CATV system in the same locality is not the only potential source of funds needed to operate an ETV station.

[2] There is also the possibility that local broadcast stations might be among those eligible to make use of common carrier channels on CATV systems to supplement their local broadcast originations.

[3] Some of the parties who filed comments in favor of daily newspaper-local CATV system cross-ownership argued that newspaper ownership of CATV facilities would be essential in the event of a conversion to facsimile delivery of newspapers. This is a matter regarding which immediate Commission comment is appropriate. The Commission is of the view that whatever decisions may be reached regarding newspaper-CATV cross-ownership, CATV operators should not be permitted to deal unfairly with newspapers seeking use of cable facilities for facsimile delivery.

services), and are hopeful that such entry will soon become common. We have adopted rules to facilitate CATV construction in major cities and to expand CATV service areas through the use of microwave radio. Report and Order in Docket No. 18452, FCC 69–1241 (released Nov. 14, 1969). Since large-scale CATV operations may well be imminent, we think that the ground rules on multiple ownership should be established now, when little or no divestiture may be necessary.

7. The contention that multiple ownership rules might prevent national interconnection of CATV systems for network operations or prejudice the provision of other services via cable also seems to lack merit. As previously emphasized, we are against any restrictions that might preclude interconnection of CATV systems on a national or regional basis or CATV network operations. Moreover, we are exploring in part V of this proceeding the possibility that the cable technology might be utilized to provide other services to the public on an inter-connected basis, either in competition with or supplementary to services that may be provided by the telephone companies, including the question of how best to achieve diversity of ownership and/or control. However, we see no reason to conclude that common ownership of all the facilities is essential to such operations. The broadcast networks do not own all or even a major portion of the broadcast and common carrier facilities used in their network operations. Nor is there any apparent reason why any common carrier services that might be provided via interconnected CATV cable would necessitate common ownership of the facilities and/or carrier in each locality. In the event that some good reason should appear when such common carrier operations materialize, the Commission could reexamine the appropriateness of the multiple ownership rules. The only CATV activity (apart from carriage of broadcast signals) presently facing us is program origination, and for that purpose we think that limitations on multiple ownership would serve the public interest.

8. In view of the absence of helpful suggestions in the record before it as to the precise nature of the limitations that might be appropriate, the Commission has undertaken to formulate specific proposed standards in the first instance. The proposed standards set forth below are tentative only, and, indeed, are stated in alternative forms, so as to stimulate comment. It is hoped that they will lead to constructive counterproposals and helpful suggestions from the public as to appropriate modifications or refinements. Since we anticipate that the record as supplemented pursuant to this further notice will afford a basis for the adoption of definitive rules, parties are advised to give full treatment to any counterproposals in their reply comments.

9. The Commission's first proposal as to multiple ownership of CATV systems is as follows:

(a) For the purposes of this proposal—

(1) Where a CATV system (including all parties under common control) directly or indirectly owns, operates, controls, or has an interest in other CATV systems within the same SMSA (Standard Metropolitan Statistical Area), as defined by the U.S. Census Bureau, all of the related CATV systems within the same SMSA shall be collectively viewed as one system; and

(2) Systems with fewer than 1,000 subscribers need not be counted.[4]

(b) No CATV system (including all parties under common control) shall be permitted to carry the signal of any television broadcast station if such system directly or indirectly owns, operates, controls, or has an interest in more than 50 CATV systems, of which—

(1) No more than one may be located within the top three SMSA's;

(2) No more than two may be located within the top 10 SMSA's;

(3) No more than three may be located within the top 25 SMSA's;

(4) No more than four may be located within the top 50 SMSA's;

(5) No more than seven may be located within the top 100 SMSA's;

(6) No more than 10 may be located within adjoining States; and

(7) No more than five may be located within the same State, only one of which may be located within a top-100 SMSA.

(c) Where the CATV system (including all parties under common control) owns, operates, controls, or has an interest in more than one television broadcast station or more than two AM or FM stations or more than two newspapers, the maximum number of CATV shall not exceed 25, and the maximums within SMSA's and States are—

(1) No more than one within the top 10 SMSA's;

(2) No more than two within the top 50 SMSA's;

(3) No more than four within the top 100 SMSA's;

(4) No more than five within the same State or adjoining States; and

(5) No more than one within a top-100 SMSA in the same State.

10. In the alternative (or as a companion provision), the Commission proposes that—

(a) No CATV system (including all parties under common control) shall be permitted to carry the signal of any television broadcast station if such system alone, or together with other CATV systems which it directly or indirectly owns, operates, controls, or has an interest in, serves more than 2 million subscribers: *Provided, however,* That—

(b) Where such a system, or group of systems, has acquired that number of subscribers, it may increase its roster of subscribers up to an additional 10 percent—but only within the communities which it already serves. (The purpose of this proviso is to avoid a situation in which a group of systems, having reached an arbitrary limit nationwide, would be prevented from extending service to residents of a community in which it already is operating. The additional leeway of 200,000 should give ample opportunity to avoid such a situation—and to provide time for voluntary divestiture of systems and their subscribers in certain communities in order to permit further expansion in others.)

11. We stress again that the foregoing proposals are put forth as a starting point to stimulate concrete suggestions as to a specific standard, and may be modified in light of information submitted as to existing ownership patterns—information which we now lack in large part. Thus, in the first alternative proposal, the number might be 75 or 100 instead of 50. It is contemplated that notes similar to those contained in the local cross-ownership rules adopted in the Second Report would be appended, defining the terms "control," "interest," and the kind of stock ownership that must be considered in corporations with more than 50 stockholders. We raise again the question of whether there should be divestiture of systems to achieve compliance with any rules adopted and, if so, what kind of grace period should be afforded.

12. The rules adopted in the Second Report prohibited television broadcast networks from having cross-ownership interests in any CATV system, no matter where located within the United States. However, the Commission would be willing to explore in these further proceedings the question of whether successful CATV network cablecasting operations would hinge on ownership and operations of CATV systems, particularly in the Nation's largest cities. It is our tentative belief that such ownership and operation is not fundamentally necessary to network operations, which may be conducted through affiliation with independently owned systems. To the extent that it is claimed that CATV system ownership would facilitate experimentation and innovation in program production, it would appear that CATV networks could accomplish this within the framework of the proposed multiple ownership provisions set forth in paragraphs 9 and/or 10 above. We are proposing to make such provisions applicable across-the-board to CATV networks as well as others. Interested parties urging a more lenient standard for CATV network owners should support their position by a substantial showing of need.

Conclusions. 13. We have, in part, characterized this document as a notice of inquiry because, aside from the specific rule-making proposals herein, we seek to elicit from all interested persons information and suggestions as to whether other CATV-ownership patterns warrant consideration under the public interest standard (e.g., ownership of CATV systems by microwave carriers, CATV-equipment manufacturers, national news magazines, advertising agencies). Persons submitting comments in this respect should set forth all pertinent

[4] We note that the record in this proceeding reflects that almost 70 percent of all existing CATV systems had fewer than 1,000 subscribers in 1969. However, we raise the question of whether the exemption for systems to be counted should not be 3,500—the number selected for mandatory origination.

information which they have in support of their views. Since we have here reached no conclusions, even of a tentative nature, we are advancing no rulemaking proposals but rather are facilitating a broad-ranging inquiry to determine whether there are further problems.

14. Authority for the rule making proposed herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 308, 309, and 403 of the Communications Act. All interested parties are invited to file written comments on such proposals on or before October 7, 1970, and reply comments on or before October 28, 1970. In reaching its decisions in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this Further Notice.

15. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission.

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8584; Filed, July 8, 1970; 8:45 a.m.]

[47 CFR Part 74]

[Docket No. 18892; FCC 70-675]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Federal-State or Local Relationships

In the matter amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the community antenna television systems fields; and/or formation of legislative proposals in this respect; Docket No. 18892.

1. This notice concerns the Federal-State or local relationships in the CATV field. While it thus raises very significant issues separate from those in the second further notice in Docket No. 18397-A issued this day, some of the questions raised relate importantly to the alternative proposal set forth in that second notice. We shall first describe the general background to the Federal-State or local relationships in the CATV field, the larger issues posed, and then turn to a specific issue raised by our alternative proposal in that second notice (i.e., the local franchise fees).

2. The question of Federal-State relationships in the cable area have continued unresolved for several years. Thus, for example, when the Commission asserted full regulatory jurisdiction over cable and adopted the second report and order it stated that:

> Finally, Congress will be asked to consider the appropriate relationship of Federal to State-local jurisdiction in the CATV field, with particular reference to initial franchising, rate regulation, and extension of service. Paragraph 153 (iv), Second Report and Order.

To date, no legislative resolutions of these issues have been reached. When the Commission inaugurated the present proceeding, it again discussed the general question of Federal-State relations (paragraph 21, et seq.) and requested comment on the following questions: [1]

> 10. What should be the division of regulatory functions between Federal and State or local authorities with respect to the local communications system or systems, e.g., construction of facilities, terms and conditions of access by those offering communications services, services and charges to the public, licensing, etc.?
>
> (a) Which aspects of the local system or systems would require uniformity and centralized regulation or would be important to the effectuation of national communications policies, which aspects would be primarily of local concern and appropriately subject to State or local regulation, and which aspects might better be left unregulated?
>
> (b) What amendments to the Communications Act of 1934 might be necessary or desirable to effectuate the public interest and national communications policies in this area?

3. Two recent court cases, taken together, invite early efforts to clarify State-Federal relations in the CATV field. First, the recent conclusion of litigation in the TV Pix case [2] affirmed the right of the State of Nevada to regulate aspects of CATV operation which this agency has not acted to preempt. And it is our understanding that a number of other States have either enacted or are now considering the enactment of legislation providing for varying degrees of CATV regulation.[3] Second, in Wonderland Ventures,[4] the Sixth Circuit recently held that a CATV franchise which required payment of a franchise fee based on gross receipts was invalid. Although it is possible that litigation in the Wonderland Ventures proceeding is not concluded, it appears desirable to focus on this decision's possible implications for the Commission without further delay.

4. As further background, we note that actions have been taken in the cable field without any overall plan as to the Federal-local relationship. Thus, we have acted initially on the impact of CATV on the Commission's television allocation plan (e.g., carriage and nonduplication; major market-distant signal policy; leapfrogging, etc.). We have later focused on the cable origination issue, and, in doing so, also resolved the related issue of commercials on the origination channel. This action had the effect of superseding any contrary local regulation (see In re Clarification of CATV First Report, 20 FCC 2d 741 (1969)). We have also acted to impose fairness, equal opportunities, and sponsorship identification requirements. On the other hand, there is also local regulation in this area of CATV origination, so the matter is somewhat a confused, gray area. With respect to choice of the CATV operator on the basis of his character and the nature of his proposal, areas to be served, and services and charges to the public, local authority has been the sole regulating entity.

5. We note that we have left the above areas to local regulation on policy rather than legal grounds. Thus, in paragraph 22 of our December 13 notice, we specifically requested comments on whether, in instances where there need be no local franchise consideration, Federal consideration is not then appropriate. On our authority to proceed in this fashion, we cited sections 2(a), 3 (b), (d), and (e) and section 301 of the Communications Act. Clearly, if we have the authority to act on the foregoing bases, that authority can be exercised whether or not there is a local regulating entity. The matter thus turns on policy, not legal, considerations.

6. In light of the foregoing, there appear to be three main approaches to the Federal-local relationship:

(i) Federal licensing of all CATV systems on the above cited bases. Obviously, for this approach to be effective, considerable resources would have to be made available to this agency.

(ii) Federal regulations, enforced by section 312(b) proceedings (see also sections 401(b), 502). This is in effect the aproach which we have been following. It is effective in many areas, but clearly has limitations.

(iii) Federal regulations of some aspects, with local regulation of others under Federal prescription of standards for local regulators. This approach recognizes that although practical considerations argue in favor of leaving important aspects of cable regulation to State and local government, cable is nonetheless an integral part of the interstate movement of electronic communications. United States v. Southwestern Cable Co., 392 U.S. 157 (1968). In these circumstances, it is appropriate for this agency to establish uniform or minimum standards to which local actions must conform. For example, the Commission is promoting cable origination. Clearly, the cable

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[5] Dissenting statement of Commissioner Robert E. Lee and concurring statement of Commissioner Johnson filed as part of original document; Commissioner Cox concurring in the result; Commissioner Wells dissenting.

[1] While these questions were posed in part V, which goes to the possibility of services broader than program distribution, they are also pertinent to CATV operations as presently constituted and as proposed in this further notice.

[2] TV Pix, Inc. v. Taylor, 304 F. Supp. 459 (D. Nev.), aff'd., —— U.S. ——, 38 U.S.L.W. 3285 (U.S. Feb. 2, 1970).

[3] We note that the Ad Hoc Committee on CATV Regulation of NARUC recommended a "Model State CATV Regulatory Surveillance Act" to its Executive Committee on Feb. 25, 1970. On the other hand, the "NCTA Membership Bulletin" of May 19, 1970, reports that the NCTA's board of directors has "endorsed in principle federal preemption of the field of CATV regulation consistent with the orderly growth of the cable television industry."

[4] Wonderland Ventures, Inc. v. City of Sandusky (Cases Nos. 19436-37, U.S. Court of Appeals for the Sixth Circuit, decided Mar. 26, 1970). But see, Illinois Broadcasting Company v. City of Decatur, 238 N.E. 2d 261 (Ill. App. 1968).

operator should be one of good character, who is serving equitably the areas in his community, or the origination requirement of this agency will be undermined to a great degree. It follows, as we stated in paragraph 22 of the December 13th notice, that the local entity should focus on these matters (e.g., the legal, technical, financial, and character qualifications of the franchise applicant; the area to be served; the showing as to plans or arrangements for pole line attachments with a public utility or arrangements with a common carrier or other appropriate feasibility plans; the reasonableness of the rates to be charged; the quality of service and repair in specific areas, etc.). Under this approach, these matters would remain with the local entity, but it would certify to this agency, prior to our authorizing the use of broadcast signals as the base of CATV operation, that it had considered them. Further, there could be specifications by this agency of a program of continuing regulation by the local entity of such matters as rates, repair services, expansion timetables.

7. It appears to us that this third approach has considerable merit, and we therefore request comment on what regulation or standards should be adopted as applicable to local regulation (see above paragraph for list of example areas; see also paragraph 8, infra.[5] We recognize the need to consider the more comprehensive (but less frequently encountered) State regulatory efforts in this field and shall cooperate fully with State agencies and their representatives (NARUC).[6]

8. There is one specific area which merits special comment because of its relationship to our alternative proposal described in the second further notice issued this day. That is the area of local franchise fees (i.e., a stated percentage of the gross proceeds from monthly charges). The recent court decision invalidated such charges as an unconstitutional gross receipts tax on interstate commerce (see paragraph 3). We do not, of course, comment on the merits of that matter. However, we do note that the alternative plan places added financial burden on the CATV system in order to promote ETV. Further, the purpose of the plan is to expand the use of CATV in order to obtain marked benefits to the public interest. These aims could be frustrated or not fully achieved by local franchise fees. In line with this analysis and the general approach noted in paragraph 6, it seems to us that the question of setting a maximum percentage for local franchise fees is an area where we should set standards. Such a proposed maximum fee is no more than 2 percent of a CATV system's gross revenues. We recognize that some communities have bargained for larger percentages of receipts. These arrangements could be grandfathered if not in the core city of the 100 largest markets.[7] As to such CATV operations, we note that with this plan, we are greatly facilitating the expansion of the system, with resultant greater revenues; thus, 2 percent of this expanded system is far more valuable to the city than 7–9 percent of either no system or a much reduced one. We stress again that the proposal is not designed to withdraw revenues from franchising authorities but rather to strike a balance which permits the achievement of the Federal goals and at the same time substantial revenues to the local entities.

Conclusion. 9. Authority for the further rule making proposals set forth herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, and 403 of the Communications Act. Parties are asked to comment on areas where they believe we lack authority to act, so that congressional action would have to be sought.

10. All interested persons may file comments on the revised rule making proposals set forth above, on or before October 7, 1970, and reply comments on or before November 23, 1970. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this further notice. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in this proceeding shall be furnished to the Commission. In view of the relationship of the matter discussed in paragraph 8 to the alternative plan in the second further notice issued this day, we call the attention of persons interested in commenting on the matter in paragraph 8 to paragraph 21 of the second further notice.

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8580; Filed, July 8, 1970; 8:45 a.m.]

[5] Another example area is that of preventing "over-building", i.e., duplicative construction of CATV systems in circumstances where it does not serve the public interest. See petition for rule making, filed May 12, 1970, by General System operating companies. There is an issue here not only of substance but also of Federal-State or local relationship.

[6] Our proposals herein and in the second further notice are directed toward CATV operations consisting solely of television program distribution, cablecasting and other services of the kind discussed in this further notice. They do not go to the possible future use of CATV cable for other communications services (e.g., as a local outlet for communications satellite systems or terrestrial interstate microwave systems) suggested in part V. The appropriate regulation of such activities is a matter to be considered when and if they come into being.

[7] We request comment on the extent and nature of any grandfathering in this area.

[8] Dissenting statement of Commissioner Bartley and concurring and dissenting statement of Commissioner Cox filed as part of original document; Commissioners Robert E. Lee and Johnson concurring in the result; Commissioner Wells dissenting.

[47 CFR Part 74]

[Docket No. 18397-A; FCC 70-676]

COMMUNITY ANTENNA TELEVISION SYSTEMS

Development of Communications Technology and Services

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals; Docket No. 18397-A.

1. On December 13, 1968, the Commission issued a Notice of Proposed Rule Making and Notice of Inquiry in Docket No. 18397, 15 FCC 2d 417, 33 F.R. 19028 (1968), wherein it inaugurated general inquiry into its appropriate regulatory posture vis-a-vis the emerging CATV industry. By design, this inquiry was intended to present in one proceeding the major CATV policy issues then confronting the Commission, and interested parties were advised that the Commission would manage the docket flexibly so that "further notices expanding or altering the scope of this Rule Making and Inquiry may subsequently be issued as necessary or appropriate," paragraph 3, supra. Since then, the Commission has heard oral argument in this proceeding;[1] has issued interim procedures;[2] has reconsidered and clarified its action[3] and has taken some substantive actions.[4] With these steps taken, it seems appropriate to utilize the flexibility retained in the ordering of this proceeding to raise for present consideration matters which have occurred since inauguration of the proceeding. We therefore now propose further rule making to encompass an alternative to our outstanding proposals for distant signal operation, and to affect the existing relationships between the Commission and State (or local) authorities.

2. The problem of CATV operation with distant signals in the major markets has been a difficult and complex one. It would serve no useful purpose to repeat the discussion in the Commission's second report and order in Docket No. 14895, etc., 2 FCC 2d 725 (1966) or in the notice of proposed rule making in Docket No. 18397, paragraphs 32–54, 33 F.R. 18977, 19033–036. The essence of the Commission's proposal in 18397 is found in paragraphs 35, 36, and 38, and may be shortly stated as follows: The competition between the stations in these

[1] Order in Docket No. 18397, FCC 69-54, —— FCC 2d —— (1969); Order in Docket No. 18397, FCC 69-4, —— FCC 2d —— (1969).

[2] Memorandum Opinion and Order in Docket No. 18397, FCC 69-515, 22 FCC 2d 589 (1969).

[3] Further Notice of Proposed Rule Making in Docket No. 18397, FCC 69-516, 22 FCC 2d 603 (1969).

[4] Public Notice Concerning CATV Reporting Forms (issued Feb. 19, 1970), FCC 70-193; First Report and Order in Docket No. 18397, FCC 69-1170, 20 FCC 2d 201 (1969).

markets (particularly the new UHF) and the proposed large-scale CATV operations is unfair, because CATV presently stands outside the competitive TV program distribution market; the experience gained in the hearing process indicates that CATV operating with distant signals can achieve significant penetration in the major markets and therefore the unfair competition of CATV will be a significant factor in the development or healthy maintenance of UHF service; the simplest way to eliminate this element of unfair competition is by adopting a rule permitting importation of distant signal programing only when the CATV has obtained retransmission consent of the originating station (i.e., a rule paralelling section 325(a) of the Act). The Commission invited some interim tests of its proposal; it also acknowledged the pendency of Congressional action on copyright and stated that it would not take action in this area "until an appropriate period is afforded to determine whether there will be Congressional resolution of this crucial issue of unfair competition, with indeed Congressional guidance in this whole field" (paragraph 40, notice).

3. The Commission thus invited the CATV industry to engage in a test to determine the efficacy of CATV operation in a major market, providing excellent reception of local signals (particularly useful as to color and in some homes UHF), automatic services (e.g., news, time, weather, stock ticker), and programing procured by the CATV by entering the competitive TV programing market (either by outright origination or by retransmission consent). The industry has been uninterested in such a test.[5] It would appear to be the view—and certainly the preference—of the industry that expansion of cable within the core cities of major markets be based upon the availability of distant signals for carriage on the systems. Consequently, the industry has focused its efforts on reaching accord with the other interested groups, and failing that, on the passage of legislation which will make such signals available to it to a significant extent. In line with the representation in paragraph 40 of the notice, the Commission also has not acted on its outstanding proposal but rather is waiting to see whether there will be legislative guidance in this area. We thus have not completed the analysis of the comments received in Docket No. 18397 on the retransmission proposal, and that proposal remains open.

4. The purpose of this notice is to explore also an alternative proposal in this distant signal area—one which is based upon a different approach and goal. The approach of the retransmission proposals is to "fence in" these markets against the unfair competition of ordinary CATV operation with distant signals. The approach protects the UHF station against this unfair competition, but it does not affirmatively promote the development of the UHF station. The question which we seek to explore in this further notice is whether there is an approach to this distant signal problem which will affirmatively assist the elements of broadcasting most requiring aid—the independent UHF station and the public broadcasting system (ETV), and will do so in a way which can be fair to the copyright owner and will not undermine the healthy operation of all other stations in these markets. We shall discuss the alternative and these facets below.

5. The essence of the proposal is that CATV systems in the top 100 markets,[6] in addition to local signals, may carry four distant independent signals,[7] but will be required to delete commercials from the independent distant stations they carry [8] and replace them with commercials provided by the local stations [9] as follows:

(a) If there are independent UHF stations in the market, the commercials provided by these stations will be substituted.

(b) If there are no independent UHF stations in an intermixed market, the commercials of the UHF network affiliates will be substituted.

(c) In all VHF markets or all UHF markets, after a period of 2 years to permit applicants for the new UHF stations time to obtain permits, the commercials of all the local stations will be substituted.

(d) Any local station, upon special showing of a threat to its viability or its ability to adequately serve the public, will also be given the right to provide their commercials for substitution. The station need not wait for impact resulting from CATV to seek such relief, but may do so at any time, by the submission of an appropriate detailed showing.

Any procedure for commercial insertions in the distant signals will be satisfactory if agreed upon in writing by those local stations involved in supplying commercials for substitution.[10] Under the proposal, CATVs may carry any number of distant noncommercial educational stations if no objection is made by the local educational licensee or permittee at the time he is informed of the system's intention to carry the distant stations. Upon request of such licensee or permittee, the CATV would, at its own expense, delete appeals for funds on distant stations and substitute appeals provided by the local entity.

6. The latter, however, is not the real benefit which we foresee for ETV. As a condition for making use of the TV system in this fashion, the CATV system would make a contribution to public broadcasting. Specifically, we propose that CATVs importing any distant stations under the proposed plan, pay 5 percent of their subscription revenues quarterly to public broadcasting. This amounts to about $3 per year per subscriber or $30 million for every 10 million subscribers. It would thus contribute significantly to the growing needs of public broadcasting, and would complement the other Federal and non-Federal efforts in this vitally important area.[11]

It should be noted, however, that the Commission does not consider these payments to be an alternative to or replacement of a permanent financing plan for public broadcasting.

7. The proposal would thus clearly benefit ETV. It would also assist UHF

[5] Retransmission consent has been supplied to CATV operators and approved by the Commission on a limited basis in two proceedings. Tri-Cities Cable TV, Inc., FCC 70-394, —— FCC 2d —— (1970); Top Vision Cable Company, FCC 69-895, 18 FCC 2d 1051 (1969).

[6] We propose to use the definition set forth in the December 13th notice—100 designated markets and the 35-mile zone. Parties are free to comment on other proposals (e.g., top 100 markets defined by ARB; top 100 SSMA's, as defined by the U.S. Census Bureau).

[7] In addition, we raise the question whether in markets which do not have three full network affiliates, CATV should be allowed to carry the "missing" affiliate from a distant market. The figure four is used tentatively for the rule making proposal. The principle will be to give the CATV sufficient distant independent signals to permit the success of its operation in the major markets, and at the same time take into account the matter of undue impact on the local stations not participating in the commercial substitution plan. Thus, any figure selected could be increased or decreased on the basis of later experience.

[8] It is contemplated that the CATV could bring in four nonnetwork signals at one time, without regard to their nature (i.e., including the signals of network affiliated stations during their nonnetwork periods). The above deletion thus extends to the nonnetwork portion of any distant network affiliates carried. The plan does not affect network programing; the local network affiliate would continue to receive the important carriage and nonduplication protection.

[9] We request comment on the appropriate definition of the term, "local station" (e.g., the system is within the 35-mile zone of the community to which the station is licensed).

[10] In the absence of such agreement, the following procedure is proposed to make an equitable distribution: The number of distant signals will be divided equally among the eligible local stations in the market, with the local stations rotating the order of choosing distant signals each year; the first choice of any remaining distant signals will go first to the local station with first choice, second to local stations with second choice, etc. For example if local stations A, B, and C are to divide four distant signals, in the first year A will choose the first signal, B the second, C the third, and A the fourth. In the second year, B will choose first, C second, etc., and in the third year, C will choose first, A second, etc. (If not enough distant signals are being brought in to provide a channel of commercial substitution for each UHF station, another equitable arrangement, such as rotation on a daily basis, may be employed.) The order of choice for the starting year will be determined by the highest 30-second time charge in the station's published rate card in effect on September 1 last—the station with the lowest rate will have first choice, second lowest second choice, etc.

[11] The 5-percent payment could go to the Corporation for Public Broadcasting which could in turn distribute one-half to the local ETV station, if there were one. We ask for comment on this. We also request comment on whether systems below a certain subscriber level (e.g., 2,000 or 3,000), even though located in the top 100 markets (the ETV-payment proposal is limited to systems in such markets), should nevertheless be exempted.

stations, particularly independent UHF stations, which are presently handicapped in their competition with VHF and as a result cannot adequately serve their public. In CATV homes, under this proposal, not only does the local UHF station have equivalent tuning and reception with VHF, but, more important, it has the commercial time to sell on the independent distant stations being carried, thus more than offsetting the audience fractionalization due to competition of distant signal.[12] This should provide a significant boost to the UHF station at this critical juncture in its development. There is no unfairness to the distant stations being carried, since they are licensed to serve their own communities and not distant cities. Indeed, to the extent that local commercials are involved, commercials for advertisers located in the CATV's market would be more relevant for CATV subscribers than those of distant stations, and thus, the proposal both makes sense and serves the public interest in this respect.

8. We have considered the possibility that the proposal will not really promote UHF broadcasting because the UHF licensee, benefiting from commercial substitutions, might concentrate on selling advertising on the distant stations' programs, pocket the additional income and maintain a minimum of programing on a low-power UHF station. We doubt that this will in fact occur under the plan, if it is implemented. The UHF must maintain a sales staff, and with proper use of the staff, he can obtain access to the very large non-CATV audience; we note that the CATV audience will be quite small in the beginning years, so that a UHF operator so proceeding would encounter serious financial difficulties during these years. Also, the selling costs and switching costs do limit the additional income from the CATV. See paragraph 10, infra. In any event, if experience shows that there is a problem in this respect, it can be remedied by a number of devices (e.g., requiring a higher power, tall antenna UHF operation, etc., within a certain number of years as a condition of continuing the commercial substitution privilege; redistributing the commercial substitution privileges to other local stations in the market, etc.). Indeed, after the passage of time, the plan would of course be subject to reevaluation, and possibly the other local stations would be allowed some participation in the commercial substitution arrangement, if the UHF stations were then on a solid footing. However, we stress that our goal is the promotion of UHF (with similar protection for any VHF requiring special treatment).

9. This does not mean that we are indifferent to the healthy maintenance of the VHF broadcasting. We fully recognize the great benefits to the public from such operation. We make this proposal because it is our tentative judgment that it would not have an impact upon VHF broadcasting of such nature as to impair its ability fully to serve the public. There is, we believe, a correlation between revenues and that service; indeed, that is the premise of all our actions and proposals in this field. But the number of signals to be brought in is limited, and the CATV audience is also limited. From present experience, we believe that the VHF station in the larger markets can easily take in stride a reduction in audience, such as would be caused by the importation of the four signals. As one goes lower in the markets, a problem can arise as to some stations, in light of the financial data now before us; such stations can, however, be accommodated by being participants in the commercial substitution arrangement. Indeed, unless and until new UHF stations begin operations, the proposal would have little adverse impact on VHF stations in roughly half the top 100 markets, where there are now only three VHF stations operating; while their audience would be fractionalized, the commercials on the system would be theirs (see paragraph 5(c)).

10. One important purpose of this notice is to explore the technical feasibility of the commercial substitution arrangements, their costs, and who should bear those costs. New technology may be particularly useful here. Thus, to facilitate substitution of commercials, an electronic code could be inserted by the distant television stations being carried, which would signal the interruption and the total number of seconds of such interruption. An automatic switching device could then substitute local commercials of total lengths equal to the interruption time. Once the demand for such automatic switches is created, manufacturers would, we believe, be eager to develop and produce them. As to costs, our present view is that the cost of the switching and related equipment should be borne by those stations which benefit from the commercial substitutions.[13] If so, we would expect that as new CATVs are constructed in major cities, the local stations would arrange for commercial substitution only when the subscriber count was high enough to warrant advertiser interest. (We note that up to that point there is no serious impact on local audiences). However, we specifically call for comment on whether the CATV system should not be called upon either to bear the costs or, else to share them substantially. Further, we request comment on another important aspect—the technical method, costs thereof, and allocation of costs, when the stations must deal with many systems in their area with different head-ends. Can the systems and the stations reach cooperative agreements, so that common signals and centralized switching (perhaps at the UHF station) can be utilized? If so, what are the techniques, the costs, and who should bear them in these circumstances?

11. There is also the issue of fairness to the copyright owners. This, however, is not a matter which can be resolved by this Commission. Only the Congress can impose what it believes to be fair compensation in the circumstances. Our concern here is therefore the narrow issue whether the proposal is defective in that the copyright owner cannot be treated fairly thereunder. We have studied the question in that light, and have tentatively concluded that there is no bar in this respect. To be of assistance to interested parties, we have set forth in Appendix A[13a] a rough staff analysis of the matter. Since the issue is whether a formula can be devised to treat the copyright owner fairly—and not the precise nature of that formula (a matter for the Congress)—the assumptions made in this rough analysis are not critical; where revision is shown to be called for, the formula can be reworked to reflect those revisions. We recognize that in a number of respects, rough estimates must be made. That is usually the case in difficult, complex matters such as this. It appears to us that because precise predictions are not possible does not mean that all proposals or solutions are ruled out. Action often must be taken on the best rough estimates or predictions possible, if the public interest is to be served. Further, there can be provision for subsequent periodic revisions, in light of experience gained (see, e.g., S. 543).

12. As stated, the matter is one for the Congress. If Congress so desired, there could be a small, flat payment for carriage of all local signals or a specified payment of a bed-rock group of signals (e.g., local and if missing, the three networks and a designated number of independents or one such independent—see, e.g., the provision now in S. 543), with a charge for each additional distant signal carried (and appropriate exemption for the small system, not multiply owned). Parties are free to comment on the matter, and we shall take into account such comments in focusing on the narrow issue posed in the prior paragraph and also in formulating any views given Congress at its request. However, the arena for definitive resolution of the issue remains the Congress, not this agency.

13. This means that the proposal must dovetail with legislation. See paragraph 4, Appendix A.[13a] We believe that this is eminently desirable. As we have stated on several occasions, the matter is one of great importance in the communications field, warranting congressional consideration. We welcome that consideration and guidance.

14. Brief mention should be made of some other aspect of the proposal. The carriage and same day nonduplication requirements would continue. Some alternatives to presently outstanding

[12] The commercials could be specifically designed for use on the CATV, and thus need not be the same as those presented over the UHF stations. There are a number of methods which could be followed by the UHF.

[13] To the extent that coding on distant signals is involved, the costs clearly should be borne by the parties benefiting therefrom (the CATV and/or the stations substituting their commercials); we again request comments both on techniques, costs, and who should bear the costs.

[13a] Appendix A filed as part of original document.

proposals will be considered. As to leapfrogging, the alternative would be that of the four distant signals, at least two be in-State. In this way, the system will have complete flexibility as to two signals, while two in-State signals will have available political broadcasts (e.g., Governor, Senator), controversial issue programing, etc., of interest to the CATV community. We also raise the issue whether the commercial substitution arrangement could be appropriately employed instead of the proposed overlapping market concept (proposed § 74.1107(c)) (e.g., commercials of higher grade signal substituted for those of lower grade signal, at the expense of station benefiting or the CATV system, or joint sharing of the costs). As to systems now operating in the top 100 markets, it is proposed that they be grandfathered in their present discrete areas (with copyright payments to be made as decreed by the Congress); if they expand trunk lines into new areas, they will fall within the above proposal as to such expanded operations.

15. In the markets below the top 100, CATV systems would not only be grandfathered, but they could expand with present signals. As stated, the question of the copyright payment and exemption for small systems is one for the Congress. We do raise the issue whether if systems in these small markets add new signals or commence operation in a new community, they should be permitted to bring in any missing network and a total of four distant signals, but with substitution of commercials on the independent signals (at the expense of either the system or the local station or stations, or a joint sharing of costs—a matter on which we request comment—cf. paragraph 10, supra). The alternative leapfrogging proposal in these markets would be that the network signals carried be in-State and at least two of the independent signals be in-State (if there are such signals).

16. We have been referring to the contribution which the proposal might make to the public interest through promotion of UHF and ETV. There is, of course, a third benefit—the contribution of the CATV system itself. It provides excellent reception of local services. In some communities it will bring in a significant amount of programing not available; in others it can enable the viewing of some programing at times different and more convenient than available over the local channels. It will provide the diversity of a new channel of programing, in light of our local origination requirement in the first report and order in Docket No. 18397. Indeed, we raise the question whether the CATV system in the core city of one of these markets, when it reaches a specified size (e.g., 10,000 subscribers) should not be required to program this channel a designated minimum number of hours (e.g., 21 hours a week), with a specified percentage of this minimum to be of a local nature).

