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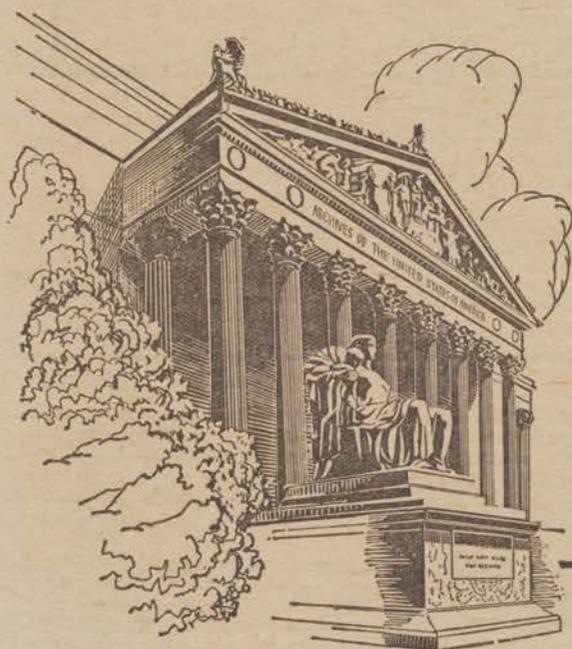
Thursday, August 6, 1970 • Washington, D.C.

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Coast Guard
Consumer and Marketing Service
Education Office
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Social Security Administration

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Rules and Regulations

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3, Amdt. 3]

PART 122—BUSINESS LOANS

Simplified Blanket Guaranty Loans

Part 122 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 122.10(b)(4) thereof to read as follows:

§ 122.10 Guarantees loans.

(b) Simplified blanket guaranty loans.

(4) Ordinarily SBA will not purchase its guaranteed percentage of any loan until after such purchase has been requested or demanded by the lending institution. However, when any loan guaranteed hereunder shall be in default in payment of principal or interest for more than 90 days after the due date, or when the small business concern has been determined not to be in compliance under Part 113 of this chapter, SBA has the option to purchase its guaranteed percentage, or the loan in its entirety, whenever SBA determines in its discretion that such purchase is in the best interest of the Government. The lending institution shall receive written notice of such election to purchase by SBA, and the effective date of such purchase shall be the 10th day after receipt of such notice; as of such date the note and all related loan instruments shall be assigned, transferred and delivered to SBA.

Effective date: August 1, 1970.

Dated: July 22, 1970.

HILARY SANDOVAL, JR.,
Administrator.

[F.R. Doc. 70-10234; Filed, Aug. 5, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER C—DETERMINATION OF PROPORTIONATE SHARES

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms: 1971 Crop

Correction

In F.R. Doc. 70-9712 appearing at page 12053 in the issue for Tuesday,

July 28, 1970, the reference to "§ 829.1" in the last line of § 855.67(a) should read "§ 892.1".

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

[Valencia Orange Reg. 325]

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

Limitation of Handling

§ 908.625 Valencia Orange Regulation 325.

(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 August 4, 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 August 7, 1970, through August 13, 1970, are hereby fixed as follows:

- (i) District 1: 230,000 cartons;
- (ii) District 2: 270,000 cartons;
- (iii) District 3: 15,000 cartons.

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

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

Dated: August 5, 1970.

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

[F.R. Doc. 70-10347; Filed, Aug. 5, 1970; 11:14 a.m.]

[958.315, Amdt. 1]

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions 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 Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the amendment to 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 Idaho-Eastern Oregon onions and of the marketing prospects for this season. Harvesting of early transplant onions has already begun and harvesting of the regular late summer onion crop planted

from seed is expected to begin on or about August 17.

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

The 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 onions grown in the production area have already begun, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient, (4) compliance with this section will not require any special preparation by handlers which cannot be completed by the effective date, and (5) information regarding the committee's recommendations relating to the marketing policy and proposed regulations was made available to producers and handlers in the production area.

Regulation, as amended. Section 958.315 (35 F.R. 11165) is hereby amended to read as follows:

§ 958.315 Limitation of shipments.

During the period August 17, 1970, through May 15, 1971, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (e) of this section, and meet the requirements of paragraph (a) of this section, or unless such onions are handled in accordance with paragraph (b), (c), or (d) of this section.

(a) *Grade, size, and pack requirements*—(1) *Yellow varieties*, U.S. No. 1, 2 inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 2 inches minimum diameter.

(2) *White varieties*, U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, or better, grade, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Special purpose shipments.* The minimum grade, size, and quality requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;

(2) Livestock feed;

(3) Charity;

(4) Dehydration;

(5) Canning; and

(6) Freezing.

(c) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (b) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (b) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(d) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(e) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as when used in the U.S. Standards for Grades of Onions (§§ 51.2830-51.2854 of this title). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated: July 31, 1970, to become effective August 17, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 70-10206; Filed, Aug. 5, 1970; 8:47 a.m.]

[980.109, Amdt. 1]

PART 980—VEGETABLES; IMPORT REGULATIONS

Onions

Pursuant to the requirements of section 8e-1 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1), Onion Import Regulation, § 980.109, is hereby amended to conform to a simultaneous amendment to

the regulation in effect for domestic shipments of onions under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in the Idaho-Eastern Oregon production area, as set forth below. This regulation is subject to further amendment in accordance with domestic regulations.

Onion import regulation, as amended. In § 980.109 (35 F.R. 11225) delete the introductory paragraph and paragraphs (a) and (g), and substitute in lieu thereof the following new introductory paragraph and new paragraphs (a), (g), and (h):

§ 980.109 Onion import regulation.

Except as otherwise provided, during the period August 17, 1970, through May 15, 1971, no person may import onions of the yellow or white varieties unless such onions are at least "moderately cured" and unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Yellow varieties*—(i) *Grade*, U.S. No. 2 or better grade.

(ii) *Size*, 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade*, U.S. No. 2 or better grade.

(ii) *Size*, 1 inch minimum diameter.

(g) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex-Grano and Creole Types), §§ 51.2830-51.2854, and in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions, §§ 51.3195-51.3209, both of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Findings. It is hereby found that it is impractical and unnecessary to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days

after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the requirements of section 608e-1 of the act make this amendment mandatory, (2) compliance with this amendment will not require any special preparation by importers which cannot be completed by the effective date, and (3) notice hereof is hereby determined to be reasonable in accordance with the requirements of the act as it is in excess of the minimum period of three days specified in the act. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: July 31, 1970, to become effective August 17, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 70-10259; Filed, Aug. 5, 1970; 8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the titles of the following Schedule C positions have been changed as indicated: From Deputy Assistant Secretary for Fish and Wildlife to Special Assistant to the Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources; from Private Secretary to the Director to Confidential Assistant to the Director (National Park Service); from Private Secretary to the Administrator to Confidential Assistant to the Administrator (Bonneville Power Administration); from Assistant Administrator to the Deputy Administrator (Southwestern Power Administration); and from Administrative Assistant to the Governor of the Virgin Islands to Executive Assistant to the Governor of the Virgin Islands. Effective on publication in the FEDERAL REGISTER, subparagraph (5) of paragraph (a), subparagraph (2) of paragraph (h), subparagraph (2) of paragraph (i), subparagraph (2) of paragraph (k), and subparagraph (5) of paragraph (l) under § 213.3312 are amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *
(5) One Special Assistant to the Assistant Secretary for Fish and Wildlife, Parks, and Marine Resources and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife, Parks, and Marine Resources.

(h) *National Park Service.* * * *
(2) Confidential Assistant to the Director.
(i) *Bonneville Power Administration.* * * *

(2) Confidential Assistant to the Administrator.

(k) *Southwestern Power Administration.* * * *

(2) Deputy Administrator.
(1) *Office of Territories.* * * *
(5) One Executive Assistant to the Governor of the Virgin Islands.

(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. 70-10208; Filed, Aug. 5, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70-SW-26; Amdt. 39-1053]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Commander Models 500, 500A, 500B, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 Airplanes

Amendment 39-48, AD 65-6-1 as amended by Amendment 39-1021, published in 35 F.R. 11174, requires inspection, necessary repair, reinforcement and periodic inspection of Aero Commander Models 500, 500A, 500B, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 airplanes. After issuing Amendment 39-1021, it was found that there was a contradiction between the first paragraph and paragraph (h), as amended, concerning applicability of the AD which requires clarification. Also, applicable paragraphs require revision to include the latest Aero Commander Service Change relating to these airplanes.

Since this amendment provides clarification only 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 39-48 (30 F.R. 3421), AD 65-6-1, as amended by Amendment 39-1021 (35 F.R. 11174), is further amended as follows:

1. By amending the applicability paragraph to read:

AERO COMMANDER. Applies to Models 500, 500A, 500B, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL, 680FL(P), and 720 airplanes.

2. By amending paragraph (c) (2) (ii) to read:

(ii) Reinforce the spar cap in accordance with (g) within the next 300 hours time in service after the effective date of this AD.

3. By amending paragraph (g) to read:

(g) If no cracks are found, reinforce the spar cap in accordance with Aero Commander Service Change 81B dated March 17, 1965, as revised, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, unless previously accomplished in accordance with Aero Commander Service Changes 81, 81A, or 81B.

This amendment becomes effective August 12, 1970.

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

Issued in Fort Worth, Tex., on July 23, 1970.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 70-10189; Filed, Aug. 5, 1970; 8:46 a.m.]

[Docket No. 10311; Amdt. 39-1061]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1-11 Series 401 Type AK Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) requiring deactivation of the static plate heaters or modification of the pitot/static plate heater circuit to provide a separate power supply for each circuit on British Aircraft Corporation Model BAC 1-11, Series 401 Type AK airplanes was published in the FEDERAL REGISTER, 35 F.R. 7813.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The only comment received objected to the proposal on the grounds that safety would be compromised by permitting operators to deactivate the static plate heaters. The comment pointed out that there have been accidents in low visibility nonprecision approaches where possibility of static port icing was suspect. However, flight tests have shown that the static plates are in an ice-free zone, and the static plate heaters are therefore considered to be nonessential.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 Series 401 Type AK airplanes.

To prevent overheating of the heating elements fitted to the S8 and S9 righthand and lefthand static vent plates located at Station 66, within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, accomplish one of the following:

(a) Deactivate the static plate heaters in accordance with Part (B) of British Aircraft

Corp. Model BAC 1-11 Service Bulletin No. 30-PM4306 dated November 28, 1969, or a later ARB-approved issue or an FAA-approved equivalent; or

(b) Modify the pitot/static plate heater circuit to provide a separate power supply for each circuit in accordance with Part (A) of British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 4306 dated November 28, 1969, or a later ARB-approved issue or an FAA-approved equivalent.

This amendment becomes effective September 5, 1970.

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

Issued in Washington, D.C., on July 30, 1970.

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

[F.R. Doc. 70-10192; Filed, Aug. 5, 1970;
8:46 a.m.]

[Docket No. 10298; Amdt. 39-1060]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) requiring periodic inspections of the propeller operating pins for cracks and replacement of pins found to be cracked pending final replacement of all operating pins with pins of an improved design on certain types of Dowty Rotol propellers was published in the FEDERAL REGISTER, 35 F.R. 7436.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. The AD is therefore being adopted as proposed, except for editorial changes to more clearly set forth the repetitive inspections in paragraphs (a), (b), and (d) (2) (i) and (ii). Since these changes provide clarification only, and impose no additional burden on any person, notice and public procedure thereon is unnecessary.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL, LTD. Applies to propeller types (c) R.175/4-30-4/13E, incorporating operating pins with part numbers RA.44996, RA.44996/1, or RA.44996/2, installed in but not necessarily limited to Fairchild Hiller F-27 and F-27B airplanes; (c) R.193/4-30-4/50, incorporating operating pins with part number RA.57505, installed in but not necessarily limited to Fokker F.27 Mark 400 and 600, and Fairchild Hiller F-27A, F-27F, F-27G, F-27J, and FH-227 airplanes; and (c) R.209/4-40-4.5/2, incorporating operating pins with part numbers RA.66033 or 601023087 installed on Nihon YS.11 and YS.11A airplanes.

Compliance is required as indicated.

To detect cracks in the fillet radius of the propeller operating pins at the junction between the pin diameter and flange, accomplish the following:

(a) For propeller types (c) R.175/4-30-4/13E and (c) R.193/4-30-4/50, at the next propeller overhaul or upon the accumulation of a total time in service of 5,000 hours since new or last overhaul, whichever occurs first, inspect the propeller operating pins for cracks in accordance with paragraph (c). If no cracks are found, this inspection must be repeated at each propeller overhaul or at intervals not to exceed 5,000 hours' time in service since the last inspection, whichever occurs first.

(b) For propeller type (c) R.209/4-40-4.5/2, at the next propeller overhaul or upon the accumulation of a total time in service of 4,000 hours since new or last overhaul, whichever occurs first, inspect the propeller operating pins for cracks in accordance with paragraph (c). If no cracks are found, this inspection must be repeated at each propeller overhaul or at intervals not to exceed 4,000 hours' time in service since the last inspection, whichever occurs first.

(c) Inspect the propeller operating pins for cracks in accordance with Dowty Rotol, Ltd., Service Bulletin No. 61-711, Revision 2, dated February 11, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(d) If a crack is found in any operating pin during the inspections required by paragraph (a) or (b), the following must be accomplished:

(1) Remove all four operating pins and replace each of them with new serviceable operating pins, or with serviceable operating pins which have been inspected in accordance with paragraph (c) and which have not previously formed part of a set containing a cracked operating pin, prior to returning the propeller to service. In either case, the replacement pins must be pins that are approved for the particular type propeller.

(2) Reinspect all other propellers of the same type in the operator's fleet in accordance with paragraph (c) as follows:

(i) For propeller types (c) R.175/4-30-4/13E and (c) R.193/4-30-4/50, within the next 600 hours' time in service from the date of the inspection during which the cracks were found (for propellers with 1,400 or more hours' time in service since new or the last overhaul), or before the accumulation of 2,000 hours' time in service since new or the last overhaul (for propellers with less than 1,400 hours' time in service since new or the last overhaul), and thereafter at intervals not to exceed 2,000 hours' time in service since the last inspection.

(ii) For propeller type (c) R.209/4-40-4.5/2, within the next 400 hours' time in service from the date of the inspection during which the cracks were found (for propellers with 600 or more hours' time in service since new or the last overhaul), or before the accumulation of 1,000 hours' time in service since new or the last overhaul (for propellers with less than 600 hours' time in service since new or the last overhaul), and thereafter at intervals not to exceed 1,000 hours' time in service since the last inspection.

This amendment becomes effective September 5, 1970.

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

Issued in Washington, D.C., on July 29, 1970.

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

[F.R. Doc. 70-10191; Filed, Aug. 5, 1970;
8:46 a.m.]

[Docket No. 10187; Amdt. 39-1062]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley "Heron" Model DH.114 Airplanes

Amendment 39-991, 35 F.R. 7552, AD 70-10-7, requires periodic inspections of the landing gear locking lever and jack attachment lever for cracks, and replacement of levers found to be cracked, pending replacement of both levers with new levers made of an improved material on Hawker Siddeley "Heron" Model DH.114 airplanes. After issuing Amendment 39-991, the FAA has been advised that the manufacturer is having difficulty in supplying the replacement levers and that all operators may not be able to obtain the required replacement parts by the August 1, 1970, compliance time. The FAA has determined that for this reason the compliance time for replacement of the landing gear locking lever and jack attachment lever must be extended to March 1, 1971, and the AD is being amended accordingly.

For the foregoing reasons and since this amendment 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 (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-991, 35 F.R. 7552, AD 70-10-7, is amended by amending paragraph (c) by striking out the date "August 1, 1970," and inserting the date "March 1, 1971," in place thereof.

This amendment becomes effective August 11, 1970.

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

Issued in Washington, D.C., on July 30, 1970.

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

[F.R. Doc. 70-10193; Filed, Aug. 5, 1970;
8:46 a.m.]

[Airworthiness Docket No. 68-WE-34-AD;
Amdt. 39-1055]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269A, 269A-1, and 269B Helicopters

Amendment 39-672, Hughes Model 269 series helicopter, 33 F.R. 15543, AD 68-21-5, requires inspection of the main rotor thrust bearing at 150-hour intervals and retirement from service after 300 hours' time in service in addition to inspection and modification of the main rotor mast. After issuing Amendment 39-672, due to the development of a new design by the manufacturer, the agency has determined that the installation of the new design the inspections and life

limit established in AD 68-21-5 are significantly increased. Therefore, the AD is being amended to provide for an increased inspection interval and life limit when Hughes P/N M 10044 kit installation main rotor thrust bearing is installed on the affected helicopters. The AD applicability is amended to reflect those helicopters listed in Hughes Service Information Notice N-76.1 dated June 19, 1970, or later FAA-approved revisions.

Since this amendment provides an alternative means of compliance which relieves a restriction 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 39-672, 33 F.R. 15543, AD 68-21-5, is amended by amending the applicability statement and by adding the following new paragraph at the end thereof:

HUGHES. Applies to Model 269 Series Helicopters listed in Hughes Service Information Notice No. 76.1 dated June 19, 1970, or later FAA-approved revisions.

(f) If the installation described in Hughes Service Information Notice N-76.1, dated June 19, 1970, or later FAA-approved revisions, is performed, accomplish the following:

(1) Every 600 hours time in service inspect the main rotor thrust bearing (Hughes P/N 269A5050-73) for corrosion, rust, freedom of rotation, looseness, binding, nicks, burrs, cracks, and need for adequate lubrication.

(i) Replace defective bearings as required.
(ii) Repack cavity as necessary. (Note: Item "q" of Hughes Service Information Notice N-76.1, dated June 19, 1970, covers this subject.)

(2) Retire from service all main rotor thrust bearings (Hughes P/N 269A5050-73) with 1,800 hours total time in service.

This amendment becomes effective August 6, 1970.

(Secs. 313(a), 601, 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 July 24, 1970.

WILLIAM R. KRIEGER,
Acting Director,
FAA Western Region.

[F.R. Doc. 70-10190; Filed, Aug. 5, 1970; 8:46 a.m.]

[Airspace Docket No. 69-PC-6]

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

Alteration of Control Zone and Transition Area

On May 21, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7815) stating that the Federal Aviation Administration was considering amendments to Part 71 of

the Federal Aviation Regulations that would alter the Honolulu, Hawaii, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 15, 1970, as hereinafter set forth.

1. In § 71.171 (35 F.R. 2054) the Honolulu, Hawaii, control zone is amended to read as follows:

HONOLULU, HAWAII

Within a 5-mile radius of Honolulu International Airport (lat. 21°19'35" N., long. 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (lat. 21°18'35" N., long. 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

2. Section 71.181 (35 F.R. 2134) is amended as follows: In the Honolulu, Hawaii, transition area, all preceding the phrase "and that airspace extending upward from 1,200 feet" is deleted and the phrase "That airspace extending upward from 700 feet above the surface south and southeast of Honolulu beginning at lat. 21°20'30" N., long. 157°51'15" W. thence south to lat. 21°15'30" N., long. 157°49'15" W. thence west to lat. 21°09'50" N., long. 158°09'50" W. thence northwest to lat. 21°10'10" N., long. 158°11'55" W. thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (lat. 21°18'35" N., long. 158°04'30" W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport (lat. 21°19'35" N., long. 157°55'45" W.) to the point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles southwest of the VORTAC;" is substituted therefor.

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

Issued in Washington, D.C., on July 29, 1970.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 70-10194; Filed, Aug. 5, 1970; 8:46 a.m.]

[Airspace Docket No. 70-EA-51]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the

Federal Aviation Regulations so as to alter the Albion, N.J., transition area (35 F.R. 2136) required by a change in the name of the Albion Airstrip.

Since this amendment is editorial in nature and imposes no 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, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Albion, N.J., the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Albion, N.J., transition area the words "Albion Airstrip", and insert the following in lieu thereof "Albion Airport".

(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 July 15, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-10195; Filed, Aug. 5, 1970; 8:46 a.m.]

[Airspace Docket No. 70-SO-44]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Myrtle Beach AFB, S.C., control zone.

The Myrtle Beach AFB control zone is described in § 71.171 (35 F.R. 2054 and 4613). In the description, an extension predicated on Conway TACAN 160° radial has a designated width of 3 miles and length of 6 miles, and an extension predicated on the 167° bearing from Conway RBN has a designated width of 4 miles and length extending from the 5-mile radius zone to the RBN.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures was revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description by increasing the width of the extension predicated on the 167° bearing from Conway RBN from 4 to 5 miles and revoking the extension predicated on Conway TACAN 160° radial.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal

Aviation Regulations is amended, effective 0901 G.m.t., September 17, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Myrtle Beach AFB, S.C., control zone (35 F.R. 4613) is amended to read:

MYRTLE BEACH AFB, S.C.

Within a 5-mile radius of Myrtle Beach AFB (lat. 33°40'45" N., long. 78°55'45" W.); within 2.5 miles each side of the 167° bearing from Conway RBN, extending from the 5-mile radius zone to the RBN.

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

Issued in East Point, Ga., on July 28, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-10196; Filed, Aug. 5, 1970;
8:46 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-633; Amdt. 9]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

General and Special Limitations on Exemption; Postponement of Effective Date

In ER-627, adopted June 18, 1970 (35 F.R. 10202) the Board amended § 298.21 of Part 298 so as to permit an air taxi operator to continue serving a market after the entrance of a certificated helicopter carrier, if the air taxi operator has been serving the market continuously with a minimum of five round-trip flights per week since at least 30 days immediately prior to the inauguration of service by the certificated carrier. The rule was to be effective on August 7, 1970, but interested persons were permitted to file petitions for reconsideration. Such petitions have been filed by Golden West Airlines and Los Angeles Airways.

In order to afford the Board sufficient time to consider the matters raised in the petitions, the Board has decided to postpone the effective date of ER-627 until the pending petitions for reconsideration are acted upon. This action should not be construed as any expression of the Board's reasons as to the merits of the petitions.

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

Effective: August 3, 1970.

Adopted: August 3, 1970.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10245; Filed, Aug. 5, 1970;
8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER H—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

PART 870—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

Part 870, Chapter VII of Title 32 of the Code of Federal Regulations is revised as follows:

Sec.

870.0 Purpose.

Subpart A—Background and Organization

870.2 Definitions.

870.2a Officer procurement.

870.4 AFROTC mission and objectives.

870.6 AFROTC organization.

870.8 Selection of institutions.

870.10 The training program.

870.12 Responsibilities of the Commander, AU.

870.14 Administrative services and supplies.

Subpart B—AFROTC Membership and Retention

870.16 Basic membership requirements.

870.18 Conditional membership.

870.20 Who may not be AFROTC members.

870.22 Other eligibility requirements.

870.24 Investigative requirements.

870.26 Air Force Reserve Officers' Training Corps Category Agreement (AF Form 1056).

870.28 In-phase admission to the POC.

870.30 Completed cadet status.

870.32 Alien students.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

870.34 Military colleges participating in the AFROTC program.

870.36 Deferment selection criteria.

870.38 Length of deferment.

870.40 Actions required for deferment.

870.42 Notifying board of deferments and transfers.

870.44 Notifying board of change of deferment status.

870.46 Notifying board of member's continued participation.

870.48 Notifying ARPC of disenrollments.

870.50 Transfer procedures.

Subpart D—Special Procedures

870.52 Participation and assignment in the Reserve establishment or National Guard.

870.54 Credit for previous education, training, and experience.

870.56 Enlistment in the U.S. Air Force Reserve (ORS).

870.58 Transfer of AFROTC cadets.

Subpart E—Discontinuance and Discharge

870.60 Discontinuance of members from the AFROTC program.

870.62 Discharge from the U.S. Air Force Reserve (ORS).

Subpart F—Readmission

870.64 Readmission.

Subpart G—Appointment and Assignment of Graduates

870.66 Appointment of graduates.

870.68 Extended active duty for AFROTC graduates.

Sec.

870.70 Eligibility requirements for admission to membership in the program elements of AFROTC.

870.72 Individuals who require a waiver and waiver granting authority.

870.74 Credit for previous education, training, and military experience.

AUTHORITY: The provisions of this Part 870 issued under 10 U.S.C. 8012.

§ 870.0 Purpose.

This part explains the organization, administration, and operation of the Senior Reserve Officers' Training Corps. It applies to major commands, AFROTC (Maxwell AFB, AL), ARPC, and AFROTC detachments.

Subpart A—Background and Organization

§ 870.2 Definitions.

(a) *Academic Year (AY)*. Consists of two semesters, three quarters, or the equivalent combination of trimesters or other terms.

(b) *Aerospace Studies (AS)*. The official designation of the Air Force Reserve Officers' Training Corps (AFROTC) program of instruction.

(c) *AFROTC detachment*. An Air Force reorganization manned by active duty Air Force personnel assigned to AFROTC, with duty station at a civilian educational institution. With concurrence of the institution, the AFROTC detachment has the academic title, "Department of Aerospace Studies," and as such is an integral academic subdivision of the educational institution. The AFROTC detachment conducts all AFROTC activities at the institution as stipulated in the joint contract between the host institution and the Air Force.

(d) *AFROTC graduate*. A contract cadet who has successfully completed the academic and military requirements of the AFROTC Professional Officer Course (POC), including prescribed field training, and has been awarded at least a bachelor's degree.

(e) *Alien student*. A Foreign National eligible to participate in the AFROTC program under the provisions of this part and 10 U.S.C. 2103(b).

(f) *Cadet*. The term cadet as used in this part is synonymous with member.

(g) *Completed cadet*. A contract cadet who has successfully completed the academic and military requirements of the program of advanced training including field training and Flight Instruction Program if applicable, but has not been commissioned.

(h) *Conditional cadet*. A contract cadet who has been advised by AFROTC either upon initial enrollment or during the program that he has been placed on a probationary status to correct a deficiency, academic or otherwise, within a specified period of time to preclude disenrollment from the program. A conditional cadet is a member of the AFROTC program.