17. There are further benefits made possible by facilitating the expansion of CATV in these markets. In light of the effort which is now being undertaken to expand the availability of CATV service, we believe it appropriate also to begin to play a greater role in shaping CATV's future capacity to serve the public's interest. With this in view, the Commission has now accepted the principle that it must make an effort to insure the development of sufficient channel availability on all new CATV systems to serve specific recognized functions. These functions are, in addition to the local origination channel referred to above:

(a) Local government channel. At least one channel for use without charge by local governments and for free political broadcasts during primary and general elections.

(b) Local public access channels. In order to facilitate further presentation of views, cable systems will be required to make channel time available on one or more channels at no cost to local citizens and groups which are not engaged in programing for advertising revenue, but which desire to present views on matters of concern to them.

(c) Leased channels. Cable operators would make available to third parties, either permanently or on a one-shot basis, channels for commercial operation by the third parties.[14]

(d) Channels devoted to instructional uses (e.g., courses conducted for students either by or in coordination with public or private institutions; instruction by professional groups for their members (doctors, engineers, etc.); lectures). We ask for comment on the number of such channels (e.g., a specified number; a percentage of the system's capacity).

The Commission seeks to insure that channels can be made available for these functions and for other functions likely to develop in the future by requiring that new systems be constructed with specified minimum channel capacity.[15] However, we also request comment on whether it is appropriate to specify such uses of channels along the foregoing lines, in connection with the adoption of the proposal here under consideration. Thus, whatever the channel capacity of a system operating in one of these large markets, we propose that it be required to set aside a specific number of channels for each of the above purposes, cablecasting, and of course, the carriage of local signals; after fulfillment of these requirements, the system could then import distant signals and provide automatic services. A further proposal upon which we request comments is to require the 20-channel (and larger) system to provide no less than 50 percent of its channels (on a when demand basis) for the purposes specified in (a)–(d), above. These proposals are geared to initial systems in these large markets; there would of course be future standards under which operators would be required to install systems adequate to satisfy whatever the demand for channels might be. See notice issued this day on technical standards.

18. We believe that we have sufficiently described the alternative proposal to permit useful comment thereon. We stress that it is just that—a proposal which must pass the test of scrutiny and analysis in this rule making process. If feasible, it appears to hold great promise for the public interest, and therefore we are duty-bound to explore it. Since it is a proposal, we intend to continue our present processing procedures, pending the resolution of this proceeding (e.g., as to leapfrogging, proposed § 74.1107(c), etc.). Finally, it may be that there are other alternatives which should be considered here. Thus, we raise for the parties' consideration the question whether it would be useful to employ an effective nonduplication requirement for nonnetwork programing (perhaps with some exemption for programing shown in prime time over the distant signal but not locally or only to a minimal extent locally), or a system of payments to the UHF and ETV by the CATV system, or some combination thereof. We welcome the suggestions of the interested persons as to other alternatives. For, we seek to assure that our final action in this important matter will be one which best serves the public interest.

Conclusion. 19. Authority for the further rule making proposals set forth herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, 309, and 403 of the Communications Act. Parties are asked to comment on areas where they believe we lack authority to act, so that congressional action would have to be sought.

20. All interested persons may file comments on the revised rule making proposals set forth above, on or before October 7, 1970, and reply comments on or before November 23, 1970. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this second further notice. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in this proceeding shall be furnished to the Commission.

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[14] Where channels are used for "pay" programs (i.e., extra payment is made on a per program basis or for the entire pay channel service) the restrictions specified for over-the-air subscription TV (Subscription Television, 15 FCC 2d 466 (1968)) should be applicable, including that no commercials may be carried on these channels.

We wish to point out also that since an important goal is the availability of channels for leased purposes, the Commission would have to take all appropriate actions to insure such availability (e.g., that the rates charged in such channels are reasonable and nondiscriminatory). Indeed, as the use of leased channels increases, there might well be need to reevaluate the role of the CATV system as an originator of programing, rather than the owner of distribution facilities. This, however, is a matter which we believe can best be assessed in light of developing experience and further study of the matter in part V of the docket.

[15] Although we are mentioning the matter of minimum channel capacity in this document in the interest of inclusiveness, we expect to dispose of it in connection with consideration of technical standards.

21. We have specified a 90-day period for comments and a 45-day period for reply comments. We believe that this provides a full and fair opportunity to comment on this important matter. We plan therefore to adhere to this timetable. Interested persons should not follow what has all too often been the practice in these complex rule making proceedings—doing nothing for several months and then seeking extensions when the third month deadline looms upon them. The public interest calls for both fair and expeditious treatment of these matters. Finally, we have designated this proceeding as Docket 18397–A, in order to delineate this notice and its proposals from the other CATV proceedings. Interested persons should thus submit material which is directed to these proposals, rather than a catch-all pleading encompassing also the many other facets of the complex CATV field.

Adopted: June 24, 1970.

Released: July 1, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[16]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8583; Filed, July 8, 1970; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 9]

SMALL BUSINESS SIZE STANDARDS

Definitions of Small Business for Trucking Not Requiring Utilization of Interstate Commerce Commission Certificate or Permit

Notice is hereby given that the Small Business Administration (SBA), proposes to establish new definitions of small business for trucking not involving the utilization of an Interstate Commerce Commission certificate or permit.

Pursuant to § 121.3–8(f)(3) of the currently effective Small Business size standards regulation, a concern bidding on a Government procurement for local or long-distance trucking is small if its annual receipts do not exceed $5 million. Further, § 121.3–10(f)(4) of the regulation provides in pertinent part that for SBA loan purposes a concern primarily engaged in trucking is small if its annual receipts do not exceed $5 million. The currently effective $5 million standard was based on a study of Interstate Commerce Commission regulated motor carriers of property. While the $5 million standard is necessary to assist the small ICC regulated motor carriers, the trucking industry, except for such carriers, consists of a large number of companies with annual receipts of less than $1 million. According to statistics published by the Internal Revenue Service, more than 99 percent of the 234,548 tax returns filed by businesses engaged in motor transportation, were filed by businesses with receipts under $1 million.

In view of the above and in the absence of persuasive evidence to the contrary, it is proposed to establish for the purpose of Government procurement and SBA loan assistance a separate $1 million size standard for trucking not requiring the utilization (directly or indirectly) of an Interstate Commerce Commission certificate or permit.

Accordingly, it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by:

1. Revising § 121.3–8(f)(3) and adding a new (f)(4) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(f) *Transportation.* * * *

(3) As small if it is bidding on a contract for trucking requiring the utilization (directly or indirectly) of an Interstate Commerce Commission certificate or permit, or for warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $5 million.

(4) As small if it is bidding on a contract for trucking not requiring the utilization (directly or indirectly) of an Interstate Commerce Commission certificate or permit and its annual receipts do not exceed $1 million.

* * * * *

2. Revising § 121.3–10(f)(4) to read as follows:

§ 121.3–10 Definition of small business for SBA loans.

* * * * *

(f) *Transportation and warehousing.* * * *

(4) As small if it is primarily engaged in trucking requiring the utilization (directly or indirectly) of an Interstate Commerce Commission certificate or permit, or in warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $5 million.

* * * * *

A public hearing will be held on the above proposals on Tuesday, August 4, 1970, at 9 a.m. in Room 214 at 1441 L Street NW., Washington, D.C. Interested parties are encouraged to attend the proposed hearing and present oral testimony (or to submit written statements of their position) with respect to the propriety of the proposal.

For planning purposes, it is requested that all persons who intend to present oral testimony notify Mr. Marshall Parker, Associate Administrator for Procurement and Management Assistance (Attention: Size Standards Staff), Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before Monday, July 27, 1970. Those who wish to submit written statements should mail or deliver them to Mr. Parker on or before the date of the hearing.

Dated: June 26, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-8728; Filed, July 8, 1970; 8:50 a.m.]

[16] Dissenting statements of Commissioners Bartley and Cox and concurring statements of Commissioners Robert E. Lee and Johnson filed as part of original document; Commissioner Wells dissenting.

Notices

FEDERAL POWER COMMISSION

[Docket No. G-2640 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Findings and Order

JUNE 26, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate changes effective, accepting surety bonds for filing, requiring filing of surety bond, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Petroleum Corporation of Texas (Operator) et al., as applicant in Docket No. G-13454 proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Clark & Cowden Production Co. (Operator) et al., FPC Gas Rate Schedule No. 2; as applicant in Docket No. CI62-988 proposes to continue as operator, with no change in working interest, the sale of natural gas heretofore authorized in said docket to be made pursuant to Ainslie Perrault (Operator) et al., FPC Gas Rate Schedule No. 2; and as applicant in Docket No. CI70-770 proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-3073 to be made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 12. Clark & Cowden's and Perrault's rate schedules will be redesignated as those of applicant and the contract comprising Humble's rate schedule will also be accepted for filing as that of applicant. The presently effective rates under Clark & Cowden's, Perrault's and Humble's rate schedules are in effect subject to refund in Dockets Nos. RI69-272, RI64-452, and RI69-260, respectively. Applicant indicates in each of its certificate applications that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, applicant intends to be responsible for the total refund from the date the increased rate of the assignor became effective subject to refund. Therefore, applicant will be substituted in lieu of Clark & Cowden as respondent in the proceeding pending in Docket No. RI69-272 and will be made a co-respondent in the proceedings pending in Dockets Nos. RI64-452 and RI69-260; said proceedings will be redesignated accordingly; and applicant will be required to file an agreement and undertaking in each proceeding to assure the refund of all amounts collected by its predecessor and itself in excess of the amount determined to be just and reasonable in said proceedings with respect to sales from the assigned properties.

Reading and Bates, Inc., applicant in Docket No. CI65-205, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Thornton Oil Co. FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-435. A prior increased rate was collected for a locked-in period subject to refund in Docket No. RI60-409. On June 30, 1969, Thornton filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 1. By order issued July 24, 1969, in Docket No. RI70-47, et al., the Commission suspended the proposed change in Docket No. RI70-59 until January 1, 1970, and thereafter until made effective. The notice of change was designated as Supplement No. 6 to said rate schedule. On January 12, 1970, applicant filed a motion to make the change in rate effective subject to refund. Applicant indicates in its certificate application that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, it intends to be responsible for the total refund obligation from the time that the increased rates in Dockets Nos. RI60-409, RI65-435, and RI70-59 were made effective subject to refund. Therefore, applicant will be substituted in lieu of Thornton Oil Co. as respondent in said proceedings; the proceedings will be redesignated accordingly; and the change in rate suspended in Docket No. RI70-59 will be made effective subject to refund. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

William E. Brock, applicant in Docket No. CI69-645, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G-7139, G-10354, and G-15373 to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 27, Atlantic Richfield Co. FPC Gas Rate Schedule No. 142, and Sinclair Oil Corp. FPC Gas Rate Schedule No. 61 (now Atlantic Richfield Co. (Operator) et al., FPC Gas Rate Schedule No. 359), respectively. The contract comprising said rate schedules will also be accepted for filing as a rate schedule of applicant. The rate at the time of the assignment, August 26, 1968, under Gulf's, Atlantic Richfield's, and Sinclair's rate schedules was in effect subject to refund in Dockets Nos. RI64-197, RI64-179, and RI64-305, respectively. On October 2, 1968, Sinclair filed the instrument of assignment as a supplement to its rate schedule; on October 4, 1970, Sinclair submitted an offer of settlement in Docket No. RI64-305; and on December 5, 1968, the Commission accepted the offer of settlement and terminated the proceeding with respect to Sinclair's FPC Gas Rate Schedule No. 61. On January 10, 1969, applicant filed his certificate application and therein proposes to charge and collect the increased rate subject to refund in Dockets Nos. RI64-179, RI64-197, and RI64-305; and on April 24, 1970, applicant filed in each rate proceeding a surety bond to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, applicant will be made a co-respondent in each of said proceedings; the proceedings will be redesignated accordingly; and the surety bonds will be accepted for filing.

GMC Oil and Gas Corp., applicant in Docket No. CI69-1167, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64-699 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 296. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Shell's rate schedule is in effect subject to refund in Docket No. RI65-404. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI65-404; said proceeding will be redesignated accordingly; and applicant will be required to file a surety bond to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Geo Dynamics Oil and Gas Inc. (Operator), et al., applicant in Docket No.

CI70–211, proposes to continue the sale of natural gas heretofore authorized to be made under a temporary certificate issued in said docket pursuant to Palm Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 6. Said rate schedule will be redesignated as that of applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI70–642. Applicant indicates in its certificate application that in addition to the refund obligation required by § 154.92(d)(3) of the regulations under the Natural Gas Act, it intends to be responsible for the total refund obligation from the time that the increased rate became effective subject to refund. Applicant has submitted an agreement and undertaking to assure the refund of all amounts collected in excess of the amount determined to be just and reasonable in Docket No. RI70–642. Therefore, applicant will be substituted in lieu of Palm as respondent in said proceeding; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Franks Petroleum, Inc., applicant in Docket No. CI70–836, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–5035 to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 153. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Shell's rate schedule is in effect subject to refund in Docket No. RI65–475. Applicant has submitted an agreement and undertaking in said proceeding to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI65–475; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing. Since applicant will sell gas from newly-discovered reservoirs underlying previously-dedicated acreage, the refund obligation will be limited to amounts collected in excess of the area ceiling rate for sales on the date of discovery.

Jerome P. McHugh, applicant in Docket No. CI70–846, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G–18597 to be made pursuant to Thomas A. Dugan FPC Gas Rate Schedule No. 5. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. On February 25, 1969, Thomas A. Dugan filed with the Commission a notice of change in rate under his FPC Gas Rate Schedule No. 5. By order issued March 21, 1969, in Docket No. RI69–625 et al., the Commission suspended the proposed change in Docket No. RI69–627 until August 28, 1969, and thereafter until made effective. The change was designated as Supplement No. 6 to said rate schedule. On April 3, 1970, applicant filed a motion to make the change in rate effective with respect to sales from the interest acquired from Thomas A. Dugan. Applicant has heretofore filed a general undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act. Therefore, applicant will be made a co-respondent in the proceeding pending in Docket No. RI69–627; said proceeding will be redesignated accordingly; and the change in rate suspended therein will be made effective subject to refund.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER a petition to intervene by Philadelphia Gas Works Division of UGI Corp. was filed in Docket No. CI70–554, in the matter of the application filed on December 12, 1969, in said docket. Said petition is not in opposition to the granting of the application. No other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on June 25, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI65–1154 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. CI62–1152.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petroluem Corporation of Texas (Operator) et al., should be substituted in lieu of Clark & Cowden Production Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI69–272 and should be made a co-respondent in the proceedings pending in Dockets Nos. RI64–452 and RI69–260; that said proceedings should be redesignated accordingly; and that Petroleum Corporation of Texas should be required to file agreements and undertakings.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Reading and Bates, Inc., should be substituted in lieu of Thornton Oil Co. as respondent in the proceedings pending in Dockets Nos. RI60–409, RI65–435, and RI70–59; that said proceedings should be redesignated accordingly; and that the proposed change in rate suspended in Docket No. RI70–59 should be made effective subject to refund.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that William E. Brock should be made a co-respondent in each of the proceedings pending in Dockets Nos. RI64–179, RI64–197, and RI64–305; that said proceedings should be redesignated accordingly; and that the surety bonds submitted by him should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that GMC Oil and Gas Corp. should be made a co-respondent in the proceeding pending in Docket No.

RI65–404, that said proceeding should be redesignated accordingly, and that GMC should be required to file a surety bond.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that GeoDynamics Oil and Gas Inc. (Operator), et al., should be substituted in lieu of Palm Petroleum Corp. (Operator) et al., as respondent in the proceeding pending in Docket No. RI70–642; that said proceeding should be redesignated accordingly; and that the agreement and undertaking submitted by GeoDynamics should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Franks Petroleum, Inc. should be made a co-respondent in the proceeding pending in Docket No. RI65–475, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Franks should be accepted for filing.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Jerome P. McHugh should be made a co-respondent in the proceeding pending in Docket No. RI69–627, that said proceeding should be redesignated accordingly, and that the change in rate suspended in Docket No. RI69–627 should be made effective subject to refund with respect to sales from the interest acquired by him from Thomas A. Dugan.

(17) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The rates for sales authorized in Dockets Nos. CI64–922, CI66–301, and CI70–841 shall be the applicable base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. Within 90 days from the date of initial delivery Applicants shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(b) The initial rate for the sale authorized in Docket No. CI70–554 shall be the applicable area base rate prescribed in Opinion No. 546, as modified by Opinion No. 546–A, as adjusted for quality of gas, or the contract rate, whichever is lower. Within 90 days from the date of initial delivery applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 546.

(c) If the quality of the gas delivered by applicants in Dockets Nos. CI64–922, CI66–301, CI70–554, and CI70–841 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, and Opinion No. 546, as modified by Opinion No. 546–A, whichever are applicable, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) Applicant in Docket No. CI70–554 may file a contractually authorized rate increase up to a base rate of 20 cents per Mcf at 15.025 p.s.i.a. for sales of gas well gas, consistent with ordering paragraph (A) of Opinion No. 546–A, but shall file no higher rate increases until permitted by further Commission order.

(e) In Docket No. CI70–554 the provisions of § 154.91(a) of the Commission's regulations are waived to permit applicant's sales to include the interests of Southern Natural Gas Co. and Consolidated Gas Supply Corp. in the subject acreage.

(f) The initial rate for the sale authorized in Docket No. CI70–836 shall be 22.87 cents per Mcf at 15.025 p.s.i.a. subject to a refund obligation to a floor of 20 cents per Mcf in Docket No. RI 65–475, and the certificate shall be subject to Opinion Nos. 546 and 546–A, and accompanying orders, specifically including those relating to rate reductions, refunds and filings required by those orders.

(g) No increase in rate shall be filed by applicant in Docket No. CI70–836 prior to January 1, 1974, at any price which would exceed the ceiling prescribed for the Southern Louisiana area as provided by Opinion No. 546–A.

(h) The rate for the sale authorized in Docket No. CI67–391 shall be 15 cents per Mcf at 14.65 p.s.i.a. The predecessor shall not be relieved of any refunds that may be ordered in the rate proceeding pending in Docket No. G–20111.

(i) The initial rate for sales authorized in Dockets Nos. CI70–758 and CI70–885 shall be 15 cents per Mcf at 14.65 p.s.i.a. Applicant in Docket No. CI70–758 shall file a billing statement reflecting the 15-cent rate for the first month's service as required by the Regulations under the Natural Gas Act.

(j) The initial rate for the sale authorized in Docket No. CI70–933 shall be 15 cents per Mcf at 15.025 p.s.i.a. plus B.t.u. adjustment.

(k) The initial rate for sales authorized in Dockets Nos. CI70–674, CI70–699, and CI70–932 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(l) The initial rate for the sale authorized in Docket No. CI70–840 shall be 16 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment.

(m) The rate for the sale authorized in Docket No. CI62-1152 shall be 17 cents per Mcf at 14.65 p.s.i.a. Applicant shall not be relieved of any refunds that may be ordered in Docket No. CI62–1152 for sales made on and after December 31, 1964, the date of transfer of properties, and A. F. Childers, Jr. (Operator) et al., shall not be relieved of any refunds for sales made prior to Decembr 31, 1964.

(n) The initial rate for sales authorized in Dockets Nos. CI70–519 and CI70–714 shall be 17.35 cents per Mcf at 15.025 p.s.i.a. including tax reimbursement.

(o) The initial rate for the sale authorized in Docket No. CI70–739 shall be 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement, subject to upward and downward B.t.u. adjustment from a base of 1,000 B.t.u.'s per cubic foot.

(p) The issuance of the certificate in Docket No. CI70–739 shall not be construed as constituting approval of the advance payment provisions of the contract (sections 7 and 8 of Article III), and such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(q) Applicants in Dockets Nos. CI70–519, CI70–554 and CI70–714 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas reserves or the specified contract quantities,

whichever are the lesser amounts. This condition shall remain in effect pending further Commission order in the subject dockets or in other matters relating to the buyers' take-or-pay obligations under the subject contracts.

(r) Applicant in Docket No. CI70–840 shall not require buyer to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves or the specified contract quantity, whichever is the lesser amount. This condition shall remain in effect pending further Commission order in the subject docket or in other matters relating to the buyer's take-or-pay obligations under the subject contract.

(s) Applicants in Dockets Nos. CI70–674, CI70–699, and CI70–739 shall not require buyers to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves and a 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter or the specified contract quantities, whichever are the lesser amounts. This condition shall remain in effect pending further Commission order in the subject dockets or in other matters relating to the buyers' take-or-pay obligations under the subject contracts.

(t) The authorizations granted in Dockets Nos. CI70–112, CI70–554, CI70–674, CI70–699, and CI70–840 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(u) Applicants in Dockets Nos. CI70–935, CI70–937, and CI70–938 shall collect the proposed rates subject to refund with applicable interest down to the September 1, 1967, contractually authorized rates or the applicable area just and reasonable rates determined in the area rate proceeding (Hugoton Anadarko Area), Docket No. AR64–1, et al., whichever are higher.

(v) Acceptance of the related rate filing in Docket No. CI69–645 is contingent upon applicant's filing three copies of a sample billing statement as required by the regulations under the Natural Gas Act.

(E) Within 30 days from the date of this order applicant in Docket No. CI70–770 shall file three copies of a sample billing statement reflecting the presently effective rate as required by the regulations under the Natural Gas Act.

(F) The authorizations granted in Dockets Nos. CI67–391 and CI70–936 involving the sales of gas by Colorado Oil and Gas Corp. and North Star Petroleum Corp., respectively, to their affiliates, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. and Panhandle Producing Co., respectively, determine the rates which legally may be paid by the buyers to the sellers, but is without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(G) Docket No. CI65–1154 is canceled.

(H) The orders issuing certificates in Dockets Nos. G–2640, G–11713, G–15470, G–16872, CI62–1152, CI64–922, CI66–301, CI68–589, CI69–424, CI69–1179, CI70–112, CI70–154, and CI70–209 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) Sales from the acreage added in Docket No. CI68–589 shall be made at a rate subject to refund in Docket No. RI69–289.

(J) The order issuing a certificate in Docket No. G–17087 is amended to include the interest of the co-owner and the certificate and related rate schedule are redesignated from Pennzoil Producing Co. to Pennzoil Producing Co. (Operator) et al., as described in the tabulation herein.

(K) The order issuing a certificate in Docket No. CI67–248 is amended by authorizing the gathering and compression of gas for Oakland Corp. and W. H. Hunt as described in the tabulation herein.

(L) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–3073	CI70–770
G–5035	CI70–836
G–7139	CI69–645
G–10354	CI69–645
G–10686	CI68–589
G–15373	CI69–645
G–18450	CI70–927
G–18597	CI70–846
G–19595	CI70–927
CI62–710	CI70–112
CI62–1334	CI70–936
CI63–59	CI70–927
CI64–699	CI69–1167
CI69–368	CI70–937
CI69–384	CI70–935
CI69–400	CI70–938

(M) The orders issuing certificates in Dockets Nos. G–11557, G–13454, CI61–448, CI61–1096, CI61–1248, CI62–303, CI62–1152, CI63–170, CI64–1550, CI65–205, CI65–791, CI67–391, CI67–1374, CI68–809, and CI70–211[1] are amended to reflect the successors in interest as certificate holders.

(N) The orders issuing certificates in Dockets Nos. G–18651, CI62–189, CI62–988, and CI69–617 are amended to reflect the change in operators as described in the tabulation herein.

(O) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(P) Permission for and approval of the abandonments in Dockets Nos. CI70–513 and CI70–926 shall not be construed to relieve applicants of any refund obligations in the rate proceedings pending in Docket No. RI67–134 and in Dockets Nos. RI64–160 and RI67–147, respectively.

(Q) The certificates heretofore issued in Dockets Nos. G–2651 and CI61–1390 are terminated.

(R) Petroleum Corporation of Texas (Operator) et al., is substituted in lieu of Clark & Cowden Production Co. (Operator) et al., as respondent in the proceeding pending in Docket No. RI69–272 and is made a co-respondent in the proceedings pending in Dockets Nos. RI64–452 and RI69–260; and said proceedings are redesignated accordingly. Petroleum Corporation of Texas shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(S) Within 30 days from the issuance of this order Petroleum Corporation of Texas (Operator) et al., shall execute, in the form set out below and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI64–452, RI69–260, and RI69–272 to assure the refunds of all amounts collected pursuant to its FPC Gas Rate Schedules Nos. 36, 33, and 35, respectively, and pursuant to Ainslie Perrault (Operator) et al., FPC Gas Rate Schedule No. 2 Humble Oil & Refining Co. FPC Gas Rate Schedule No. 12, and Clark & Cowden Production Co. (Operator) et al., FPC Gas Rate Schedule No. 2, respectively, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings with respect to sales from the properties acquired from Perrault, Humble, and Clark & Cowden. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(T) Reading and Bates, Inc., is substituted in lieu of Thornton Oil Co. as respondent in the proceedings pending in Dockets Nos. RI70–409, RI65–435, and RI70–59 and said proceedings are redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 6 to Reading and Bates, Inc., FPC Gas Rate Schedule No. 8 (formerly Thornton Oil Co. FPC Gas Rate Schedule No. 1) shall be effective subject to refund in Docket No. RI70–59 as of January 12, 1970. Reading and Bates, Inc., shall charge and collect 9 cents per Mcf at 14.65 p.s.i.a. effective subject to refund in Docket No. RI65–435 from October 1, 1969, through January 11, 1970, and 9.5 cents per Mcf at 14.65 p.s.i.a. effective subject to refund in Docket No. RI70–59 from January 12, 1970. Reading and Bates, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(U) William E. Brock is made a co-respondent in each of the proceedings pending in Dockets Nos. RI64–179, RI64–197, and RI64–305; said proceedings are redesignated accordingly; and the surety

[1] Temporary certificate.

bonds submitted by him in said proceedings are accepted for filing. William E. Brock shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The surety bonds shall remain in full force and effect until discharged by the Commission.

(V) GMC Oil and Gas Corp. is made a co-respondent in the proceeding pending in Docket No. RI65–404 and said proceeding is redesignated accordingly. GMC shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(W) Within 30 days from the issuance of this order GMC Oil and Gas Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable surety bond in Docket No. RI65–404 in the principal amount of $2,700 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. The surety bond shall be accompanied by a certificate to the effect that no obligation has been assumed in connection with said bond in addition to the payment of the bond premium. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such surety bond shall be deemed to have been accepted for filing. The surety bond shall remain in full force and effect until discharged by the Commission.

(X) GeoDynamics Oil and Gas, Inc. (Operator) et al., is substituted in lieu of Palm Petroleum Corp. (Operator) et al., as respondent in the proceeding pending in Docket No. RI70–642; said proceeding is redesignated accordingly; and the agreement and undertaking submitted by GeoDynamics in said proceeding is accepted for filing. GeoDynamics shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Y) Franks Petroleum Inc., is made a co-respondent in the proceeding pending in Docket No. RI65–475, said proceeding is redesignated accordingly, and the agreement and undertaking submitted by Franks in said proceeding is accepted for filing. Franks shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(Z) Jerome P. McHugh is made a co-respondent in the proceeding pending in Docket No. RI69–627 and said proceeding is redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 6 to Thomas A. Dugan FPC Gas Rate Schedule No. 5 shall be effective subject to refund as of April 3, 1970, with respect to sales made pursuant to Jerome P. McHugh FPC Gas Rate Schedule No. 7 from the interest acquired by Jerome P. McHugh from Thomas A. Dugan. Jerome P. McHugh shall charge and collect the rate of 12.0 cents per Mcf at 15.025 p.s.i.a. from December 22, 1969, through April 2, 1970, and the rate of 13.0536 cents per Mcf at 15.025 p.s.i.a. from April 3, 1970. Jerome P. McHugh shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(AA) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2640 D 3–23–70	Phillips Petroleum Co.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Amendment 1–28–70 [1 2]	13	31
G–11557 E 2–19–70	Petroleum Corp. of Texas (Operator) et al. (successor to Clark & Cowden Production Co. (Operator) et al.).	El Paso Natural Gas Co., San Juan Basin Area, Rio Arriba County, N. Mex.	Clark & Cowden Production Co. (Operator) et al., FPC GRS No. 1.	34	
			Supplement Nos. 1–4	34	1–4
			Notice of succession 2–16–70.		
			Assignment 10–23–69 [3]	34	5
			Assignment 10–23–69 [3a]	34	6
			Effective date: 9–1–69		
G–11713 D 4–15–70	Union Oil Co. of California.	Northern Natural Gas Co., Elmwood Area, Beaver County, Okla.	Supplemental agreement 2–2–70,[2 4]	15	5
G–13454 E 2–19–70	Petroleum Corp. of Texas (Operator) et al. (successor to Clark & Cowden Production Co. (Operator) et al.).	El Paso Natural Gas Co., San Juan Basin Area, Rio Arriba County, N. Mex.	Clark & Cowden Production Co. (Operator) et al., FPC GRS No. 2.	35	
			Supplement Nos. 1–4	35	1–4
			Notice of succession 2–16–70.		
			Assignment 10–23–69 [3]	35	5
			Assignment 10–23–69 [3a]	35	6
			Effective date: 9–1–69		
G–15470 C 7–14–58	Nortex Oil & Gas Corp. (Operator), et al.	United Gas Pipe Line Co. West Weesatche Field, Goliad County, Tex.	Amendatory agreement 6–26–58.[5]	2	6
G–16872 C 11–3–58	Atlantic Richfield Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Tobasco Field, Hidalgo County, Tex.	Supplemental Agreement 8–19–58.[5]	148	2
G–17087 3–13–70 [6]	Pennzoil Producing Co. (Operator), et al.	South Texas Natural Gas Gathering Co., Shepherd Field, Hidalgo County, Tex.	([6a])	227	
G–18651 [7] E 3–13–70 [7a]	Everett J. Carlson (Operator), et al. (successor to James A. Rehler, et al.)	United Gas Pipe Line Co., Cabeza Creek Area, Goliad, DeWitt, and Karnes Counties, Tex.	James A. Rehler, et al. FPC GRS No. 1.	2	
			Supplement Nos. 1–8 [7b]	2	1–8
CI61–448 E 4–2–70	White Shield Oil and Gas Corp. (successor to Marvin E. Wilhite, et al.)	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Marvin E. Wilhite, et al., FPC GRS No. 3	15	
			Supplement No. 1	15	1
			Notice of succession 3–31–70.		
			Assignment 6–13–69	15	2
			Effective date: 6–13–69		
CI61–1096 E 4–2–70	White Shield Oil and Gas Corp. (successor to Marvin E. Wilhite, et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Marvin E. Wilhite, et al., FPC GRS No. 4.	16	
			Supplement No. 1	16	1
			Notice of succession 3–31–70.		
			Assignment 6–13–69	16	2
			Effective date: 6–13–69		
CI61–1248 E 1–15–70	Dal-Ken Corp. (successor to Kelly, Butterworth & Lemann).	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Kelly, Butterworth & Lemann, FPC GRS No. 5.	3	
			Supplement No. 1	3	1
			Notice of Succession 12–28–69.		
			Assignment 3–4–69 [8]	3	2
			Assignment 9–18–69 [8a]	3	3
			Effective date: 11–1–69		
CI62–189 E 3–13–70 [7a]	Everett J. Carlson (Operator), et al. (successor to James A. Rehler, et al. (Operators), et al.).	United Gas Pipe Line Co., Melrose Field, Goliad County, Tex.	James A. Rehler, et al. (Operators), et al., FPC GRS No. 2.	3	
			Supplement Nos. 1–9 [7b]	3	1–9
CI62–303 E 4–2–70	White Shield Oil and Gas Corp. (successor to Marvin E. Wilhite, et al.).	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Marvin E. Wilhite, et al., FPC GRS No. 2.	14	
			Supplement No. 1	14	1
			Notice of succession 3–31–70.		
			Assignment 6–13–69	14	2
			Effective date: 6–13–69		
CI62–988 E 3–2–70 [9]	Petroleum Corp. of Texas (Operator), et al. (successor to Ainslie Perrault (Operator), et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Ainslie Perrault (Operator), et al., FPC GRS No. 2.	36	
			Supplement No. 1	36	
			Certificate of adoption 2–4–70.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI62-1152 (CI65-1154) E 5-3-65 [10]	CRA, Inc. (successor) to A. F. Childers, Jr. (Operator), et al.).	Florida Gas Transmission Co., Jones Creek Field, Wharton County, Tex.	A. F. Childers, Jr. (Operator), et al., FPC GRS No. 1.	15	
			Notice of succession 4-30-65.		
			Various as signments 1-8-65: [10a]		
			W. A. Pruett	15	1
			Charles W. Brown	15	2
			H. Zinder	15	3
			A. G. Blanke	15	4
			J. C. Cody	15	5
			J. Brown Cutbirth	15	6
			Cecil V. Hagen	15	7
			G. E. Gude, Jr.	15	8
			J. F. Bechtle	15	9
			Jacques P. Adoue	15	10
			Alfred B. Smith	15	11
			Effective date: 12-31-64		
D 7-5-68	do	do	Notice of partial cancellation 6-24-68. [2] [10b]	15	12
CI63-170 E 4-6-70	I. L. Morris (successor to Harry Hampton Enterprises).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Harry Hampton Enterprises, FPC GRS No. 1.	1	
			Notice of succession 4-1-70.		
			Assignment 11-5-69	1	1
			Effective date: 11-5-69		
CI64-922 C 3-30-70	Delta Drilling Co. (Operator), et al.	Northern Natural Gas Co., Sonora Area, Sutton County, Tex.	Supplemental agreement 11-24-69.	31	5
			Supplemental agreement 5-11-67.	31	6
CI64-1550 E 4-6-70	Ray A. Jones (successor to Quaker State Oil Refining Corp.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Quaker State Oil Refining Corp., FPC GRS No. 6.	3	
			Notice of succession 3-31-70.		
			Assignment 10-21-68	3	1
			Effective date: 10-21-68		
CI65-205 E 1-12-70	Reading and Bates, Inc. (successor to Thornton Oil Co.).	West Lake Natural Gasoline Co., Nena Lucia Field, Nolan County, Tex.	Thornton Oil Co., FPC GRS No. 1.	8	
			Supplement Nos. 1-6	8	1-6
			Notice of succession (Undated).		
			Assignment 10-23-69	8	7
			Effective date: 10-1-69		
CI65-791 E 4-6-70	Ray A. Jones (successor to Quaker State Oil Refining Corp.).	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	Quaker State Oil Refining Corp., FPC GRS No. 8.	4	
			Notice of succession 3-31-70.		
			Assignment 10-21-68	4	1
			Effective date: 10-21-68		
CI66-301 C 4-16-70	Frio-Tex Oil & Gas Co. (Operator) et al.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	Supplemental agreement 1-14-70. [11]	2	5
CI67-248 12-29-69 [12]	Beacon Gasoline Co.	Oakland Corp., acreage in Webster Parish, La.	Contract 10-28-69 [12a]	20	
			Gathering agreement 10-28-69.	20	1
			Transportation agreement 10-28-69. [5]	20	2
CI67-248 1-26-70 [12]	do	W. H. Hunt, acreage in Webster Parish, La.	Contract 12-31-69 [12b]	22	
			Letter agreement 12-31-69.	22	1
			Gathering agreement 12-31-69.	22	2
CI67-391 E 3-23-70	Colorado Oil & Gas Corp. (successor to Livingston Oil Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Livingston Oil Co., FPC GRS No. 26.	67	
			Supplement Nos. 1-6	67	1-6
			Notice of succession (Undated).		
			Lease 1-1-70 [13]	67	7
			Effective date: 1-1-70		
CI67-1374 E 4-6-70	Frank Duffy and Nancy Pfaff (successor to Raymond N. Beim et al., d.b.a. Will-Ray Oil & Gas Co. et al.).	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Raymond N. Beim et al., d.b.a. Will-Ray Oil & Gas Co. et al., FPC GRS No. 1.	1	
			Notice of succession 4-1-70.		
			Assignment 12-3-69	1	1
			Effective date: 12-3-69		
CI68-589 (G-10686) C 4-20-70	Jerome P. McHugh, [14] et al.	El Paso Natural Gas Co., Tapacito Pictured Cliffs, Blanco Mesaverde, Gallup and Basin Dakota Fields, Rio Arriba County, N. Mex.	Farmout agreement 3-11-70. [5] [14a]	3	6
CI68-809 E 3-30-70	Suburban Propane Gas Corp. (successor to Ashland Oil & Refining Co.).	Panhandle Eastern Pipe Line Co., Dover-Hennessey Plant, Kingfisher County, Okla.	Ashland Oil & Refining Co., FPC GRS No. 188.	13	
			Notice of succession 3-24-70.		
			Assignment 3-2-70	13	1
			Effective date: 3-1-70		
CI69-424 C 4-16-70	J. L. Trittipo, Inc.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	Supplemental agreement 3-3-70. [5]	2	2
CI69-617 E 1-30-70 [7a]	El Santo Petroleum Corp. (Operator & Agent), et al. (successor to Royal Crest Oil Corp. (Operator), et al.).	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Royal Crest Oil Corp. (Operator), et al., FPC GRS No. 1.	1	
			Notice of succession 1-27-70. [7b]		
CI69-645 (G-7139) (G-10354) (G-15373) F 1-10-69	William E. Brock (successor to Gulf Oil Corp. and Atlantic Richfield Co.).	Texas Eastern Transmission Corp., Lemonville and West Gist Fields, Newton and Jasper Counties, Tex.	Contract 6-9-52 [15]	1	
			Amendatory agreement 12-14-56.	1	1
			Amendment 8-1-59	1	2
			Amendment 6-29-61	1	3
			Amendment 3-1-62	1	4
			Assignment 8-26-68 [15a]	1	5
			Effective date: 8-26-68		
(G-7139) [16]	Gulf Oil Corp.	do	Assignment 8-26-68 [15a]	27	17
			Effective date: 12-2-68		
(G-10354) [16]	Atlantic Richfield Co.	do	Assignment 8-26-68 [15a]	142	31
			Effective date: 11-21-68		
(G-15373) [16]	Atlantic Richfield Co. (Operator) et al. (formerly Sinclair Oil Corp.).	do	Assignment 8-26-68 [15a]	359	28
			Effective date: 11-2-68		
CI69-1167 (CI64-699) F 6-4-69	GMC Oil and Gas Corp. (successor to Shell Oil Co.)	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Contract 11-8-63 [17]	5	
			Assignment 4-11-69 [17a]	5	1
			Effective date: 4-1-69		
(CI64-699) [16]	Shell Oil Co.	do	Assignment 4-11-69 [2] [17a]	296	2
CI69-1179 C 4-17-70	MacDonald Spidel	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Letter agreement 3-3-70 [5]	5	2
CI70-112 (CI62-710) C 3-20-70	John H. Hill	Panhandle Eastern Pipe Line Co., Southwest Cedardale Field, Woodward County, Okla. and Northwest Six-Mile Field, Beaver County, Okla.	Amendment 2-27-70 [18]	11	2
			Assignment 11-17-69 [5] [18a]	11	1 to 2
CI70-154 C 4-6-70	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Letter agreement 12-1-69 [5]	21	1
CI70-209 D 3-26-70	Marathon Oil Co.	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Garfield County, Okla.	Contract Release 3-10-70. [2] [19]	110	3