(i) *Contract cadet.* An AFROTC cadet who has executed AF Form 1056, "AF Reserve Officers' Training Corps Category Agreement," enlisted in the Air Force Reserve (Obligated Reserve Section (ORS)) under the provisions of 10 U.S.C. 2104 or 2107, and is a member of the POC and/or the College Scholarship Program (CSP).

(j) *Deferment quotas.* The number of AFROTC deferments authorized by the Secretary of Defense; issued by Hq USAF to the Commander, Air University (AU); and utilized by the AFROTC detachment.

(k) *Designated applicant.* An individual who has applied in writing and has been tentatively accepted by the Professor of Aerospace Studies (PAS) as a candidate for entry in the POC.

(l) *Enrollment.* Admission of a student into an Aerospace Studies course for academic credit, which in itself entitles individuals to neither AFROTC membership nor subsistence allowance.

(m) *Full-time student.* A student enrolled in at least the minimum credit hours required for regular enrollment as specified in the institutional catalog, or enrolled in at least the minimum number of credit hours prescribed by the Professor of Aerospace Studies if the institution does not specify a minimum criterion for full time enrollment.

(n) *Member.* A student who meets and completes the applicable eligibility requirements of § 870.70 and is admitted to the General Military Course (GMC) or POC. Members must maintain retention standards prescribed by the Commandant, AFROTC.

(o) *Officer type training programs.* Any training received in any U.S. Armed Force, Coast Guard, or Merchant Marine program, completion of which may result in a tender of appointment as a commissioned officer (does not include service academy preparatory schools).

(p) *Probation (Academic).* Scholastic probation, warning, suspension, or any other terminology utilized by an institution to indicate that a student is academically deficient.

(q) *Professor Aerospace Studies (PAS).* The senior Air Force commissioned officer assigned to command an AFROTC detachment.

(r) *Pursuing student.* A designated applicant for POC membership who is temporarily ineligible for enlistment. He is not a member of the POC and/or the CSP.

(s) *Special student.* A student who is permitted to enroll in AFROTC courses for institutional academic credit only. He is not a member of the program and is not a candidate for appointment as a commissioned officer.

§ 870.2a Officer procurement.

AFROTC is a major active duty officer procurement program of the Air Force. It is conducted jointly with the cooperating educational institutions, as outlined in this part. AFROTC will continue to operate as the officer training program conducted at colleges and universities during a national emergency or war.

§ 870.4 AFROTC mission and objectives.

(a) The AFROTC mission is to commission, through a college campus program, career-orientated Regular and Reserve second lieutenants in response to Air Force active duty requirements.

NOTE: AFROTC is also responsible for conducting an Air Force Junior ROTC (AFJROTC) program at selected secondary schools nationwide in accordance with AFR 45-39 (Air Force Junior Reserve Officers' Training Corps (AFJROTC)).

(b) AFROTC objectives are to:

(1) Identify, motivate, and select qualified students to complete the AFROTC program.

(2) Provide college-level education that will qualify cadets for commissioning in the U.S. Air Force.

(3) Heighten each cadet's appreciation of and dedication to American principles, give him an understanding of how the U.S. Air Force serves the national interest, and develop his potential as a leader and manager and his understanding of officer professionalism in the U.S. Air Force.

§ 870.6 AFROTC organization.

The Department of the Air Force establishes policies and develops plans for the conduct of the AFROTC program. AFROTC is organized as a subordinate unit of AU and consists of a central staff and detachments. An AFROTC detachment is established or disestablished only by direction of the Secretary of the Air Force.

§ 870.8 Selection of institutions.

To insure that educational institutions receiving new AFROTC units are selected on a common and equitable basis, each institution selected must:

(a) Complete AF Form 1268, "Application and Agreement for the Establishment of a Senior Air Force Reserve Officers' Training Corps Unit."

(b) Be fully accredited by the appropriate regional or national agency.

(c) Not discriminate with respect to admission or subsequent treatment of students on the basis of race, creed, or national origin.

(d) Provide adequate physical facilities.

(e) Be capable of producing a sufficient number of officers to justify Department of Defense resources invested, considering (among other factors) the number of students enrolled who are prospective officer candidates, and the proportion of each entering academic class that normally receives degrees from the institution.

§ 870.10 The training program.

The training program includes two phases—the institutional phase and the field training phase. Successful completion of academic and military requirements in both phases is a prerequisite for appointment as a Regular or Reserve officer in the U.S. Air Force.

(a) *The institutional phase.* This phase consists of the GMC (AS 100 and AS 200), the POC (AS 300 and AS 400),

and Corps training (AS 100 through AS 400). Corps training is an integral and mandatory portion of each Aerospace Studies year. The GMC and POC are each normally 2 academic years trimesters or terms). Completion of the GMC, its equivalent, or the 6-week field training session is a statutory prerequisite for, but does not guarantee, entrance into the POC.

(1) The 4-year program consists of the GMC, POC, Corps Training, and additional military training at a 4-week field training session.

(2) The 2-year program consists of 6-week field training, the POC, and the last 2 years of Corps Training.

(3) College Scholarship Program (CSP). The program provides educational financial assistance (including tuition, fees, laboratory expenses, book allowances, and a monthly subsistence allowance) for selected cadets. Candidates for entry into, and members of the 4-year program are eligible to compete for scholarships.

(b) *Exceptions to the institutional phase.* (1) Compression, curtailment, and concurrent enrollment in aerospace studies:

(i) *The General Military Course (GMC).* The Commandant, AFROTC, may authorize compression of the GMC into a period less than 2 academic years provided the cadet obtains the same number of contact hours as other GMC cadets in the AFROTC program at the same institution.

(ii) *The Professional Officer Course (POC).* The Commandant, AFROTC, may authorize acceleration of the POC and/or concurrent enrollment in AS 300 and AS 400 for cadets who:

(a) During portions of the instruction were absent from campus because of institutional programs, State Department, industry, or other cooperative programs.

(b) Had 2 academic years remaining at the educational institution when admitted to membership in the POC but who, by virtue of superior performance or unusual circumstances, are eligible for earlier graduation and commissioning.

(2) Conditions requiring waiver action and waiver authority are contained in § 870.72.

(c) *Field training phase.* The 6-week and 4-week field training phases are conducted at Air Force bases as prescribed by current Air Force policy. Two-year program applicants must successfully complete the 6-week field training session prior to admission to the POC. This prerequisite is a statutory requirement, but does not guarantee membership in the 2-year program. Cadets in the 4-year program normally attend the 4-week field training session after successful completion of AS 200 or AS 300.

§ 870.12 Responsibilities of the Commander, AU.

(a) During any period of full-scale mobilization, conducts an accelerated AFROTC program as directed by Hq USAF.

(b) Maintains liaison with Department of Defense, Congress, and other

Federal agencies and foreign governments on AFROTC matters.

(c) Requests annual Selective Service deferment quotas as prescribed in this part.

§ 870.14 Administrative services and supplies.

(a) *Uniforms.* The Commandant, AFROTC, prescribes the manner of wear of the uniform and uniform devices by students, designated applicants, and cadets.

(b) *Monetary allowances.* Policies governing subsistence allowance and commutation in lieu of uniforms are prescribed by the Commandant, AFROTC consistent with Air Force directives (AFR 45-25 and the DOD Military Pay and Allowances Entitlement Manual).

Subpart B—AFROTC Membership and Retention

§ 870.16 Basic membership requirements.

Chapter 103, 10 U.S.C. requires that, at institutions hosting ROTC detachments, membership in the GMC will be elective or compulsory as provided by State law or the authorities of the institutions concerned. Except where GMC is compulsory, as many qualified students may be enrolled in the GMC of each AFROTC detachment as are necessary to meet production quotas established by Hq USAF. Entry into the POC is not subject to institutional jurisdiction, but is limited to production goals set by Hq USAF for the graduating class in which cadets will be appointed. Each cadet or applicant desiring membership in the POC must apply and compete with other cadets and applicants for membership in the POC. Hq USAF establishes AFROTC eligibility requirements. For students meeting these requirements, the Commandant, AFROTC, prescribes admission and retention standards.

(a) *GMC membership.* An eligible student accepted by the PAS becomes a member on the first day he attends Aerospace Studies classes. He remains a member until he completes the GMC unless he is disenrolled sooner, except GMC members tentatively accepted as designated applicants for the POC who will remain as members until they are disenrolled from the GMC or fail to be selected for the POC.

(b) *POC membership.* An eligible student accepted by the PAS becomes a member on the date he is fully qualified under current Air Force and AFROTC directives, enlists/reenlists in the U.S. Air Force Reserve (ORS) and enrolls in courses of the POC, whichever occurs later. He remains a member until he is discontinued from membership or is commissioned.

(c) *Designated applicant.* Once accepted as a designated applicant by the PAS, the individual remains a designated applicant until he is enrolled as a contract cadet, or is advised by the PAS that he has been released from further consideration. Designated applicant status will not normally exceed a 12-month

period. At the time of admission to membership in the POC, a designated applicant must have 2 academic years remaining at an institution hosting the AFROTC program. A designated applicant who has completed the GMC, its equivalent, or the 6-week field training prior to enrollment in pursuing status and is thereafter to be accepted as a contract cadet, will meet this requirement if he had 2 academic years remaining at the time of enrollment in pursuing status. A designated applicant who is on academic probation or not in good academic standing at the institution will not normally be admitted to membership in the POC. Upon favorable recommendation from the Commandant, AFROTC, AU may grant a waiver.

(d) *Nonmembers.* Pursuing and special students may be enrolled for academic credit although they are not members of the program. Nonmembers are not entitled to subsistence, a uniform allowance, or a uniform. If otherwise authorized, while in nonmember enrollment status, a special student may purchase a uniform at his own expense and wear it as authorized by the PAS. A pursuing student may be loaned a uniform at the direction of the PAS and with concurrence of the institution. Paragraph (h) of § 870.18 applies to wearing of the uniform by special and pursuing students. Equipment will not be purchased for the benefit of enrolled membership.

§ 870.18 Conditional membership

The Commandant, AFROTC, will prescribe procedures which will allow the PAS to enroll a student as a conditional cadet either upon initial enrollment or during the program when full membership is not possible. This conditional status will permit correction of deficiencies, academic or otherwise, within a specified period of time to preclude disenrollment from the program. Each conditional cadet will acknowledge in writing his understanding of the restrictions and requirements of conditional cadet status. This status is normally authorized only when the circumstances dictating conditional status will be removed in one academic term (semester, trimester, quarter, term). An individual who is on academic probation or not in good standing in the institution will normally not be designated as a conditional cadet for initial enrollment in the POC; however, upon favorable recommendation from AFROTC, AU may grant a waiver in appropriate cases (see § 870.72).

§ 870.20 Who may not be AFROTC members.

(a) Commissioned officers (present or former) of any component of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Merchant Marine.

(b) Officers of the Public Health Service.

(c) Members on active duty in any military service.

(d) Conscientious objectors (POC or CSP).

§ 870.22 Other eligibility requirements.

For selection and/or retention in the AFROTC program, a student must meet and maintain the following standards as well as the requirements in § 870.70:

(a) *Moral character.* Good moral character is a prerequisite for membership and continuance in the AFROTC program. For purpose of membership in the GMC, admission to the institution is presumptive evidence of good character. The PAS must counsel GMC cadets that acceptance for GMC training is not a guarantee for a Selective Service deferment or later admission into the CSP or POC.

(b) *Military or civil offenses.* AFROTC is exempt from the requirement for the police record check required for enlistment in the U.S. Air Force Reserve (ORS). The Commandant, AFROTC, will establish procedures for verification of other than minor traffic violations, which together with the investigative actions inherent in the National Agency Check (NAC) or Background Investigation (BI), will insure proper review of involvements of each contract cadet. A student who has been convicted by a court-martial or civilian court for any offense will not be certified for Selective Service deferment as a GMC member, nor accepted for CSP/POC membership without appropriate waiver (see § 870.72).

(c) *Medical qualification.* As provided in AFM 160-1 (Medical Examinations and Medical Standards), except for GMC cadets (see § 870.72).

(d) *Academic requirements.* For CSP and POC membership, a student must meet and maintain minimum requirements for good academic standing in the institution. (Section 870.72 contains waiver authority.)

(e) *Enrollment.* A member must maintain full time enrollment in an AFROTC host institution or an institution having an approved agreement with an institution hosting AFROTC.

(f) *Elimination from service academies or other officer training programs.* Students who attended officer commissioning programs must be granted a waiver before entering AFROTC. Applicants may be enrolled in nonmembership (pursuing) status pending waiver determinations.

(g) *Ineligibility for reenlistment.* A former serviceman whose DD Form 214, "Armed Forces of the United States Report of Transfer or Discharge," for his last period of service contains entries which render him ineligible to enlist in the Regular Air Force (Part 888 of this chapter) is not eligible for membership in the POC or CSP.