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI70-211 [20] E 3-10-70 as amended 3-20-70 and 4-3-70	GeoDynamics Oil & Gas Inc. (Operator) et al. (successor to Palm Petroleum Corp. (Operator) et al.).	United Gas Pipe Line Co., Shelly Field, Goliad and Refugio Counties, Tex.	Palm Petroleum Corp. (Operator) et al., FPC GRS No. 6.	1	
			Supplement No. 1	1	1
			Notice of succession 3-9-70.		
			Assignment 1-30-70	1	2
			Effective date: 2-1-70		
CI70-513 (CI61-1390) B 11-28-69	Wiley W. Singleton Drilling Co., Inc. (Operator) et al.	Valley Gas Transmission, Inc., Lagarto Field, Live Oak County, Tex.	Notice of cancellation 5-11-70.[2] [21]	1	3
CI70-519 A 12-4-69	Oakland Corp. (Operator) et al.	Texas Gas Transmission Corp., Walker Creek Field, Lafayette and Columbia Counties, Ark.	Contract 11-28-69	1	
			Compliance 2-5-70.[5] [22]	1	1
CI70-554 A 12-12-69	Pennzoil Producing Co. (Operator) et al. (formerly Union Producing Co. (Operator) et al.).	Transcontinental Gas Pipe Line Corp., Block 186, Ship Shoal Area, Offshore Louisiana.	Contract 5-23-69	273	
			Letter 2-9-70.[5] [22a]	273	2
CI70-674 A 1-23-70	Sun Oil Co	NI-Gas Supply, Inc., East Elk City Area, Beckham County, Okla.	Contract 1-12-70	256	
			Compliance 5-5-70 [5] [23]	256	1
CI70-699 A 1-30-70	NI-Gas Supply, Inc	Natural Gas Pipeline Co. of America, Elk City Area, Beckham County, Okla.	Contract 1-5-70	2	
			Compliance 5-6-70 [5] [23]	2	1
CI70-714 A 2-5-70	W. H. Hunt	Texas Gas Transmission Corp., Welcome Field, Columbia County, Ark.	Contract 1-20-70	10	
			Compliance 3-23-70 [5] [24]	10	1
CI70-739 A 2-16-70	Jones & Pellow Oil Co	Northern Natural Gas Co., acreage in Woodward County, Okla.	Contract 1-21-70	12	
			Compliance 5-1-70 [5] [25]	12	1
CI70-758 A 2-24-70	Ferguson Oil Co., Inc	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Contract 1-21-70 [26]	3	
			Contract 6-13-62	3	1
			Amendatory agreement 3-11-63.	3	2
			Compliance 4-22-70 [5] [26a]	3	3
CI70-770 (G-3073) F 2-24-70	Petroleum Corp. of Texas (Operator) et al. (successor to Humble Oil & Refining Co.).	Texas Eastern Transmission Corp., Loma Alta Field, McMullen County, Tex.	Contract 10-1-53 [27]	33	
			Letter agreement 1-18-54	33	1
			Letter agreement 2-5-54	33	2
			Letter agreement 3-26-54	33	3
			Letter agreement 8-5-54	33	4
			Letter agreement 2-8-55	33	5
			Letter agreement 12-10-56	33	6
			Letter agreement 1-8-57	33	7
			Letter agreement 1-21-57	33	8
			Letter agreement 6-17-57	33	9
			Letter agreement 12-23-57	33	10
			Letter agreement 11-20-62	33	11
			Letter agreement 7-1-63	33	12
			Letter agreement 4-17-64	33	13
			Assignment 6-24-69 [27a]	33	14
			Assignment 6-30-69 [27b]	33	15
			Effective date: 6-1-69		
(G-3073) [16]	Humble Oil & Refining Co.	do	Assignment 6-24-69 [27a]	12	21
			Exective date: 6-1-69		
CI70-836 (G-5035) F 3-11-70 [28]	Franks Petroleum Inc. (successor to Shell Oil Co.).	Texas Gas Transmission Corp., Chalkley Field, Cameron Parish, La.	Contract 5-1-51 [29]	12	
			Letter agreement 5-1-51	12	1
			Letter agreement 3-10-53	12	2
			Letter agreement 11-6-61	12	3
			Letter agreement 8-25-69 [29a]	12	4
			Letter agreement 3-4-70 [5]	12	5
CI70-840 A 3-16-70	Ferguson Oil Co., Inc	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Contract 2-9-70	4	
			Compliance 4-28-70 [5] [30]	4	1
CI70-841 A 3-16-70	Humble Oil & Refining Co.	El Paso Natural Gas Co., Sand Hills Gasoline Plant, Crane County, Tex.	Contract 3-9-70 [5] [31]	475	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI70-846 (G-18597) F 3-13-70	Jerome P. McHugh (successor to Thomas A. Dugan).	El Paso Natural Gas Co., Fruitland Field, San Juan County, N. Mex.	Contract 5-4-69 [32]	7	
			Supplemental agreement 11-22-68.	7	1
			Assignment 11-1-69 [32a]	7	2
			Effective date: 12-22-69		
CI70-885 A 3-30-70	Cleary Petroleum Corp., agent (Operator), et al.	Arkansas Louisiana Gas Co., Keota Area, Haskell County, Okla.	Contract 1-26-70	3	
			Compliance 5-19-70 [5] [33]	32	1
CI70-926 (G-2651) B 4-10-70	Glen Rose Gasoline Co	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	Notice of cancellation 3-24-70. [2] [21]	1	2
CI70-927 (G-18450) (G-19595) (CI63-59) F 4-6-70	Sun Oil Co. (successor to Van Grisso Oil Co.)	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 1-26-59 [34]	484	
			Amendment 8-29-59	484	1
			Amendment 4-1-65	484	2
			Amendment 7-1-65	484	3
			Assignment 9-1-68 [34a]	484	4
			Effective date: 9-1-68		
CI70-929 A 4-13-70	Imperial-American Management Co.	Arkansas Louisiana Gas Co., North Watonga Field, Blaine County, Okla.	Ratification 2-20-70	9	
			Contract 11-21-69 [5]	9	1
CI70-932 A 4-13-70	Monsanto Co	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Contract 3-23-70	98	
			Letter agreement 4-20-70	98	1
			Compliance 6-3-70 [5] [35]	98	2
CI70-933 A 4-13-70	Texaco, Inc	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Baca County, Colo.	Contract 3-20-70 [5] [36]	443	
CI70-934 A 4-6-70	Union Drilling, Inc	Cumberland & Allegheny Gas Co., Banks District, Upshur County, W. Va.	Contract 2-19-68 [5] [37]	62	
CI70-935 (CI69-384) F 4-9-70	North Star Petroleum Corp. (successor to Clinton Oil Co. et al.).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	Contract 12-11-53 [38]	2	
			Assignment 3-10-70 [38a]	2	1
			Effective date: 9-1-69		
CI70-936 (CI62-1334) F 4-9-70	North Star Petroleum Corp. (successor to Clinton Oil Co.).	Panhandle Producing Co., West Panhandle Field, Hutchinson County, Tex.	Contract 4-18-62 [39]	3	
			Assignment 3-10-70 [38a]	3	1
			Effective date: 9-1-69		
CI70-937 (CI69-368) F 4-9-70	do	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	Contract 6-12-61 [40]	4	
			Assignment 3-10-70 [38a]	4	1
			Effective date: 9-1-69		
CI70-938 (CI69-400) F 4-9-70	do	do	Contract 12-11-53 [41]	5	
			Assignment 3-10-70 [38a]	5	1
			Effective date: 9-1-69		
CI70-912 A 4-7-70	Braden Drilling, Inc	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Stanton and Hamilton Counties, Kans.	Contract 2-6-70 [42]	11	
CI70-943 A 4-17-70	MacDonald Spidel et al., d.b.a. Spidel and Foote.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 3-3-70 [5]	6	
CI70-945 A 4-17-70	Reeves Lewenthal et al.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	Contract 12-3-69 [5] [43]	9	

[1] Deletion of nonproductive formations below 7,500 feet from the surface of the ground pursuant to renegotiated agreement with buyer. Previously partially accepted for filing with respect to formations above a depth of 7,500 feet from the surface of the ground.
[2] Effective date: Date of this order.
[3] From Rawlins Clark, Trustee and "Clark & Wilson" a partnership to applicant.
[3a] From M. F. Clark et al.; a partnership doing business as Clark & Cowden Production Co. to applicant.
[4] Deletes nonproducing acreage released from the contract.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[6] Amendment to the certificate to include interest of coowner in the subject unit.
[6a] No rate filing required; related rate schedule is Pennzoil Producing Co. (Operator) et al., FPC GRS No. 227; only interest statement filed.

[7] Applicant was erroneously filed in Docket No. G–11407.
[7a] Amendment to the certificate to reflect the change in operator.
[7b] Effective date: Date of change in operator (Applicant shall advise the Commission as to such date).
[8] From H. Stanley Butterworth and Paul B. Lemann to Corinne Roy Kelly.
[8a] From Corinne Roy Kelly to applicant.
[9] Notice of redesignation to reflect change of operator; no change of ownership is involved.
[10] Application erroneously assigned Docket No. CI65–1154 is being construed as a petition to amend the order issuing a certificate in Docket No. CI62–1152 and Docket No. CI65–1154 is being canceled. Filing completed on May 17, 1965. Affidavit submitted on Sept. 9, 1966 to effect that acreage not assigned to CRA, Inc., has returned to lessor due to nonproduction.
[10a] Instruments (listed by assignor) whereby CRA, Inc., acquired all productive acreage dedicated to contract.
[10b] Deletes acreage released to landowners.
[11] Adds acreage to Exhibit A of Nov. 20, 1967 agreement (Supp. No. 2 to Frio-Tex FPC GRS No. 2) which amended pricing provisions and extended makeup to 5 years for new acreage.
[12] Applicant will gather the subject gas, process and compress the gas in its Webster Parish Plant and deliver such gas to Texas Gas Transmission Corp.
[12a] Between Beacon Gasoline Co. and Oakland Corp. Oakland's sale to Texas Gas Transmission Corp. authorized in Docket No. CI70–519.
[12b] Between Beacon Gasoline Co. and W. H. Hunt. W. H. Hunt's sale to Texas Gas Transmission Corp. authorized in Docket No. CI70–714.
[13] From LVO Corp. (formerly Livington Oil Co.) to applicant.
[14] By letter dated Apr. 30, 1970, applicant requests that sales from the additional acreage be made subject to its own existing suspension proceeding in Docket No. RI69–289, in lieu of being made a co-respondent to Northwest's proceeding in Docket No. RI69–392.
[14a] From Northwest Production Corp. to McHugh. The acreage is dedicated to a contract dated June 15, 1956, on file as Northwest Production Corp. FPC GRS No. 1 and which is also on file as Jerome P. McHugh et al., FPC GRS No. 3.
[15] Contract between American Republics Corp. (now Atlantic Richfield Co.), formerly Sinclair Oil Corp. and Texas Eastern; on file as Gulf Oil Corp. FPC GRS No. 27, Docket No. G–7139; Atlantic Richfield Co. FPC GRS No. 142, Docket No. G–10354; and Sinclair Oil Corp. FPC GRS No. 61 (now Atlantic Richfield Co. (Operator), et al., FPC GRS No. 359, Docket No. G–15373).
[15a] Assigns acreage from Gulf Oil Corp. and Atlantic Richfield Co. to applicant to a depth of 7,367 feet.
[16] No certificate filing made or necessary; only the related rate filing is being accepted for filing.
[17] Between Shell Oil Co. and Cities Service Gas Co.; also on file as Shell Oil Co. FPC GRS No. 296.
[17a] Partial assignment from Shell Oil Co. to GMC Oil and Gas Corp.
[18] Includes acreage acquired from PetroDynamics, Inc., subject to a contract dated Nov. 15, 1961; on file as PetroDynamics, Inc. (Operator), et al., FPC GRS No. 3. Amendment deletes acreage from said contract and includes same under Hill's contract dated July 14, 1969. Applicant has expressed willingness to accept permanent authorization conditioned to the ultimate disposition of the proceeding in Docket No. R–338.
[18a] Conveys interest from PetroDynamics, Inc., to John H. Hill.
[19] Production of gas no longer economically feasible.
[20] Pending certificate application; sale being rendered pursuant to temporary authorization.
[21] Source of gas depleted.
[22] Complies with temporary certificate issued Jan. 28, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17.35 cents per Mcf and to limit buyer's take-or-pay obligations to a 1 to 7,300 ratio of takes to reserves.
[22a] Applicant was issued a temporary certificate for this sale on Feb. 5, 1970. The contract was accepted as Pennzoil's FPC GRS No. 273. By letter dated Feb. 9, 1970, applicant agreed to accept a permanent certificate with the same conditions contained in the temporary certificate including Opinion Nos. 546 and 546–A conditions.
[23] Complies with temporary certificate issued Apr. 6, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[24] Complies with temporary certificate issued Mar. 18, 1970. By letter dated Apr. 27, 1970, applicant states willingness to accept a permanent certificate conditioned to an initial rate of 17.35 cents per Mcf and to limit buyer's take-or-pay obligations to a 1 to 7,300 ratio of takes to reserves.
[25] Accepts conditioned temporary certificate issued Apr. 27, 1970. Unilaterally amends contract to provide for B.t.u. adjustment from a base of 1,000 rather than 900. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[26] Ratifies June 13, 1962 contract between Socony Mobil Oil Co., Inc. (now Mobil Oil Corp.) and the purchaser.
[26a] Accepts conditioned temporary certificate issued Mar. 27, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15.0 cents per Mcf.
[27] Between Humble Oil & Refining Co. and Texas Eastern; on file as Humble Oil & Refining Co. FPC GRS No. 12.
[27a] Assigns acreage from Humble to Petroleum Corp. of Texas from 4,000 feet to 7,502 feet.
[27b] Petroleum Corp. of Texas assigns one-half of its interest acquired from Humble to Ibex partnership.
[28] Jan. 1, 1974, moratorium provided by Opinion No. 546–A.
[29] Between Texas Gas and Shell Oil Co.; on file as Shell Oil Co. FPC GRS No. 153.
[29a] Assigns acreage from Shell to Franks Petroleum Inc.
[30] Accepts conditioned temporary certificate issued Apr. 16, 1970. Applicant states willingness to accept a permanent certificate conditioned as the temporary certificate.
[31] The subject gas is currently being sold to Warren Petroleum Corp. under a percentage type contract for resale to El Paso from Warren's Waddell Gasoline Plant.
[32] On file as Thomas A. Dugan FPC GRS No. 5.
[32a] From Thomas A. Dugan to Jerome P. McHugh.
[33] Accepts conditioned temporary certificate issued Apr. 27, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf.
[34] On file as Van-Grisso Oil Co. FPC GRS Nos. 2 and 4.
[34a] From Van-Grisso Oil Co. to Sun Oil Co.
[35] Accepts conditioned tempofary certificate issued May 28, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf, including tax reimbursement.
[36] Contract provides for rate of 16 cents per Mcf; however, by letter filed Apr. 30, 1970, Applicant advised willingness to accept a permanent certificate at 15 cents per Mcf plus B.t.u. adjustment.
[37] Sale being rendered without prior Commission authorization.
[38] On file as Clinton Oil Co. et al., FPC GRS No. 31.
[38a] Assigns acreage from Clinton Oil Co. to applicant.
[39] On file as Clinton Oil Co. FPC GRS No. 26.
[40] On file as Clinton Oil Co. FPC GRS No. 29.
[41] On file as Clinton Oil Co. FPC GRS No. 32.
[42] Certificate covers sales from depths above the base of the Chase Group of the Permian System.
[43] For gas produced from the Shallow Sands, limited to a maximum depth, extending to the bottom of the Elk Sand.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas (Name of Respondent), on (Date of Original Filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension Order Issuance Date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classification, subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended Until Date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and (Name of Respondent), pursuant to the provisions of section 4(e) of the Natural Gas Act, having on (Date Motion Filed), filed a motion to make the change in rate effective as of (Requested Effective Date); and

Whereas, the Commission, in response to said motion, on (Date of Notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, effective as of (Effective Date), subject to Respondent's furnishing a bond in the sum of $_____, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. _____ not justified;

Now, therefore, if (Name of Respondent), its corporate surety (and their heirs, executors, administrators [1]), successors and assign conformity with the terms and conditions of the notice issued (Date of Notice) by the Federal Power Commission, Docket No. _____ (Name of Respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate charge collected by (Name of Respondent) after (Effective Date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of Respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. _____, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this _____ day of _____.

Attest:

_____

By_____
Principal

By_____
Surety

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent: _____)

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____, and has caused this agreement and undertaking to be executed and sealed in its name by a duly authorized officer this _____ day of _____, 19__.

(Name of Respondent)

By _____

Attest:

_____

[F.R. Doc. 70–8562; Filed, July 8, 1970; 8:45 a.m.]

[1] To be included if a noncorporate respondent.

[Docket No. CP70-317]

COLORADO INTERSTATE GAS CO.

Notice of Application

JULY 2, 1970.

Take notice that on June 29, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-317 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 a meter station and 7.5 miles of 4-inch pipeline to connect with the pipeline facilities to be constructed by Northern Natural Gas Co., operating as Peoples Natural Gas Division (Plateau Region), an existing resale customer of Applicant, to deliver natural gas for resale to the town of Cheyenne Wells, Colo., and environs.

The total estimated cost of the proposed facilities is $153,243, which will be financed by current working funds on hand, funds from operations, and short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 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. 70-8709; Filed, July 8, 1970; 8:49 a.m.]

[Docket No. CP70-313]

LONE STAR GAS CO.

Notice of Application

JULY 1, 1970.

Take notice that on June 22, 1970, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70-313 an application pursuant to section 7 (c) and (b) of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and operation of certain facilities; (2) permission and approval to abandon certain described facilities; and (3) for an order amending the order issuing the certificate of public convenience and necessity in Docket No. CP64-268, on August 10, 1964, as amended by order issued April 23, 1965, so as to provide for the transportation of additional volumes of gas to Weyerhaeuser Co., Inc., successor in interest to Dierks Forests, Inc., all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 93.7 miles of 12-inch line, 4 miles of 10-inch line, 16.3 miles of 8-inch line and 6.8 miles of 6-inch line, all in southeast Oklahoma and northeast Texas. In addition applicant proposes to construct and operate an 880 horsepower compressor station near Denison, Grayson County, Tex., and a 440 horsepower compressor station in Bryan County, Okla.

Further, applicant proposes to abandon certain segments of its Line E-26 by removal and salvage and certain areas of its Line E, O, and S-2 System facilities by transfer to intrastate operation. Applicant states that the abandonment of facilities for which permission is sought will not result in the abandonment or diminution of natural gas service to any customer or lessen the public service being rendered by it.

In addition, applicant requests the Commission to amend the order issuing certificate of public convenience and necessity in Docket No. CP64-268 so as to authorize it to transport up to 7,800 Mcf per day of natural gas for sale and delivery to an existing customer, Weyerhaeuser Co., at its Craig insulation board manufacturing plant near the town of Broken Bow, McCurtain County, Okla.

The total estimated cost of the facilities to be constructed is $4,114,386; the estimated value of the property which will be salvaged for reuse in applicant's system and cost of removal are $242,300 and $88,300, respectively. The above described cost will be financed from working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8663; Filed, July 8, 1970; 8:46 a.m.]

[Docket No. CP70-316]

MANUFACTURERS LIGHT AND HEAT CO.

Notice of Application

JULY 1, 1970.

Take notice that on June 24, 1970, The Manufacturers Light and Heat Co. (applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP70-316 an abbreviated application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement and operation of a portion of an existing natural gas transmission pipeline in Pennsylvania, as hereinafter described and as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace 1.2 miles of its existing 14-inch Line No. 1278 in Palmer Township, Northampton County, Pa., with 1.2 miles of 20-inch

pipeline in the same general location. Applicant proposes to replace the existing section of pipeline with higher strength pipe. Replacement with 20-inch pipe is planned in order to provide for normal growth and anticipated congestion along the pipeline.

Total estimated cost of the proposed replacement is $262,000, which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 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 and 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. 70-8666; Filed, July 8, 1970; 8:46 a.m.]

[Docket No. CP70-312]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 1, 1970.

Take notice that on June 22, 1970, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP70-312, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate certain measuring facilities and to exchange gas with Shell Oil Co., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant and Shell Oil Co. are parties to a Gas Exchange Agreement dated April 20, 1970, whereby Shell will deliver up to 9,000 Mcf per day of residue gas to Applicant at the tail gate of the Tippett Extraction plant located in Crockett County, Tex., in exchange for like quantities to be redelivered by applicant to Shell at the Crosset Extraction plant located in Upton County, Tex. Shell will pay applicant one-half cent (½¢) per Mcf for all gas redelivered by applicant and will utilize such volumes to pressurize oil wells in the Crosset Field.

Applicant proposes to install a measuring station on its 6-inch line running from the Crosset plant in order to redeliver exchange volumes to Shell. Shell will deliver to applicant through existing facilities at the Tippett plant. The estimated cost of the facilities proposed is $10,350, and will be financed from cash on hand. Shell Oil Co. will reimburse applicant for the cost of such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 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, and 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. 70-8664; Filed, July 8, 1970; 8:46 a.m.]

[Docket No. E-7542]

NORTHERN STATES POWER CO.

Notice of Application

JULY 2, 1970.

Take notice that on June 26, 1970, Northern States Power Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 250,000 shares of its new series Cumulative Preferred Stock, par value $100 per share (New Preferred Stock).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

The New Preferred Stock is to be issued on or about September 3, 1970, and the dividend rate thereof will be determined by competitive bidding pursuant to the Commission's regulations. None of the shares of the New Preferred Stock will be redeemable prior to September 1, 1975, from the proceeds of issuance of any debt having an effective interest cost or any preferred stock having a dividend cost less than the effective cost of the New Preferred Stock.

The proceeds from the sale of the New Preferred Stock will be added to the general funds of Applicant and will be used to prepay some of the outstanding short-term borrowings of the Applicant, which are estimated at $55 million as of the date of issuance and delivery of the New Preferred Stock. The short-term borrowings have been or will be incurred in connection with the construction program of Applicant.

Expenditures during 1970 for the construction program of Applicant are estimated at $166 million, of which $156 million is for electric facilities, $5 million for gas facilities, and $5 million for heating, telephone, and general facilities. Of the expenditures for electric facilities, $114 million is for production, $11 million for transmission, and $31 million for distribution facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 20, 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. 70-8710; Filed, July 8, 1970; 8:49 a.m.]

[Docket No. E-7543]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

JULY 6, 1970.

Take notice that on June 29, 1970, Northwestern Public Service Co. (Applicant) filed an application with the

Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue $6 million principal amount of 5-year First Mortgage Bonds. Included in such application was a request for exemption from the competitive bidding requirements of § 34.1a (b) and (c) of the Commission's regulations under the Federal Power Act to enable the sale of the Bonds to a selected group of underwriters pursuant to a negotiated underwriting agreement.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota, and Nebraska, with its principal business office being in Huron, S. Dak. Applicant is engaged in generating, transmitting, distributing, and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities. Applicant also distributes and sells natural gas in three Nebraska communities and in 24 communities in South Dakota.

It is presently contemplated that the Bonds will be dated in August 1970 and mature 5 years thereafter in 1975, and will bear interest at a rate per annum to be fixed by negotiation with the underwriters.

The net proceeds from the Bonds shall be used to retire outstanding short-term bank loans and partial financing of 1970 construction expenditures estimated to be $4,700,000.

Any person desiring to be heard or to make any protest with reference to said Application should on or before July 22, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-8711; Filed, July 8, 1970; 8:49 a.m.]

[Dockets Nos. CP69-100, CP70—301]

PENNSYLVANIA GAS AND WATER CO. ET AL.

Order Granting Motion To Consolidate

JULY 6, 1970.

Pennsylvania Gas and Water Co., Applicant, v. Transcontinental Gas Pipe Line Corp., The Manufacturers Light and Heat Co., Respondents, Docket No. CP69-100; and Pennsylvania Gas and Water Co., Applicant, v. The Manufacturers Light and Heat Co., Respondent, Docket No. CP70-301.

On June 12, 1970, the Commission staff filed a motion to consolidate a recent application (CP70-301) filed on June 10, 1970, by Pennsylvania Gas and Water Co. (Penn Gas), pursuant to section 7(a) of the Natural Gas Act, with another application (Docket No. CP69-100) filed by Penn Gas under that same section. In the latter application Penn Gas seeks an order under which it would obtain and purchase gas directly from Transcontinental Gas Pipe Line Corp. (Transco).

At the present time, Transco delivers certain volumes of natural gas to Penn Gas for the account of Manufacturers Light and Heat Co. (Manufacturers) and, in Docket No. CP69-100, Penn Gas is seeking an order from the Commission requiring Transco to sell these volumes to it directly rather than through middleman Manufacturers. In a separate and newly filed section 7(a) application (Docket No. CP70-301), Penn Gas also seeks an order from the Commission directing Manufacturers to convert 7,000 Mcf of Penn Gas' present Winter Service entitlement of 10,887 Mcf daily to Contract Demand Service without requiring Penn Gas to execute a new service agreement with a 20-year term which would expire in 1990, in lieu of 1985, the expiration date in the present service agreement. In its new application, Penn Gas alleges that Manufacturers and other affiliates of the Columbia Gas System have, from time to time, executed service agreements which provided for such changes in service without changing the unexpired term of the related service agreement and that this is specifically provided for in the General Terms and Conditions of Manufacturers' FPC Gas Service Tariff, § 9.2.

Staff's motion to consolidate is unopposed[1] and it asserts that the exhibits supporting Penn Gas' application in Docket No. CP70-301 are substantially similar to those already served for inclusion in the evidentiary record in Docket No. CP69-100 in which hearings are to commence on July 7, 1970. Given these circumstances, plus that the fact that Penn Gas' witness in the Docket No. CP69-100 proceeding has already submitted prepared testimony concerning the background of the requested change in Winter Service Contract Demand service, Staff claims that substantial time and expense can be saved through the consolidation of these applications which will avoid unnecessary duplication of hearing records. Our examination of the pleadings and the referenced materials indicates that the motion for consolidation is meritorious and accordingly the above-captioned applications should be consolidated for hearing and decision.

The Commission finds: It is necessary and appropriate in the administration of the Natural Gas Act to consolidate the applications, filed in Docket No. CP69-100 and CP70-301 for hearing and decision.

[1] Penn Gas, the only party to file an answer, supports the motion.

The Commission orders: The application in the above-entitled dockets are consolidated for hearing and decision.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8713; Filed, July 8, 1970; 8:49 a.m.]

[Docket No. AR61-2 etc.]

SOUTHERN LOUISIANA AREA RATE PROCEEDINGS

Order Continuing Stay

JULY 2, 1970.

On June 30, 1970, the U.S. Court of Appeals for the Fifth Circuit, upon denying motions to stay issuance of the mandate pending possible petitions for writs of certiorari to the Supreme Court of the United States in Austral Oil Co., et al., No. 27492 et al. (herein "Austral") directed the Clerk to withhold issuance of the mandate for ten (10) days to permit the parties to seek a stay from a Justice. We have determined to stay our rate orders in Opinion No. 546, as amended, upon the issuance of the Court's mandate, and until further order of this Commission.

The Commission orders: Any rate reductions, refunds, or other obligations required to be made in Opinion No. 546, as amended, are hereby stayed until further order of this Commission. This stay will become effective when a judicial stay is dissolved in Austral.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8712; Filed, July 8, 1970; 8:49 a.m.]

[Docket No. CP70-315]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 1, 1970.

Take notice that on June 24, 1970, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed an application pursuant to section 7(b) of the Natural Gas Act for authorization to abandon certain facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale 4,500 compressor horsepower and appurtenant facilities at the Compressor Station No. 524 near Leeville, La.

Applicant states that it was authorized by the Commission's order issued March 11, 1957, in Docket No. G-9448, to construct and operate compressor horsepower on its Muskrat System in southeast Louisiana. Subsequently the aforementioned 4,500 compressor horsepower was installed at Compressor Station No. 524 near Leeville, La. Applicant further states that in 1969, pursuant to authorization received on May 1, 1968, in Docket

No. CP68–166, applicant installed 9,100 additional compressor horsepower at Compressor Station No. 524.

Applicant has now determined that the 9,100 compressor horsepower installed in 1969 is sufficient in itself for the operation of its facilities in this area. Therefore, applicant requests permission to abandon the original 4,500 compressor horsepower authorized by the Commission's order of March 11, 1957.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 27, 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 and the Commission on its own review of the matter finds that 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. 70–8665; Filed, July 8, 1970; 8:46 a.m.]

[Dockets Nos. RI70–1758, RI70–1638]

TEXACO, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, Permitting Withdrawal of Rate Supplement and Terminating Proceeding

JUNE 30, 1970.

On May 27, 1970, Texaco, Inc. (Texaco),[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

Description: Notice of change, filed May 27, 1970.
Purchaser and producing area: Northern Natural Gas Co. (Buckeye Plant, Lea County, N. Mex.) (Permian Basin Area).
Rate schedule designation: Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 336.
Effective date: July 1, 1970.[2]
Amount of annual increase: $19,161.
Effective rate: 16.1418 cents per Mcf.
Proposed rate: 17.0 cents per Mcf.[3]
Pressure base: 14.65 p.s.i.a.

Texaco has submitted filings to withdraw a proposed rate increase for a sale of gas to Northern Natural Gas Co. in the Permian Basin Area of New Mexico. The notice of change in rate proposed to be withdrawn is a periodic increase from 16 cents to 17 cents per Mcf designated as Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 336 which was suspended in Docket No. RI70–1638 until December 1, 1970.

In lieu of the withdrawn increase, Texas proposes to substitute two rate increases. One increase to 16 cents to 16.1418 cents per Mcf, the ceiling rate established by the related quality statement, amounts to $3,166 annually, and the second increase from 16.1418 cents to 17 cents, the rate contractually due amounts to $19,161 annually. In support of the action, Texaco states that the substitute rate increases would establish the applicable ceiling rate as a refund floor whereas under the initial increase, all amounts collected between 16 cents and 17 cents per Mcf would be subject to refund.

We believe that it would be in the public interest to permit Texaco to withdraw its notice of change in rate filed on April 29, 1970, designated as Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 336 suspended in Docket No. RI70–1638, and to terminate such proceeding in said docket insofar as it pertains to Texaco's FPC Gas Rate Schedule No. 336. Texaco's proposed rate increase from 16 cents to 16.1418 cents per Mcf should be accepted for filing effective as of July 1, 1970 (Texaco will be advised with respect to this action in a letter from the Secretary). Texaco's proposed rate increase from 16.1418 cents to 17 cents per Mcf exceeds the applicable increase rate ceiling and should be suspended for 5 months from July 1, 1970, the proposed effective date.