(h) *Loyalty requirements.* No U.S. citizen may be accepted as a member of AFROTC or wear the AFROTC uniform if he fails to fulfill the following:

(1) *For GMC, CSP, and POC.* Be administered and sign the Oath of Allegiance. The student must be administered and sign the following certificate, which becomes part of his record (be

may, because of conscientious scruple, substitute "affirm" for "swear"):

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservations or purpose of evasion.

(2) For CSP and POC. Complete and submit the DD Form 98, "Armed Forces Security Questionnaire."

(i) The student must file the DD Form 98 in advance of scheduled membership.

(ii) If an applicant for POC or CSP fails or refuses, after instruction, to fill out DD Form 98, in its entirety, the PAS will deny him membership as a contract cadet. Also, if he makes entries on this form which provide reason to believe that his enrollment is not clearly consistent with the interests of national security, or if he qualifies an entry by a remark other than "none" or "none to my knowledge" in the remarks section, he will be denied membership or appointment until a full and complete investigation discloses that his membership or appointment is not prejudicial to the national interest.

§ 870.24 Investigative requirements.

The Commandant, AFROTC, will establish procedures to insure that all contract cadets meet the following investigative requirements:

(a) An NAC will be requested during the first academic term of membership as a contract cadet. NACs will not be requested on cadets who have previous investigations which are current as defined in AFR 205-6 (Personnel Investigations, Security Clearances and Access Authorization), nor will NACs be requested on cadets who are required to have a BI under the provisions of paragraph (b) of this section.

(b) A BI must be completed and a favorable decision rendered before any designated applicant or CSP designee of the GMC may be enlisted if he has:

(1) Traveled or resided in one or more communist or communist-oriented countries listed in AFR 205-6, for more than 30 consecutive days, not under the auspices of the U.S. Government.

(2) A spouse, parent, brother, sister, or offspring currently residing in any country listed in AFR 205-6.

(3) Made entries on DD Form 98 indicating that enlistment may not be clearly consistent with the interests of national security.

§ 870.26 Air Force Reserve Officers' Training Corps Category Agreement (AF Form 1056).

The Commandant, AFROTC, will establish procedures for classifying contract cadets according to Air Force requirements, qualifications of the individuals, and cadets' desires.

(a) Classification of contract cadets:

(1) *Category I.* Cadets who qualify and volunteer for flying training.

(i) *IP—pilot candidate.* A candidate may not be classified IP if he has ever been eliminated from a military pilot training course or the Flight Instruction Program of the Army, Navy, or Air Force.

(ii) *IN—navigator candidate.* A candidate may not be classified IN if he has ever been eliminated from a military navigator-type training course.

(2) *Category II.* Cadets not in Category I who are enrolled in a college program leading to at least a bachelor's degree with an academic major in scientific or engineering curriculums specified by AFROTC.

(3) *Category III.* Cadets not in Category I who are enrolled in college program leading to at least a bachelor's degree with an academic major in other than those scientific or engineering curriculums specified for Category II.

(b) Each contract cadet will be required to sign four copies of an AF Form 1056 which becomes effective upon the member's enlistment in the U.S. Air Force Reserve (ORS). The PAS will be certain that each cadet fully understands the terms of the category agreement.

§ 870.28 In-phase admission to the POC.

Admission to the POC is normally phased so that completion of the POC will not occur before completion of the requirements for a bachelor's degree. The Commandant, AFROTC, may prescribe exceptions to this policy.

§ 870.30 Completed cadet status.

Completed cadet status is authorized for contract cadets who will complete bachelor's degree requirements within 12 months after completion of the AFROTC program. Students who have completed the AFROTC program and have been awarded a bachelor's degree or who will require completed status in excess of 12 months will not be retained in completed status without appropriate waiver.

§ 870.32 Alien students.

(a) *Who may participate in AFROTC.* Aliens must be regularly enrolled full time students at a school hosting an AFROTC detachment that conducts the 4-year AFROTC program. They are authorized to participate in AFROTC if they are:

(1) Immigrants, regardless of their country of origin, who have been lawfully admitted for permanent residence in the United States, and have in their possession Immigration Form I-151, "Alien Registration Receipt Card."

(2) Refugees still in a parole, conditional entry, or indefinite voluntary departure status, regardless of their country of origin, and:

(i) They have in their possession Immigration Form I-94, "Arrival-Departure Record," bearing an Immigration and Naturalization Service stamp reading, "Refugee—Conditional Entry," or,

(ii) They are Cuban nationals who have in their possession Immigration Form I-94 endorsed by the Immigration and Naturalization Service to reflect either that they have been paroled into the United States for an indefinite period or have been granted "voluntary departure" for an indefinite period, or,

(iii) The Immigration and Naturalization Service has confirmed in writing that the alien is a refugee.

(3) Nonimmigrant aliens from countries shown on the list of countries approved by the Department of State, whose citizens are eligible to participate in the Senior ROTC program, and:

(i) Have in their possession Immigration Form I-94, "Arrival-Departure Record."

(ii) Present to the Commandant, AFROTC, certification that their government has no objection to their receiving AFROTC training, or have in their possession Immigration Form I-94 stamped "paroled indefinitely" or "indefinite voluntary departure."

(b) *Availability of list of approved countries.* The Commandant, AFROTC, will be furnished and retain custody of the list of countries approved by the Department of State. This list will be distributed on a "need-to-know" basis only.

(c) *Enrollment limitations.* (1) Hq USAF may limit foreign enrollments other than nonimmigrant aliens.

(2) Active recruiting of nonimmigrant alien students for the AFROTC program is prohibited.

(3) Alien students are eligible for enrollment in the 4-year program only, and may be extended the advantages of membership thereof, except that they:

(i) May not receive a Selective Service deferment.

(ii) Will not be enlisted in the U.S. Air Force Reserve.

(iii) Will not be administered the Oath of Allegiance.

(iv) Are ineligible for monetary assistance under the CSP.

(v) Will not be paid subsistence allowance prescribed by 37 U.S.C. 209(a).

(vi) Are ineligible for U.S. Air Force commissioning through the AFROTC program. (The Commandant, AFROTC, will establish procedures to insure that each alien student understands and has acknowledged that his participation in and completion of the 4-year program will not result in his appointment as a Regular or Reserve officer of the U.S. Air Force.)

(d) *Entitlement to pay and benefits.* Alien students participating in the 4-year program are eligible for:

(1) Uniforms: Institutions may be provided commutation funds at the rates prescribed by AFR 45-25 (AFROTC Subsistence Allowance and Rates of Commutation in Lieu of Uniforms) in lieu of issue-in-kind uniforms. The student must return uniform items to the institution when he completes or withdraws from the program.

(2) The same subsistence-in-kind and transportation-in-kind furnished other enrollees as prescribed by 10 U.S.C. 2110(c).

(3) The same subsistence, transportation, medical attention, uniform clothing, and equipment furnished other enrollees while participating in field training (10 U.S.C. 2109(b)).

(4) Pay at the rate prescribed for cadets at the U.S. Air Force Academy (37 U.S.C. 209(c)), when participating in field training.

(e) *Naturalization prior to POC completion.* Alien students who become naturalized citizens of the United States prior to completing the POC:

(1) May complete for POC membership for commissioning in the same manner as any other applicant.

(2) Are not authorized retroactive subsistence pay for any period of participation in the POC prior to attaining membership status.

(f) *Disenrollment.* The Commander, AU, may disenroll an alien student from the AFROTC program for reasons outlined in § 870.60.

(g) *GMC membership eligibility for non-U.S. citizens.* (1) An individual who has filed a Naturalization Form N315, "Declaration of Intent," but has not attained U.S. citizenship, may become a member of the GMC in a non-U.S. citizen status provided he meets all GMC eligibility criteria except citizenship. (To be permitted to wear the uniform he must be administered the Oath of Allegiance.)

(2) A non-U.S. citizen GMC member will not be selected as a designated applicant; permitted to attend field training; or be admitted to the POC as a member, conditional member, or in pursuing status.

(3) When a non-U.S. citizen GMC member becomes a U.S. citizen he may compete for admission in the same manner as any other applicant.

Subpart C—Selective Service Deferment of AFROTC Members and Designated Applicants

§ 870.34 Military colleges participating in the AFROTC program.

Under the Military Selective Service Act of 1967 (hereafter referred to as the Act), a member of an officer procurement program at a military college is not required to register under the Act. In addition, he is relieved from liability for training and service and, therefore, need not execute AF Form 1041, "Deferment Agreement." The curriculum of the military college the student attends must be approved by the Secretary of Defense, Virginia Military Institute and The Citadel, approved and designated as military colleges by the Secretary of Defense, participate in the AFROTC program. Membership in the AFROTC program at these institutions serves as the basis for ID classification.

§ 870.36 Deferment selection criteria.

The PAS at other than military colleges will select individuals for a deferment as follows:

(a) All male members who have reached age 18 and who are admitted to the POC under 10 U.S.C. 2104 or the CSP under 10 U.S.C. 2107 will be given a deferment or have it continued if one is in force at the time the AFROTC Category Agreement becomes effective.

(b) Designated applicants will not be given a deferment prior to April 1 of the calendar year in which they are scheduled to report to 6-week field training or enter the POC.

(c) GMC members may be given a deferment after successful completion of one academic term (semester, trimester, quarter, term) including an Aerospace Studies course at the institution. However, ID deferments for this category of individuals should not normally be necessary because the Act provides draft deferred status for undergraduate students making satisfactory progress.

§ 870.38 Length of deferment.

An individual's deferment normally remains in effect until he successfully completes the AFROTC program and accepts a commission. If he is disenrolled from AFROTC membership or his status as a designated applicant is terminated other than for enrollment in AFROTC, his deferment will immediately be terminated unless he is recommended for involuntary call to extended active duty (EAD) in his enlisted grade.

§ 870.40 Actions required for deferment.

(a) The PAS (or his designated representative) will explain the following to the member or designated applicant:

(1) His military service obligation.

(2) The contractual obligation he assumes by signing the Deferment Agreement. Specifically, he agrees to accept an appointment, if offered, as a commissioned officer in the Air Force, and if:

(i) His services are required at the time of his appointment, he will serve on active duty for a minimum of 2 years and will remain a member of a Regular or Reserve component until the sixth anniversary of his commission. (The PAS must emphasize that the 6-year requirement will apply notwithstanding the fact that the individual may have fulfilled the military service obligation specified in 10 U.S.C. 651.) Also, the individual should be informed that the active duty service commitment indicated in his AF Form 1056 takes precedence over the 2-year minimum prescribed by the Act.

(ii) His services are not needed on active duty when he is appointed, he will serve on active duty for training for a period of 3 to 6 months and will remain a member of a Reserve component until the eighth anniversary of his commission.

(3) That if his ID classification is changed by his Selective Service board, he must immediately:

(i) Notify the PAS.

(ii) Submit a written appeal of his classification to his local Selective Service board.

(b) The member (or student accepted for 6-week field training) will:

(1) Certify that he agrees to the provisions of the Deferment Agreement by signing the AF Form 1041.

(2) Understand that signing the AF Form 1041 does not relieve him of his obligation of keeping his local Selective Service board informed of his status.

§ 870.42 Notifying board of deferments and transfers.

(a) The PAS notifies the local Selective Service board using the DD Form 44. Notification is accomplished:

(1) As soon as the member or designated applicant has signed the AF Form 1041.

(2) On October 31 of each year (§ 870.46), or sooner if required by the board.

(3) Upon gaining a member through transfer (§ 870.50).

§ 870.44 Notifying board of change of deferment status.

If there is a change in an individual's deferment status:

(a) The PAS is responsible for notifying the Selective Service System of changes of deferment status of all individuals who are withdrawn from designated applicant status or who are discontinued from membership for reasons other than commissioning.

(b) ARPC is responsible for advising Selective Service boards as follows:

(1) *AFROTC graduates.* Forward a revised DD Form 44 to the AFROTC graduate's local Selective Service board immediately after appointment as a Regular or Reserve officer, indicating the date the registrant was commissioned.

(2) *Former AFROTC contract cadets awaiting orders to involuntary EAD in their enlisted grade.* Retain in a deferred status until the individual is ordered to EAD in his enlisted grade. Prepare and forward DD Form 44 in the same manner and frequency as prescribed by AFM 34-3, chapter 14, section E, June 25, 1969, for other members of the Air Reserve Forces who are serving in a draft deferred status (obligors who have not served on active duty other than for training for at least 1 year). In the event the individual is discharged from the Reserves prior to his EAD date for medical reasons attach a copy of the SF 88 serving as the basis for the medical disqualification to the DD Form 44.

(3) *Members disenrolled from AFROTC and approved for discharge.* Forward a revised DD Form 44 to the individual's

local Selective Service Board immediately after discharge indicating the effective date the registrant was discharged. For a nonprior service cadet, include in item 12 (remarks) the statement, "Individual is eligible for service under appropriate Selective Service directives. He has no prior active military service."

§ 870.46 Notifying board of member's continued participation.

The PAS will forward a DD Form 44 on each AFROTC member of the Ready Reserve who is in draft deferred status (an obligor who has not served on active duty other than for training for at least 1 year) and who is participating satisfactorily in the CSP or POC. The DD Form 44 will be submitted annually not later than November 30 (as of October 31) to the local Selective Service board with which the cadet is registered.

§ 870.48 Notifying ARPC of disenrollments.

The Commandant, AFROTC, determines if discontinuance of AFROTC membership was the result of indifference to training, disciplinary reasons, breach or anticipatory breach of the terms of the category agreement, and/or declining to accept a commission. The names of such individuals may be reported to ARPC (RPCR-1) for involuntary order to active duty.

§ 870.50 Transfer procedures.

Upon transfer of a member to another institution and enrollment into the AFROTC, the gaining PAS prepares a revised DD Form 44, entering the member's new unit and location and forwards it to the local Selective Service board with which the member is registered, requesting that the previously submitted form be rescinded.

Subpart D—Special Procedures

§ 870.52 Participation and assignment in the Reserve establishment or National Guard.

(a) Members of the GMC who are not members of the CSP may participate in any element of the Reserve establishment or National Guard. At the end of each calendar year the PAS will furnish the Reservist's unit of assignment a statement that his participation in the AFROTC program has been satisfactory/unsatisfactory.

(b) If a member of the Reserve ceases to participate or is discontinued from GMC membership, the PAS notifies the GMC cadet's unit of assignment.

§ 870.54 Credit for previous education, training and experience.

(a) A cadet may be credited with a portion or portions of the GMC and the POC as shown in § 870.74. In addition, the Commandant, AFROTC, may excuse the 4-week field training on the basis of previous military training or experience.

(b) Credit may not be granted for training received at any institution that did not have a commissioned officer of the military forces (active or retired) assigned by orders of a military department as a professor of military science, professor of naval science, or professor of aerospace studies.

§ 870.56 Enlistment in the U.S. Air Force Reserve (ORS).

All contract cadets of the CSP/POC must be enlisted in accordance with Part 888d of this chapter.

§ 870.58 Transfer of AFROTC cadets.

(a) Interservice transfer between Army ROTC and Air Force ROTC is authorized under the Statement of Joint ROTC policies.

(b) Transfer of AFROTC cadets between detachments is authorized.

Subpart E—Discontinuance and Discharge

§ 870.60 Discontinuance of members from the AFROTC program.

(a) The Commandant, AFROTC, may discontinue a cadet from the GMC (with the concurrence of institutional authorities if required), discontinue a POC cadet from membership, or withdraw a cadet from the CSP for any of the following reasons:

- (1) Inability, without discredit to continue regular enrollment in institution.
- (2) Failure to remain medically qualified for commissioning.
- (3) Failure to maintain acceptable retention standards under prescribed competitive criteria.
- (4) Individual's request for release for justifiable reasons.
- (5) Inaptitude, indifference to training, breach or anticipatory breach of the terms of the category agreement, disciplinary reason, or reasons involving undesirable traits of character.

(b) The Commandant, AFROTC, may delegate to the PAS the authority to discontinue cadets, withdraw them from CSP or place them on probation (conditional membership).

§ 870.62 Discharge from the U.S. Air Force Reserve (ORS).

When a cadet is discontinued from the CSP/POC he must be discharged from the USAFR (ORS) or reported for involuntary call to extended active duty under Part 888d of this chapter.

Subpart F—Readmission

§ 870.64 Readmission.

The Commandant, AFROTC, prescribes policy and procedures for readmitting individuals for program completion and commissioning in the U.S. Air Force. This readmission is restricted to persons who have been discontinued for the reasons in § 870.60. A cadet discontinued for any of the reasons

in § 870.60 is ineligible to reenroll in any Air Force officer procurement program or be appointed in any Air Force component unless waiver is authorized.

Subpart G—Appointment and Assignment of Graduates

§ 870.66 Appointment of graduates.

Membership in the program in itself does not constitute the right to a commission in any Air Force component. The Commandant, AFROTC, may appoint as a second lieutenant a contract cadet who has successfully completed the military and academic requirements of the program once he has received a bachelor's degree or an authorized institutional official certifies he has qualified for a degree which will be conferred at a later date.

(a) The date of rank of May and June appointees in any year will be the same as the graduates of the U.S. Air Force Academy.

(b) The Commandant, AFROTC, may not commission in the Reserve of the Air Force without a waiver from Hq USAF, a former Service Academy cadet (including Coast Guard and Merchant Marine) prior to the commissioning date of his Service Academy ex-classmates. Appointment of such persons in the Regular Air Force is prohibited by law until their Academy classmates have been appointed.

(c) If a student becomes involved with civil authorities, and criminal charges (except minor traffic violations) are filed or pending against him, he will not be commissioned until final disposition of the case is made. If criminal charges are not expected to be disposed of within 120 days after the cadet's scheduled commissioning date, forward a complete case file to USAFMPC (AFPMRED), Randolph AFB TX 78148, for waiver determination.

§ 870.68 Extended active duty for AFROTC graduates.

Under the terms of his AFROTC Category Agreement, a contract cadet receiving an Air Force commission will normally enter active duty within 1 year of his graduation, unless a delay is approved under Part 875 of this chapter. A graduate must serve the period specified in the agreement (AF Form 1056) under which he was originally appointed, even though he may later be reappointed (e.g., as a commissioned officer in the Medical Corps, Medical Service Corps, or Biomedical Sciences Corps). This part is authority for ordering AFROTC graduates to initial active duty. AFR 45-26 (Voluntary Entry on Extended Active Duty (EAD) of Commissioned Officers and Warrant Officers of the Air Reserve Forces) authorizes higher temporary grades in which certain officers may be entitled to enter active duty.

§ 870.72 Individuals who require a waiver and waiver granting authority.

INDIVIDUALS WHO REQUIRE A WAIVER AND WAIVER GRANTING AUTHORITY

Line	A		B	
	If an individual requires a waiver for retention in or admittance to the AF ROTC program and is—		Then a waiver must be obtained prior to commissioning or prior to entry into the program, and waiver authority is—	
	USAFMPC (AFFMPC)	AU	AFOTC	
1....	A POC/CSP cadet or applicant who was a former service academy cadet, and who will complete commissioning requirements before the ex-academy classmates.	X		
2....	A POC/CSP applicant who was previously eliminated from the ex-academy program because of military infractions, including but not limited to disciplinary infractions, undesirable traits of character, disciplinary reasons, or who resigned in the face of impending charges. (He will not be enrolled or granted a Selective Service deferment until waiver is approved).	X (Note 1)	X (Note 2)	
3....	A POC/CSP applicant who has previously attended a service academy including the Coast Guard and Merchant Marine Academies.	X		
4....	A POC/CSP applicant who attended but did not complete a service academy preparatory school or who has been a member of any officer program except a service academy.	X		(Note 3)
5....	A POC/CSP applicant who is on academic probation or not in good academic standing.	X		
6....	A POC/CSP applicant who is temporarily ineligible for enlistment because a condition which will not be removed within one academic term.	X		
7....	A special student who was ineligible for advance training and who is not a candidate for commission, or a student who is enrolled for academic credit only, who desires accreditation of his status to enter the POC or CSP.	X		
8....	A POC cadet who will require completed cadet status in excess of 12 months or who will require retention in completed status after award of baccalaureate degree.	X		
9....	A POC cadet or applicant who will require current enrollment (authorized for campus absences for Institutional, State Department, or other approved programs).	X		
10....	A POC cadet who requires relief from normal retention standards (academic deficiency or disciplinary reasons).	X		
11....	A category IP/IN POC cadet or applicant who would exceed age 26½ at time of commissioning (may be waived if individual can be commissioned and entered into flying training by age 27½); a Category II/III POC cadet who would exceed age 30 at time of commissioning (may be waived at age 32 if the cadet was scheduled for commissioning but because of unusual circumstances was not appointed).	X		
12....	A POC/CSP applicant or cadet who has been convicted by a court-martial or a civil court for any offense other than that which is minor.	X (Note 4)	X (Note 4)	
13....	A POC/CSP applicant or cadet who has had minor civil or military convictions which would not be prejudicial to his performance of duty as an Air Force officer and which do not indicate unacceptable traits of character.	X		
14....	A POC/CSP applicant or cadet who has committed an offense resulting in less than a conviction.	X		
15....	In a condition which requires a waiver for reason other than enumerated in Lines 1 through 14.	X		X (Note 5)

NOTES: 1. Former service academy cadets only.
 2. AU will determine eligibility in all cases not involving former service academy units.
 3. AF ROTC may approve the readmission of certain former AF ROTC cadets.
 4. AU may approve/disapprove; AF ROTC may disapprove only.
 5. Involvements which do not result in a conviction (such as deferred prosecution or nonjudicial punishment under the UCMJ), may indicate unacceptable traits of character or be prejudicial to an applicant or member's performance of duty as an Air Force officer. The Commandant, AF ROTC, has authority to evaluate the circumstances of such involvements and grant/deny a waiver.

§ 870.70 Eligibility requirements for admission to membership in the program elements of AF ROTC.

ELIGIBILITY REQUIREMENTS FOR ADMISSION TO MEMBERSHIP IN THE PROGRAM ELEMENTS OF AF ROTC

Rule	A		B	
	An individual must—		If he desires to participate in—	
	GMC (AS 100 and 200)	6-week F.T.	POC I (AS 300 and 400)	CSP 1
1....	Be a full time student.	X	X	X
2....	Be of good moral character and be medically qualified under AFM 160-1.	X (Note 3)	X	X
3....	Execute the Oath of Allegiance.	X	X	X
4....	Be a U.S. citizen.	X (Note 5)	X	X
5....	Enlist in the USAFR (Note 6).	X	X	X
6....	Not be a conscientious objector.	X	X	X
7....	Have attained age of 14.	X	X	X
8....	Have attained age of 17 if male and age 18 if female.	X	X (Note 7)	X (Note 8)
9....	Sign Deferment Agreement (AF Form 1041) (section C) (Military colleges excepted).	X (Note 9)	X	X
10....	Execute Armed Forces Security Questionnaire (DD Form 88).	X	X	X
11....	Execute AF ROTC Category Agreement (AF Form 1056), with parental consent if under 21 years of age.	X	X	X
12....	Be enrolled in the 4-year program.	X	X	X (Note 4)
13....	Successfully complete any general survey or screening test prescribed for this category.	X	X (Note 10)	X (Note 10)
14....	Meet the 2 academic year remaining requirement at time of enrollment.	X	X	X
15....	Be in good academic standing and not be on academic probation.	X	X	X
16....	Successfully complete or receive credit for the GMC or successfully complete 6-week F.T.	X	X	X

1 Notes 1 and 2.
 2 Notes 1 and 4.

NOTES: 1. A student who has been a former member of a service academy (including Coast Guard and Merchant Marine Academies) is ineligible unless USAFMPC (AFFMPC) has granted a waiver, but he may be a pursuing student while his application is being referred through channels for review and final decision.
 2. Graduate students may be selected for the POC if they will have 2 academic years remaining on campus when they become members or pursuing students. They are selected in competition with undergraduates and within prescribed production requirements.
 3. For GMC cadets, enrollment in the institution is considered as evidence of good moral character. Medical qualification is determined by authorities of the institution for GMC cadets.
 4. Only cadets in the 4-year program are eligible for membership in the CSP (requirements cannot be waived). Cadets receiving scholarships at the AS 300 or AS 400 level must have successfully completed the GMC, or received credit under § 870.74. Scholarship recipients at the AS 200 level must have completed AS 100, or received credit under § 870.74.
 5. Alien students who have filed Naturalization Form N 315 must be accepted as members of the GMC pending finalization of their citizenship status.
 6. If already a member of any Reserve component of any military department, including the USAFR, he must be discharged and reenlist in the USAFR or transfer to the USAFR.
 7. Must be able to complete all requirements for appointment by age 26½ if he is a Category IP or IN and by age 30, serving Category II or III. The Commandant, AF ROTC, may waive the maximum age restriction for outstanding and deferred Category II or III. The Commandant, AF ROTC, may waive the maximum age restriction for flying training by age 27½; he may also waive the maximum age restriction for Category II or III cadets who were scheduled for commissioning by age 30 but because of unusual circumstances were not appointed. Commissioning must occur before a cadet attains the age of 32.
 8. Must be able to complete all Aerospace Studies courses, prescribed field training, and degree requirements and not have reached his 25th birthday by June 30 of the calendar year in which he is eligible for appointment. (This requirement is statutory and cannot be waived.)
 9. A GMC cadet, except alien students, may be given an AF ROTC deferment after successful completion of one academic semester, trimester, quarter, or academic term—including an Aerospace Studies course at the institution. If given a deferment he must sign the Deferment Agreement.
 10. Qualifying scores on the Air Force Officer Qualifying Test (AFOQT) must be attained by applicants for the 2-year program, POC, or CSP. Category IP and IN applicants will be administered the tests in all booklets of the AFOQT and must attain qualifying scores as prescribed by AFR 51-4 (Application Procedures for Undergraduate Pilot Training (UPT) and Undergraduate Navigator Training (UNVT)), plus a 25 percentile score on the Officer Quality Composite, Category II and III applicants will be administered the tests in booklets 1 and 2 of the AFOQT and must attain a percentile score of 25 on the Officer Quality Composite.