The proposed increased rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for permitting the withdrawal of Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 336 and to terminate the related suspension proceeding in Docket No. RI70–1638.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 336 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 4 to Texaco's FPC Gas Rate Schedule No. 336 is permitted to be withdrawn and the suspension proceeding in Docket No. RI70–1638 insofar as it pertains to Texaco's FPC Gas Rate Schedule No. 336 is terminated.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 336.

(C) Pending a hearing and decision thereon, Supplement No. 6 to Texaco's FPC Gas Rate Schedule No. 336 is hereby suspended and the use thereof deferred until December 1, 1970, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70–8667; Filed, July 8, 1970; 8:46 a.m.]

[1] Address is: Post Office Box 52332, Houston, Tex. 77052.

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

[3] Increase to contract rate.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Fairbanks 450]

ALASKA

Notice of Opening of Lands

JUNE 29, 1970.

1. In an order issued November 27, 1968, the Federal Power Commission vacated the power withdrawal created by the filing of an application for a preliminary permit on March 20, 1961, by the Chatanika Power Co. for Power Project No. 2294, involving the following described lands:

FAIRBANKS MERIDIAN

All lands in T. 2 N., Rgs. 2, 3, and 4 W., and T. 3 N., Rgs. 1, 2, and 3 W., lying at and below the 550-foot contour along the Chatanika

River from a point located approximately 1½ miles below the mouth of Shovel Creek upstream to the bridge of the Fairbanks to Livengood Road. The lands lie along a 22-mile stretch of the Chatanika River approximately 15 miles northwest of Fairbanks.

The area described aggregates approximately 20,000 acres.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. sec. 818 (1964), and pursuant to the authority delegated to me by Bureau Order No. 701 of July 23, 1964, as amended, it is ordered as follows:

2. At 10 a.m. on August 5, 1970, the lands described in paragraph 1 shall be open to appropriation under the public land laws, subject to the withdrawal made by Public Land Order No. 4582, as modified or amended, for the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska. The lands are open to location and entry for metalliferous minerals under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 70-8669; Filed, July 8, 1970; 8:46 a.m.]

[S-487A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership; Correction

JUNE 30, 1970.

F.R. Doc. 70-6528 appearing in the FEDERAL REGISTER issue of May 27, 1970, at pages 8295-97, is hereby corrected as follows:

The land description in paragraph 3 in column 2 of page 8295 shown as "T. 7 S., R. 7 E.," is corrected to "T. 6 S., R. 7 E.,".

J. R. PENNY,
State Director.

[F.R. Doc. 70-8670; Filed, July 8, 1970; 8:46 a.m.]

[Serial No. R2832]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 2, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application Serial Number R2832, for the withdrawal of lands described below from prospecting, location, entry, and purchase under the mining laws, subject to valid existing rights.

The lands have previously been withdrawn for the Pine Mountain and Zaca Lake Forest Reserve by presidential proclamation of March 2, 1898, now the Los Padres National Forest, and as such have been open to entry under the general mining laws.

The applicant desires the exclusion of mining to permit use of such lands for administrative site, which use is incompatible with mineral development.

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, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

The Department's regulations, 43 CFR 2351.4(c) (formerly 43 CFR 2311.1-3(c)), provide that the authorized officer 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 need, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

SAN BERNARDINO NATIONAL FOREST

Gold Hill Administrative Site

T. 7 N., R. 19 W.,
Sec. 7, SW¼SW¼SW¼.
T. 7 N., R. 20 W.,
Sec. 12, SE¼SE¼SE¼;
Sec. 13, NE¼NE¼NE¼.

The areas described aggregate 30 acres in Ventura County.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70-8722; Filed, July 8, 1970; 8:50 a.m.]

[Colorado 9370]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

JUNE 29, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public lands laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

GARFIELD COUNTY, COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 6 S., R. 93 W.,
Sec. 8, NW¼NE¼.

The area described contains 40 acres.

2. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Grand Junction District Manager, Bureau of Land Management, 223 Federal Office Building, Grand Junction, Colo. 81501.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-8671; Filed, July 8, 1970; 8:46 a.m.]

[Montana 12770]

MONTANA

Notice of Classification of Lands for Multiple-Use Management

JUNE 30, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 5831-5832) on April 9, 1970, or at the public hearing held June 4, 1970. Several favorable comments were received. No changes have been made in the list of lands included in this classification. The record showing the comments received and other information is on file and can be examined in the Dillon District Office, Bureau of Land Management, Dillon, Mont.

3. The public lands affected by this classification are located within the following described area and are shown on maps on file in the Dillon District Office, Dillon, Mont., and on maps and records in the Land Office, Bureau of Land Management, Federal Building, Billings, Mont.

PRINCIPAL MERIDIAN, MONTANA

SILVER BOW COUNTY

T. 1 S., R. 6 W.,
Sec. 8.
T. 1 S., R. 8 W.,
Secs. 4 to 10, inclusive;
Secs. 17 to 20, inclusive;
Secs. 24 to 26, inclusive;
Secs. 28 to 35, inclusive.
T. 1 S., R. 9 W.,
Secs. 1 and 2;
Secs. 9 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 1 S., R. 10 W.,
Secs. 1 to 5, inclusive;
Secs. 10 to 12, inclusive.
T. 2 S., R. 8 W.,
Secs. 1 to 11, inclusive;
Secs. 17 to 20, inclusive.
T. 2 S., R. 9 W.,
Secs. 1 and 2;
Secs. 4 and 5;
Secs. 9 and 10;
Secs. 12, 14, and 24.
T. 1 N., R. 6 W.,
Secs. 29 and 32.
T. 1 N., R. 8 W.,
Secs. 6 and 31.
T. 1 N., R. 9 W.,
Sec. 4.
T. 1 N., R. 10 W.,
Secs. 30 to 32, inclusive.
T. 1 N., R. 11 W.,
Secs. 13 to 15, inclusive;
Secs. 17 to 29, inclusive.
T. 1 N., R. 12 W.,
Secs. 2 and 3;
Secs. 10 to 13, inclusive.

DEER LODGE COUNTY

T. 1 N., R. 12 W.,
Secs. 2 and 3.
T. 1 N., R. 13 W.,
Secs. 4, 8, and 18.
T. 1 N., R. 14 W.,
Sec. 26.
T. 2 N., R. 12 W.,
Secs. 20 and 28;
Secs. 32 to 34, inclusive.
T. 2 N., R. 13 W.,
Secs. 20, 22, and 24;
Sec. 34.

The public land in the areas described aggregate approximately 48,440 acres.

4. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

EUGENE H. NEWELL,
Acting State Director.

[F.R. Doc. 70-8723; Filed, July 8, 1970; 8:50 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Classification of Public Lands for Multiple-Use Management

JULY 1, 1970.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas, described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 8; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any land withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 5731). The record showing the comments received and other information is on file and can be examined in the Las Cruces District Office, Bureau of Land Management, 1705 North Seventh Street, Las Cruces, N. Mex. 88001. The public lands affected by this classification are located within the following described areas and are shown on maps designated Lordsburg Resource Area No. 03–01 and Las Cruces Resource Area No. 03–02 on file in the Las Cruces District Office and Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501.

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 S., R. 1 W.,
Sec. 7, lots 3, 4, E½SW¼, and SE¼.
T. 12 S., R. 4 W.,
Sec. 15, lot 4.
T. 22 S., R. 4 W.,
Sec. 3, lot 1.
T. 12 S., R. 5 W.,
Sec. 15, SW¼SE¼.
T. 13 S., R. 5 W.,
Sec. 3, lot 13;
Sec. 6, NE¼SE¼;
Sec. 28, SE¼NW¼.
T. 18 S., R. 5 W.,
Sec. 7, NE¼NE¼.
T. 19 S., R. 5 W.,
Sec. 5, SW¼NE¼;
Sec. 22, S½SE¼;
Sec. 25, S½N½;
Sec. 26, S½;
Sec. 27, N½NE¼, SW¼NE¼, and NW¼SE¼.
T. 12 S., R. 6 W.,
Sec. 14, SW¼NE¼;
Sec. 27, SE¼SE¼;
Sec. 29, SW¼NW¼.
T. 18 S., R. 6 W.,
Sec. 3, NE¼SE¼;
Sec. 31, NE¼NE¼.
T. 19 S., R. 6 W.,
Sec. 11, SE¼SW¼.
T. 11 S., R. 7 W.,
Sec. 1, lot 11.
T. 21 S., R. 7 W.,
Sec. 3, lots 5, 6, 11, 12, and SW¼;
Sec. 4, lots 5 to 12, inclusive, and S½;
Sec. 6, lots 4, 5, 6, SW¼NE¼, and SE¼NW¼;
Sec. 8, E½W½ and SE¼;
Sec. 17, NE¼ and E½W½;
Sec. 20, E½SW¼;
Sec. 29, NE¼ and E½NW¼.
T. 22 S., R. 7 W.,
Sec. 5, lots 2 and 3;
Sec. 6, lots 1, 2, 7, 8, and NE¼;
Sec. 7, N½SW¼;
Sec. 8, S½NE¼.
T. 21 S., R. 8 W.,
Sec. 5, lots 1, 2, 3, 4, N½N½, SW¼NE¼, and S½NW¼.
T. 22 S., R. 8 W.,
Sec. 1, lots 5, 6, and S½SW¼;
Sec. 4, lots 5, 6, 7, 8, and S½S½;
Sec. 5, lots 9, 10, 11, 12, and S½S½;
Sec. 6, lots 1, 2, 3, 4, S½N½, W½SW¼, and E½SE¼;
Sec. 7, E½;
Sec. 8, W½;
Sec. 10;
Sec. 11, E½, E½W½, and NW¼NW¼;
Sec. 12, SW¼;
Sec. 13, N½NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 14, N½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 15;
Sec. 17, E½ and NW¼;
Sec. 19, NE¼ and SW¼;
Sec. 20, N½NE¼, SW¼NE¼, NW¼, and NW¼SE¼;
Sec. 21, N½N½;
Sec. 22, N½ and SE¼;
Secs. 23 and 24;
Sec. 26, W½;
Sec. 27;
Sec. 30, NW¼;
Sec. 35, NW¼.
T. 22 S., R. 9 W.,
Sec. 3, NW¼SW¼;
Sec. 4, NE¼;
Sec. 6, NW¼NE¼;
Sec. 7, SW¼NE¼ and SE¼;
Sec. 15, W½E½ and E½W½;
Sec. 19;
Sec. 20, E½NE¼, SW¼, and W½SE¼;
Sec. 21;
Sec. 22, W½E½, W½, and E½SE¼;
Sec. 23, S½;
Sec. 24, S½;
Secs. 25 and 26;
Sec. 27, E½NE¼ and W½NW¼;
Sec. 28, N½;
Sec. 29, W½NW¼;
Sec. 30, lots 1, 2, NE¼, and E½NW¼;
Sec. 35, W½NE¼ and E½NW¼.
T. 28 S., R. 14 W.,
Sec. 7, lot 1, N½NE¼ and NE¼NW¼;
Sec. 8, NE¼, N½NW¼, and E½SE¼;
Sec. 9, W½ and SE¼.
T. 27 S., R. 15 W.,
Sec. 24, S½NE¼, SE¼NW¼, and E½SE¼.

The areas described aggregate approximately 20,488.25 acres in Dona Ana, Grant, Luna, and Sierra Counties.

3. For a period of 30 days from the date of publication in the FEDERAL REGISTER this classification shall be subject to the

exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721 Washington, D.C. 20240.

ROBERT O. BUFFINGTON,
Acting State Director.

[F.R. Doc. 70-8672; Filed, July 8, 1970; 8:46 a.m.]

[OR 4732]

OREGON

Notice of Proposed Classification for Multiple-Use Management; Correction

JULY 2, 1970.

In F.R. Doc. 70-4517 appearing on pages 6082, 6083, and 6084 of the issue for Tuesday, April 14, 1970, and the correction appearing on page 10325 of the issue for Wednesday, June 24, 1970, the following change should be made in the description: T. 23 S., R. 9 E., sec. 33, delete "SW¼NW¼," add "SE¼NW¼."

ARTHUR W. ZIMMERMAN,
Acting State Director.

[F.R. Doc. 70-8673; Filed, July 8, 1970; 8:46 a.m.]

[OR 4668]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management; Correction

JULY 2, 1970.

In F.R. Doc. 70-7629 appearing on pages 10042 and 10043 of the issue for Thursday, June 18, 1970, the following change should be made in the description:

T. 11 S., R. 27 E.,
Secs. 17, 18, 20, 30, 31, and 32.

should read

T. 11 S., R. 28 E.,
Secs. 17, 18, 20, 30, 31, and 32.

ARTHUR W. ZIMMERMAN,
Acting State Director.

[F.R. Doc. 70-8674; Filed, July 8, 1970; 8:46 a.m.]

[OR 6138 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. 70-7841 appearing at page 10232 in the issue for Tuesday, June 23, 1970, make the following changes:

1. In the second paragraph in the center column on page 10232 the acreage for Jefferson County, Wash., now reading "2.05", should read "2.06".

2. The figure "500" in the 13th line under the heading "Chakchak Campground" should read "550".

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 70-8693, Federal Deposit Insurance Corporation, *infra.*

DEPARTMENT OF AGRICULTURE

Forest Service

MISSION MOUNTAINS WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890-892; 16 U.S.C. 1131-1132), that a public hearing will be held, beginning at 9 a.m. on September 9, 1970, at the Eagles Hall, Kalispell, Mont., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States that a recommendation be submitted to the Congress for the establishment of the Mission Mountains Wilderness, comprised of approximately 74,838 acres within and contiguous to the Mission Mountains Primitive Area. The proposed Mission Mountains Wilderness is located in the Flathead National Forest in the counties of Lake and Missoula in the State of Montana.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Flathead National Forest, 290 North Main Street, Kalispell, Mont. 59901, or the Regional Forester, Federal Building, Missoula, Mont. 59801.

Individuals and organizations may express their views by appearing at this hearing or may submit written comments for inclusion in the official record to the Regional Forester, Federal Building, Missoula, Mont. 59801, by October 9, 1970.

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 70-8650; Filed, July 8, 1970; 8:45 a.m.]

MIDDLE FORK FEATHER WILD AND SCENIC RIVER

Boundaries

The FEDERAL REGISTER notice published on Friday, March 6, 1970, pages 4219-4222, is corrected and amended as follows:

River Area Description, Mount Diablo Meridian, California:

1. In T. 22 N., R. 7 E., Sec. 14, add "NW¼NW¼SW¼."

2. In T. 22 N., R. 12 E., Sec. 14, the following is described twice: "SE¼NW¼SE¼SW¼" (delete one); add "SE¼NE¼SE¼SW¼."

3. In T. 22 N., R. 12 E., Sec. 15, add "E½NE¼NE¼NW¼, NW¼NE¼NE¼NW¼, and NE¼NW¼NE¼NW¼."

4. In T. 23 N., R. 15 E., Sec. 11, add "NE¼, NE¼NW¼, and E½NW¼NW¼."

5. In T. 23 N., R. 15 E., Sec. 12, add "N½NE¼, N½NW¼, and SW¼NW¼."

6. In T. 23 N., R. 11 E., Sec. 14, add "SW¼SW¼SW¼NW¼."

7. In T. 23 N., R. 11 E., Sec. 24, add "SW¼NW¼NE¼."

8. In T. 23 N., R. 13 E., Sec. 36, delete "SE¼NE¼, SW¼SW¼" and insert "SE¼NE¼SW¼SW¼," and add "N½SW¼SE¼SW¼, SW¼SW¼SE¼SW¼, and NW¼SE¼SE¼SW¼."

9. In T. 23 N., R. 14 E., Sec. 26, delete "S½NW¼SE¼" and insert "W½NW¼SE¼."

10. In T. 23 N., R. 15 E., Sec. 33, delete "S½SE¼" and insert "SE¼SE¼."

EDWARD P. CLIFF,
Chief, Forest Service.

[F.R. Doc. 70-8651; Filed, July 8, 1970; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(69)-24]

LUCIEN DAHDAH

Order Denying Export Privileges for Indefinite Period

In the matter of Dr. Lucien Dahdah, Post Office Box 4747, and Bechara Chartouni Building, Rue Makdissi, Beirut, Lebanon, respondent.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondent all export privileges for an indefinite period because the said respondent failed to furnish responsive answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent, Lucien Dahdah of Beirut, Lebanon, is engaged in public relations and has participated in the procurement of U.S.-origin strategic commodities; in December 1968, as the result of an order placed by respondent, he received from a firm in Beirut, strategic U.S.-origin electronic measuring and testing equipment and other commodities having a total value of $31,000; said equipment

was exported from the United States for ultimate use in Lebanon; respondent reexported or caused the reexportation of said commodities from Lebanon to another country. The evidence further shows that in May 1969 respondent Dahdah ordered through another Beirut firm, U.S.-origin videotape recorder/reproducer, video heads and parts and accessories, all of strategic nature, valued at $85,000. The respondent's order for this equipment was subsequently canceled. The said Investigations Division is conducting an investigation relating to the disposition of the equipment by the respondent and also as to intended disposition of the other equipment ordered by him.

It is impracticable to subpoena the respondent and relevant and material written interrogatories and requests to furnish certain specific documents relating to the matters under investigation were served on him pursuant to § 388.15 of the export control regulations. The respondent has furnished answers regarding the intended disposition of the videotape recorder/reproducer equipment. He has failed to furnish responsive answers and documents relating to other equipment, as required by said section and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.

The evidence before the undersigned shows that respondent is managing director of the firm Middle East Media of Beirut, Lebanon, and he holds a majority participation therein. Pursuant to § 388.1(b) of the export control regulations a determination is hereby made that said Middle East Media is a related party to respondent and to prevent evasion of this order it is hereby made applicable to said firm.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export control regulations. Without limitation of the generality of the foregoing participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith, including the firm Middle East Media, Beirut, Lebanon.

IV. This order shall remain in effect until the respondent provides responsive answers, written information, and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the export control regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent and related party.

VII. In accordance with the provisions of § 388.15 of the export control regulations, the respondent or related party may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner, Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: June 30, 1970.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 70-8661; Filed, July 8, 1970; 8:45 a.m.]

Business and Defense Services Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00809-65-46070. Applicant: Massachusetts Institute of Technology, 77 Massachusett Avenue, Cambridge, Mass. 02139. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to study metals, semiconductors, ceramics, polymers, and other organic materials. The properties of the materials to be investigated are the qualitative and quantitative description of surface morphology and its relationship to bulk structure and properties. The courses in which the instrument will be used are Materials Science, Science of Materials, Physical Metallurgy, Introduction to Electron Optics, and Electron Microscopy, and Fracture Mechanisms in Metals. Application received by Commissioner of Customs, June 15, 1970.

Docket No. 70-00810-33-46040. Applicant: University of Hawaii School of Medicine, Department of Pathology, c/o Leahi Hospital, Young 5, 3675 Kilauea Avenue, Honolulu, Hawaii 96816. Article: electron microscope, Model EM 300. Manufacturer: Philips Electronics

NVD, The Netherlands. Intended use of article: The article will be used for research concerned with ultrastructural appearances and the mode of formation of a pigment which occurs in disease states of man and experimental animals. The pigment is called ceroid (wax-like) and is derived by oxidative polymerization from unsaturated fats only. When deposited in vital organs and organelles of man, their function is interfered with and a wide variety of human diseases and symptoms appear, particularly those associated with aging. Application received by Commissioner of Customs, June 15, 1970.

Docket No. 70–00811–65–86300. Applicant: North Carolina State University, Mechanical and Aerospace Engineering Department, 229 Broughton Hall, Raleigh, N.C. 27607. Article: Viscoelastometer, Model DDV–II. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article will be used to investigate materials consisting of synthetic polymeric filaments such as nylon, rayon, and polyester as single filaments and in yarn and cord assemblies. Also to be studied are filament reinforced composites in which the reinforcing elements may range from metal wire to graphite and polymeric filaments while the matrix material of the structure may vary from epoxy resins to rubber compounds. The transmission and internal dissipation of mechanical energy introduced by sinusoidal tensile strain of the specimen is to be studied. Application received by Commissioner of Customs, June 15, 1970.

Docket No. 70–00812–16–61800. Applicant: University of Wisconsin-Marathon, County Campus, 518 South 7th Avenue, Wausau, Wis. 54401. Article: Planetarium, Model Venus. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article will be used for precision sky motion simulation for educational and public programs including astronomy and navigation instruction. Application received by Commissioner of Customs, June 15, 1970.

Docket No. 70–00814–33–46040. Applicant: Iowa State University of Science and Technology, Department of Botany and Plant Pathology, Ames, Iowa 50010. Article: Electron microscope, Model HS–8–2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for formal laboratory exercises in two courses in electron microscope techniques as applied to biology, Botany 680 "Laboratory in Electron Microscopy" and Biochemistry 575 "Microscopy Laboratory". These are one quarter lecture-laboratory courses in which eight to 12 students are enrolled and each student uses about 40 beam hours of microscope time. The secondary use of this instrument will be to carry a high volume of research work of a "survey" character. Application received by Commissioner of Customs, June 16, 1970.

Docket No. 70–00800–00–46040. Applicant: Battelle-Northwest, Post Office Box 999, Richland, Wash. 99352. Article: Large angle goniometer stage and control unit. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The articles are accessories for an existing electron microscope, Model JEM–7. Application received by Commissioner of Customs, June 12, 1970.

Docket No. 70–00808–75–42900. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Superconducting, split coil magnet. Manufacturer: Oxford Instrument Co., United Kingdom. Intended use of article: The article will be used for research on atomic nuclei; phenomena involving nuclear polarization; neutron scattering experiments from targets of polarized nuclei; an investigation of the spin dependencies of nuclear forces; and standard techniques of low temperature Physics. Application received by Commissioner of Customs, June 15, 1970.

Docket No. 70–00796–33–46040. Applicant: Princeton University, Purchasing Department, Post Office Box 33, Princeton, N.J. 08540. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used in high resolution studies of bacterial, cell organelles, membranes, nuclei acids and viruses. Research concerns the morphological transitions occurring in cell organelles such as mitochondrion and chloroplas; the biological and molecular properties of membrane transport systems and the molecular architecture of membranes; and nucleic acid structure will be investigated with respect to the topology of mitochondrial, viral and bacterial DNA. Application received by Commissioner of Customs, June 12, 1970.

Docket No. 70–00797–00–46040. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Accessories for Elmiskop 1A electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The articles will be used on an existing electron microscope for research on the structure of various biomacromolecules. Application received by Commissioner of Customs, June 12, 1970.

Docket No. 70–00798–65–46040. Applicant: Florida Technological University, Post Office Box 25000, Orlando, Fla. 32816. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in ENGR 351 Structure and Properties of Materials, ENG 352 Materials of Engineering, EMS 432 Metallurgy and EMS 499 Undergraduate Research. These courses are for engineering materials science majors in the engineering program and involve laboratory work and demonstrations. Students will be introduced to modern research techniques and methods on metals, alloys, and crystals. Application received by Commissioner of Customs, June 12, 1970.

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

[F.R. Doc. 70–8703; Filed, July 8, 1970; 8:49 a.m.]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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. 70–00552–67–46040. Applicant: National Aeronautics and Space Administration, Ames Research Center, Moffett Field, Calif. 94035. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article will be used in a research program involving studies of high resolution electron diffraction and microscopy analysis of results of well controlled heterogeneous nucleation and expitaxial thin film growth experiments, and, for an investigation of the crystallagraphic structure and chemical composition of microscopic precipitates in titanium allows which are of particular interest to the applicant's hydrogen embrittlement program (cryogenic fuel tanks).

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 permits adjustment of contrast and resolution during operation by means of a variable specimen level cartridge and a variable objective lens focal length. In addition, the article permits quantitative image analysis by means of an intermediate lens stigma which can scan the final image over a detector. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is presently being supplied by the Forgflo Corp. (Forgflo). We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 5, 1970, that all of the characteristics of the foreign article described above are pertinent to the applicant's research studies. NBS further advises that the Model EMU–4B electron microscope does not provide an intermediate lens stigma and lacks the variable objective lens focal length which is required for adjustment of contrast and resolution during operation. We, therefore, find that the Model EMU–4B is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-8704; Filed, July 8, 1970; 8:49 a.m.]

TAMAQUA AREA SCHOOL DISTRICT, PA.

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. 70-00582-16-61800. Applicant: Tamaqua Area School District, Box 112, Tamaqua, Pa. 18252. Article: Planetarium, model Venus. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for precision sky and apparent sky motion simulation for educational and public programs including astronomy and navigation instruction.

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, was being manufactured in the United States at the time the foreign article was ordered (February 1968).

Reasons: The foreign article provides a star positional accuracy of plus or minus (±) 5 minutes of arc. Observa Dome, Inc. (Observa Dome), currently manufactures a comparable planetarium with a star positional accuracy of ±7½ seconds of arc. However, at the time the foreign article was ordered the most closely comparable domestic instrument was the Model STP planetarium manufactured by Spitz Laboratories, Inc. (Spitz). The Spitz Model STP provided ±20 minutes of arc. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 3, 1970, that the greater accuracy of the foreign article is pertinent to the applicant's intended purposes. We, therefore, find that the Model STP planetarium was 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 was being manufactured in the United States at the time the foreign article was ordered.

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

[F.R. Doc. 70-8705; Filed, July 8, 1970; 8:49 a.m.]

UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder 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. 70-00501-33-07730. Applicant: University of California, San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: X-ray diffraction camera (complete Toroid camera). Manufacturer: Hilger & Watts Ltd., United Kingdom.

Intended use of article: The article will be used to study biological materials. X-ray diffraction patterns will be recorded on film and analyzed in order to learn the molecular structure of these materials.

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 focussed X-rays which are of greater intensity than is obtainable from a pinhole camera. This greatly reduces the exposure time needed to obtain an X-ray diffraction pattern.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 27, 1970, that the shorter exposure time of the foreign article is pertinent to the applicant's research studies. HEW further advises that it knows of no domestic X-ray camera which provides this pertinent characteristic.

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

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

[F.R. Doc. 70-8702; Filed, July 8, 1970; 8:48 a.m.]

UNIVERSITY OF UTAH

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. 70-00509-65-46070. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used as a research tool in a variety of scientific projects. Among these are fracture studies of alloys and composites, the precision location of heterojunctions in solid-state ultraviolet radiation detector, and studies of human bone and tissues (in conjunction with the School of Medicine). The educational uses will consist of demonstrations of a variety of metallurgical phenomena, such as fracture surface observations and slipline observations in undergraduate and graduate courses taught in the Department of Engineering.

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 permits both a 360° rotation of the scanning direction and correction foreshortening of the image when the specimen tilt is increased. The most closely comparable domestic instruments are the Model 700 scanning electron microscope manufactured by the Materials Analysis Company (MAC) and the Model SM-2 scanning electron microscope manufactured by the Ultrascan Corp. (Ultrascan) formerly doing business as K Square Corp. (K Square).

We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 10, 1970, that the

characteristics of the foreign article described above are pertinent to the applicant's research studies. NBS further advised, that the Model 700 offers foreshortening corrections, but not continuous rotation and the Model SM–2 offers plus or minus 180° rotation, but not foreshortening corrections.

We, therefore, find that neither the Model 700 nor the Model SM–2 is 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 such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70–8706; Filed, July 8, 1970; 8:49 a.m.]

UNIVERSITY OF WISCONSIN ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70–00813–33–46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, Wis. 53706. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research on the determination of the structure of several polymorphic forms of tubes of glutamate dehydrogenase; for ultrastructural studies of mitochondrial membrane and crystalline membrane structure protein in respiratory deficient mutants of *Neurospora;* and for studies on the structure and length distribution of replicating and nonreplicating DNA of bacterial episomes. Application received by Commissioner of Customs, June 16, 1970.

Docket No. 70–00815–33–46040. Applicant: Armed Forces Institute of Pathology, Washington, D.C. 20305. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for research on ocular and other body tissues that have been especially prepared and sectioned for ultrastructural studies. In addition, cell suspensions, tissue fragments, cytoplasmic organelles, chromosomes, bacteria, viruses and fungi will constitute the material under investigation. The Ophthalmic Pathology Branch conducts a comprehensive training program for physicians in ophthalmis pathology, including the use of all modern methods of tissue examination. Application received by Commissioner of Customs, June 16, 1970.

Docket No. 70–00799–33–46095. Applicant: National Institutes of Health, National Cancer Institute, Bethesda, Md. 20014. Article: Phase microscope. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for studies involving some of the parameters in chemical transformation of hamster cells and for determining the effects of carcinogens and noncarcinogens in ciliated cells in cultures, in order to ascertain if ciliotoxcity could be used to find potential carcinogens. Application received by Commissioner of Customs, June 12, 1970.

Docket No. 70–00816–01–77040. Applicant: Rutgers, The State University, School of Chemistry, Wright Laboratory, New Brunswick, N.J. 08903. Article: Mass spectrometer, Model RMU–7. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research projects on the characterization of new and/or unexpected products in organic reactions such as the photoreduction of norborenes and syntheses of hexapeptides; photolysis reactions involving the use of mixtures containing acetone and deuterated acetone; O^{18} trace studies; and for analysis of mixtures of volatile borances which cannot be separated by physical methods. Application received by Commissioner of Customs, June 16, 1970.

Docket No. 70–00817–33–46040. Applicant: Virginia Polytechnic Institute, Purchasing Department, 222 Burruss Hall, Blacksburg, Va. 24061. Article: Electron microscope, Model JEM–100B. Manufacturer: Japan Electron Optics Lab., Co., Ltd., Japan. Intended use of article: The article will be used for the examination of bacteria and other micro-organisms at low and medium magnification to determine the presence or absence of appendages such as pili, microcapsules and spores, and the nature and arrangement of flagella; of subcellular fractions produced by the mechanical disintegration of micro-organisms, such as cell wall fragments, membrane fragments, internal fibrils, ribosomes and high molecular weight DNA fraction; and to examine plant tissues at low magnification for orientation, followed by examination at high magnification to detect virus particles in the selected areas. Application received by Commissioner of Customs, June 16, 1970.

Docket No. 70–00818–01–77030. Applicant: Duke University, Durham, N.C. 27706. Article: HFX nuclear induction/Fourier transform spectrometer system. Manufacturer: Bruker Scientific Inc., West Germany. Intended use of article: The article will be used for graduate level education in the chemistry department conducted by members of the faculty of that department together with their graduate students. Typical examples of the intended use include structural determinations on newly synthesized compounds and the measurement of important physicochemical parameters of new and already known compounds. Application received by Commissioner of Customs, June 16, 1970.

Docket No. 70–00819–33–43780. Applicant: Columbia-Presbyterian Medical Center, Department Obstetrics—Gynecology, 622 West 168th Street, New York, N.Y. 10032. Article: Fiberoptic hysteroscope. Manufacturer: Manabu Medical Instruments Co., Ltd., Japan. Intended use of article: The article will be used in clinical research to inspect the lining of the uterus and more specifically as a means of identifying the location where the fallopian tube enters the uterus. The capability of delivering substances through the tip of the instrument may develop a nonsurgical sterilization in the human female, by using a substance developed by the applicant. Application received by Commissioner of Customs, June 18, 1970.

Docket No. 70–00820–33–46040. Applicant: University of Iowa, Biochemistry Department, Medical Research Center, Iowa City, Iowa 52240. Article: Electron microscope, Model HU–125E–1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study nucleohistones, the nuclear membrane, interface chromosomes, DNA, and yeast phosphofructokinase with emphasis on possible interactions between the nuclear membrane and isolated interphase chromosomes. The experiments involved shadowing with metal and the use of negative staining technique. Application received by Commissioner of Customs, June 18, 1970.

Docket No. 70–00821–33–77040. Applicant: University of California, Los Angeles, School of Medicine, Center for the Health Science, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Mass spectrometer, Model MS–902. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for structural studies of products and intermediates in chemical reactions, products, and intermediates of enzymic reactions, and of natural products. These include sterols, steroids and terpenes; hormones; amino acids and polypeptides (sequencing); oligo- and poly-saccharides; lipids of all classes, particularly those found in brain under normal and abnormal metabolites in body fluids, tissues and cells particularly in metabolic disorders

associated with mental retardation and abnormal functions of the central nervous system. Application received by Commissioner of Customs, June 18, 1970.

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

[F.R. Doc. 70-8707; Filed, July 8, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6391V]

CERTAIN DRUG PRODUCTS CONTAINING SULFAQUINOXALINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. B–B–Q Liquid; each 100 cubic centimeters contains 3.44 grams sulfaquinoxaline sodium (2-sulfanilamidoquinoxaline sodium in excess sodium hydroxide solution), equivalent to 3.2 grams sulfaquinoxaline per 100 cubic centimeters; by Beebe Laboratories, Inc., 2035 East Larpenteur Avenue, St. Paul, Minn. 55109.

2. Hi–Co Nox Medicated; contains 2.5 percent sulfaquinoxaline; by Vita Plus Corp., Post Office Box 926, Madison, Wis. 53701.

3. Sulfaquine–O–Mor; each 100 cubic centimeters contains 3.44 grams sulfaquinoxaline sodium (2-sulfanilamidoquinoxaline sodium in excess sodium hydroxide), equivalent to 3.2 grams sulfaquinoxaline per 100 cubic centimeters; by Hilltop Laboratories, Inc., East Larpenteur Avenue, St. Paul, Minn. 55109.

4. Dr. Mayfield Sul–Quin–Ox liquid; each 100 cubic centimeters contains 3.44 grams sodium sulfaquinoxaline; by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616.

5. Soluline; contains 25 percent sulfaquinoxaline; by Gland–O–Lac Co., a subsidiary of E. R. Squibb & Sons, Inc., Agriculture Research Center, Three Bridges, N.J. 08887.

6. Sulfaquinoxaline Solution; contains 3.2 percent sulfaquinoxaline; by Nelson Laboratories, Inc., 404 East 12th Street, Sioux Falls, S. Dak. 57101.

7. Sulquin 6–50 Concentrate; each 100 cubic centimeters contains 28.62 grams sulfaquinoxaline sodium; by Salsbury Laboratories, Charles City, Iowa 50616.

8. Sulquin Soluble Powder; contains 25 percent sulfaquinoxaline sodium; by Salsbury Laboratories.

9. SQS; contains 3.2 percent sulfaquinoxaline; by Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pa. 17067.

10. Quinatrol–25; contains 25 percent sulfaquinoxaline; by Whitmoyer Laboratories, Inc.

11. S.Q. 40 percent; contains 181.6 grams sulfaquinoxaline per lb.; by Merck Chemical Dvision, Merck & Co., Inc., Rahway, N.J. 07065.