§ 870.74 Credit for previous education, training, and military experience.

CREDIT FOR PREVIOUS EDUCATION, TRAINING, AND MILITARY EXPERIENCE

Line	A	B	C
	If the applicant has successfully completed—	Then the PAS may credit—	And, additionally, the Commandant, AFROTC, may credit—
1.....	A U.S. Armed Force, Coast Guard or Merchant Marine Academy preparatory school or portions of the first 2 years at a U.S. Armed Force, Coast Guard, or Merchant Marine Academy (Note 1).	Up to, but not exceeding an equivalent portion of the GMC.	
2.....	The basic course or portions of the basic course while a member of Army, Navy, or Air Force ROTC.		
3.....	At least 2 years of junior level (high school) ROTC, or equivalent training in the Civil Air Patrol.	1 academic term (semester, trimester, or quarter) of the GMC.	
4.....	3 years of junior level (high school) ROTC or equivalent training in the Civil Air Patrol (Note 4).	1 year of the GMC (Note 2).	
5.....	4 years of junior level ROTC (high school) at a military school or academy.	The GMC or a portion of it (Note 3).	
6.....	6 months active duty in any U.S. military department.		
7.....	Portions of the last 2 years at a U.S. Armed Force, Coast Guard, or Merchant Marine Academy.	Portions of the POC on a term-for-term/academic year basis (2d classman=AS 300) not to exceed 1 year.	1 additional term of the POC if the ex-academy cadet were disenrolled from the academy after successful completion of the first half of his senior year (Note 1).
8.....	Portions of the last 2 years of advanced training and/or field training of the Army or Navy ROTC.	Portions of the POC on a term-for-term/academic year basis not to exceed 1 year.	1 additional term of the POC if the former ROTC cadet were disenrolled from Senior ROTC after successful completion of at least one academic term of the last year. Field training, if it were successfully completed.

NOTES: 1. Refer to § 870.72 to determine required waiver action.
 2. Students presenting evidence of successful completion of a junior ROTC program are entitled to 1 year's credit in the GMC upon their request.
 3. Rather than waive the entire GMC, consider requiring the cadet to complete at least one quarter or semester to give a basis on which to evaluate him for entrance into the POC.
 4. CAP cadets who earned the Carl A. Spaatz Award may be credited with 75 percent of the GMC.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, JR.,
 Colonel, U.S. Air Force, Chief, Special Activities
 Group, Office of The Judge Advocate General.

[F.R. Doc. 70-10045; Filed, Aug. 5, 1970; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL
 [CGFR 70-95]

PART 23—DISTINCTIVE MARKINGS FOR COAST GUARD VESSELS AND AIRCRAFT

Coast Guard Identifying Insignia

Section 638 of title 14, United States Code, provides that Coast Guard vessels and aircraft shall be distinguished from other vessels and aircraft by an ensign, pennant, or other identifying insignia of such design as prescribed by the Secretary. Pursuant to this law, it was determined that Coast Guard vessels and aircraft should have a distinctive identifying insignia so they could be universally recognized. After study of the matter, an insignia which consists of a broad diagonal red stripe, followed to the right or left by 2 narrow stripes, first a white stripe and then a blue stripe, was considered distinctive enough to provide the vessels and aircraft with the instant recognition required under most circumstances. The project to affix the insignia to Coast Guard vessels, aircraft, vehicles

and shore stations was begun in 1967 and by the end of 1970, virtually all units should reflect this change.

Concurrent with adoption and display by Coast Guard units the insignia has been appearing on private vessels. If permitted to continue, such usage would eventually defeat the purpose of the insignia, which is to provide instant identification of Coast Guard units. Accordingly, as provided below, this document formally adopts the insignia by incorporating it in the regulations. The effect of this adoption is to bring the unauthorized use of the insignia within the penalty provisions of 14 U.S.C. 638(b). These provisions, set forth in 33 CFR 23.30, provide that any person carrying, hoisting, or displaying any ensign, pennant, or other identifying insignia prescribed for, or intended to resemble any ensign, pennant, or other identifying insignia prescribed for Coast Guard vessels or aircraft shall be subject to a fine of not more than \$5,000, or imprisoned for not more than 2 years, or both.

In addition, this document deletes § 23.25. This section is being deleted because the use of the identifying insignia on Coast Guard aircraft makes its provisions no longer applicable.

Since this is a matter relating to agency management, it is exempted from notice of proposed rule making and public procedure thereon by 5 U.S.C. 553 and may be made effective in less than

30 days after publication in the FEDERAL REGISTER.

Accordingly, the following amendments are made to Part 23:

1. Section 23.10(d) is revised to read as follows:

§ 23.10 Coast Guard emblem.

(d) Any person who desires to reproduce the Coast Guard emblem for non-Coast Guard use must first obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C.

2. Section 23.12 is added to read as follows:

§ 23.12 Coast Guard identifying insignia.

(a) The distinctive identification insignia of the Coast Guard consists of a broad diagonal red stripe followed to the right or left by two narrow stripes, first a white stripe and then a blue stripe. The Coast Guard emblem, as described in § 23.10(b), is centered within the confines of the broad red diagonal stripe.

(b) The Coast Guard identifying insignia is intended primarily for the identification of Coast Guard vessels, aircraft, vehicles, and shore units. It may also be reproduced for use on Coast Guard publications, stationery, jewelry, and similar items.

(c) Any person who desires to reproduce the Coast Guard identifying insignia for non-Coast Guard use must first obtain approval from the Commandant, U.S. Coast Guard, Washington, D.C. 20591.

§ 23.25 [Deleted]

3. Section 23.25 is deleted.

(Sec. 1, 63 Stat. 546, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 638, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

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

Dated: July 31, 1970.

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

[F.R. Doc. 70-10248; Filed, Aug. 5, 1970; 8:51 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

A proposal was published at page 5815 of the FEDERAL REGISTER of April 9, 1970, to amend or revise the general park regulations of Parts 2, 5, and 9 of Title 36, Code of Federal Regulations.

Interested persons were given 30 days for submitting written comments, suggestions or objections with respect to the proposed amendments. Consideration having been given to all relevant matters presented, it has been determined

that the proposed § 2.16 (b) and (c) should be amended for clarity. The amendments and revisions are hereby adopted with change as set forth below. These changes will become effective 30 days after the publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

PART 2—PUBLIC USE AND RECREATION

1. Part 2 of Title 36 is amended as follows:

Paragraphs (a) and (b) of § 2.3 are revised to read as follows:

§ 2.3 Audio devices.

(a) The operation or use of any audio device including a radio, television set, musical instrument, or a device producing noise such as an electric generating plant, a motor vehicle, a motorized toy, or other equipment driven by a motor or engine in such a manner or at such a time so as to unreasonably annoy or endanger persons in campgrounds, picnic areas, lodges, or at other public places or gatherings is prohibited.

(b) The operation or use of a public address system, whether fixed, portable, or vehicle mounted, on lands, waters, or highways, is prohibited, except when such use or operation is in connection with a public gathering or special event for which a permit has been issued in accordance with § 2.21 or § 2.27.

Paragraph (b) of § 2.8 is revised to read as follows:

§ 2.8 Dogs, cats and other pets.

(b) Pets are prohibited in public eating places and food stores, and on designated swimming beaches. The Superintendent may also designate, by the posting of appropriate signs, other portions of the park area where pets are not permitted. This paragraph shall not apply to guide dogs.

The introductory text of § 2.11(a) is revised to read as follows:

§ 2.11 Firearms, traps, and other weapons.

(a) In natural and historical areas and national parkways, the use of a trap, seine, hand-thrown spear, net (except a landing net), firearm (including an air or gas powered pistol or rifle), blow gun, bow and arrow or crossbow, or any other implement designed to discharge missiles in the air or under the water which is capable of destroying animal life is prohibited. The possession of such object or implement is prohibited unless it is unloaded and cased or otherwise packed in such a way as to prevent its use while in the park areas.

Paragraph (j) (2) of § 2.13 is revised and a new subparagraph (3) is added to read as follows:

§ 2.13 Fishing.

(j)

(2) Fishing in fresh waters with a net, seine, trap, spear, or in any manner other than by hook and line with the rod or line being held in the hand, is prohibited except as provided under special regulations.

(3) Fishing in fresh waters for merchandise or profit is prohibited except as provided under special regulations.

The title of § 2.16 and the section are revised to read as follows:

§ 2.16 Intoxication; drug incapacitation; possession of alcohol by minors.

(a) Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drug, to a degree that many endanger oneself or other persons or property, or unreasonably annoy persons is prohibited.

(b) Except where State laws prescribe a lower minimum age, the sale or gift of an alcoholic beverage to a person under 21 years of age is prohibited. In States which prescribe a lower minimum age, the sale or gift of an alcoholic beverage to a person under that prescribed age is prohibited. (See also § 5.2(a) of this chapter.)

(c) Except where State laws prescribe a lower minimum age, possession of alcoholic beverages by a person under 21 years of age is prohibited. In States which prescribe a lower minimum age, possession of alcoholic beverages by a person under that prescribed age is prohibited.

The title of § 2.29 and the section are revised to read as follows:

§ 2.29 Tampering and unlawful possession.

Tampering with, possessing, or attempting to tamper with or possess personal property of any kind, or entering or going upon, moving or manipulating any of the parts or components of any such personal property, or starting or setting the same in motion, except when such property is under one's lawful control or possession, is prohibited.

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

Part 5 of Title 36 is amended as follows: Section 5.2(a) is revised to read as follows:

§ 5.2 Alcoholic beverages; sale of intoxicants.

(a) The sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight, shall conform with all applicable Federal, State, and local laws and regulations. (See also § 2.16 of this chapter.)

PART 9—PROCEDURE AND BUSINESS OF THE NATIONAL PARK TRUST FUND BOARD

Part 9 of Title 36 is revoked.

Dated: July 29, 1970.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[F.R. Doc. 70-10233; Filed, Aug. 5, 1970;
8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 2—Federal Aviation Administration

DELETION OF CHAPTER

Chapter 2 of Title 41 of the Code of Federal Regulations is deleted. The procurement regulations of the Federal Aviation Administration will hereafter be published as Chapter 12A of Title 41 of the Code of Federal Regulations.

(Secs. 303, 813, 72 Stat. 747, 752, 752; 49 U.S.C. 1344, 1354)

Dated: July 30, 1970, in Washington, D.C.

M. P. COMULADA,
Director, Logistics Service.

[F.R. Doc. 70-10188; Filed, Aug. 5, 1970;
8:46 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-19.1—Operation and Maintenance

FIRE SAFETY

Section 101-19.109-7 is revised to provide a temporary exception to the requirement that movable partitions shall be of noncombustible construction.

Section 101-19.109-7 is revised to read as follows:

§ 101-19.109-7 Movable partitions.

(a) All movable partitions, including partial-height (bank type), shall be of noncombustible construction, with the following exception. Movable partitions containing translucent plastic panels may be used until July 1, 1971, if the following conditions are met:

(1) The maximum value of specific optical density under flaming test conditions does not exceed 700 when tested in accordance with the smoke test chamber procedures as described on pages 166 through 204 in Special Technical Publication No. 422, published by the American Society for Testing and Materials;

(2) The height of the plastic panels does not exceed 3 feet; and

(3) The movable partition meets all the other requirements for noncombustible construction.

(b) After July 1, 1971, this temporary exception shall revert back to the requirement that all partitions be of noncombustible construction as defined in § 101-19.109-1(b) to comply with the American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials.

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

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: July 30, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-10229; Filed, Aug. 5, 1970;
8:49 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

Ouray National Wildlife Refuge, Utah

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.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope is permitted on the Ouray National Wildlife Refuge, Utah, for the 1970 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Archery deer season is August 29 through September 13, 1970, inclusive. Rifle deer season is October 17 through October 21, 1970, inclusive. Rifle season for antelope is August 22, 23, 24, and 29, 30, and 31, 1970.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge subheadquarters before hunters leave the area.

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 October 21, 1970.

H. J. JOHNSON,
Refuge Manager, Ouray National
Wildlife Refuge, Vernal, Utah.

JULY 20, 1970.

[F.R. Doc. 70-10231; Filed, Aug. 5, 1970;
8:49 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 175—COLLEGE WORK-STUDY PROGRAM

Criteria for Determination of Federal Share in Excess of 80 Percent

Pursuant to section 444(a) (6) of the Higher Education Act of 1965 (42 U.S.C. 2754(a) (6)), which provides that the Federal share of the compensation of students employed under the College Work-Study Program may exceed 80 percent of such compensation if the Commissioner determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that a Federal share in excess of 80 percent is required in furtherance of the purposes of the program, § 175.8 of Chapter I of Title 45 of the Code of Federal Regulations is revised by adding a new paragraph (c) and by making other conforming amendments. As so amended, § 175.8 reads as follows:

§ 175.8 Limitations on Federal share of student compensation.

(a) Except as otherwise provided for under paragraph (c) of this section, the Federal share of the compensation of students employed in any Work-Study Program under an institutional agreement shall not exceed 80 percent.