12. 3.2 percent S.Q. Solution; each cubic centimeter contains 32 milligrams sulfaquinoxaline; by Merck Chemical Division, Merck & Co., Inc.

13. 20 percent S.Q. Solution; each cubic centimeter contains 200 milligrams sulfaquinoxaline; by Merck Chemical Division, Merck & Co., Inc.

14. 25 percent S.Q. Soluble; contains 250 milligrams sulfaquinoxaline per gram; by Merck Chemical Division, Merck & Co., Inc.

15. S.Q. Tablet and Bolus; each tablet contains 1.62 grams sulfaquinoxaline; each bolus contains 16 grams sulfaquinoxaline; by Merck Chemical Division, Merck & Co., Inc.

16. Vineland Sulfaquinoxaline Feedmix 25 percent; contains 25 percent sulfaquinoxaline; by Vineland Poultry Laboratories, East Landis Avenue, Vineland, N.J. 08360.

17. Vineland Liquid Sulfaquinoxaline; each 100 cubic centimeters contains 3.44 grams sulfaquinoxaline sodium equivalent to 3.2 grams of sulfaquinoxaline; by Vineland Poultry Laboratories.

18. Vineland Aqua-Noxaline; contains 25 percent sulfaquinoxaline; by Vineland Poultry Laboratories.

19. Vineland Sulfaquinoxaline Soluble and S.Q. Soluble; both contain 90 percent 2-sulfanilamidoquinoxaline sodium; by Vineland Poultry Laboratories.

20. Purina Liquid Sulfa-Nox; contains 3.44 percent sulfaquinoxaline sodium; by Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63102.

21. Purina Sulfa-Nox Concentrate; contains 12.85 percent sulfaquinoxaline sodium; by Ralston Purina Co.

The Academy evaluated these drugs as: (1) Probably effective as an aid in prevention and control of outbreaks of coccidiosis in chickens, turkeys, pheasants (and other game birds), cattle, and sheep (provided the specie of coccidia for the respective hosts are shown); (2) effective as an aid in prevention and control of coccidiosis (*Eimeria stiedae*) in rabbits; and (3) probably effective as an aid in the control, and treatment of bacterial infections in cattle, lambs, and swine when such infections are caused by pathogens sensitive to sulfaquinoxaline. The Academy stated: (1) For systemic use the recommended dosage levels should be documented with regard to whether such dosage levels produce effective blood levels and tissue concentrations; (2) each disease claim should be properly qualified as to name of the disease caused by pathogens sensitive to sulfaquinoxalene; (3) the labels should warn that treated animals must actually consume enough medicated water or medicated feed to provide a therapeutic dose under the conditions that prevail, and as a precaution the label should state the desired oral dose per unit of animal weight per day for each species as a guide to effective use of such preparations in drinking water or feed; (4) antibacterial claims made regarding "for prevention of" or "to prevent" should be replaced with "as an aid in the control of" or "to aid in the control of"; and (5) caution statements need to be revised to incorporate current toxicological information.

The Food and Drug Administration concurs in the Academy's findings.

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS–NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 29, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8718; Filed, July 8, 1970; 8:50 a.m.]

[DESI 0173NV]

CERTAIN PREMIXES CONTAINING CHLORTETRACYCLINE

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations by Roche Chemical Division, Hoffmann-La Roche, Inc., Nutley, N.J. 07110:

1. Spence Special Premix; each pound contains 4 grams chlortetracycline.

2. Ark–La Special Swine Premix; each pound contains 2 grams chlortetracycline hydrochloride.

3. Golden Oak Swine Concentrate Medicated; each pound contains 10 grams chlortetracycline hydrochloride, 4.95 percent 3-nitro-4-hydroxyphenylarsonic acid.

4. Golden Oak Swine Vitamin Premix Medicated; each pound contains 3 grams chlortetracycline hydrochloride, 1.4 percent 3-nitro-4-hydroxyphenylarsonic acid.

The Academy concluded that more information is needed to establish that these products are effective for faster gains and improving feed efficiency in swine. The Academy stated: (1) Claims for growth promotion or stimulation are not allowed, and claims for faster gains and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions"; and (2) each active ingredient in a preparation containing more than one drug must be effective or contribute to the effectiveness of the preparation to warrant acceptance as an active ingredient.

The Food and Drug Administration concurs with the Academy's evaluation, however, the Administration concludes the appropriate claim for faster weight gains and improved feed efficiency, where applicable, should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drugs of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Manufacturers of the subject drugs are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a new animal drug application which became effective prior to October 10, 1962, is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The manufacturer of the listed drugs has been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 29, 1970.

R. E. DUGGAN,
Acting Associate Commissioner, for Compliance.

[F.R. Doc. 70-8716; Filed, July 8, 1970; 8:49 a.m.]

[DESI 3726]

SULFACETAMIDE FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug: Sulamyd, containing 0.5 gram sulfacetamide per tablet; marketed by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 3–726).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered the Academy report and has concluded there is a lack of substantial evidence that sulfacetamide administered orally is effective for the prophylaxis of urinary tract infections.

2. Except as described in paragraph A1, the drug is regarded as possibly effective for treatment of urinary tract infections.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for sulfacetamide for oral use is requested to submit a supplement to his application to provide for labeling which deletes the indication for which the drug has been classified as lacking substantial evidence of effectiveness as described in paragraph A1 above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. The labeling of any such preparation which is on the market without an approved new-drug application should be revised if such labeling includes the indication for which the drug has been classified as lacking substantial evidence of effectiveness as described in paragraph A1 above. Failure to delete such indication and put the revised labeling into use within 60 days after the publication date of this announcement in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy

of this report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 3726 and be directed to the attention of the following appropriate office and (unless otherwise specified) be addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.
Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.
Requests for NAS-NRC report: Press Relations Staff (CE-200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 26, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8717; Filed, July 8, 1970; 8:50 a.m.]

[DESI 7055V]

SULFATHIAZOLE, SULFAPYRIDINE, AND SULFAMERAZINE SOLUTIONS

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Sulfadac; each 100 cubic centimeters contains 6 grams sulfathiazole sodium, 4 grams sulfapyridine sodium, 3 grams sulfamerazine sodium; by Curts Laboratories, Inc., 812 Woodwether Road, Kansas City, Mo. 64105.

2. Triple Sulfa Solution; each cubic centimeter contains 40.2 milligrams sodium sulfapyridine, 40.2 milligrams sodium sulfamerazine, 40.2 milligrams sodium sulfathiazole; by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st Street, Kansas City, Mo. 64141.

The Academy evaluated these products as probably effective for the treatment of bacterial infections caused by organisms sensitive to the activity of the three sulfonamides. The Academy stated: (1) The dosage needs to be revised, the maintenance does should provide 0.5 grain of sulfonamides per pound of body weight every 12 hours, and the initial dose is inconsistent; (2) the intraperitoneal route of administration should be deleted; and (3) the label should show that vomiting may be observed in dogs.

The Food and Drug Administration concurs in the Academy's findings.

This evaluation is concerned with these drugs' effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drugs or their metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug, including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the act.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holders of the new animal drug applications for the listed drugs have been mailed a copy of the NAS-NRC report. Any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 26, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8719; Filed, July 8, 1970; 8:50 a.m.]

IMPERIAL CHEMICAL INDUSTRIES, LTD.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2558) has been filed by Imperial Chemical Industries, Ltd., Plastics Division, Bessemer Road, Welwyn Garden City, Hertfordshire, England, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of hydrogenated castor oil as a lubricant for vinyl-chloride polymers used in the manufacture of articles or components of articles intended for packaging, packing, transporting, or holding food.

Dated: June 29, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8737; Filed, July 8, 1970; 8:51 a.m.]

RHODIA, INC.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0983) has been filed by Rhodia, Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, N.J. 08903, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl) - 2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities almond hulls at 50 parts per million and almonds and meat, fat, and meat by-products of cattle at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with an electron-capture detector.

Dated: June 29, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-8738; Filed, July 8, 1970; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Notice of Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated June 30, 1970, the Director of the Division of Reactor Licensing has issued Construction Permit No. CPPR-74 to the Florida Power and Light Co. for construction of a pressurized water nuclear reactor at the applicant's site in St. Lucie County, Fla. The 1,132-acre site is located about halfway between Fort Pierce and Stuart on the east coast of Florida.

The reactor, known as the Hutchinson Island Nuclear Power Plant, is designed for initial operation at approximately 2,440 thermal megawatts with a net electrical output of approximately 813 megawatts.

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 1st day of July 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-8660; Filed, July 8, 1970; 8:45 a.m.]

[Docket No. 50-184]

NATIONAL BUREAU OF STANDARDS

Notice of Issuance of Facility License

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on May 28, 1970 (35 F.R. 8456), the Atomic Energy Commission has issued Facility Operating License No. TR-5, as proposed in that notice. The full-term operating license authorizes the National Bureau of Standards (NBS) to possess, use, and operate its reactor located on the NBS site near Gaithersburg, in Montgomery County, Md., at the presently licensed power level of up to a maximum of 10 megawatts (thermal), for a period of 15 years.

The Commission has found that the application for the full-term facility operating license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the license may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of June 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-8701; Filed, July 8, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22272; Order 70-7-7]

APOLLO AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority July 1, 1970.

The Postmaster General filed a notice of intent June 15, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 72 cents per great circle aircraft mile for the transportation of mail by aircraft between Santa Maria and Los Angeles, Calif.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft D-18-S aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Apollo Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 72 cents per great circle aircraft mile between Santa Maria and Los Angeles, Calif.

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

It is ordered, That:

1. Apollo Airways, Inc., the Postmaster General, Hughes Air Corp., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Apollo Airways, Inc.,

2. Further procedures herein 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 herein, shall be filed within 10 days, and if notice is filed, written answer and suppporting documents shall be filed within 30 days after service of this order;

3. 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 herein and fix and determine the final rate specified herein;

4. 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 insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Apollo Airways, Inc., the Postmaster General, and Hughes Air Corp.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-8752; Filed, July 8, 1970; 8:53 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

[Docket No. 21770; Order 70-7-9]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority July 1, 1970.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement would amend an existing resolution governing the establishment of one-way fares, based on 50 percent of affinity-group fares, from points in Europe/Africa/Middle East to New York/Boston by extending to dependents of U.S. military personnel stationed abroad the availability of affinity-group fares for 40, 80, and 100 passengers.[1]

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 Resolution JT12(Mail 731)095e; which is incorporated in Agreement CAB 21820, is adverse to the public interest or in violation of the Act.

[1] A similar extension of availability of affinity-group fares for the purpose of round-trip transportation for military personnel and their dependents was approved by Order 70-4-115. In both instances, the use of such fares would be subject to the same seasonal periods of availability established for public use, as well as restrictions on weekend travel during certain months of the peak season.

Accordingly, it is ordered, That:

Action on Agreement CAB 21820 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. 70-8753; Filed, July 8, 1970; 8:53 a.m.]

[Docket No. 20993; Order 70-7-10]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 1, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated June 10 and 17, 1970, names additional specific commodity rates, as set forth in the attachment hereto,[1] which reflect significant reductions from the general cargo rates. Also, the agreement revalidates several rates otherwise scheduled to expire June 30, 1970, and cancels rates between Taipei and New York and from Taipei to Los Angeles, as indicated in the attachment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R-10 through R-16, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-8754; Filed, July 8, 1970; 8:53 a.m.]

[Docket No. 20291; Order 70-7-21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action and Requesting Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1970.

On June 18, 1970, there were filed with the Board certain amendments to sections II, VII, and VIII of the Provisions for the Regulation and Conduct of the IATA Traffic Conferences, adopted at the 77th meeting of the Executive Committee, held in Geneva on May 26 and May 27, 1970. These amendments, reproduced in the attachment hereto,[1] are to become effective on September 1, 1970.

The Board shall defer action on the filed amendments pending the receipt of comments thereon. The Board particularly is interested in comments with regard to the proposed change whereby an 80 percent vote of member carriers represented at a traffic conference meeting will be deemed binding conference action with regard to every member carrier failing to cast a negative vote. Previously, a unanimous carrier vote was required. We shall therefore direct that American member carriers file comments, and we invite other interested persons to do so as well, addressed to whether the amendments should be approved or disapproved under section 412 of the Federal Aviation Act.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 1175-A27 be and it hereby is deferred;

2. Each U.S. certificated air carrier who is a member of IATA[2] shall file comments with respect to the agreement;

3. Any interested person may file comments with respect to the agreement;

4. Comments shall be filed within a period of 15 days from the date of this order; [3] and

5. This order shall be served upon all certificated air carriers, the International Air Transport Association, the National Air Carrier Association, the Department of Transportation, and the Department of Justice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-8755; Filed, July 8, 1970; 8:53 a.m.]

[Docket No. 11278; Order 70-7-23]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Modifying Minimum Rate Order

Adopted by the Civil Aeronautics at its office in Washington, D.C., on the 6th day of July 1970.

By petition filed June 19, 1970, Pan American World Airways, Inc. (Pan American), requested the Board to modify the outstanding minimum air freight rate order in the New York-San Juan market [1] to permit the introduction of container rates and related provisions for lower deck pallet-igloo containers for B-747 aircraft.[2]

Pan American proposes a minimum charge for the container of $420 in both directions between New York and San Juan, applicable up to and including a net weight of 4,189 pounds,[3] and above such weight, excess poundage would be charged at the rate of 10 cents per pound.[4] Pan American would not charge any rental fee for its carrier-owned LD container and the shipper would load and the consignee would unload the container.

No person has responded to Pan American's petition.

Upon consideration of all relevant matters, and in consideration of the power the Board has reserved in Order E-23840 dated June 21, 1966, in Docket 11278 to make changes in the minimum rate without hearing, and of the fact that no hearing has been requested by any party, we have determined to grant Pan American's petition.

Pan American's proposed container rates are not unreasonable in relation to other container rates in the San Juan market. A comparison of charges with container unit Type A on various shipment weights from 3,000 to 5,000 pounds reveals that Pan American's container would not be competitive below 3,261 pounds, and above such weight, the Type A container will not be competitive. Thus the greater density incentive of the Pan American formula results in a lesser charge at the upper density range. At the maximum (5,000 pounds),

[1] Attachment filed as part of the original document.

[1] Attachment filed as part of the original document.

[2] American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[3] An original and 19 copies of such comments shall be filed with the Board's Docket Section.

[1] Order 70-4-138 dated Apr. 28, 1970, and prior orders.

[2] Pan American states that the B-747 pallet-igloo is a tapered box-type container 63" high, with base measurements of 88" x 125" and top measurements of 84" x 121", with a cubic capacity of 350 cubic feet, and a maximum payload of 5,000 pounds.

[3] 4,189 pounds equals a density of 11.97 pounds per cubic foot.

[4] The proposed rates are approximately 73 percent of the 3,000-pound general commodity rate.

the difference will amount to $81.90, or 14 percent.

The proposed container charges are consistent with the carriers' international container program (IATA) previously approved by the Board, and consequently we will not disapprove them here. The Board will, however, impose an expiry date and traffic reporting requirements as before, as well as detention charges at not less than 2 cents per cubic foot.

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

It is ordered, That:

1. The petition of Pan American World Airways, Inc., dated June 19, 1970, to modify the minimum rate orders in Docket 11278 is granted;

2. Order E–23431 dated March 28, 1966, as amended by Orders E–23840 dated June 21, 1966, 69–4–32 dated April 4, 1969, 70–2–97 dated February 24, 1970, and 70–4–138 dated April 28, 1970, is hereby further amended as follows:

(a) The airport-to-airport transportation of carrier-owned shipper-loaded/consignee-unloaded pallet-igloo containers of approximately 350 cubic feet capacity (designed for carriage in the lower cargo compartment of B–747 aircraft) may be performed:

(i) At a minimum charge of $420 per container, applicable up to and including 4,189 pounds (net weight), and that all poundage in excess of 4,189 net pounds shall be charged at 10 cents per pound;

(ii) No charges shall be assessed for the tare weight of such containers, nor shall a rental charge be assessed;

(iii) Unloading of such containers may be performed by the carrier, providing a reasonable charge for such service is assessed in addition to all other charges;

(iv) Detention charges shall be assessed of not less than $7 per 24-hour period or fraction thereof for shipper/consignee detention time in excess of free loading/unloading time periods of not less than 36 hours; and

(b) Direct air carriers which elect to transport such containers in accordance with the above shall publish appropriate tariff provisions therefor bearing an expiry date of not later than June 3, 1971, and shall report such container traffic to the Board on a monthly basis on CAB Form T–103, or in such other form as may be authorized.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–8756; Filed, July 8, 1970; 8:53 a.m.]

CIVIL SERVICE COMMISSION

AGRICULTURAL ECONOMIST

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on June 8, 1970, for positions of Agricultural Economist (Sector Planning) (limited to positions involving sector planning in an international program), GS–110–13/15, Washington, D.C.

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 70–8833; Filed, July 8, 1970; 11:07 a.m.]

DELAWARE RIVER BASIN COMMISSION

PROPOSED NUCLEAR GENERATING STATIONS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, July 16, 1970, in the South Auditorium of the American Society for Testing and Materials Building, 1916 Race Street, Philadelphia, Pa., beginning at 10 a.m. The subject of the hearing will be two proposed nuclear generating stations as described below. The purpose of the hearing is to receive testimony on the effects of these two projects on the water resources in the area.

Newbold Island Generating Station. An electric generating station proposed by Public Service Electric and Gas Co. Two generating units, each with an electrical capacity of 1,100,000 kilowatts, are scheduled for immediate construction on Newbold Island in Bordentown Township, Burlington County, N.J. Heat for the generation of steam will be obtained from nuclear fuel, utilizing the boiling water cycle. Cooling water drawn from the Delaware River will be provided for steam turbine condensers by a closed loop system utilizing four natural draft hyperbolic cooling towers, each approximately 400 feet high. Water requirements are estimated to be 153 million gallons per day, of which an average of 43 million gallons per day will be evaporated to the atmosphere. Groundwater withdrawals and foundation dewatering operations are to be undertaken during construction of the project.

Limerick Generating Station. An electric generating station proposed by the Philadelphia Electric Co. Two generating units, with an electrical capacity of 1,100,000 kilowatts each, are scheduled for early construction on the east bank of the Schuylkill River about 2 miles southeast of Pottstown in Limerick Township, Montgomery County, Pa. The nuclear system includes a single cycle, forced circulation boiling water reactor, producing steam for direct use in the steam turbine. Four hyperbolic, natural draft cooling towers, each approximately 400 feet high, will provide the necessary cooling. Two water intake structures are proposed, one on the Perkiomen Creek and one on the Schuylkill River. Water requirements are estimated at 69 million gallons per day, of which an average of 35 million gallons per day will be evaporated to the atmosphere. Delaware River water is proposed to be transferred to the Perkiomen Creek watershed by pipeline to augment flows and supply cooling tower makeup water at the proposed Limerick Generating Station.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission (Telephone (609) 883–9500).

W. BRINTON WHITALL,
Secretary.

JUNE 29, 1970.

[F.R. Doc. 70–8662; Filed, July 8, 1970; 8:45 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business June 30, 1970, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 474,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 196,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 92,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports

of Condition by National Banking Associations," dated June 1969, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated June 1969, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 by insured State banks not members of the Federal Reserve System," dated June 1969, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.
WILLIAM B. CAMP,
Comptroller of the Currency.
J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 70-8693; Filed, July 8, 1970; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 69]

FAR WEST FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Goleta Savings and Loan Association

JULY 2, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Far West Financial Corp., Los Angeles, Calif., a unitary savings and loan holding company, for approval of acquisition of control of the Goleta Savings and Loan Association, Goleta, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of the assets and the assumption of the liabilities of Goleta Savings and Loan Association by the State Mutual Savings and Loan Association, an insured subsidiary of Far West Financial Corp., in exchange for stock of Far West Financial Corp. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 70-8708; Filed, July 8, 1970; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL BANCORP, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commercial Bancorp, Inc., Miami, Fla., for approval of the acquisition of 80 percent or more of the voting shares of The First State Bank of Lantana, Lantana, 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)), the application of Commercial Bancorp, Inc., Miami, Fla. (Applicant), 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 State Bank of Lantana, Lantana, Fla. ("Bank").

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 30, 1970 (35 F.R. 6881), 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.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant has four subsidiary banks with aggregate deposits of $135 million—about 1 percent of the total deposits in the State. It is the 15th largest banking organization and 13th largest bank holding company in Fla. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company acquisitions approved by the Board to date.) Bank, with deposits of $10.3 million, ranks 22d in size among 30 banks in Palm Beach County. Applicant presently has a subsidiary in the city of Palm Beach and, upon acquisition of Bank, would become the fourth largest banking organization in the County, with control of 7.8 percent of County deposits. The present and proposed county subsidiaries are located 12 miles apart; there are six banks located in the intervening area, and the record indicates that the two banks are not significant competitors. The three other subsidiaries of Applicant are located in the Miami area, more than 50 miles from Lantana. It appears that consummation of Applicant's proposal would not eliminate existing competition, foreclose significant potential competition, nor have any undue adverse effects on other banks in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. On the record in this matter, the banking factors are regarded as consistent with approval of the application as they pertain to Applicant and its subsidiaries, and lend some weight in favor of such action as they relate to Bank, since the acquisition will solve a management succession problem at Bank. Applicant proposes to improve the quality and quantity of banking services performed by Bank, which should benefit the community served by Bank. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, 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 shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] July 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8668; Filed, July 8, 1970; 8:46 a.m.]

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 70-8693, Federal Deposit Insurance Corporation, *supra*.

[1] Filed as part of original document.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns and Governor Sherrill.

SECURITIES AND EXCHANGE COMMISSION

[81-103]

BACHE & CO., INC.

Notice of Application and Opportunity for Hearing

JULY 2, 1970.

Notice is hereby given that Bache & Co., Inc. (Bache or Applicant) 36 Wall Street, New York, N.Y. 10005, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Act), for an order of the Commission exempting Bache from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the effect of exempting Bache from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security of Bache from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million, and a class of security held of record by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reasons of the number of public investors, amount of trading interests in securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Bache's application states, in part:

1. The company, a Delaware corporation, is a broker-dealer registered pursuant to section 15(b) of the Act and a member firm of the New York Stock Exchange (the Exchange). As of January 31, 1970, it had outstanding 911,514 nonvoting shares owned by 507 persons out of a combined authorized total of 4,500,000 shares. These shares are not listed on a national securities exchange and Applicant has never been required to file reports pursuant to section 13 or 15(d) of the Act.

2. Shareholders of voting stock are all officers or employees of the company. Of the 507 shareholders of nonvoting stock, 480 are currently employees. The remaining 27 are in the main composed of limited partners prior to incorporation, retired employees, estates of former employees, and widows of former employees.

3. With a few exceptions, shareholders are those who were partners when the firm was originally incorporated or were employees who were offered stock by the board of directors with the advice of senior management personnel as a recognition for past and anticipated future service. Initially they are offered nonvoting stock. Upon advancement in the firm they may be offered voting stock in exchange for their nonvoting stock.

4. The constitution and rules of the New York Stock Exchange provide that all shares issued by a member organization, other than freely transferable securities, must be held of record and beneficially by a party approved by the Board of Governors of the Exchange. A freely transferable security is any stock or debt instrument which on its face may be transferred without it being necessary that the Exchange approve the transferee. Bache's certificate of incorporation does not provide for freely transferable securities and it has no present intention of authorizing freely transferable securities.

5. The transferability of the shares is limited both by certain rules of the Exchange and by Applicant's certificate of incorporation. The following briefly summarizes some of these restrictions: Exchange rules restrict issuance or transfer of other than freely transferable securities by the issuer or any disposition by the shareholder without prior written approval of the Exchange; the Exchange requires every stockholder of other than freely transferable securities not to dispose of the stock in any way without Exchange approval; Bache's charter gives it a 90-day option period to purchase (or designate purchasers of) any shares upon the happening of certain specified events such as a proposed disposition, resignation, retirement or death, and Applicant's good faith determination that it is desirable for its own welfare that a particular person cease being a stockholder. Applicant's practice has been to exercise its repurchase rights upon the occurrence of such events. The Exchange and Bache both require that all certificates bear a legend summarizing these various transfer restrictions.

6. There is no public trading and consequently no market for the stock. Transfers, when approved, take place at net asset value determined as provided in the certificate of incorporation.

7. Subject to net capital requirements, a stockholder has the right at any time to require Bache to buy back his shares at net asset value.

8. Applicant waives notice of, and opportunity for, a hearing in connection with this matter.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the office of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 27, 1970, submit to the Commission, in writing, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the persons submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own notice.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 70-8675; Filed, July 8, 1970; 8:47 a.m.]

[File No. 7-3427]

BOND INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1970.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Bond Industries, Inc., File No. 7-3427.

Upon receipt of a request, on or before July 17, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-8686; Filed, July 8, 1970; 8:47 a.m.]

[File No. 500–1]

COMPUTRONIC INDUSTRIES CORP.

Order Suspending Trading

JULY 2, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Computronic Industries Corp. (a Delaware corporation), and all other securities of Computronic Industries Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 6, 1970, through July 15, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8677; Filed, July 8, 1970; 8:47 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 2, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 5, 1970, through July 14, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8678; Filed, July 8, 1970; 8:47 a.m.]

[811–1717]

EMERGING STOCK GROWTH FUND, INC.

Notice of Proposal To Terminate Registration

JULY 1, 1970.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Emerging Stock Growth Fund, Inc. (Emerging), c/o Merrion and Mueth, 1217 East B Street, Belleville, Ill. 62221, which registered as an open-end, diversified management investment company under the Act has ceased to be an investment company.

The promoters filed a notification of registration on behalf of Emerging on August 19, 1968, indicating that it was to be incorporated under Illinois law by November 15, 1968. The promoters have now represented that Emerging was never organized, and its registration under the Act has never been completed.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than July 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Emerging at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8680; Filed, July 8, 1970; 8:47 a.m.]

[811–570]

FIDUCIARY MUTUAL INVESTING CO., INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 1, 1970.

Notice is hereby given that Fiduciary Mutual Investing Co., Inc. (Applicant), in care of: Lawler, Sterling and Kent, 500 Fifth Avenue, New York, N.Y. 10036, a Maryland corporation registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant represents that as of November 1, 1967, all of its assets were transferred to Steadman Investment Fund, Inc. (Steadman), pursuant to an agreement and plan of reorganization approved by the stockholders of Applicant at a special meeting scheduled to be held on October 17, 1967, and adjourned until and held on October 19, 1967. In exchange for shares of Applipant, stockholders of Applicant were entitled to receive shares of Steadman computed upon the basis of the relative net asset values of the respective companies. As of June 22, 1970, all but 81 stockholders owning 13,796 shares of Applicant had surrendered their certificates representing such shares. A total of 14,750 shares of Steadman, having a value as at the close of business on June 22, 1970, of $5.81 per share, are being held for the benefit of these stockholders by the Riggs National Bank of Washington, who has made and will continue to make efforts to contact them.

Applicant further represents that it ceased to act as an investment company as defined in the Act as of the date of the transfer of its assets. Counsel for Applicant represents that a certificate of dissolution was filed with the State of Maryland for Applicant in January 1968, and that Applicant is now prohibited from conducting any business except that necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 21, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law

by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8681; Filed, July 8, 1970; 8:47 a.m.]

[811–1503]

FIRST ARBITRAGE FUND OF AMERICA, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 1, 1970.

Notice is hereby given that First Arbitrage Fund of America, Inc. (Applicant), in care of: Stephen L. Love, Esq., Wolsey, Certilman and Hoft, 55 Broad Street, New York, N.Y. 10004, a Delaware corporation (formerly known as First Prudential Arbitrage Fund, Inc.) registered as an open-end, diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized March 14, 1967, as a Delaware corporation with a total capitalization of 10,000,000 authorized shares of common stock, $0.10 par value, 20,000 of which were issued to First Prudential Corp. in exchange for a capital contribution prior to registration under the Act. Applicant represents that subsequent to registering under the Act on May 22, 1967, it has issued no securities, and following management's determination not to proceed with a public offering, all of Applicant's assets have been transferred to its sole shareholder First Prudential Corp.

Applicant further represents that all of its activities have been terminated except such as are necessary to wind up its affairs. Counsel for Applicant has stated that, to the best of its knowledge, Applicant has no remaining outstanding liabilities, and further has stated that Applicant will not operate as an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 24, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8682; Filed, July 8, 1970; 8:47 a.m.]

[File No. 1–5765]

FOUR SEASONS NURSING CENTERS OF AMERICA, INC.

Order Suspending Trading

JULY 1, 1970.

The common stock, 50 cents par value, of Four Seasons Nursing Centers of America, Inc., being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Boston Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Four Seasons Nursing Centers of America, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 2, 1970, through July 11, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8683; Filed, July 8, 1970; 8:47 a.m.]

[File No. 500–1]

FRASURE HULL HOLDING CORP.

Order Suspending Trading

JUNE 30, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Frasure Hull Holding Corp. (a Florida corporation) and all other securities of Frasure Hull Holding Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 1, 1970, through July 10, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8684; Filed, July 8, 1970; 8:47 a.m.]

[811–1366]

HUBSHMAN FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 1, 1970.

Notice is hereby given that The Hubshman Fund, Inc., a Delaware corporation ("Hubshman Delaware"), and The Hubshman Fund, Inc., a New York corporation ("Hubshman New York"), 666 Fifth Avenue, New York, N.Y., hereinafter referred to collectively as "Applicants," both registered as open-end, diversified management investment companies under the Investment Company Act of 1940 (Act), have filed an application pursuant to section 8(f) of the Act for an order declaring that Hubshman

New York has ceased to be an investment company as defined in the Act. All interested presons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Hubshman New York registered under the Act on January 10, 1966, and commenced selling shares to the public on November 26, 1966. On or about December 4, 1968, Hubshman Delaware entered into an Agreement and Plan of Merger (Plan) with Hubshman New York which provided for the issuance of Hubshman Delaware shares in exchange for an equivalent number of shares of Hubshman New York and for the vesting in Hubshman Delaware of all of the properties, rights, immunities, privileges, powers, and franchises and all of the debts, liabilities, obligations, and duties of Hubshman New York. The effectiveness of Plan contingent upon the approval of the holders of two-thirds of the outstanding shares of Hubshman New York (which was obtained on Nov. 28, 1967), the approval of the Board of Directors of Hubshman New York, and the effectiveness of the registration of Hubshman Delaware under the Act and of its shares under the Securities Act of 1933, which registrations became effective on February 5, 1968, and February 8, 1968, respectively. Plan was filed with the office of the Secretary of State of Delaware on February 23, 1968, and a certificate of merger was filed with the Department of State of New York on the same date. Upon the filing of these documents, the exchange of shares of Applicants was effected, and the separate existence of Hubshman New York ceased. Applicants represent that there are presently no outstanding shares of Hubshman New York, and further sales of its shares will not be made.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 28, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8688; Filed, July 8, 1970; 8:47 a.m.]

[811–856]

MERCER FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JULY 1, 1970.

Notice is hereby given that Mercer Fund, Inc. (Applicant), in care of: Lawler, Sterling & Kent, 500 Fifth Avenue, New York, N.Y. 10036, formerly known as New Jersey Growth Fund, Inc., and as New Jersey Investing Fund, Inc., a New York corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant represents that as of November 1, 1967 all of its assets were transferred to Steadman's Shares in American Industry, Inc. ("Steadman American") pursuant to an Agreement and Plan of Reorganization approved by the stockholders of Applicant at a Special Meeting scheduled to be held on October 17, 1967, and adjourned until and held on October 27, 1967. In exchange for shares of Applicant, stockholders of Applicant were entitled to receive shares of Steadman American computed upon the basis of the relative net asset values of the respective companies. As of June 22, 1970, all but four stockholders owning 88 shares of Applicant had surrendered their certificates representing such shares. A total of 71.917 shares of Steadman American, having a value, as at the close of business on June 22, 1970, of $7.34 per share, are being held for the benefit of these four stockholders of Applicant by the Riggs National Bank of Washington, who has made and will continue to make efforts to contact them.

Applicant further represents that it ceased to act as an investment company as defined in the Act as of the date of the transfer of its assets. Counsel for Applicant represents that a certificate of dissolution was filed with the State of New York in January 1968, and that Applicant is now prohibited from conducting any business except that necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 21, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–8685; Filed, July 8, 1970; 8:47 a.m.]

[Files Nos. 7–3422—7–3426]

POTTER INSTRUMENT CO., INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1970.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Potter Instrument Co., Inc	7-3422
Research-Cottrell, Inc	7-3423
Savin Business Machines Corp	7-3424
Saxon Industries, Inc	7-3425
Superscope, Inc	7-3426

Upon receipt of a request, on or before July 17, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-8687; Filed, July 8, 1970; 8:47 a.m.]

[Files Nos. 7-3419, 7-3420]

UNIVERSITY COMPUTING CO. AND WESTERN UNION CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1970.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
University Computing Co	7-3419
Western Union Corp. (Delaware)	7-3420

Upon receipt of a request, on or before July 17, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-8676; Filed, July 8, 1970; 8:47 a.m.]

[File No. 7-3421]

WESTERN UNION CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 2, 1970.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Western Union Corp. (Delaware), File No. 7-3421.

Upon receipt of a request, on or before July 17, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-8679; Filed, July 8, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

KANSAS INVESTMENT CORP., INC.

Notice of Approval for Transfer of Control of Licensed Small Business Investment Company

On June 11, 1970, a notice of application for transfer of control was published in the FEDERAL REGISTER (35 F.R. 9050) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.01 of the Regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of The Kansas Investment Corp., Inc., 300 West Douglas, R. H. Garvey Building, Wichita, Kans. 67202, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 11/09-0005 to Growth Capital, Inc. (Growth), 505 North Lake Shore Drive, Chicago, Ill. 60611.

Growth will acquire 100 percent of the issued and outstanding common stock and move the main office to 222 East Erie Street, Milwaukee, Wis. 53202.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

JAMES T. PHELAN, *Acting Associate Administrator for Investment.*

JUNE 24, 1970.

[F.R. Doc. 70-8690; Filed, July 8, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 61]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 2, 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

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 239), filed June 5, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Rodger J. Walsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in bulk, in tank vehicles), from Sioux City and Des Moines, Iowa; Omaha, Nebr.; and St. Joseph, Mo., to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 340 (Sub-No. 16), filed June 19, 1970. Applicant: QUERNER TRUCK LINES, INC., 1131–33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, Tennessee, New York, New Jersey, Massachusetts, Maryland, 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 Dallas, Tex.