(b) The Federal share of compensation for such employment shall be calculated on the basis of the hourly rate paid the student for actual time on the

job but such calculation shall not include any compensation paid which is in excess of such maximum hourly wage rate as may from time to time be set by the Commissioner, or any costs of the employer's contribution to Social Security, workmen's compensation, retirement, or any other welfare or insurance programs which may be paid by the employer on account of a student employed under the Work-Study Program.

(c) (1) The Commissioner may from time to time approve a Federal share of the compensation of students employed in a College Work-Study Program of up to 100 percent if the institution under whose agreement with the Commissioner such program is being conducted has (or can establish to the satisfaction of the Commissioner that it will have during the period during which the increased Federal share is to apply) a full-time enrollment composed at least in half of students whose parents have a combined gross annual income of \$7,500 or less.

(2) A Federal share in excess of 80 percent shall be applicable only to such compensation as is paid to students which is in excess of (i) the institution's established level of participation in the College Work-Study Program, or (ii) such other amount as may be specified by the Commissioner. For the purpose of this subsection, an institution's established level of participation in the College Work-Study Program is that level of student employment under the program which on an annual basis accounts for expenditures of an amount equal to 125 percent of its College Work-Study Program grant for calendar year 1970.

Except as otherwise provided by law, these provisions shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: July 24, 1970.

T. H. BELL,
Acting U.S. Commissioner
of Education.

Approved: July 31, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

[F.R. Doc. 70-10240; Filed, Aug. 5, 1970;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Replacement of Property Involuntarily Converted Within 2-Year Period; Correction

On July 30, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 12211). In example (4) of paragraph (c) (3) of § 1.381 (c) (13)-1 of the proposed Income Tax Regulations (26 CFR Part 1):

"1969" appearing on the fourth line of such example should have been "1970".

"1970" appearing on the 10th line of such example should have been "1971".

"1971" appearing on the 14th line of such example should have been "1972".

"1971" appearing on the 20th line of such example should have been "1972".

"1973" appearing on the 24th line of such example should have been "1974".

"1971" appearing on the 30th line of such example should have been "1972".

Accordingly, replace the year: "1969" with "1970" on line four; "1970" with "1971" on line 10; "1971" with "1972" on line 14; "1971" with "1972" on line 20; "1973" with "1974" on line 24; and "1971" with "1972" on line 30.

[SEAL]

JAMES F. DRING,
Director, Legislation and
Regulations Division.

[F.R. Doc. 70-10255; Filed, Aug. 5, 1970;
8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Ore., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection

with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, 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 proposals are as follows:

§ 958.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1970, and ending June 30, 1971, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$110,600.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be \$0.033 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1971, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

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

Dated: August 3, 1970.

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

[F.R. Doc. 70-10261; Filed, Aug. 5, 1970;
8:51 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Schedule of Payments on Raisins Held Beyond Crop Year of Acquisition

Notice is hereby given of a proposal to amend Subpart—Schedule of Payments to adjust the rates of payment for storage, handling, fumigation, and container rental with respect to reserve tonnage raisins held by handlers beyond the crop year of acquisition. This subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by

the Raisin Administrative Committee established pursuant to the order.

Pursuant to § 989.66(f) of the order, payments for services on reserve tonnage raisins are set forth in § 989.401 of the Subpart—Schedule of Payments. The present payment by the Committee to handlers for storing and handling reserve tonnage raisins held beyond the crop year of acquisition is \$1.20 per ton for the period ending November 30 of the then current crop year or any part thereof, 60 cents per ton for the next 3 months or any part thereof, 20 cents per ton for the next 3 months or any part thereof, and 20 cents per ton for the last 3 months of the crop year or any part thereof. The present payment for fumigation services is 15 cents per ton for each fumigation reasonably required to maintain such raisins in good condition. The proposal would combine the payment rates for storing and handling with the payment rate for fumigation and establish the following combined payment rates: 50 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30 of the then crop year; and 25 cents per ton per month, or any part thereof, for each month of the remaining 9 months of the then crop year.

The present rate of payment of rental on boxes containing reserve tonnage raisins held beyond the crop year of acquisition for all or any part of a crop year is 30 cents per average net weight of raisins in a sweatbox, with equivalent rates for raisins in containers other than sweatboxes. The proposal would establish, starting September 1, 1970, a rate of 1 cent per day per average net weight of raisins in a sweatbox, not to exceed a total of 30 cents per year.

The proposed monthly rates of payment for storage, handling, and fumigation and the daily rate for container rental recognize that shipments or other removal of carried over reserve raisins in the earlier part of the crop year release containers and handler storage space when new crop acquisitions are heavy. The rates also reflect increased costs to handlers for providing such services by increasing the payment on reserve raisins which must be held for longer periods.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should 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 8th 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 proposal is to amend paragraphs (b) and (c) of § 989.401 to read as follows:

§ 989.401 Payment for services performed with respect to reserve tonnage raisins.

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Each handler holding reserve tonnage raisins for the account of the Committee on September 1 of any crop year (commencing with the crop year beginning Sept. 1, 1970) which were also held by him as such on August 15 of the preceding crop year, shall be compensated for storing, handling, and fumigating such raisins at the rate of 50 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30 of the then current crop year, and 25 cents per ton per month, or any part thereof, for each month of the remaining 9 months of the crop year. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

(c) *Payment of rental on boxes containing reserve tonnage raisins held beyond the crop year of acquisition.* Each handler, producer, dehydrator, and other person who furnishes boxes in which reserve tonnage raisins are held for the account of the Committee on September 1 of any crop year (commencing with the crop year beginning Sept. 1, 1970) which were also so held on August 15 of the preceding crop year, shall be compensated for the use of such boxes at the rate of one cent (1¢) per day per average net weight of raisins in a sweatbox, not to exceed a total payment of 30 cents per year per average net weight of raisins in a sweatbox, with equivalent rates for raisins in containers other than sweatboxes. The average net weight of raisins in each type of container shall be the industry average as computed by the Committee, for the containers in which the raisins are so held. No further compensation shall be paid unless the raisins are so held in the containers on the succeeding September 1.

Dated: August 3, 1970.

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

[F.R. Doc. 70-10260; Filed, Aug. 5, 1970;
8:51 a.m.]

[7 CFR Part 1030]

[Docket No. AO 361-A2-RO2]

**MILK IN CHICAGO REGIONAL
MARKETING AREA**

**Notice of Reopening Hearing and
Supplemental Proposal on Proposed
Amendments to Tentative Market-
ing Agreement and Order**

This notice is supplemental to the notice of hearing which was issued on

July 25, 1969, and published in the FEDERAL REGISTER on July 31, 1969 (34 F.R. 12529).

Notice is hereby given that the aforesaid hearing which was held at Chicago, Ill., on August 20-22, 1969, with additional sessions at Oshkosh, Wis., on August 25-27, 1969, will be reopened. The reopened hearing will be held at the Holiday Inn (No. 2), U.S. Highway 90 at the junction of State Routes 12 and 18, Madison, Wis., beginning at 10 a.m., on September 16, 1970, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

The hearing is called 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).

The hearing is reopened for the limited purpose of receiving evidence with respect to the economic and marketing conditions which relate to: (1) Any appropriate revisions of the supply plant performance requirements and provisions relating to diverted milk, as directed pursuant to the partial decision of the Assistant Secretary, issued July 13, 1970 (35 F.R. 11494); and (2) the additional proposed amendment hereinafter set forth.

Specifically the reopened hearing is limited to evidence relating to proposed amendments 5, 6, 7, 9, 10, 14, 15, 16, and 24 as contained in the original notice and proposed amendment 25 contained herein; and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by Keystone Farms:

Proposal No. 25. In § 1030.46(a) revise subdivision (iii) of subparagraph (3) to read as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

(a) * * *

(3) * * *

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order and from an exempt distributing plant, except packaged fluid milk products received from a producer-handler which were processed from milk originally purchased by the producer-handler from a pool plant as Class I milk, in which case such receipts shall be subtracted from Class I milk;

Copies of this notice of reopened hearing and the order may be procured from the Market Administrator, 72 West Adams Street, Room 814, Chicago, Ill. 60603, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on August 3, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-10207; Filed, Aug. 5, 1970;
8:47 a.m.]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Social Security Administration
[20 CFR Part 405]

[Regs. No. 5]

**FEDERAL HEALTH INSURANCE
PROGRAM FOR THE AGED**

**Supplementary Medical Insurance
Benefits; Enrollment, Coverage, Ex-
clusions, and Payment**

Notice is hereby given pursuant to the Administrative Procedure Act, as amended (5 U.S.C. 553) that amendments to the regulations (20 CFR Part 405, § 405.201 et seq.) as set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments expand, revise, and update the present regulations to implement the provisions of the Social Security Amendments of 1967 (Public Law 90-248) which permit an initial enrollment period based on erroneous documentary evidence of age; consolidate diagnostic and therapeutic outpatient hospital services under the supplementary medical insurance plan; extend provisions relating to services furnished by nonparticipating hospitals; extend coverage to include certain nonroutine services of podiatrists or surgical chiropodists; extend coverage to include certain outpatient physical therapy services; extend coverage to portable X-ray services; extend coverage to certain medical and other health services furnished to inpatients and patients receiving home health services; exclude from coverage all procedures to determine the refractive state of the eyes performed during any eye examination; provide for reimbursement toward purchase of durable medical equipment; increase payment for radiological and pathological services to 100 percent of the reasonable charge; revise the method of payment for supplementary medical insurance services to permit direct payment to the beneficiary and to permit the hospital to collect small outpatient charges directly from the beneficiary; and provide coverage of ineligible individuals included by a State in its "Buy-in" agreement until such State reports their ineligibility to the Administration.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, views, or objections relating thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department

of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 1102, 1831-1843, 1861, 1862, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 301-312, 313, 325, 327, 331; 42 U.S.C. 1302, 1395 et seq.

Dated: July 13, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 29, 1970.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

Chapter III, Title 20, is amended by revising Subpart B of Part 405 to read as follows:

- Sec.
- 405.201 Supplementary medical insurance; general.
- 405.202 Enrollment; general.
- 405.205 Eligibility requirements for enrollment.
- 405.206 Persons ineligible to enroll.
- 405.210 Individual enrollment; enrollment procedures.
- 405.211 Individual enrollment; enrollment periods; general.
- 405.212 Individual enrollment; initial enrollment period.
- 405.213 Individual enrollment; general enrollment periods.
- 405.214 Individual enrollment; limitation on enrollment and reenrollment.
- 405.215 Individual enrollment; enrollment periods ending on a nonworkday.
- 405.217 Enrollment pursuant to a State agreement.
- 405.220 Coverage period; general.
- 405.221 Individual enrollment; coverage period beginning date.
- 405.222 Enrollment pursuant to a State agreement; coverage period beginning date.
- 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage period.
- 405.224 Good cause for failure to enroll during the initial enrollment period ending May 31, 1966.
- 405.230 Supplementary medical insurance benefits.
- 405.231 Medical and other health services; included items and services.
- 405.232 Medical and other health services; conditions, limitations, and exclusions.
- 405.233 Home health services; general.
- 405.234 Home health services; conditions.
- 405.235 Home health services; place where items and services must be furnished.
- 405.236 Home health services; items and services included.
- 405.237 Home health services; items and services not included.
- 405.238 Home health services; "visits" defined.
- 405.239 Option available to patients under a home health plan who require physical therapy.
- 405.240 Payment of supplementary medical insurance benefits; amounts payable.

- Sec.
- 405.241 Payment of supplementary medical insurance benefits; election by group-practice prepayment plan as to method of determining amount of payment.
- 405.243 Psychiatric services limitation; expenses incurred for physician services.
- 405.244 Incurred expenses; expenses excluded from total expenses or not considered for purposes of the deductibles.
- 405.245 The supplementary medical insurance benefits deductible.
- 405.246 Supplementary medical insurance blood deductible.
- 405.249 Payment to a nonparticipating hospital furnishing emergency outpatient services.
- 405.250 Procedures for payment; medical and other health services furnished by participating provider; home health services.
- 405.251 Procedures for payment; medical and other health services furnished by other than a participating provider.
- 405.252 Conditions prohibiting payment of benefits.

§ 405.201 Supplementary medical insurance; general.

Part B of title XVIII of the Act provides for a voluntary "supplementary medical insurance plan" available to most individuals age 65 and over. This supplementary medical insurance plan (which is financed by premiums paid by (or for) each individual enrolled in the plan plus matching contributions from funds appropriated by the Federal Government) provides coverage against the costs of certain physicians' services, home health services (without any requirement of prior hospitalization), and other medical and health services in and out of medical institutions. The conditions for enrollment in the supplementary medical insurance plan, the coverage period, the types of benefits provided, amounts paid, and limitations and conditions with respect to payment are set out in this Subpart B. (For collection of premiums for supplementary medical insurance, see Subpart I of this part.)

§ 405.202 Enrollment; general.