No. MC 1459 (Sub-No. 6), filed June 11, 1970. Applicant: ROYAL MOTOR EXPRESS, INC., 410 West Silver Street, Lebanon, Ohio 45036. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio, restricted to the performance of service in shipper-owned trailers, under contract with the Standard Oil Company of Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2860 (Sub-No. 79), filed June 18, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Aircraft and aircraft parts*, crated or uncrated, from Vero Beach and Lakeland, Fla., to the New York, N.Y., commercial zone, Norfolk, Va., and Savannah, Ga. NOTE: Applicant states he has no present intention of tacking, but to the extent feasible could tack at Norfolk, Va., and New York, N.Y., to serve New England and Middle Atlantic Territories. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3114 (Sub-No. 29), filed June 23, 1970. Applicant: T. H. COMPTON, INC., R.F.D. 1, Berkeley Springs, W. Va. 25422. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aplite*, in bulk, from points in Hanover County, Va., to points in Maryland (except Baltimore), New Jersey, Ohio, Pennsylvania, and West Virginia; (2) *coal*, in bulk, from points in Preston, Grant, and Mineral Counties, W. Va., and Fayette and Westmoreland Counties, Pa., to points in Berkeley County, W. Va., Warren County, Va., and Washington, Frederick, and Carroll Counties, Md.; and (3) *glass panes, aluminum frames, and steel doors*, from Fostoria and Toledo, Ohio, to points in Morgan County, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 6078 (Sub-No. 67), filed June 11, 1970. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural and fabricated steel*, which because of size or weight, requires the use of special equipment; and (2) *structural and fabricated steel*, and related materials and supplies, which, because of size or weight do not require use of special equipment, when moving in mixed loads with items described in (1) above, from the plantsite and warehouses of Harris Structural Steel Co., Inc., at or near New Market, N.J., to points in Maine, New Hampshire, New York, N.Y., and Vermont; (3) *damaged shipments* of commodities described in (1) and (2) above, from the named destination points to the plantsite and warehouses of Harris Structural Steel Co., Inc., at or near New Market, N.J., and (4) *construction and erection equipment* as owned and utilized by Harris Structural Steel Co., Inc., between job sites, warehouses, or other facilities of said shipper, between points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19868 (Sub-No. 1), filed June 4, 1970. Applicant: GALLAGHER TRUCKING CO., a corporation, 3720 Main Street, Philadelphia, Pa. 19127. Applicant's representative: Alfred N. Lowenstein, 1540–47 Philadelphia Savings Fund Society Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, in tank, or hopper

type vehicles), between Swedeland, Pa., on the one hand, and, on the other, Abrams, Ambler, Belfry, Bridgeport, Cedar Hollow, Chalfont, Collegeville, Colmar, Conshohocken (Ivy Rock), Corsons, Downingtown, Doylestown, Exton, Farm School, Flourtown, Gwynedd Valley, Hartranft, Hatfield, Howellville, Ivry Rock (Conshohocken), Kimberton, King of Prussia, Kneedler, Lansdale, Miquon, Mogees (Norristown), New Britain, New Centerville, Norristown, North Wales, Oaks, Penllyn, Perkiomen Junction, Phoenixville, Planebrook, Plymouth Meeting, Port Kennedy, Rahns, Souderton, Spring Mill, Valley Forge, Valley Store, West Conshohocken, West Point, and Yerkes, Pa., restricted to traffic having an immediately prior or subsequent movement by rail on the line of the Reading Co. NOTE: Applicant states that it will not serve or interchange traffic at any point not a station on the line of the Reading Co. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 20841 (Sub-No. 8), filed June 18, 1970. Applicant: MARATHON FREIGHT LINES, INC., 2400 83d Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by, or sold in grocery or department stores (except commodities in bulk), from the plantsite of Summit Warehouse Corp., at North Bergen, N.J., to points in Connecticut, Orange, and Rockland Counties, N.Y. NOTE: Applicant states that the purpose of this application is to serve Summit Warehouse Corp., at Edgewater, N.J., which can be tacked with carrier's present authority at North Bergen, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 24060 (Sub-No. 1), filed June 15, 1970. Applicant: HARRY MAHALLY, JR. AND LAWERENCE P. MAHALLY, a partnership, doing business as MAHALLY TRUCKING SERVICE, 289 New Grant Street, Wilkes-Barre, Pa. 18702. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel cable or automobile brake cable, wire or strand wire rope, and supplies*, used in connection therewith, from the plantsites of American Chain and Cable Co. at Wilkes-Barre, Exeter, York, and Monessa, Pa., to points in Michigan, New York, Iowa, Indiana, Ohio, Illinois, Kentucky, New Jersey, Connecticut, Wisconsin, West Virginia, Virginia, Georgia, Maryland, Pennsylvania, and the District of Columbia; (2) *materials, supplies, machinery, and equipment*, used or useful in the manufacture of the above commodities on return; (3) *automotive cable, iron or steel, and commodities* used in the installation thereof, between Adrian, Mich., and Fairfield, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 31389 (Sub-No. 129), filed June 22, 1970. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. 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); (1) between St. Louis, Mo., and Little Rock, Ark., over U.S. Highway 67, as an alternate route for operating convenience only in connection with applicant's present authorized regular route authority; and (2) between junction U.S. Highways 51 and 60 near Cairo, Ill., and Little Rock, Ark., from junction U.S. Highways 51 and 60 over U.S. Highway 60 to junction U.S. Highway 67, thence over U.S. Highway 67 to Little Rock, and return over the same route as an alternate route for operating convenience only in connection with applicant's presently held regular route authority. Restrictions: (a) Routes (1) and (2) are restricted against the transportation of traffic originating at or destined to points in the State of Arkansas, and (b) no service may be rendered at intermediate points on routes (1) and (2), and Little Rock, Ark., may be served for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 31458 (Sub-No. 4), filed June 12, 1970. Applicant: ROBERTSON MOTOR FREIGHT, INC., 1324 O'Fallon, St. Louis, Mo. 63106. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, Mo. 63101. 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, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bowling Green, Clarksville, Elsberry, Foley, La., Old Monroe, St. Charles, Troy, Vandalia, and Winfield, Mo., and Quincy, Ill., serving Quincy, Ill., for purpose of interchange with connecting carriers on overhead traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Hannibal, Mo.

No. MC 36556 (Sub-No. 22), filed June 15, 1970. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Earle Munger, 520–58 Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers, and advertising material and supplies* for the sale and distribution of said beverages, from the plantsite of Falstaff Brewing Corp., Fort Wayne, Ind., to the warehouse of C. J. Wavro & Son, Inc., Kenosha, Wis. 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 Milwaukee, Wis., or Chicago, Ill.

No. MC 40915 (Sub-No. 20), filed June 12, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, Calif. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from the plantsite of Avoset Food Corp., at Gustine, Calif., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Los Angeles, Calif.

No. MC 43685 (Sub-No. 14), filed June 19, 1970. Applicant: MERCER TRUCKING CO., INC., Post Office Box 47, Greenacres, Wash. 99016. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of their size or weight, require the use of special equipment and/or equipment and incidental articles or commodities which are a part thereof and which are moving therewith; (1) between points in Washington, Oregon, Idaho and Montana; and (2) between points in (1) above on the one hand, and, on the other, points in California, Utah, Colorado, and Nevada. 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 Spokane, Wash.

No. MC 52574 (Sub-No. 40), filed June 11, 1970. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. 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) *Rolls*, from Baltimore, Md., to New Haven and Hartford, Conn., and Boston, Mass.; (2) *bread* from Rockport, Mass., to Linden, N.J.; and (3) *pies* from Worcester, Mass., to Linden, N.J., under contract with Gourmet Bakers, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 52657 (Sub-No. 669), filed June 8, 1970. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street,

Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway service, *equipped and unequipped shelters* (except mobile homes, prefabricated buildings, and component parts of such buildings), *removable undercarriages, mobilizers, pallets, and accessories and parts of the above-described commodities*, from Mount Wolf, Pa., and 5 miles thereof, to points in Illinois, Indiana, Michigan, Missouri, Ohio, Pennsylvania, New York, Vermont, West Virginia, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island; (2) *trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial truckaway service, *equipped and unequipped shelters* (except mobile homes, prefabricated buildings, and component parts of such buildings), *removable undercarriages, mobilizers, pallets, and accessories and parts of the above-described commodities*, from Dallastown, Pa., and 5 miles thereof, to points in Illinois, Indiana, Michigan, Missouri, Ohio, Pennsylvania, New York, Vermont, West Virginia, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island; and (3) *equipped and unequipped shelters* (except mobile homes, prefabricated buildings and component parts of such buildings), *removable undercarriages, trailer pallets, and accessories and parts* of the above-described commodities, from York, Pa., to points in Illinois, Indiana, Michigan, Missouri, Ohio, Pennsylvania, New York, Vermont, West Virginia, New Hampshire, Maine, Massachusetts, Connecticut, and Rhode Island. 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 Harrisburg, Pa.

No. MC 52657 (Sub-No. 670), filed June 8, 1970. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial truckaway and driveaway service, (1) from Scotia, N.Y., and 5 miles thereof, to points in the United States (except Hawaii); and (2) from Charlotte, N.C., and 5 miles thereof, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 59150 (Sub-No. 53), filed June 15, 1970. Applicant: PLOOF 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: *Plywood and moldings, and other accessories* used in the installation of plywood, when moving at the same time and in the same vehicle with plywood, from points in Manatee County, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 59583 (Sub-No. 127), filed June 15, 1970. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. 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); (1) between Springfield and Sandusky, Ohio; from Springfield, over Ohio Highway 4 to Sandusky, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Springfield and Sandusky, Ohio, over U.S. Highways 40 and 250 and Ohio Highway 3, serving no intermediate points; (2) between Lodi and Cleveland, Ohio; from Lodi, over U.S. Highway 42 to Cleveland and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Lafayette and Cleveland, Ohio, over U.S. Highways 42, 30, and 21 and Ohio Highway 5, serving no intermediate points, and serving Lodi, Ohio, for the purpose of joinder only; (3) between Akron and Norwalk, Ohio; from Akron, over Ohio Highway 18 to Norwalk, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Akron and Sandusky, Ohio, over Ohio Highway 5 and U.S. Highway 250, serving no intermediate points, and serving Norwalk, Ohio, for the purpose of jointer only;

(4) Between Winchester, Va., and Hancock, Md., from Winchester, over U.S. Highway 522 to Hancock, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Winchester, Va., and Hancock, Md., over U.S. Highways 11 and 40, serving no intermediate points; (5) between Winchester, Va., and Cincinnati, Ohio; from Winchester, over U.S. Highway 50 to Cincinnati, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Winchester, Va., and Cincinnati, Ohio, over U.S. Highways 11 and 40 and Ohio Highway 4, serving no intermediate points; (6) between Richmond, Va., and Washington, Pa., from Richmond, over U.S. Highway 250 to junction U.S. Highway 119; thence over U.S. Highway 119 to Morgantown, W. Va., thence over U.S. Highway 19 to Washington, Pa., and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Richmond, Va., and Pittsburgh, Pa., over U.S. Highways 1, 240, 40, 522, and 30, and Pennsylvania Highway 126, serving no intermediate points, and serving Washington, Pa., for the purpose of joinder only;

(7) Between Atlanta, Ga., and Memphis, Tenn., from Atlanta, over Interstate Highway 20 to junction U.S. Highway 78; thence over U.S. Highway 78 to junction U.S. Highway 431; thence over U.S. Highway 431 to junction U.S. Highway 278; thence over U.S. Highway 278 to junction U.S. Highway 31; thence over U.S. Highway 31 to junction U.S. Highway Alternate 72; thence over U.S. Highway Alternate 72 to junction U.S. Highway 72; thence over U.S. Highway 72 to Memphis, Tenn., and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Atlanta, Ga., and Memphis, Tenn., over U.S. Highways 41, 411, 27, and 70, Georgia Highway 293, Tennessee Highways 100 and 20, and unnumbered highway, serving no intermediate points, and serving the junction of U.S. Highways 278 and 31 and U.S. Highway Alternate 72 and U.S. Highway 72 for the purpose of joinder only; (8) between Elizabethtown, and Lexington, Ky., from Elizabethtown, over U.S. Highway 62 to junction U.S. Highway 60; thence over U.S. Highway 60 to Lexington, and return over the same route, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Nashville, Tenn., and Cincinnati, Ohio, over U.S. Highways 31W, 42, 31E, and 42, serving no intermediate points, and serving the junction of U.S. Highways 62 and 31E for the purpose of joinder only;

(9) Between Fort Wayne, Ind., and Cincinnati, Ohio; (a) from Fort Wayne, over U.S. Highway 27 to Cincinnati, and return over the same route; (b) from Fort Wayne, over U.S. Highway 33 to junction U.S. Highway 127; thence over U.S. Highway 127 to Cincinnati, and return over the same route, as alternate routes for operating convenience only in connection with applicant's authorized regular-route operations between Fort Wayne, Ind., and Cincinnati, Ohio, over U.S. Highways 24 and 52 and Indiana Highways 9 and 67, serving no intermediate points, restricted against traffic originating at points in Indiana and destined to points in Ohio and against traffic originating at points in Ohio and destined to points in Indiana; and (10) between Fort Wayne, Ind., and Tiffin, Ohio; from Fort Wayne, over U.S. Highway 30 to junction U.S. Highway 224; thence over U.S. Highway 224 to Tiffin, and return over the same route, as an alternate route for operating convenience only in connection with applicant's

authorized regular-route operations between Fort Wayne, Ind., and Hancock, Md., over U.S. Highways 24 and 40, Indiana Highways 9 and 67, and Ohio Highway 440, serving no intermediate points, restricted against traffic originating at points in Indiana and destined to points in Ohio and against traffic originating at points in Ohio and destined to points in Indiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 59583 (Sub-No. 128), filed June 17, 1970. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of Kerr Glass Co. at Dunkirk, Ind., located on Indiana Highway 167 approximately 20 miles northeast of Muncie, Ind., as an off-route point in connection with carrier's authorized regular-route operations over U.S. Highway 31, Indiana Highway 28, and unnumbered highway (formerly U.S. Highway 35) between Indianapolis and Muncie, Ind., and over Indiana Highways 67, 9, and 32 between Indianapolis and Muncie, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 59680 (Sub-No. 180), filed June 18, 1970. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the International Paper Co. paper mill in Cass County, Tex., as an off-route point in connection with carrier's authorized regular route operations between Texarkana, Ark.-Tex., and Shreveport, La., and Dallas, Tex., and Little Rock, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 60186 (Sub-No. 40), filed June 8, 1970. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Vernon V. Baker, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives and poles, household goods, commodities in bulk, and those requiring special equipment). Applicant requests authority, in connection with its operations over the regular routes hereinafter described (and over which regular routes it is presently authorized to operate and serve specified intermediate and off-route points, by virtue of its certificate issued in No. MC 60186) to transport the commodities hereinbefore described from Washington, D.C., and from intermediate and off-route points in that part of Delaware on or north of U.S. Highway 40, points in Maryland within 25 miles of the District of Columbia, points in that part of Maryland on or east of U.S. Highway 1 and on or north of a line beginning at the Maryland-District of Columbia line and extending along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to junction Maryland Highway 480, thence along Maryland Highway 480 to junction Maryland Highway 314, and thence along Maryland Highway 314 to the Delaware-Maryland State line, and points in Virginia within 25 miles of the District of Columbia, on the one hand, to New York, N.Y., and all points in New Jersey. NOTE: The purpose of the instant application is solely to eliminate the restriction in applicant's certificate under MC 60186, which may be generally described as prohibiting the movement of northbound traffic from points hereinbefore described in Delaware, the District of Columbia, Maryland, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 61592 (Sub-No. 178) (Correction), filed June 1, 1970, published FEDERAL REGISTER issue of June 25, 1970, corrected and republished as corrected, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements in driveaway service, and *cabs, bodies, and parts*, from Garland, Tex., to points in Michigan, Pennsylvania, Ohio, Indiana, Illinois, Alabama, New Mexico, California, Texas, Iowa, Oregon, Florida, Tennessee, Arkansas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show Iowa as a destination State in lieu of Louisiana, as shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 82492 (Sub-No. 40), filed June 18, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, Mich. 49003. Applicant's representatives: William C. Harris, Post Office Box 2853, Kalamazoo, Mich. 49003, and Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by persons engaged in the manufacturing, processing and milling of grain products (except commodities in bulk), from Grand Rapids, Mich., and points in Michigan within 175 miles thereof, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and to points in Illinois in the St. Louis, Mo., commercial zone and in the Davenport, Iowa, Rock Island and Moline, Ill., commercial zones, as defined by the Commission. 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 Detroit or Lansing, Mich.

No. MC 82841 (Sub-No. 71), filed June 17, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. 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: (1) *Belt and bucket elevators, belt conveyors, distributors, work platforms, spouts, ladders, and component parts* for bulk material handling equipment, from York, Nebr., to points in the United States excluding Alaski and Hawaii; and (2) *materials, equipment, and supplies* used in the manufacture of the above-described commodities in bulk, from points in Oregon, Indiana, Ohio, Illinois, Missouri, and Arkansas, to York, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 282), filed June 19, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1935—2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701, and Kenneth Weeks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in cargo containers unmounted or mounted on shipper-owned chassis, and *empty containers* unmounted or mounted on shipper-owned chassis on return, between points in Oregon, Washington, California, Idaho, Montana, and Nevada. 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 San Francisco, Calif.

No. MC 83835 (Sub-No. 71), filed June 4, 1970. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, from Fort Collins, Colo.; Houston, Tex.; and Bossier City, La., to points in the United States (except Hawaii). NOTE:

Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Fort Worth, Tex.

No. MC 87476 (Sub-No. 3), filed May 27, 1970. Applicant: CARL SCHAEFER, JR., TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, Ind. 47803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweeping compounds and janitorial supplies*, packed in cartons and/or fiber or metal drums, between the plantsite of Paul Dowell, doing business as Envy Supply Co., North Vernon, Ind., and points in Illinois, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authortiy. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Cincinnati or Columbus, Ohio.

No. MC 89723 (Sub-No. 59), filed June 17, 1970. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robert S. Davis (same address as applicant). The instant application seeks authority solely to remove Jefferson City, Mo., as a key point from applicant's certificate under MC 89723 (Sub-No. 15), wherein it is presently authorized to transport general commodities over regular routes, between various points in Missouri, Illinois, Kansas, and Nebraska in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. but continuing subject to all other key points, including St. Louis-East St. Louis and Kansas City and other restrictions contained in MC 89723 (Sub-No. 15). No new routes or points are sought to be served. NOTE: Applicant is a wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 94201 (Sub-No. 88), filed May 15, 1970. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading and household goods as defined by the Commission. Route 1: Between Birmingham, Ala., and New Orleans, La.; (a) from Birmingham, Ala., over U.S. Highway 11 and/or Interstate Highway 59, to New Orleans, La., and return over the same route, serving all intermediate points and serving points within (*a*) a radius of 25 miles of Birmingham, Ala.; (b) a radius of 15 miles of Tuscaloosa, Ala.; (c) a radius of 15 miles of Meridian, Miss.; (*d*) a radius of 15 miles of Laurel, Miss.; (*e*) a radius of 15 miles of Hattiesburg, Miss.; (*f*) Greater New Orleans and its commercial zone as fixed and defined by the Commission under Part 1048—Commercial Zones, section 1048.7 as off-route points; (b) from Birmingham, Ala., over U.S. Highway 11 and/or Interstate Highway 59 to Picayune, Miss., thence over Mississippi Highway 43 to its intersection with U.S. Highway 90 near Pearlington, Miss., thence over U.S. Highway 90 to New Orleans, La., and return over the same route, serving intermediate points in Mississippi. Route 2: Between Meridian and Jackson, Miss., from Meridian, Miss. over U.S. Highway 80 and/or Interstate Highway 20 to Jackson, Miss., and return over the same route, serving all intermediate points and serving points within a radius of 15 miles of Jackson, Miss. as off-route points.

Route 3: Between Jackson, Miss., and New Orleans, La., from Jackson, Miss., over U.S. Highway 51 and/or Interstate Highway 55 to their junction with U.S. Highway 61 and/or Interstate Highway 10 at or near Laplace, La., thence over U.S. Highway 61 and/or Interstate Highway 10 to New Orleans, La., and return over the same route, serving all intermediate points. Route 4: Between Laurel and Brookhaven, Miss., over U.S. Highway 84 for joinder purposes. Route 5: Between Hattiesburg and McComb, Miss., over U.S. Highway 98 for joinder purposes. NOTE: Applicant proposes to tack any authority herein granted to its present authority at Birmingham, Ala., to provide service between points proposed to be served in this application and points presently served by applicant in the States of Alabama, Georgia, Florida, Tennessee, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Illinois, Indiana, Ohio, and Washington, D.C. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Jackson, Miss., or New Orleans, La.

No. MC 94265 (Sub-No. 237), filed June 19, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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), in vehicles equipped with mechanical refrigeration, from Smithfield, Va., to points in Tennessee, Iowa, West Virginia, Wisconsin, and Missouri; (2) *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 Carriers Certificates*, 61 M.C.C. 209 and 766. *Flour; grits or meal; flour or corn meal, edible; grain products; meal; corn; wheat germ meal; grain flour; grain flour, self rising; grits; rye; and wheat* (except hides and commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from Richmond, Va., to points in Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Tennessee, Texas, West Virginia, and Wisconsin; (3) *meats, meat products and packinghouse products* (except hides and commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration from Front Royal, Va., to points in New York, New Jersey, and Pennsylvania; and (4) *meats and meat products* (except hides and commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from Culpeper, Va., to points in 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 Washington, D.C.

No. MC 103993 (Sub-No. 538), filed June 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 vehicles, over irregular routes, transporting: *Light structural framing steel, expanded metals, metal gratings, lath, mesh, panels and partitions*, from the plant and warehouse sites of Keene-Penn Metal in Vienna, W. Va., to points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 103993 (Sub-No. 539), filed June 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: *Underfloor electrical distribution systems, and component parts*, from the plant and warehouse sites of Walker/Parkersburg Division of Textron, Inc., at Parkersburg, W. Va., to points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 103993 (Sub-No. 540), filed June 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, mounted on wheeled undercarriages, from Fredericksburg, Va., 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 Richmond, Va.

No. MC 103993 (Sub-No. 542), filed June 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: *Boats*, mounted on undercarriages, from points in Elkhart County, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104675 (Sub-No. 29), filed June 16, 1970. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y. 14210. Applicant's representative: E. Russell Whiteman, 620 Elk Street, Buffalo, N.Y. 14210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in tank vehicles, from Hailesboro, and Emeryville, N.Y., to Shelton, Conn.; and (2) *returned and rejected shipments of same description* on return. 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 Buffalo, Syracuse, or Albany, N.Y.

No. MC 106398 (Sub-No. 480) (Correction), filed June 4, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished in part, as corrected, this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. The purpose of this partial republication is to show the correct docket number as "MC 106398 (Sub-No. 480)" in lieu of MC 106389 (Sub-No. 480) which was erroneously shown in previous publication. The rest of the application remains as previously published.

No. MC 107107 (Sub-No. 407), filed June 1, 1970. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Post Office Box 458, Allapattah Station, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used by or dealt in by wholesale, retail, and chain grocery stores, drugstores, drug business houses and food business houses, between points in Florida, on the one hand, and, on the other, points in Georgia on or north of a line formed by U.S. Highway 280 extending eastward from the Alabama-Georgia State line to junction U.S. Highway 80 at or near Blichton, Ga., thence over U.S. Highway 80 to the Atlantic Ocean. NOTE: Applicant states that the requested authority can be tacked on a limited basis with its presently held authority to serve points in Alabama, Mississippi, Louisiana, and Texas, through Pensacola, Fla. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107295 (Sub-No. 390), filed May 28, 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: *Building construction sections, panels and component parts thereof*, including *wall, door, and window systems: doors, windows, and door and window frames and sash: any parts and accessories* used in the installation thereof, from Lima, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking may take place at Lima, Ohio, on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Tennessee, and Wisconsin for transportation beyond, as authorized in MC 107295 Part (B). If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 393), filed June 15, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down, or in sections; (2) *materials, equipment, supplies, and accessories* for buildings; and (3) *wall systems and wall panels and parts and accessories*, from Paris, Ill., to points in the United States except Alaska and Hawaii; and (B) *return shipments* and materials, equipment, and supplies used in the manufacturing and distribution of the products in parts (1), (2), and (3) above, from the above defined destination points in (A) to Paris, Ill. NOTE: Applicant states tacking may take place at Paris, Ill., on traffic originating in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin for transportation beyond as authorized under MC 107295, Part B. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 394), filed June 18, 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 applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers and materials, supplies, and accessories* used in the erection and completion thereof, from Memphis, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking may take place at Memphis, Tenn., on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin for transportation beyond, as authorized under MC 107295 Part B. Applicant further states that no duplicating authority is being sought. However, should any develop full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 108207 (Sub-No. 302), filed June 24, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Florence, Ariz., to Berkeley, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 108297 (Sub-No. 17), filed June 19, 1970. Applicant: FOX TRANSPORT SYSTEM, 21 South Fifth Street, Philadelphia, Pa. 19106. 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: *Dairy products* in vehicles equipped with mechanical refrigeration and *fruit juices and fruit drinks* (except commodities in bulk, in tank, or hopper type vehicles), from Fort Washington, Montgomery County, Pa., to points in Prince William County, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 108393 (Sub-No. 33), filed June 16, 1970. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail-order houses, and in connection therewith, such *equipment, materials and supplies* used in the conduct of such business, between Philadelphia and King of Prussia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Ohio, Virginia, West Virginia, and the District of Columbia, under contract with Sears, Roebuck & Co. NOTE: Applicant holds common carrier authority under MC 118459, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109172 (Sub-No. 7), filed May 11, 1970. Applicant: NATIONAL TRANSFER, INC., doing business as NATIONAL MOTOR FREIGHT, 4100 East Marginal Way S., Seattle, Wash. 98134. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cargo containers or vans and their contents, general commodities*, shipped in cargo container/vans having prior or subsequent movement by water, between points in Oregon and Washington, and between points in Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 110525 (Sub-No. 978), filed June 15, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from points in Dade County, Fla., to points in Georgia, Alabama, Louisiana, Mississippi, North Carolina, South Carolina, 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 Miami, Fla., or Atlanta, Ga.

No. MC 111170 (Sub-No. 144), filed June 5, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don Smith, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Hot Springs County, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111401 (Sub-No. 304), filed June 3, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gases*, in bulk, in tank vehicles, from all points in Louisiana (except the city of Delhi and the Parishes of Concordia, Catahoula, and Tensas) to points in Baldwin and Mobile, Ala., and points in Mississippi, and (2) *chemicals*, in bulk, in tank vehicles, from Harvey, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 111401 (Sub-No. 305), filed June 18, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum lubricating oils*, in bulk, in tank vehicles, from Ponca City, Okla., to points in Idaho, and (2) *plastic powder*, in bulk, from Louisville, Ky., to McPherson, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Houston, Tex.

No. MC 111729 (Sub-No. 298), filed June 22, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed and developed plastic film* used for identification badges, between Buffalo, N.Y., on the one hand, and, on the other, Rochester, N.Y. NOTE: Applicant states it seeks to interline with Trans Canadian Couriers, Ltd., at Buffalo, N.Y. Applicant has contract carrier authority under MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo or New York, N.Y.

No. MC 113267 (Sub-No. 241), filed June 19, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods and frozen prepared foods*, from Deerfield and Chicago, Ill., to points in New York, New Jersey, Delaware, Maryland, District of Columbia, Rhode Island, Connecticut, Pennsylvania, Massachusetts, West Virginia, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 113828 (Sub-No. 179), filed June 18, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, Post Office Box 30006, Washington, D.C. 20014. Applicant's representatives: John F. Grimm (same address as applicant) and William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except petroleum products), in bulk, from Washington, D.C. (except from points in the Washington, D.C., commercial zone not within Washington, D.C.), to points in North Carolina and Virginia, restricted against the transportation of chemicals used in the manufacture of piece goods to Petersburg, Charlottesville, Waynesboro, and Richmond, Va., and Rocky Mount, N.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 223), filed June 15, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated metal buildings*, knocked down, prefabricated metal building sections, knocked down, prefabricated prefinished metal panel sections, component parts thereof, and equipment, materials, and supplies used in the installation, construction, or erection thereof, except metal buildings which are designed to be drawn by passenger vehicles, from points in Stanislaus County, Calif., to points in Colorado, Idaho, Montana, Oregon, Utah, Washington, Wyoming, Nevada, Arizona, New Mexico, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113855 (Sub-No. 224), filed June 23, 1970. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors, attachments, and parts*, from Gwinner, N. Dak., to points in the United States, including Alaska (excluding Hawaii); (2) *agricultural machinery, implements, attachments, and parts*, from Gwinner, N. Dak., to points in Illinois, Iowa, Minnesota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., Minneapolis, Minn., or Chicago, Ill.

No. MC 114290 (Sub-No. 47), filed June 15, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM

Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products and whey power*, from Tillamook, Oreg., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 114457 (Sub-No. 88), filed June 15, 1970. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. 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: *Containers, container ends and accessories, and materials, equipment, and supplies* used in or incidental to the manufacture or distribution of the above described commodities, from the plant and warehouse sites of Continental Can Co., Inc., at Mankato, Minn., St Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria and Danville, Ill., Elwood and Elkhart, Ind., and St. Joseph, Mich., to points in Colorado, Illinois, Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114533 (Sub-No. 212), filed June 12, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 2220 Brunswick Building, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films, and materials, and supplies used in connection with commercial and television motion pictures), between Chicago, Ill., on the one hand, and, on the other, St. Louis and points in St. Louis County, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant holds contract carrier authority under MC 128616, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 114829 (Sub-No. 7), filed June 19, 1970. Applicant: GENERAL CARTAGE COMPANY, INC., Post Office Box 417, Sterling, Ill. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard, pulpboard boxes, and parts for pulpboard boxes*, from Sioux City, Iowa, to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Iowa; and (2) *returned and rejected shipments* of the above-described commodities, from the destination States named above to Sioux City, Iowa. Restriction: The above requested authority is restricted to a transportation service to be performed under a continuing contract or contracts, with Container Corporation of America at Carol Stream, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115353 (Sub-No. 11), filed June 17, 1970. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, paint and paint products, lime* (except liquid in bulk) *and such materials and supplies* as are used in the manufacture, installation, and distribution of the aforementioned commodities (except commodities in bulk), between the plants and warehouse sites of United States Gypsum Co. at Staten Island, and Stony Point, N.Y., and Kearny, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia. Restriction: The proposed service to be performed under contract with United States Gypsum Co. NOTE: Applicant presently holds extensive contract carrier authority from Stony Point, N.Y., and Kearny, N.J.; no duplicating authority is sought. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116073 (Sub-No. 115), filed May 26, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* complete or in sections, in initial movements, from points in Stutsman County, N. Dak., to points in the United States including Alaska (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that he has no duplicating authority and has no application pending for such authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116073 (Sub-No. 118), filed June 19, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, from points in Marshall County, Ind., and Lapeer County, Mich., 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 Detroit, Mich.

No. MC 116073 (Sub-No. 119), filed June 19, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* complete or in sections, from points in Clarion County, Pa., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 116073 (Sub-No. 120), filed June 19, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, building panels, parts and materials; trailers designed to be drawn by passenger automobiles; motor homes; and truck mount campers*, from points in Iowa to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 116073 (Sub-No. 121), filed June 19, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings* complete, knocked down or in sections, from points in Brunswick County, Va., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 126), filed June 15, 1970. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen fertilizer solution*, in bulk, in tank vehicles, from Fulton, Ind.,

to points in Illinois, Michigan, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117036 (Sub-No. 15), filed June 18, 1970. Applicant: H. M. KELLY, INC., Rural Delivery No. 1, New Oxford, Pa. 17350. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, except refractory brick and refractory products, in shipments requiring mechanical unloading by carrier, from points in Allegheny, Armstrong, Beaver, Butler, and Lawrence Counties, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, and the District of Columbia, and points in New York on and east of New York Highway 30. 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 Harrisburg, Pa., or Washington, D.C.

No. MC 117574 (Sub-No. 186), filed June 18, 1970. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authoirty sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors) and *tractor parts* when moving in mixed loads with tractors, from Detroit, Mich., commercial zone and Romeo, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, on and east of U.S. Highway 219 from the New York-Pennsylvania State line to its junction with U.S. Highway 62 from said junction to and including Niagara Falls, N.Y., North Carolina, Pennsylvania, on and east of U.S. Highway 219, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, on and east of U.S. Highway 219 and the District of Columbia; and (2) (a) *agricultural implements and farm machinery* (except farm tractors), (b) *attachment* for tractors and commodities described in (2)(a); and, (c) *parts* of the commodities described in (2) (a) and (b) when moving in mixed loads with such commodities from the Detroit, Mich., commercial zone and Romeo, Mich., to points in the United States (except Alaska and Hawaii). Restriction: Restricted to shipments originating at the plant and warehouse sites of Ford Motor Co. at said origins, and, restricted against tacking with other authorities issued at the Commission. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 117799 (Sub-No. 2), filed May 8, 1970. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), from St. Paul, Minn., 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; and (2) *dairy products* (except commodities in bulk) from St. Paul, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 117815 (Sub-No. 162), filed June 18, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *cleaning, buffing, polishing, and weed killing compounds; deodorants, disinfectants, insecticides, insect and varmint repellents; varnish, shaving cream, soap, household cleaning equipment and supplies, and industrial lubricating compounds*, from Racine, Wis., to points in Iowa; Omaha, Nebr.; Kansas City, Mo.; and Moline, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Des Moines, Iowa.

No. MC 118159 (Sub-No. 98), filed June 16, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. 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: *Spice jars and glass containers; caps, covers, stoppers*, for spice jars and glass containers; and *spice and spice sets* in glass containers and/or racks, from Port Allegany and Erie, Pa., 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 119493 (Sub-No. 57), filed June 16, 1970. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing and building materials and supplies* manufactured by or distributed by roofing manufacturers or wholesalers (except liquid in bulk in tank vehicles), from Phillipsburg, Kans., to points in Colorado, Wyoming, Montana, Nebraska, North Dakota, South Dakota, Kansas, Iowa, Minnesota, Wisconsin, Missouri, Arkansas, Illinois, Oklahoma, and Tennessee; and (2) *materials and supplies* used in the manufacture or distribution of commodities in (1) above (except liquid in bulk, in tank vehicles), from points in destination States in (1) above to Phillipsburg, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124078 (Sub-No. 438) (Correction), filed May 25, 1970, published in the FEDERAL REGISTER issue of June 18, 1970, and republished as corrected, this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bulk, Bloomington, Ind., to points in Illinois, Kentucky, and Ohio. NOTE: Applicant states that tacking with its presently held authority is possible at Bloomington to provide through service from Greencastle, Ind., to points in Kentucky, and from Livingston County, Ky., to points in Ohio, but indicates it has no present intention to tack. Common control may be involved. The purpose of this republication is to add the words "in bulk" to the commodity description, which words were inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124078 (Sub-No. 441), filed June 15, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are

cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 124083 (Sub-No. 41), filed June 19, 1970. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite*, in bulk, in dump vehicles, from Gibsonburg, Ohio, to Lapel, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 125140 (Sub-No. 11), filed June 15, 1970. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, fruit juices, and fruit drinks*, from Rockford, Ill., to points in Illinois, Indiana, Iowa, Missouri, Wisconsin, Minnesota, and points in that part of Michigan on and south of U.S. Highway 10, under contract with Fieldcrest Sale Co. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126291 (Sub-No. 12), filed June 19, 1970. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, Frontenac County, Quebec, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobiles and snowmobile parts*, from ports of entry on the United States-Canada boundary line to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Colorado, Ohio, Illinois, Kansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) *returned shipments* of snowmobiles and snowmobile parts, from the above described destination points to the above described origin points. Restriction: Restricted to shipments originating at or destined to points in Frontenac and Beauce Counties, Quebec, Canada. NOTE: Applicant states that any duplication to authority heretofore granted or now held shall not be construed as conferring more than one operating right. If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine, or Boston, Mass.

No. MC 126472 (Sub-No. 13), filed June 12, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pull-type anhydrous ammonia nurse tanks, anhydrous ammonia nurse tanks with running gear removed, and component parts*, between points in Minnesota, Wisconsin, Iowa, Illinois, Oklahoma, Texas, South Dakota, Nebraska, Kansas, Missouri, Indiana, Ohio, Kentucky, Mississippi, Alabama, Georgia, Michigan, Tennessee, Louisiana, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 127511 (Sub-No. 6), filed June 23, 1970. Applicant: PRATT'S DRAY AND STORAGE, INC., 222 West Illinois Street, Spearfish, S. Dak. 57783. Applicant's representative: John R. Davidson, 805 Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household items, liquids in bulk, or shipments requiring special equipment), between Gillette, Wyo., and Belle Fourche, S. Dak., from Gillette over Interstate Highway 90 to Spearfish, S. Dak., and thence over U.S. Highway 85 to Belle Fourche, S. Dak., and return over the same route, serving all intermediate points and the off-route points of Newell, S. Dak., and Colony, Wyo., with no service between Gillette, Sundance, and Moorcraft, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 127705 (Sub-No. 35), filed June 16, 1970. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Indianapolis, Ind., to Bellwood, Calumet City, Chicago, Cicero, Elk Grove, Maywood, Melrose Park, North Chicago, Pekin, and Rockford, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127820 (Sub-No. 4), filed June 22, 1970. Applicant: TRANS-SERVICE, INC., 715 North 15th Street, Coshocton, Ohio 43812. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gloves and products, materials and supplies* used in the manufacture, sale, and packaging of gloves; (1) from Los Gatos, Calif., to Itasca and Broadview, Ill., and Massillon, Ohio, (2) from Emeryville, Calif., to Itasca and Broadview, Ill., and Coshocton, Canton, and Massillon, Ohio, under contract with Becton Dickinson and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 127924 (Sub-No. 1), filed June 15, 1970. Applicant: EMIL BECKER, doing business as BECKER TRUCKING CO., Box 217, Newton Falls, Ohio 44444. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from Lordstown, Ohio, to points in Armstrong and Erie Counties, Pa., under contract with The Standard Slag Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128190 (Sub-No. 6), filed June 22, 1970. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 East Railroad, Fremont, Nebr. 68025. 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: (1) (a) *Winterizing closure panels* from Fremont, Nebr., to points in Virginia, Kentucky, Missouri, Kansas, Colorado, Utah, Nevada, California, and all States north thereof, including points on the international boundary line between the United States and Canada, but excluding Alaska and Hawaii; (b) *returned, rejected, or refused shipments of winterizing closure panels* from the destination area in 1 (a) to Fremont, Nebr.; (c) *materials, supplies, and equipment* utilized in the manufacture, sale and distribution of winterizing closure panels from points in Missouri, Minnesota, Ohio, Illinois, Indiana, Pennsylvania, Tennessee, and California, to Fremont, Nebr.; (2) (a) *iron and steel articles* from Fremont, Nebr., to points in Iowa, Minnesota, South Dakota, and Kansas; (b) *iron and steel articles* from Gary, Ind., Chicago and Sterling, Ill., Kansas City, Mo., Youngstown, Ohio, Pueblo, Colo., St. Paul, Minn., and Philadelphia, Pa., to Fremont, Nebr.; (c) *steel pipe and steel tubing* (except oil field pipe or tubing) from Middletown and Youngstown, Ohio, Chicago, Ill., and Gary, Ind., to points in Minnesota, South Dakota, Iowa, Nebraska, and Kansas, under continuing contract with Nebraska Steel Co., Inc. All traffic in 1 (a), (b), (c), and 2 (a) and (b) to either originate or terminate at the plantsite or warehouse facilities utilized by Nebraska Steel Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 128273 (Sub-No. 72), filed June 12, 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: *Canned goods*, from points in Cameron, Hidalgo, and Willacy Counties, Tex., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota,

South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract carrier application under MC 133791, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128343 (Sub-No. 12), filed June 12, 1970. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and automotive goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from Los Angeles, Glendale, and Compton, Calif., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies*, used in the manufacture of the commodities set forth in (1) above, from the destination States as set forth in (1) above to the origin points as set forth in (1) above, under contract with Avnet, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128343 (Sub-No. 13), filed June 12, 1970. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical and automotive goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from Pawtucket, Woonsocket, and Warren, R.I.; Taunton, Mass.; Chicago, Ill.; Belleville and Burlington, N.J.; Brooklyn, Plainview, Westbury, and New York, N.Y., to points in Arizona, Colorado, Oregon, Washington, and Texas; and (2) *materials equipment and supplies* used in the manufacture of the commodities set forth in (1) above, from the destination States in (1) above to the origin points in (1) above, under contract with Avnet, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128909 (Sub-No. 13), filed June 15, 1970. Applicant: COMMODORE CONTRACT CARRIERS, INC., 8712 West Dodge Road, Suite 4000, Omaha, Nebr. 68114. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *House trailers* designed to be drawn by passenger autos, *pickup and tent campers, and buildings* in sections mounted on wheeled undercarriages with hitchball connectors, (a) from Danville, Va., to points in Florida, Alabama, Mississippi, Indiana, Illinois, Wisconsin, Michigan, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (b) from Bellefonte, Pa., to points in Mississippi, Alabama, Georgia, South Carolina, and Florida; (c) from Carbon Hill, Ala., to points in Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, New Jersey, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (d) from North Bend, Nebr., to points in Michigan, Ohio, West Virginia, Kentucky, Louisiana, Mississippi, and Alabama; (e) from Falls City, Nebr., to points in California, Michigan, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida;

(f) from Arlington, Tenn., Haleyville, Hamilton, and Red Bay, Ala., to points in New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Michigan, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. (2) *Damaged, defective, repurchased or repossessed house trailers, pickup and tent campers, and buildings* in sections from the destinations named in (1) (a), (b), (c), (d), (e), and (f) above to the origins named therein. (3) *Components, parts, accessories, appliances, and furniture* used in the manufacture or assembly of the commodities named in (1) above, (a) between Danville, Va., on the one hand, and, on the other, points in Florida, Alabama, Mississippi, Indiana, Illinois, Wisconsin, Michigan, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, New York, Maine Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Ohio, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, and Georgia; (b) between Bellefonte, Pa., on the one hand, and, on the other, points in Mississippi, Alabama, Georgia, South Carolina, Florida, North Carolina, Tennessee, Kentucky, Virginia, West Virginia, Illinois, Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine;

(c) Between Carbon Hill, Ala., on the one hand, and, on the other, points in Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, New Jersey, Delaware, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Florida, Georgia, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, South Carolina, North Carolina, Virginia, Indiana, District of Columbia, West Virginia, Ohio, Kentucky, Illinois, Maryland, and Missouri; (d) between North Bend, Nebr., on the one hand, and, on the other, points in Michigan, Ohio, West Virginia, Kentucky, Louisiana, Mississippi, Alabama, Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Arizona, Utah, New Mexico, Colorado, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Tennessee; (e) between Corsicana, Tex., and Falls City, Nebr., on the one hand, and, on the other, points in the United States except Alaska and Hawaii; (f) between Arlington, Tenn., Haleyville, Hamilton and Red Bay, Ala., on the one hand, and, on the other, points in New Mexico, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Michigan, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Virginia, West Virginia, District of Columbia, Ohio, Kentucky, Indiana, Illinois, Missouri, North Carolina, South Carolina, Tennessee, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Georgia, and Florida;

(g) Between Bellflower and Compton, Calif., on the one hand, and, on the other, points in Washington, Oregon, Colorado, Nevada, Idaho, Utah, Arizona, New Mexico, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, and Minnesota; (h) between Roseburg and Lebanon, Oreg., on the one hand, and, on the other, points in Washington, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and New Mexico; (i) between Elkhart, Ind., on the one hand, and, on the other points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota Wisconsin, Illinois, Michigan, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, West Virginia, Virginia, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine; (j) between Thomasville, Ga., on the one hand, and, on the other, points in Maryland, District of Columbia, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Alabama, Mississippi, Louisiana, and Florida; (k) between Danville, Va., Bellefonte, Pa., Carbon Hill, Haleyville, Hamilton, and Red Bay, Ala., North Bend and Falls City, Nebr., Arlington, Tenn., Corsicana, Tex., Elkhart, Ind., Bellflower and Compton, Calif., Roseburg, and Lebanon, Oreg., and Thomasville, Ga. Restrictions: (1) Said operations are limited to a transportation service to be performed under a continuing contract

with The Commodore Corp., or its subsidiaries. (2) All service herein shall be limited to the transportation of traffic originating at or destined to the plantsites of The Commodore Corp., or its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 129076 (Sub-No. 3), filed June 18, 1970. Applicant: SPECIALIZED CARRIERS, INC., 522 E. Le Grande, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and tractor parts*, from the plantsite of Reco Sales, Inc., located at Indianapolis, Ind., to points in the United States (including Alaska but excepting Hawaii), under contract with Reco Sales, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 129307 (Sub-No. 36) (Amendment) filed February 20, 1970, published in the FEDERAL REGISTER issue of April 2, 1970, amended June 5, 1970, and republished as amended this issue. 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: *Canned, preserved, prepared, and frozen foods* (except commodities in bulk), in mechanically refrigerated vehicles, from Archbold, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities of Beatrice Foods Cos. including divisions and/or subsidiaries thereof, and destined to the named territories. NOTE: Applicant holds contract carrier authority under Docket No. MC 119394, therefore, dual operations may be involved. The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129307 (Sub-No. 39), filed June 19, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Saugatuck, Mich., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and/or storage facilities of the Michigan Lloyd J. Harriss Pie Co. at Saugatuck, Mich. NOTE: Applicant holds contract authority under MC 119394, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129742 (Sub-No. 5), filed June 22, 1970. Applicant: TRANS CANADIAN COURIERS LTD., 20 Morse Street, Toronto, Ontario, Canada. Applicant's representative: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unexposed and developed plastic film* used for identification badges, between the ports of entry on the international boundary line between the United States and Canada located at or near Niagara Falls and Buffalo, N.Y., on the one hand, and, on the other, Buffalo, N.Y.; and (2) *paint*, in cans or packages, restricted against the transportation of cans, packages or articles, weighing in the aggregate more than 25 pounds from one consignor to one consignee on any one day, between Detroit, Mich., on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Canada located near Detroit, Mich. NOTE: In connection with the proposed services under part (1) above, applicant shall transport the commodities between Toronto, Ontario, Canada, and Buffalo, N.Y. It shall transport the commodities between Toronto and the international boundary line under its Canadian authority and thence between the international boundary line, on the one hand, and, on the other, Buffalo, N.Y., under the authority sought herein. At Buffalo, Trans Canadian shall interline with American Courier Corp., Lake Success, N.Y. Applicant holds contract carrier authority under MC 129456 and Subs thereunder, therefore dual operations and common control may be involved. Applicant states that at the moment, it holds no authority with which this authority could be joined. However, should future requirements arise, applicant asks for permission to be able to tack with such future authority as may be granted. If a hearing is deemed necessary, applicant requests it be held at Buffalo or New York, N.Y.

No. MC 129874 (Sub-No. 4), filed June 4, 1970. Applicant: TYLER TRANSPORT LIMITED, a corporation, Acton, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides*, from points in Iowa and Ohio; Green Bay, Wis.; Rochelle and Rockford, Ill.; Memphis and Nashville, Tenn.; Evansville, Indianapolis, and Fort Wayne, Ind.; Detroit, Grand Rapids, and Lapeer, Mich.; Jacksonville, Fla.; St. Paul and Luverne, Minn.; New York and Buffalo, N.Y.; Altoona, Elizabethville, Greencastle, and Pittsburgh, Pa.; Greenwood and Marion, S.C.; Kansas City, Butler, St. Louis, and Springfield, Mo.; Omaha, Nebr.; Tupelo, Miss.; and Atlanta and Savannah, Ga.; to points on the international boundary line between the United States and Canada located along the Niagara and St. Clair Rivers under contract with Beardmore & Co., Ltd., of Acton, Ontario, Canada; and (2) *glue stock and tannery waste and scrap*, between the ports of entry on the international boundary line between the United States and Canada at the Niagara and Gowanda, N.Y., and Curwensville, Pa., under a continuing contract or contracts with Beardmore & Co., Ltd., of Acton, Ontario, Canada. NOTE: Applicant already holds in its Sub 1 authority all of the authority in (1) above and wishes only to utilize the gateways of the Niagara and St. Clair Rivers in connection with the authority in (1) above pursuant to its recently issued Ontario Operating License X-248. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Buffalo, N.Y.; or Chicago, Ill.

No. MC 133164 (Sub-No. 3), filed June 3, 1970. Applicant: CENTRAL TRANSPORTATION CO., a corporation, 265 Church Street, New Haven, Conn. 06510. Applicant's representative: John E. Fay, 324 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand, gravel, bituminous concrete, and mixed aggregates*, in dump vehicles, between Danbury and Newtown, Conn., on the one hand, and, on the other, points in Westchester, Putnam, and Dutchess Counties, N.Y., under contract with New Haven Trap Rock Division of Ashland Oil & Refining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 133523 (Sub-No. 3), filed June 11, 1970. Applicant: EUGENE STONE TRUCKING, INC., 5735 East 139th Street, Cleveland, Ohio 44125. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between points in Ohio, restricted to the performance of service in shipper-owned trailers, under contract with the Standard Oil Co. of Ohio, Cleveland, Ohio, and its wholly owned subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133755 (Sub-No. 6), filed June 8, 1970. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, Wis. 54615. Applicant's representative: Daniel J. Pizzini, 104 Main Street, Black River Falls, Wis. 54615. Authority sought to operate as a *contract carrier*, by motor vehicles, over irregular routes, transporting: *Malt beverages* (except in bulk or in tank vehicles); (1) from St. Paul, Minn., to Reedsburg, Wis.; (2) from Sheboygan and Milwaukee, Wis., to Chanhassen, Minn.; and (3) from St. Louis, Mo., and St. Paul, Minn., to Ellsworth, Wis., and *empty cooperage* on return, in (1), (2), and (3) above, under contract with Dailey's Distributing Co., Inc.; Leding Distributing Co., Inc., and Ellsworth Bottling Works, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Eau Claire, Wis.

No. MC 134300 (Sub-No. 5), filed June 19, 1970. Applicant: PELHAM PRODUCE CARRIERS, INC., 649 Pelham Boulevard, St. Paul, Minn. 55114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fairmont, Worthington, and Winnebago, Minn., to points in Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, 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 Minneapolis, Minn.

No. MC 134131 (Sub-No. 2), filed June 18, 1970. Applicant: R & S TRANSIT, INC., Box 1254, Sedalia, Mo. 65301. Applicant's representative: L. M. Riley, Post Office Box 1254, Sedalia, Mo. 65301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, confectionery products, advertising matter, display racks, and premiums*, from Centralia and Ashley, Ill., to points in New Mexico, Arizona, Colorado, Kansas, Nevada, and California. 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 St. Louis, Mo., or Springfield, Ill.

No. MC 134156 (Sub-No. 1), filed June 18, 1970. Applicant: JOSEPH D. LEONARD, doing business as JOSEPH D. LEONARD TRUCKING CO., 504 McCellen Street, Post Office Box 271, Bluff City, Tenn. Applicant's representative: Morris Honig, 140 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing*, from Garden City Park (Nassau County), N.Y., to El Paso, 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 New York, N.Y.

No. MC 134245 (Sub-No. 1), filed June 5, 1970. Applicant: RUSSELL J. HAEFELE, doing business as A & H TRUCKING COMPANY, 55 Ashley Street, Wilkes-Barre, Pa. Applicant's representative: William J. McCall, 700 United Penn Bank Building, Wilkes-Barre, Pa. 18701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded paper excelsior and polyurethane foam*, from West Pittston, Pa., to Leitchfield, Ky.; Stamford, Conn.; New York, N.Y.; Elizabeth, N.J.; Philadelphia, Pa.; Chicago, Ill.; Framingham, Mass.; Columbus, Ohio; Dayton, Ohio; and Baltimore, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held as geographically close to Wilkes-Barre, Pa., as possible.

No. MC 134453 (Sub-No. 1), filed June 21, 1970. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representatives: Thomas E. Mulcahy (same address as above), also Robert P. Sack, Post Office Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Street or outdoor lighting fixtures and parts*, from Winsted, Minn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture of street or outdoor lighting fixtures and parts, from points in Arkansas, California, Connecticut, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin to Winsted, Minn., under contract with Sterner Lighting, Inc., Winsted, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134564 (Sub-No. 2), filed June 19, 1970. Applicant: MORRIS H. GLOVER, doing business as GLOVER FARMS, Holland, Va. 22391. Applicant's representative: Charles Ephraim, 1411 K Street NW., Suite 300, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Plastic containers*, from Franklin, Va., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; and (b) *plastic raw materials*, from Jersey City, N.J., to Franklin, Va., all service hereunder is to be performed under a continuing contract with Apollo Plastics, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134578, filed May 4, 1970. Applicant: J. P.'S EXPRESS, INC., Champion Road, Utica, N.Y. 13502. Applicant's representative: Pasquale C. Bernardi, 218 Rutger Street, Utica, N.Y. 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Marcellus Falls, N.Y., and New York, N.Y.; from Marcellus Falls over New York Highway 174 to junction New York Highway 175, thence over New York Highway 175 to junction U.S. Highway 20, thence west over U.S. Highway 20 to junction New York Highway 321, thence over New York Highway 321 to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 (also over New York Highways 404, 100 or 100–A from their junction with U.S. Highway 9) (also from Albany over U.S. Highway 9W to Mid-Hudson Bridge, thence over said bridge to Poughkeepsie), to New York, N.Y., and return over the same routes, serving all intermediate points on New York Highway 5 between Syracuse and Albany, N.Y., and the intermediate and off-route points of Skaneateles, Canastota, Oneida, Stacey Basin, Rome, Stockbridge, Sauquoit, Ilion, Cohoes, Troy, and Newburgh, N.Y.; (2) between Syracuse and Albany, N.Y., from Syracuse over New York Highway 5 to Fayettesville, N.Y., thence over New York Highway 92 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Albany, and return over the same route, serving the off-route points of Hamilton and Waterville. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Utica or Syracuse, N.Y.

No. MC 134692, filed June 5, 1970. Applicant: GORDON LUCK AND GLENN LUCK, doing business as LUCK BROS. TRUCKING, Beaver Dam, Wis. 53916. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery used in connection with the food canning and food packaging industry*, from Randolph, Wis., to points in the United States (except Alaska and Hawaii), and *related materials, parts, and supplies* on return; and (2) *all terrain wagens*, from Randolph, Wis., to points in the United States (except Alaska and Hawaii), and related materials, parts, and supplies on return, under contract with Busse Bros., Inc. Restriction: Except commodities which because of size or weight require special handling and/or special equipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 134693, filed June 8, 1970. Applicant: DORSEY FOOKS, 4925 Dimaio Street, Brookhaven, Delaware County, Pa. 19015. Applicant's representative: Robert James Jackson, Fifth and Welsh Streets, Chester, Pa. 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (a) Between points in that portion of New Castle County, Del., bounded on the north by the Delaware-Pennsylvania State line; bounded on the west by the Delaware-Maryland State line; bounded on the east by the Delaware River; and bounded on the south by the Delaware and Chesapeake Canal; (b) between points in Cecil County, Md., bounded on the north by the Maryland-Pennsylvania State line; bounded on the east by the Delaware-Maryland State line; bounded on the west by the Susquehanna River; and bounded on the south by the Chesapeake-Delaware Canal; (c) between

points in Salem County and Gloucester County, N.J., bounded on the west, northwest and southwest by the Delaware River; bounded on the northeast by the Gloucester County-Camden County line; bounded on the east by the Gloucester County-Atlantic County line; and bounded on the southeast by the Salem County-Cumberland County line; (d) between points in that portion of Chester County, Pa., bounded on the north, northwest and west by U.S. Route No. 1; bounded on the south by the Pennsylvania-Maryland State line; bounded on the east by the Chester County-Delaware County line; and bounded on the southeast by the Delaware-Pennsylvania State line; and that portion of Delaware County bounded on the south by the Delaware-Pennsylvania State line; bounded on the southeast by the Delaware River; bounded on the east by the Philadelphia County-Delaware County line; bounded on the northeast and north by the Delaware County-Montgomery County line; and bounded on the west by the Chester County-Delaware County line, and is under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Media (Delaware County), or Chester, Pa.

No. MC 134712, filed June 15, 1970. Applicant: BAY STATE WIRE COMPANY, INC., South Street, Mailing Address, Post Office Box 503, Holyoke, Mass. 01040. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire products and raw materials, equipment, and parts* used in connection with the manufacture of wire and wire products, between Holyoke, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania under contract with Northeast Wire Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., Albany, N.Y., or Boston, Mass.

No. MC 134714 (Sub-No. 1), filed June 15, 1970. Applicant: TRANSPORTOR'S INC., 419 Dover Center Road, Bay Village, Ohio 44140. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Module* and/or *modular units*, from points in Medina and Cuyahoga Counties, Ohio, to points in the United States (except Hawaii but including Alaska). If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 134717, filed June 15, 1970. Applicant: DONALD R. MARSHALL, Suber Road, Greer, S.C. 29651. Applicant's representatives: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602, and Robert N. Daniel, 514 East North Street, Greenville, S.C. 29601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined petroleum oil* (excluding tank vehicles), from Bradford, Pa., to points in North Carolina and South Carolina, under a continuing contract with Kenwill Oil Co., of Charlotte, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 134690, filed June 11, 1970. Applicant: BUFFALO NEW CASTLE EXPRESS, INC., 631 South Cascade Street, New Castle, Pa. 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 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 commodities requiring special equipment), between New Castle, Pa., and Buffalo, N.Y.; (1) from New Castle, Pa., over Pennsylvania Highway 18 to junction Pennsylvania Highway 158, thence over Pennsylvania Highway 158 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction Pennsylvania Highway 98, thence over Pennsylvania Highway 98 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 75, thence over New York Highway 75 to junction New York Highway 5, thence over New York Highway 5 to Buffalo and return over the same route; (2) from New Castle over Pennsylvania Highway 108 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 75, thence over New York Highway 75 to junction New York Highway 5, thence over New York Highway 5 to Buffalo and return over the same route; (3) from New Castle over U.S. Highway 422 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 75, thence over New York Highway 75 to junction New York Highway 5, thence over New York Highway 5 to Buffalo, and return over the same route serving all points in Erie and Niagara Counties, N.Y., and all points in Beaver, Butler, Lawrence, and Mercer Counties, Pa., as off-route or intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 74761 (Sub-No. 15), filed June 11, 1970. Applicant: TAMIAMI TRAIL TOURS, INC., 455 East 10th Avenue, Hialeah Dade County, Fla. 33011. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, baggage, mail, and light express* in the same vehicles with passengers, between Albany, and Cordele, Ga., over U.S. Highway 82 to junction with Georgia Highway 257, thence over Georgia Highway 257 to Cordele, Ga., and return over the same route serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

APPLICATION OF FREIGHT FORWARDER

No. FF-391 (TOY TOWN CARLOADING, INC., FREIGHT FORWARDER APPLICATION), filed June 18, 1970. Applicant: TOY TOWN CARLOADING, INC., 1 High Street, Winchendon, Mass. Applicant's representative: John A. Mizhir, 88 Front Street, Winchendon, Mass. 01475. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as a *freight forwarder*, in interstate commerce, through use of the facilities of common carriers by railroad, express and motor vehicle, in the tansportation of *General commodities*, from Winchendon, Mass., to Natick, Mass., Metuchen, N.J., Fort Worth, Tex., Cincinnati, Ohio, Hillsdale, Ill., East Point, Ga., Los Angeles and San Francisco, Calif., Portland, Oreg., and Swansey, N.H.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 22229 (Sub-No. 62) (Amendment), filed April 24, 1970, published in the FEDERAL REGISTER issue of May 28, 1970, and republished as amended this issue. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representatives: Ralph B. Matthews (same address as applicant) and T. R. Buck, Post Office Box 1160, Owensboro, Ky. 42301. 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 buk, and those requiring special equipment), from Jacksonville, Fla., to Savannah, Ga., over U.S. Highway 17, serving no intermediate points, restricted against traffic originating at points in Florida and Georgia. NOTE: The purpose of this republication is to reflect a "from and to" movement in lieu of "between" and to change the restriction to apply against traffic originating at points in Florida and Georgia in lieu of "originating at or destined to" points in Florida and Georgia.

By the Commission.

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

[F.R. Doc. 70-8639; Filed, July 8, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41990—*Iron or steel articles to Stafford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–171), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in southern, southwestern, western trunkline, and official territories, to Stafford, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 164 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

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

[F.R. Doc. 70–8745; Filed, July 8, 1970; 8:52 a.m.]

[Notice 108]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 2, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9789 (Sub-No. 12 TA), filed June 29, 1970. Applicant: THOMAS C. DYER, INC., North 322 Eastern Road, Spokane, Wash. 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and plastic pipe* and related accessories, between Spokane, Wash., and points in Oregon west of the Cascade Mountain Range and points in California, for 150 days. Supporting shipper: ASC Industries, Inc., North 800 Fancher Way, Spokane, Wash. 99211. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 66121 (Sub-No. 17 TA), (Correction), filed June 11, 1970, published in the FEDERAL REGISTER issue of June 27, 1970, and republished as part corrected, this issue. Applicant: INDINA BOW TRUCK LINES, LTD., 103 Harvard Avenue, Smithtown, N.Y. 11787. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. NOTE: The purpose of this partial republication is to show the "Supporting shipper: North American Door Corp., Post Office Box 337, Lindenhurst, N.Y. 11757." The rest of the application remains as previously published.

No. MC 99780 (Sub-No. 14 TA), filed June 29, 1970. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill. 61603. Applicant's representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, from the plantsite of The Rath Packing Co. at Columbus Junction, Iowa, to points in Illinois and Indiana, for 180 days. Supporting shipper: The Rath Packing Co., Post Office Box 330, Waterloo, Iowa 50704. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107295 (Sub-No. 401 TA), filed June 29, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 46, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood panels;* from the warehouse facilities of Evans Products Co., Chicago, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Evans Products Co., Post Office Box 880, Corona, Calif. 91720. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 109595 (Sub-No. 14 TA), filed June 29, 1970. Applicant: REX TRANSPORTATION CO., 34350 Goddard Road, Romulus, Mich. 48174. Applicant's representative: J. Douglas Cook, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White cement*, from Detroit, to points in Indiana and Ohio, for 150 days. Supporting shipper: Medusa Portland Cement Co. (Cement Division), Box 5668, Cleveland, Ohio 44101. Send protests to: District Supervisor Gerald J. Davis, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 128510 (Sub-No. 2 TA), filed June 26, 1970. Applicant: RAY L. STOTTS TRUCKING CO., Route 7, Zanesville, Ohio 43701. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Ohio, on the one hand, and, on the other, points in Illinois and New York under continuing contracts with Muskingum Iron & Metal Co., Zanesville, Ohio, for 180 days. Supporting shipper: Muskingum Iron & Metal Co., Arthur Street, Post Office Box 2726, Zanesville, Ohio 43701. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 128652 (Sub-No. 5 TA), filed June 26, 1970. Applicant: LARSON TRANSFER & STORAGE CO., INC., 9450 Bloomington Freeway, Minneapolis, Minn. 55431. Applicant's representative: W. D. Larson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated or uncrated, and *household appliances*, moving in the same vehicle at the same time with new furniture, crated or uncrated, from Minneapolis, Minn. to La Crosse and Eau Claire, Wis., for 180 days. Supporting shipper: Sears, Roebuck and Co., 7447 Skokie Boulevard, Skokie, Ill. 60076. Send Protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128878 (Sub-No. 20 TA), filed June 26, 1970. Applicant: SERVICE TRUCK LINE, INC., 3400 Mansfield Road, Shreveport, La. 71103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in containers, from Donaldsonville, La., to Liberty, Tex.; *fertilizer*, in containers, from Liberty, Tex., to points in Louisiana, for 180 days. Supporting shipper: Greenthumb Chemical Co., Liberty, Tex. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129665 (Sub-No. 2 TA) (Correction), filed May 22, 1970, published in the FEDERAL REGISTER of June 3, 1970 and republished as part corrected, this issue. Applicant: CITY BEVERAGES, INC., 725 Saar Street, Kent, Wash. 98031. Applicant's representative: F. M. Basel (same address as above). NOTE: The purpose of this partial republication is to include the tacking information. NOTE: Applicant does not intend to tack with its existing authority. The rest of the application remains as previously published.

No. MC 133683 (Sub-No. 3 TA), filed June 19, 1970. Applicant: WACHOVIA COURIER CORPORATION, Wachovia Building, Winston-Salem, N.C. 27102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters, commercial papers, documents and records, bank stationery, sales, payroll and other accounting, audit and data processing*

media (except currency, coin and bullion), *such as are used in the business of banks and banking institutions,* (a) between Raleigh, Durham, Burlington, Greensboro, Winston-Salem, High Point, Thomasville, Salisbury, and Charlotte, N.C., on the one hand, and, on the other, Raleigh-Durham Airport, Raleigh-Durham, Friendship Airport, Greensboro, Smith-Reynolds Airport, Winston-Salem, and Douglas Airport, Charlotte, N.C., and between points in Sullivan, Hawkins, Cocke, Carter, Washington, and Greene Counties, Tenn., on the one hand, and, on the other, Tri-City Airport, Kingsport, Tenn., restricted to traffic having an immediately prior or subsequent movement by air, and (b) between Charlotte, Asheville, Raleigh, Greenville, and Winston-Salem, N.C., on the one hand, and, on the other, points in Washington and Alleghany Counties, Va. Restriction: The services are restricted to those performed under contract with persons, as defined in section 203(a) of the Interstate Commerce Act, who are engaged in the bank and banking institution business, and those in the business of furnishing data processing services, for 180 days. Supporting shippers: Wachovia Bank and Trust Co., Winston-Salem, N.C. (letter signed by David L. Cotterill, vice president); Wachovia Bank and Trust Co., Winston-Salem, N.C. (letter signed by G. Dodson Mathias, vice president); Wachovia Services, Inc., Winston-Salem, N.C.; Wachovia Optimation Center, Inc., Winston-Salem, N.C.; The First National Bank, Kingsport, Tenn., and Greene County Bank, Greeneville, Tenn. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BRS Building), Charlotte, N.C. 28202.

No. MC 134644 (Sub-No. 1 TA), filed June 29, 1970. Applicant: JEROME J. MARTIN, Box 95, Sullivan, Wis. 53178. Applicant's representative: David V. Purcell, 1902 Marine Plaza, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and steel building materials and accessories, materials and supplies therefor, sample and display materials, and steel angles and channels*, from Elk Grove Village, Ill., and Ixonia, Wis., to points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Mississippi, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, and West Virginia; and *returned shipments and materials, equipment and supplies used or useful in the manufacture or processing of the commodities named above, on return*, for 180 days. Supporting shipper: Rollex Corp., 2001 Lunt Avenue, Elk Grove Village, Ill. 60007 (Richard L. Lindstrom, Assistant to the President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134676 (Sub-No. 1 TA), filed June 29, 1970. Applicant: H. H. MOORE, JR., Post Office Box 477, Appomattox, Va. 24522. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix*, unflavored, in bulk, in stainless steel insulated tank trailers, from Greenville, Tenn., to Norfolk, Va., for 150 days. Supporting shippers: Shumandine Dairies, Inc., Post Office Box 685, Norfolk, Va. 23500; Pet Inc., Grocery Products Division, Post Office Box 439, Greenville, Tenn. 37741. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 134722 TA, filed June 24, 1970. Applicant: WAYNE C. BUGBEE, doing business as BUGBEE TRUCKING, 834 Sixth Street. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Milk products*, in containers such as *casein, milk powder, sodium caseinate, co-precipitate*, from Erie, Ill., to points in Indiana, Michigan, Wisconsin, Minnesota, Iowa, Missouri, and Ohio; 2. *Whey*, from points in Wisconsin and Minnesota to Erie, Ill., for 180 days. Supporting shipper: D. R. Reisenbigler, Vice President, The Erie Casein Co., Inc., Erie, Ill. 61250. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086; U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 134729 TA, filed June 29, 1970. Applicant: TIMBER TRUCKING, INC., 145 West Central Avenue, Salt Lake City, Utah 84107. Applicant's representatives: William J. M. Dalgliesh and Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, lumber and lumber mill products*, between points in California, Oregon, Washington, Idaho, Nevada, Utah, Colorado, Wyoming, Montana, Arizona, and New Mexico under a continuing contract with Davidson Lumber Sales, Inc., for 180 days. Supporting shipper: Davidson Lumber Sales, Inc., 145 West Central Avenue, Salt Lake City, Utah 84107 (David R. Davidson, Jr., president). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

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

[F.R. Doc. 70-8743; Filed, July 8, 1970; 8:52 a.m.]

[Notice 109]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 6, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52465 (Sub-No. 37 TA), filed July 1, 1970. Applicant: RICE TRUCK LINES, 1627 Third Street NW., Great Falls, Mont. 59401. Applicant's representative: John S. Rice (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Big Horn County, Mont., to points in Sheridan County, Wyo., for 180 days. Supporting shipper: Big Horn Construction Co., Sheridan, Wyo. 82801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 114958 (Sub-No. 7 TA), filed July 1, 1970. Applicant: GEORGE H. BROWN, doing business as OCEANWAY TRANSPORT, Post Office Box 747, Florence, Oreg. 97439. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, linerboard, fiberboard, hardboard, pulpboard, and particleboard*, from points in Benton, Douglas, Lane, Lincoln, and Linn Counties, Oreg., to Brookings, Oreg., for 180 days. Supporting shipper: Sause Bros. Ocean Towing Co., Inc., 809 Terminal Sales Building, Portland, Oreg. 97205. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 117644 (Sub-No. 17 TA), filed June 24, 1970. Applicant: D & T TRUCKING CO., INC., Post Office Box 2611, New

Brighton, Minn. 55112. Applicant's representative: Robert Dolle (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles*, distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Green Bay, Wis., to Chicago, Ill., and points in the Chicago, Ill., commercial zone, for 150 days. Supporting shipper: Armour and Co., 111 East Wacker Drive, Chicago, Ill. 60606. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 119531 (Sub-No. 145 TA), filed July 1, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Robert C. Konerman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Peoria, Ill., to Indianapolis, Ind., and empty pallets on return, for 180 days. Supporting shipper: Continental Can Co., Inc., 135 South La Salle Street, Chicago, Ill. 60603. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119619 (Sub-No. 31 TA), filed June 24, 1970. Applicant: DISTRIBUTORS SERVICE CO., 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: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in section 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 skins and commodities in bulk, in tank vehicles), from Postville, Iowa, to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, restricted to traffic originating at the plantsites and facilities of Hygrade Food Products Corp., for 180 days. Supporting shipper: Hygrade Food Products Corp. 11801 Mack Avenue, Detroit, Mich. 48214. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 128527 (Sub-No. 13 TA), filed July 1, 1970. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, Payette, Idaho 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from Payette, Idaho, and Nyssa, Oreg., to points in California, for 150 days. NOTE: Applicant does not intend to tack authority applied for to other authority so held, or to interline with other carriers. Supporting shippers: American Fine Foods, Inc., Post Office Box 460, Payette, Idaho 83661; Payette Vinegar & Cider Co., 201 South Sixth Street, Payette, Idaho 83661. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 133655 (Sub-No. 33 TA), filed June 26, 1970. Applicant: TRANS-NATIONAL TRUCK INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Harley E. Laughlin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by packinghouses*, as defined, from, at or near Liberal, Kans., to points in New York, New Jersey, Pennsylvania, Massachusetts, Georgia, Florida, North Carolina, South Carolina, Louisiana, Virginia, Maine, Rhode Island, District of Columbia, California, Arizona, Nevada, Washington, Oregon, and Texas, for 180 days. Supporting shipper: John Jacobson, Jr., Vice President and General Manager, National Beef Packing Co., Inc., Post Office Box Q, Liberal, Kans. 67901. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 134723 TA, filed June 24, 1970. Applicant: MAULFAIR TRUCKING COMPANY, INC., 36 Union Place, North Arlington, N.J. 07032. Applicant's representative: William Jacobs, 181 River Avenue, Nutley, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ladies hair accessories, such as combs, curlers, barrettes, bows, stretch bands, hair pins, and similar items, as well as materials*, used in their manufacture, from Kearny, N.J., to points in Fairfield, and Westchester Counties, N.Y., *refused, rejected, and returned merchandise*, from destination area above to Kearny, N.J., for 180 days. Supporting shipper: H. Goodman & Sons, Inc., 969 Newark Turnpike, Kearny, N.J. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

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

[F.R. Doc. 70–8744; Filed, July 8, 1970; 8:52 a.m.]

[No. MC–124211 (Sub-No. 119)]

HILT TRUCK LINES, INC.

Notice of Filing of Petition

Order. At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 25th day of June A.D. 1970.

Upon consideration of the record in the above-entitled proceeding and the filing of a complaint in Civil Action No. 3–836–W in the U.S. District Court for the Southern District of Iowa, Western Division, entitled Hilt Truck Lines, Inc. v. United States, et al., and good cause appearing therefor:

It is ordered, That the orders of the Commission of May 22 and September 25, 1969, be, and they are hereby, vacated and set aside; and

It is further ordered, That the petition for interpretation and other relief filed herein on April 16, 1969, be, and it is hereby, accepted for filing.

And it is further ordered, That notice of the filing of the petition accepted in the preceding paragraph be, and it is hereby, ordered to be published in the FEDERAL REGISTER. Said notice shall invite petitioner and all interested persons to file statements expressing their views on or before August 28, 1970; with respect to the following questions: (1) Whether the commodity description "food products", as contained in the certificate issued in No. MC–124211 (Sub-No. 119) on September 9, 1968, should be interpreted as embracing and authorizing the transportation of "fresh and processed meats", and (2) if not so interpreted, whether said certificate should be amended to include such commodities.

By the Commission, Division 1, acting as an Appellate Division.

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

[F.R. Doc. 70–8789; Filed, July 8, 1970; 8:53 a.m.]

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PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

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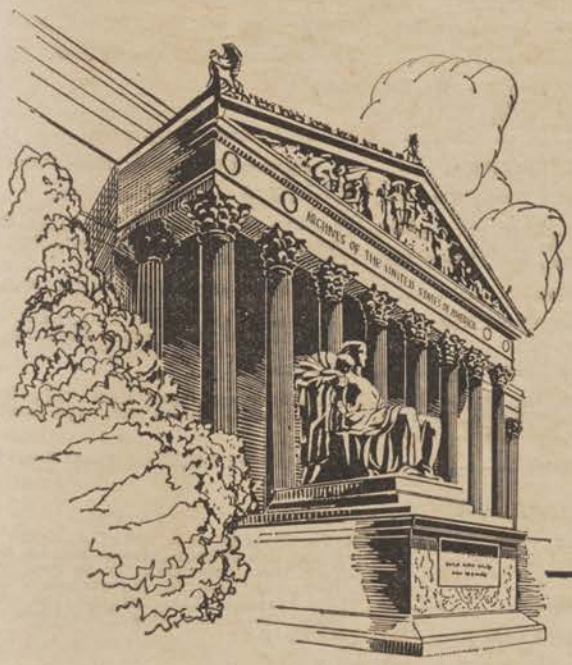

Surety Companies Acceptable on Federal Bonds

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circular 570; 1970 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JULY 1, 1970.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Telephone: (202) WO-4-5284. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	33,163	All	CONN.—All.
Aetna Fire Underwriters Insurance Company, Hartford, Conn.	629	All except Ala., Del., Hawaii, Kans., La., Oreg., S.C., W. Va., Wis.	CONN.—D.C., Md., wPa.
Aetna Insurance Company, Hartford, Conn.	12,099	All except C.Z.	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Aetna Life and Casualty Company, Hartford, Conn.	89,130	Conn.	CONN.—D.C.
Agricultural Insurance Company, Watertown, N.Y.	1,819	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, sIll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	97	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Fidelity Insurance Co., Indianapolis, Ind.	62	Ind	IND.—D.C.
Allied Insurance Company, Los Angeles, Cal.	478	Cal., N.Y., Tex., Wash	CAL.—D.C., Tex.
Allied Mutual Insurance Company, Des Moines, Iowa.	1,976	Ariz., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Dak., Okla., S. Dak., Tex., Utah, Wis., Wyo.	IOWA—Ariz., Colo., D.C., Idaho, Kans., Minn., Nebr., N. Dak., Oreg., S. Dak., Utah, Wyo.
Allstate Insurance Company, Northbrook, Ill.	68,123	All except C.Z., Guam, Virgin Islands	ILL.—cCal., Colo., Conn., D.C., mFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., wWash., eWis.
American Automobile Insurance Company, San Francisco, Cal.	4,774	All except C.Z., Guam, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	65	Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Miss., Nebr., Nev., N. Mex., Oreg., Utah.	NEBR.—Ariz., Ark., Cal., Col., D.C., Idaho, Iowa, Nev., N. Mex., Oreg., wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	3,370	All except C.Z., Guam, Virgin Islands	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,633	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	4,889	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	476	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fidelity Fire Insurance Company, Westbury, Long Island, N.Y.	613	All except Alaska, C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., Virgin Islands.	N.Y.—Cal., D.C., Mich., Puerto Rico.
American Fire and Casualty Company, Orlando, Fla.	603	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Io., N.C., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,401	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	28,178	La., Mich., N. Mex., Okla., Pa., Tex	TEX.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,055	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	3,022	All except Ark., C.Z., Guam, Me., Oreg., Puerto Rico., Virgin Islands.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	336	Ala., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa., Kans., Ky., La., Mich., Minn., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	10,535	All except C.Z., Guam, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American International Insurance Company, New York, N.Y.[1]	1,439	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands, W. Va., Wyo.	N.Y.—
American Manufacturers Mutual Insurance Company, Chicago, Ill.	1,065	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except nAla., Ark., C.Z., Conn., Del., nsGa., Guam, Hawaii, Idaho., sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., mPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,750	All except Guam, Oreg., Virgin Islands	ILL.—All excepts Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	2,968	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	960	All except C.Z., Conn., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
American Re-Insurance Company, New York, N.Y.	7,368	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind. [2]	4,355	All except Ala., C.Z., Conn., Del., Ga., Guam, Hawaii, La., Mass., Miss., N.H., N.Y., N.C., Puerto Rico, R.I., S.C., S. Dak., Va., Virgin Islands.	IND.—Alaska, Ariz., Cal., Colo., D.C., Idaho, Ill., Iowa, Kans., Ky., Mich., Mo., Mont., N. Mex., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Wash., W. Va., Wis.
Argonaut Insurance Company, Menlo Park, Cal.	2,085	All except C.Z., Conn., Puerto Rico, Virgin Islands	CAL.—D.C., nGa., Idaho, eLa.
Associated Indemnity Corporation, San Francisco, Cal.	1,270	All except C.Z., Guam, Virgin Islands	CAL.—nmAla., Ariz., Conn., Del., D.C., msFla., nGa., Ill., Ind., Kans., wKy., Me., Md., Mass., eMich., eMo., Mont., Nebr., Nev., N.H., N.J., sN.Y., N.C., Ohio., wOkla., Oreg., Pa., R.I., S.C., weTenn., Tex., Utah., eVa., Wash., eWis.
Atlantic Insurance Company, Dallas, Tex.	1,077	Ala., Alaska, Ariz., Ark., Cal., D.C., Ga., Ill., Ind., Kans., Ky., Md., Mich., Minn., Mo., Mont., Miss., Nev., N. Mex., N.C., Ohio, Okla., S.C., S. Dak., Tenn., Tex., Utah.	TEX.—All except Alaska, C.Z., Guam., Hawaii, sN.Y., Puerto Rico, Virgin Islands.
Atlantic Mutual Insurance Company, New York, N.Y.	4,607	All except Ala., C.Z., Guam, Hawaii, Virgin Islands	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	2,741	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak. Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	1,096	All except Ala., Ark., C.Z., Guam., Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico., R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	591	All except C.Z., Del., Ga., Guam, Hawaii, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	IOWA.—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,235	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa. eKy, Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Boston Old Colony Insurance Company, New York, N.Y.	2,609	All except C.Z., Guam	MASS.—Ala., Alaska, Ark., neCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wseN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	4,382	Ind., Ky., Mich., Ohio, Pa., Va., W. Va	OHIO.—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	3,538	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., C.Z., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C., (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	123	Ariz. (surplus lines only), Ill., Iowa, Mich., Minn., Wis	WIS.—D.C., nGa., Ill., sInd., Iowa., Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	619	Cal., Hawaii, Idaho, Mont., Nev., Oreg., Utah, Wash	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	399	Colo., Ill., Ind., Kans., Ky., Mich., Ohio, Pa., W. Va., Wis	OHIO.—D.C.
Centennial Insurance Company, New York, N.Y.	1,425	All except Ala., C.Z., Guam, Virgin Islands	N.Y.—D.C.
Century Indemnity Company, Hartford, Conn.	544	Ark., Cal., Colo., Conn., D.C., Fla., Ga., Iowa, Me., Md., Minn., N.J., Okla., R.I., S.C., S. Dak., Utah, Vt.	CONN.—D.C., Md., wPa.
The Charter Oak Fire Insurance Company, Hartford, Conn.	1,000	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	CONN.—Ariz., eArk., neCal., D.C., msFla., sGa., nIll., Iowa, Kans., wKy., eLa., Mass., Mich., nMiss., wMo., Neb., N.J., nesN.Y., mN.C., sOhio, ePa., S.C., meTenn., nwTex., Utah, eVa., nW. Va., eWis., Wyo.
The Cincinnati Insurance Company, Cincinnati, Ohio	713	Ala., Fla., Ga., Ill., Ind., Ky., Mich., Ohio, Pa., Tenn	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Citizens Insurance Company of New Jersey, Hartford, Conn.	785	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	2,421	All except C.Z., Puerto Rico	N.J.—All except Guam.
Commercial Standard Insurance Company, Fort Worth, Tex.	467	All except Alaska, C.Z., Conn., Del., Ga., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., Ohio, Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
The Connecticut Indemnity Company, Hartford, Conn.	972	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, cesCal., C.Z., Guam, Hawaii, Nev., Oreg., Puerto Rico, Virgin Islands, Wash.
Consolidated Insurance Company Indianapolis, Ind.	190	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,380	All except Ala., Alaska, C.Z., Del., Guam, La	N.Y.—D.C.
Continental Casualty Company Chicago, Ill.	27,131	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	54,192	All except Guam	N.Y.—All except Guam.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	374	All except Alaska, Ariz., C.Z., Colo., Del., Guam, Hawaii, Idaho, Iowa, Kans., Minn., Miss., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Oreg., S. Dak., Utah, Virgin Islands, Wash., Wyo.	N.Y.—D.C.
Cumis Insurance Society, Inc., Madison, Wis.	433	All except C.Z., Conn., Guam, Puerto Rico, Virgin Islands.	WIS.—nsAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Emmco Insurance Company, South Bend, Ind.	2,133	All except C.Z., Colo., Conn., Guam, Mass., Puerto Rico, Virgin Islands.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	101	Ala., Alaska, Ariz., Colo., Ga., Hawaii, Idaho, Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,769	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Tex., Utah, Wash., Wyo.	TEX.—D.C.
Employers Commercial Union Insurance Company of America, Boston, Mass. [3]	14,209	All except Guam	MASS.—All except Alaska, C.Z., mFla., mGa., Guam, wLa., Md., eMo., N. Mex., S.C., Wyo.
The Employers' Fire Insurance Company, Boston, Mass.	1,920	All except Guam	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	1,864	All except Ala., Del., Hawaii, La., Oreg., W. Va	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	14,418	All except C.Z., Virgin Islands	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	4,533	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,349	All except Ala., Ark., C.Z., Ga., Guam, La., Me., Puerto Rico.	R.I.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Farmers Alliance Mutual Insurance Company, McPherson, Kans.	721	Colo., Kans., Mo., Nebr., N. Mex., Okla., Tex., (reinsurance only in Ark., Idaho, Ill., Iowa, Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Vt., W. Va., Wyo.)	KANS.—
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.	325	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Home Mutual Insurance Company, Minneapolis, Minn.	656	Cal., Colo., Iowa, Minn., Nev., Wash., Wis., Wyo	MINN.—D.C., Wis.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa.	1,338	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	15,629	All	N.J.—All.
Federated Mutual Insurance Company, Owatonna, Minn.[4]	1,767	All except Alaska, C.Z., Del., Guam, Me., Puerto Rico, Virgin Islands.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	6,345	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	8,341	All except Guam	MD.—All except Guam.
Fidelity-Phenix Insurance Company, New York, N.Y.[5]	358	All except C.Z., Guam, Virgin Islands	N.Y.—
Fireman's Fund Insurance Company, San Francisco, Cal.	35,457	All except C.Z	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	13,951	All except Puerto Rico	N.J.—All except C.Z.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	1,032	Cal., Guam, Hawaii, Oreg.	HAWAII—D.C.
First National Insurance Company, of America, Seattle, Wash.	1,390	All except C.Z., Conn., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt.	WASH.—All except C.Z., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt., Virgin Islands.
General Fire and Casualty Company, New York, N.Y.	525	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	15,360	All except Virgin Islands	WASH.—All except Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	12,305	All except C.Z., Guam, Puerto Rico	N.Y.—All except C.Z., Guam, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	10,082	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam, Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	6,176	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	851	All except Ala., Alaska, C.Z., Del., Guam, Hawaii, Idaho, Me., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	580	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, New York, N.Y.	10,071	All except C.Z	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	838	Ala., Colo., Ill., Ind., Iowa, Minn., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., S. Dak., Vt., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	3,025	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	166	Ala., Fla., Ga., La., Miss., S.C., Tenn	ALA.—Alaska, D.C., mn Ga., sMiss.
Gulf Insurance Company, Dallas, Tex.	2,751	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Puerto Rico, S. Dak., Virgin Islands.	MO.—All except Alaska, C.Z., Guam, Hawaii, N.J., eN.Y., Puerto Rico, Virgin Islands.
The Hanover Insurance Company, New York, N.Y.	4,189	All except C.Z., Guam, Puerto Rico	N.Y.—All except Guam.
Hardware Mutual Casualty Company, Stevens Point, Wis.	1,811	All except C.Z., Guam, Idaho, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	20,785	All except Guam	CONN.—All except Guam, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	62,929	All except C.Z	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	842	Ariz., Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA—Colo., D.C., nsFla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	1,514	All except C.Z., Conn., Del., Guam, Hawaii, Mass., N.H., Puerto Rico, R.I., Virgin Islands.	TEX.—D.C., La.
Highlands Underwriters Insurance Company, Houston, Tex.	224	Cal., La., Tex	TEX.—D.C.
The Home Indemnity Company, New York, N.Y.	3,175	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	23,487	All except C.Z	N.Y.—Alaska, D.C., Guam, wPa., Puerto Rico, S.C.
Home Owners Insurance Company, Chicago, Ill.	103	Ala., Fla., Ga., Idaho, Ill., Ind., Minn., Miss., Mo., Mont., Okla., Oreg., Wash.	ILL.—Ariz., D.C., sFla., eLa., Minn., Mont., eVa., wWash.
Hudson Insurance Company, New York, N.Y.	367	N.Y	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	735	Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N. Mex., Ohio, Tex.	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	77	Ind	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	958	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	2,969	All except C.Z., Conn., N.Y., N. Dak., Ohio, Puerto Rico, Virgin Islands, W. Va.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, nIll., sInd., eLa., Md., eMich., eMo., Mont., Nebr., Nev., N.J., N. Mex., wOkla., Oreg., S. Dak., eTenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	388	Colo., Iowa, Kans., Minn., Nebr., Okla., S. Dak., Wyo	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.

See footnotes at end of table.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Insurance Company of North America, Philadelphia, Pa.	47,961	All	PA.—All except Guam.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	643	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
Integrity Mutual Insurance Company, Appleton, Wis.	164	Minn., Wis	WIS.—D.C., Minn.
International Fidelity Insurance Company, Newark, N.J.	69	Mass., Mich., N.J., N.Y., Pa	N.J.—D.C., nIll., nwOkla.
International Insurance Company, New York, N.Y.	1,343	All except Ala., C.Z., Del., Guam, La., Miss., Oreg., S.C., Virgin Islands.	N.Y.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	316	Alaska, C.Z., N. Mex., Tex	TEX.—D.C.
Iowa Mutual Insurance Company, De Witt, Iowa.	603	Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., S.C., S. Dak., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y.	1,039	All except Alaska, Ariz., C.Z., Del., Guam, Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, eKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
John Deere Insurance Company, New York, N.Y.	318	Ala. (except official), Alaska, Ariz., Ark., Cal., Colo., Conn., D.C., Fla., Ga., Hawaii, Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., Pa., Puerto Rico, R.I., S.C., S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, sW. Va.
The Kansas Bankers Surety Company, Topeka, Kans.	88	Kans	KANS.—
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	575	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., nsFla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	93	Tex	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	16,988	All except Guam, Virgin Islands	MASS.—All except C.Z., Guam.
Lumbermens Mutual Casualty Company, Chicago, Ill.	9,283	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam. Hawaii, wLa., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	450	Conn., Me., Mass., N.H., R.I., Vt	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, San Francisco, Cal.	452	All except C.Z., Conn., Del., Guam, La., Me., N. Dak., Oreg., Puerto Rico. S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston Tex.	1,045	N. Mex., Okla., Tex	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	10,374	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Boston, Mass.	388	Cal., Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., Mo., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., nFla., Ga., Ind., Iowa, Kans., Ky., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	39	Iowa, Kans., Mont., Nebr., N. Dak., Okla., S. Dak., Tex.	IOWA—D.C., sIll., Nebr., wOkla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,343	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	2,276	Ala., Alaska., Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., (fidelity only), Ohio, Okla., Pa., R.I., S.C., S. Dak., Tenn., Tex., Utah., Vt., Va., Wash., W. Va., Wis., Wyo.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	1,218	All except Ala., Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C. Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	379	Ala., Alaska, Cal., Colo., Del., D.C., Fla., Idaho, Ill., Ind., Iowa., Ky., La., Me., Md., Mich., Minn., Miss., Mo., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., S. Dak., Tex., Utah, Vt., Va., Wash., Wyo.	N.Y.—D.C.
Midwestern Casualty & Surety Company, Des Moines, Iowa.[6]	75	Iowa	IOWA—
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	104	Ark., Colo., D.C., Fla., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Insurance Company, Harrisburg, Pa.[7]	251	Ga., Ind., Iowa, Ky., Mo., N.Y., N.C., Pa., R.I., S.C., Tex., Vt., W. Va.	PA.—
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	521	Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., N.H. (Reinsurance), N.J., N. Mex., N.Y., N. Dak., Ohio, Okla., Oreg., Pa., S. Dak., Tenn., Tex., Utah, Va. (Reinsurance), Wis.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, eWash., W. Va., Wyo.
Millers' Mutual Insurance Association of of Illinois, Alton, Ill.	1,946	All except Ala., Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Miss., Nebr., Nev., N.H., N. Mex., Oreg., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.,
Millers National Insurance Company, Chicago, Ill.	467	All except Alaska, C.Z., Colo., Del., Guam, Hawaii, La., Me., Miss., Puerto Rico, Vt., Virgin Islands, Wyo.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,441	Alaska, Ariz., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	392	Alaska, Ariz., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	1,855	All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C., Md., W. Va.,
National Casualty Company, Detroit, Mich.	1,000	All except C.Z., Guam, Me., Miss., Puerto Rico, Virgin Islands.	MICH.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
National Fire Insurance Company, of Hartford, Chicago, Ill.	11,624	All except C.Z., Guam, Virgin Islands	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	1,956	Conn., Del., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	1,141	All except C.Z., Guam, Hawaii, Me., Mass., N.H., N.J., N.Y., Puerto Rico, S.C., Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	3,001	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	271	La., N. Mex., Tex	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y., Home Office: San Francisco, Cal.	5,930	All except Guam, Puerto Rico, Virgin Islands	N.Y.—All except Guam.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	2,426	All except C.Z., Guam, Puerto Rico, Virgin Islands	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
National Union Indemnity Company, New York, N.Y.	246	All except Ark., C.Z., Guam, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	7,614	All except Cal., C.Z., Guam, Hawaii	OHIO.—D.C.
New Hampshire Insurance Company, Manchester, N.H.	4,414	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	2,023	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	1,802	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	2,006	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	4,236	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, New York, N.Y.	3,903	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	941	Cal., Colo., Conn., Ill., Iowa, Kans., La., Mich., Nev., N.H., N.J., N.Y., Ohio, Okla., Tex., W. Va.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	1,356	All except Guam	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	5,493	All except C.Z., Guam, Hawaii, La., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	950	All except Alaska, Ark., C.Z., Conn., Del., Guam, Hawaii, Idaho, La., Me., Mass., Miss., Nev., N.H., N.J., N.Y., N.C., N. Dak., Oreg., Puerto Rico, S.C., Tenn., Utah, Vt., Va., Virgin Islands.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nesTex., Wash., W. Va.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	3,595	All except C.Z., Guam, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	6,130	All except C.Z., Guam, Puerto Rico, Virgin Islands	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, Le Roy, Ohio.	2,389	All except Alaska, Ark., C.Z., Guam, Hawaii, Kans., La., Me., Miss., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	58	Okla	OKLA.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	919	Cal., Hawaii, Idaho, Nev., Oreg., Utah, Wash	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	2,261	Ariz., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Me., Miss., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Okla., Oreg., S. Dak., Tenn., Tex., Utah, Wash., Wis., Wyo.,	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	5,481	All except C.Z., Guam, Virgin Islands	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, San Francisco, Cal.[8]	2,740	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—
Pacific Insurance Company, Limited, Honolulu, Hawaii.	694	Hawaii, Guam	HAWAII—D.C.
Peerless Insurance Company, Keene, N.H.	779	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill	138	Ill., Ind., Iowa, Mo	ILL.—D.C., Ind., Iowa.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	2,604	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,159	D.C., Pa	PA.—D.C.,
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	1,538	All except Alaska, Ariz., Ark., Cal., C.Z., Colo., Conn., Guam, Hawaii, Idaho, Ill., La., Me., Mass., Mont., Nev., N.H., N. Mex., N.Y., N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wash., Wyo.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	2,578	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	15,000	All except C.Z., Guam, Puerto Rico	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	2,028	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	6,575	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Protective Insurance Company, Indianapolis, Ind.	287	All except Ala., Alaska, Ark., C.Z., Conn., Del., Fla., Ga., Guam, Hawaii, Kans., Ky., La., Md., N.H., N. Mex., N.Y., N. Dak., Oreg., Puerto Rico, S.C., Va., Virgin Islands, W. Va.	IND.—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,705	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	R.I.—Ala., Cal., Conn., D.C., Fla., Ga., Me., Mass., N.H., N.J., N.Y., N.C., nwOkla., Pa., S.C., Tex., Vt., Va.

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COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	885	Cal., N.Y.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,461	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., ePa., wTex.
Puerto Rican-American Insurance Company, San Juan, Puerto Rico.	615	Puerto Rico, Virgin Islands	PUERTO RICO—D.C.
Queen Insurance Company of America, New York, N.Y.	4,543	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
The Reinsurance Corporation of New York, New York, N.Y.	3,192	All except Ariz., C.Z., Conn., Fla., Guam, Hawaii, N. Mex., Puerto Rico, S. Dak., Virgin Islands. (In Kans., La., Mass., N.H., Tex., Utah, Va. licensed for reinsurance only.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	18,206	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	2,491	All except Ala., Alaska, C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., Nev., N.H., N. Dak., R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Reserve Insurance Company, Chicago, Ill.	1,064	All except Ark., C.Z., Conn., Del., La., N.Y., Puerto Rico, R.I.	ILL.—D.C.
Resolute Insurance Company, Hartford, Conn.	579	All except C.Z., Guam, N.Y., Pa., Puerto Rico, Virgin Islands.	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	4,773	All	N.Y.—All except Guam, Virgin Islands.
Safeco Insurance Company of America, Seattle, Wash.	5,591	Ala. (fidelity only), Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Idaho, Ill., Ind., Iowa, Kans., Md. (fidelity only), Mich., Minn., Miss. (fidelity only), Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.C., N. Dak., Okla., Oreg., Pa., R.I., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	WASH.—All except Alaska, C.Z., Del., Fla., Ga., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.Y., Ohio, Puerto Rico, S.C., Tenn., Vt., Va., Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	1,645	All except C.Z., Del., Guam, Oreg., Virgin Islands	CONN.—All except C.Z., msGa., Guam, eLa., Miss., wN.C., wOkla., Puerto Rico, Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	18,009	All except C.Z., Guam	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	3,129	All except Guam	N.Y.—All except Guam.
Security Insurance Company of Hartford, Hartford, Conn.	3,736	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, cesCal., C.Z., sGa., Guam, Hawaii, seIll., sIowa, Kans., wLa., wMich., nMiss., Nev., neN.Y., N. Dak., Oreg., Puerto Rico, S. Dak., meTenn., Vt., Virgin Islands, eWash., sW. Va., wWis.
Security Mutual Casualty Company, Chicago, Ill.	774	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	383	Ala., Ark., Cal., Colo., Fla., Ill., Ind., Kans., Ky., La., Mich., Ohio, Okla., Oreg., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	463	Ala., Alaska, Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Mich., Minn., Miss. (fidelity only), Mont., Nebr., Nev., N. Mex., N.C., Ohio, S. Dak., Tex., Vt., Wash., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
South Carolina Insurance Company, Columbia, S.C.	534	Ala., Ariz., Cal., Colo., Fla., Ga., Ind., Iowa, Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N.Y., N.C., Okla., Oreg., S.C., Tenn., Tex., Va., (reinsurance only in Conn., Ohio).	S.C.—nmAla., D.C., Fla., nmGa., N.C., Va.
Southern General Insurance Company, Allentown, Pa.	235	Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Md., Miss., Mo., Nev., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—Ariz., Cal., D.C., nsFla., nInd., Md., sMiss., N.J., mwN.C., wePa., enTex.
The Standard Fire Insurance Company, Hartford, Conn.	3,014	All except Ala., C.Z., Del., Guam, La., N.J., Puerto Rico, Tenn., Virgin Islands, W. Va.	CONN.—All.
State Automobile Mutual Insurance Company, Columbus, Ohio.	2,247	Ala., Fla., Ga., Ind., Kans., Ky, Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	11,174	All except C.Z., Guam, Puerto Rico, Virgin Islands	ILL.—Colo., D.C., mGa., Minn., mPa.
State Surety Company, Des Moines, Iowa.	68	Colo., D.C., Iowa, Kans., Minn., Mo., Nebr., S. Dak	IOWA—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., sMiss., Mo., Nebr., sN.Y., N. Dak., nOhio, wnOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	188	Ala., Fla., Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mo., N. Mex., N. Dak., Pa., S. Dak., Tenn.	IND.—Ariz., eCal., Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Mont., Nebr., N. Mex., N. Dak., nwOkla., wmPa., S. Dak., nesTex., Wyo.
The Stuyvesant Insurance Company, Allentown, Pa.	722	All except C.Z., Guam, Hawaii, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Sun Insurance Company of New York, New York, N.Y.	400	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., La., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah, Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Superior Risk Insurance Company, LeRoy, Ohio.	1,068	All except Ala., Alaska, Ark., C.Z., Fla., Ga., Guam, Hawaii, La., Me., Miss., Mo., N.H., N. Mex., N. Dak., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	41	Cal.	CAL.—D.C.
Surety Insurance Company of California, La Habra, Cal.	51	Alaska, Cal., Colo., N. Mex., Tex.	CAL.—Alaska, Colo., D.C., N. Mex., Tex.
Traders & General Insurance Company, Dallas, Tex.	227	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	4,888	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	2,354	All except C.Z., Del., Guam, Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., msGa., Guam, Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	1,349	All except C.Z., Guam, N.Y., Puerto Rico, Virgin Islands.	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	733	All except C.Z., Guam, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, mTenn., wVa., Virgin Islands, nW. Va.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed: (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Transportation Insurance Company, Chicago, Ill.	981	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	20,000	All except Guam	CONN.—All except Guam.
Trinity Universal Insurance Company, Dallas, Tex.	2,144	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	263	All except Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	889	All except C.Z., Guam, Puerto Rico, Virgin Islands	MINN.—sCal., Conn., D.C., La., Va.
United Bonding Insurance Company, Indianapolis, Ind.	88	All except C.Z., Conn., Guam, N.Y., Virgin Islands, W. Va.	IND.—All except nAla., C.Z., Del., Guam, Hawaii, Me., Mass., Mont., wnN.Y., N. Dak., Puerto Rico, Virgin Islands.
United Fire & Casualty Company, Cedar Rapids, Iowa.	212	Ariz., Colo., Ill., Ind., Iowa, Kans., Minn., Mo., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., nsIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Tacoma, Wash.	1,944	All except Ala., C.Z., Conn., Del., Ga., Guam, Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	45,932	All except Guam	MD.—All except Guam.
United States Fire Insurance Company, New York, N.Y.	7,995	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	276	Ariz., Ark., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	1,959	All except C.Z., Guam, Hawaii, Kans., La., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,003	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	1,923	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	1,448	All except Ala., Alaska, C.Z., Conn., Del., Ga., Guam, Hawaii, Idaho, Me., Mass., Miss., Mont., N.H., N.C., Puerto Rico, R.I., S.C., S. Dak., Vt., Virgin Islands, W. Va.	CAL.—Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, New York, N.Y.	3,961	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	4,104	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	2,511	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	1,252	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wisconsin Surety Corporation, Madison, Wis.	79	Alaska, Cal., D.C., Ill., Iowa, Minn., Nev., Pa., S. Dak., Wis.	WIS.—D.C.
Wolverine Insurance Company, Battle Creek, Mich.	1,323	Ark., Cal., Fla., Ga. (surety only), Ill., Ind., Iowa, Md. (surety only), Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, REVISED JANUARY 2, 1970

Name of companies	Underwriting limitations (net limit on any one risk) [In thousands of dollars]	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	2,064	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	638	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	697	D.C.
Constellation Reinsurance Company, New York, N.Y.	1,851	D.C.
ELAC Insurance Company, Limited, London, England (U.S. Office, Boston, Mass.) [9]	6,649	
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	11,011	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	1,391	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,474	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	674	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	486	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	307	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	981	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	698	D.C.
Rochdale Insurance Company, New York, N.Y.	256	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	3,434	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	721	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	931	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,385	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	4,142	D.C.
Transatlantic Reinsurance Company, New York, N.Y.	186	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	452	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	7,139	D.C.

[1] Formerly Pacific Insurance Company of New York, New York, N.Y. Name changed effective July 23, 1969.

[2] Assumed liabilities of Western Pacific Insurance Company, Seattle, Washington, effective November 30, 1968. (See FEDERAL REGISTER of December 30, 1969, Page 20356 for details.)

[3] Formerly Commercial Union Insurance Company of America, Boston, Mass. Name changed effective December 31, 1969. The Pennsylvania Insurance Company, Boston, Mass. merged into this company effective December 31, 1969. (See FEDERAL REGISTER of January 29, 1970, Page 1174 for details.)

[4] Formerly Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn. Name changed effective April 27, 1970.

[5] Formerly American International Insurance Company, New York, N.Y. Name changed effective July 23, 1969.

[6] Formerly Iowa Surety Company, Des Moines, Iowa. Name changed effective January 1, 1970.

[7] Formerly The Millers Mutual Fire Insurance Company, Harrisburg, Pa. Name changed effective March 10, 1969.

[8] Formerly Guarantee Insurance Company, Los Angeles, Cal. Name changed effective June 24, 1969.

[9] Formerly Employers Liability Assurance Corporation, Limited, London, England (U.S. Office, Boston, Mass.). Name changed effective January 1, 1970.

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised January 2, 1970 (31 CFR §223.10, §223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form BA 6308 (formerly 369) to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR §223.5(b)). The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State or other area in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where the bond is returnable or filed. No process agent required in State or other area wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 70-8692; Filed, July 8, 1970; 8:45 a.m.]