To become entitled to supplementary medical insurance benefits, an individual must meet the eligibility requirements for enrollment (see § 405.205) and must enroll (see § 405.210) or be enrolled pursuant to an agreement with a State (see § 405.217) in the supplementary medical insurance plan.

§ 405.205 Eligibility requirements for enrollment.

An individual who is age 65 or over is eligible for enrollment in the supplementary medical insurance plan (unless excluded under § 405.206) if:

- (a) He is entitled to hospital insurance benefits under title XVIII of the Act (see § 404.367 of this chapter); or
- (b) He is a citizen and resident of the United States; or
- (c) He is an alien lawfully admitted for permanent residence, who is a resident of the United States and who has

resided in the United States continuously during the 5 years immediately preceding the month in which he applies for enrollment.

§ 405.206 Persons ineligible to enroll.

Notwithstanding the provisions specified in § 405.205, an individual is not eligible for enrollment in the supplementary medical insurance plan if he has been convicted of any offense under chapter 37 (relating to espionage and censorship), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code, or under sections 4, 112, or 113 of the Internal Security Act of 1950, as amended (relating to conspiracies to establish dictatorships and conspiracies to commit espionage or sabotage).

§ 405.210 Individual enrollment; enrollment procedures.

To enroll in the supplementary medical insurance plan an eligible individual (see § 405.205) must file a written request for enrollment, signed by him or on his behalf, with the Administration during a period of enrollment (see §§ 405.211 through 405.214) open to such individual.

§ 405.211 Individual enrollment; enrollment periods; general.

An individual may enroll in the supplementary medical insurance plan only during an "enrollment period." There are two kinds of enrollment periods—the "initial enrollment period" (see § 405.212), which is based on the time when the individual first meets the eligibility requirements for enrollment, and the "general enrollment period" (see § 405.213) during which an individual who failed to enroll during his initial enrollment period or whose enrollment has been terminated may, with certain limitations, first enroll, or reenroll (see § 405.224 relating to good cause for failure to enroll).

§ 405.212 Individual enrollment; initial enrollment period.

(a) *General.* An individual's first opportunity to enroll in the supplementary medical insurance plan is called his "initial enrollment period." The beginning and ending dates of an individual's initial enrollment period are determined by the month in which he first meets the eligibility requirements for enrollment (see § 405.205).

(b) *Individual eligible before March 1966.* If an individual meets the eligibility requirements in § 405.205 before March 1966, his initial enrollment period begins on September 1, 1965, and ends on May 31, 1966. However, see the provisions relating to good cause for failure to enroll during the initial enrollment period ending May 31, 1966, set forth in § 405.224.

(c) *Individual first eligible after February 1966.* If an individual first meets the eligibility requirements in § 405.205 after February 1966, his initial enrollment period begins on the first day of the third month before the month in which

he first meets such requirements and ends with the close of the last day of the third month following the month in which he first satisfies such requirements.

(d) *First eligibility for enrollment; individual eligible solely because of entitlement to hospital insurance benefits.* For purposes of determining the initial enrollment period of an individual who is eligible for enrollment solely because he is entitled to hospital insurance benefits (see § 405.205(a)), the individual is considered as first meeting the eligibility requirements for enrollment on the first day on which he would be entitled to hospital insurance benefits upon filing application therefor whether or not he so filed.

(e) *Deemed initial enrollment period.* Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this section, where the Social Security Administration finds that an eligible individual (see § 405.205) failed to enroll during his initial enrollment period (based on a determination by the Administration of the month in which such individual attained age 65), because such individual (relying on erroneous documentary evidence) was mistaken as to his correct date of birth, the Administration shall, on the basis of a written request for enrollment filed on or after February 1, 1968, establish for such individual a deemed initial enrollment period based on his attaining age 65 at the time indicated by such documentary evidence with a coverage period determined under § 405.221 (c) or (d) as though he had attained age 65 at that time. Such deemed initial enrollment period will also be used in determining the amount of the individual's premiums (see § 405.902) and his right to enroll in a general enrollment period, where the use of such deemed initial enrollment period is material and advantageous to the individual.

§ 405.213 Individual enrollment; general enrollment periods.

There shall be a general enrollment period beginning on October 1, 1967, and ending on March 31, 1968, followed by subsequent general enrollment periods which shall begin on January 1 and end on March 31 of each calendar year beginning with the calendar year 1969. Subject to the provisions of § 405.224 (relating to enrollment for "good cause"), an individual who fails to enroll in the supplementary medical insurance plan during his initial enrollment period, or whose enrollment has been terminated, may enroll thereafter only during a general enrollment period.

§ 405.214 Individual enrollment; limitation on enrollment and reenrollment.

(a) *First enrollment.* An individual who fails to enroll in the supplementary medical insurance plan during his initial enrollment period may enroll thereafter only during a general enrollment period (see § 405.213) which begins no later than 3 years after the close of his initial enrollment period. An individual who does not enroll in the supplementary medical insurance plan during a general enrollment period which begins no later

than 3 years after the close of his initial enrollment period, is precluded from such enrollment.

Example No. 1. An individual first meets the eligibility requirements for enrollment in August 1966. He does not enroll during his initial enrollment period—May through November 1966. If he wishes to be covered under the supplementary medical insurance plan, he must enroll during the general enrollment period—October 1967 through March 1968, or during the 3 months of the 1969 general enrollment period, i.e., January through March 1969. The individual cannot enroll after March 31, 1969, the close of the last general enrollment period which begins no later than 3 years after the close of his initial enrollment period.

Example No. 2. An individual first meets the eligibility requirements for enrollment in October 1968 but fails to enroll during his initial enrollment period—July 1968 through January 1969. If he later wishes to enroll, he must do so during the remaining 2 months of the general enrollment period then in progress, i.e., February and March 1969, or during one of the three general enrollment periods which begin no later than 3 years after the close of his initial enrollment period, i.e., January through March of the calendar years 1970, 1971, or 1972. The individual cannot enroll after March 31, 1972, the close of the last general enrollment period which begins no later than 3 years after the close of his initial enrollment period.

(b) *Second enrollment.* An individual whose enrollment under the supplementary medical insurance plan has terminated (see § 405.223) may, subject to the provisions of paragraph (c) of this section, reenroll in the supplementary medical insurance plan provided that such reenrollment occurs within a general enrollment period which begins no later than 3 years after the effective date of the termination of his prior enrollment.

Example No. 1. An individual notified the Administration in writing during May 1969 that he no longer wished to participate in the supplementary medical insurance plan and, accordingly, his enrollment terminated on September 30, 1969. If he wishes to reenroll under the supplementary medical insurance plan, he must do so within the periods January through March of the calendar years 1970, 1971, or 1972, the three general enrollment periods which begin no later than 3 years after the termination date of his prior enrollment.

Example No. 2. An individual's enrollment terminated on January 31, 1968, for nonpayment of premiums. If he wishes to reenroll under the supplementary medical insurance plan, he must do so within the remaining 2 months of the general enrollment period then in progress, i.e., February and March 1968, or during one of the three general enrollment periods which begin no later than 3 years after the termination of his prior enrollment, i.e., January through March of the calendar years 1969, 1970, or 1971. The individual cannot reenroll after March 31, 1971, the close of the last general enrollment period which begins no later than 3 years after the termination of his prior enrollment.

(c) *Limitation on number of enrollments.* No individual may enroll in the supplementary medical insurance plan more than twice. For purposes of this paragraph, the first reenrollment by an individual following the termination of

any prior enrollment for which he was deemed under the provisions of § 405.223(d) to have enrolled, shall, without regard to any previous enrollment or termination of enrollment, be deemed a second enrollment by the individual.

§ 405.215 Individual enrollment; enrollment periods ending on a nonworkday.

Notwithstanding the provisions of §§ 405.212 and 405.213, where the last day of an individual's initial enrollment period (§ 405.212) or the last day of a general enrollment period (§ 405.213) falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order), a written request for enrollment (see § 405.210) received by the Social Security Administration on the first workday thereafter will be considered to have been received on the last preceding workday.

§ 405.217 Enrollment pursuant to a State agreement.

(a) Subject to the provisions of paragraph (c) of this section, the Secretary shall enter into an agreement with any State which so requests before 1970, pursuant to which the State will enroll in the supplementary medical insurance plan (without regard to any prior enrollment or termination of enrollment) and pay premiums for all eligible individuals in either of the coverage groups described in paragraph (b) of this section (as specified in the agreement).

(b) An agreement entered into with any State pursuant to paragraph (a) of this section shall be applicable to either of the following coverage groups:

(1) Individuals receiving money payments under the plan of such State approved under title I or title XVI of the Act; or

(2) All individuals receiving money payments under any of the plans of such State approved under titles I, X, XIV, XVI, and Part A of title IV of the Act.

(c) Notwithstanding the provisions of paragraph (b) of this section:

(1) An individual may not, subject to the provisions of subparagraph (2) of this paragraph, be a member of the coverage group specified in an agreement entered into under paragraph (a) of this section for any month in which he is entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937 (without regard to the retroactivity of such entitlement) unless the State requests before 1970, and the agreement is modified to provide, that such individuals shall be members of such coverage group.

(2) The coverage group specified in an agreement entered into under paragraph (a) of this section shall, at the request of the State made before 1970, be modified to provide for the inclusion of all eligible individuals (including individuals entitled to monthly benefits under title II of the Act or entitled to

receive an annuity or pension under the Railroad Retirement Act of 1937) whom the State determines to be eligible to receive medical assistance under the plan of such State approved under title XIX of the Social Security Act.

(3) Any individual whom the State has determined to be an eligible member and included in its agreement with the Administration pursuant to section 1843 of the Act, shall be deemed to be an eligible member of such coverage group for the purpose of enrollment in the supplementary medical insurance plan under such State's agreement with the Administration. See § 405.223(c) for the termination date of such individual's supplementary medical insurance coverage under such State's agreement.

(d) For purposes of this section, an individual is treated as an "eligible individual" if he meets the requirements set forth in § 405.205 on the date an agreement covering him is entered into under paragraph (a) of this section (or in the case of individuals covered by virtue of a modification described in paragraph (c) (1) or (2) of this section, as of the date the modification is entered into) or he meets such requirements at any time after such date.

(e) For purposes of this section and § 405.222, an individual is treated as receiving money payments described in paragraph (b) of this section if he receives or the State reports to the Administration in accordance with prescribed procedures that he is receiving such payments for the month in which the agreement is entered into (or in the case of individuals covered by virtue of a modification of this agreement, for the month the modification is entered into) or for any month occurring thereafter.

(f) For purposes of this section and § 405.222, an individual is treated as eligible to receive medical assistance under the plan of the State approved under title XIX of the Act if, for the month in which the modification described in paragraph (c) (2) of this section is entered into, or for any month occurring thereafter, the State has made a determination (without regard to the retroactivity of such determination) or the State reports to the Administration in accordance with prescribed procedures that such individual is eligible to receive medical assistance under such plan.

§ 405.220 Coverage period; general.

Payment is made under the supplementary medical insurance plan only for covered expenses incurred during an individual's "coverage period." Subject to the provision that an individual's coverage period continues through the month of death or until such earlier time as his enrollment is terminated, an individual's coverage period begins and terminates as described in §§ 405.221 and 405.223 (a) and (b) or, in the case of an individual enrolled pursuant to a State agreement, in accordance with the provisions of §§ 405.222 and 405.223 (c) and (d).

§ 405.221 Individual enrollment; coverage period beginning date.

An individual's "coverage period" can begin no earlier than July 1, 1966, and begins on a day as determined in accordance with this section (or in the case of an individual enrolled pursuant to a State agreement, in accordance with the provisions of § 405.222):

(a) *Enrollment during initial enrollment period; first eligibility before March 1966.* (1) The coverage period of an individual who first meets the eligibility requirements for enrollment (see § 405.205) prior to March 1966, and who enrolls during his initial enrollment period of September 1965 through May 1966, begins on July 1, 1966.

(2) The coverage period of an individual who first meets the eligibility requirements for enrollment (see § 405.205) prior to March 1966, who fails to enroll prior to June 1966, but who is authorized to enroll at a subsequent time not later than September 30, 1966, under the "good cause" provisions described in § 405.224, begins on the first day of the 6th month after the month in which he so enrolls.

(b) *Enrollment during initial enrollment period; first eligibility in March 1966.* (1) The coverage period of an individual who first meets the eligibility requirements for enrollment during the month of March 1966, and who enrolls before June 1966, begins on July 1, 1966.

(2) The coverage period of an individual who first meets the eligibility requirements for enrollment during March 1966, and who enrolls during the month of June 1966, begins on September 1, 1966.

(c) *Enrollment during initial enrollment period; first eligibility after March 1966.* The coverage period of an individual who first meets the eligibility requirements for enrollment after March 1966, and who enrolls during his initial enrollment period (including a deemed initial enrollment period under the provisions of § 405.212(e)), begins on whichever is later, July 1, 1966, or the first day of:

(1) The month in which the eligibility requirements are first met, if he enrolls during the 3 preceding months;

(2) The month following the month in which the eligibility requirements are first met, if he enrolls in the month such requirements are first met;

(3) The third month following the month in which the eligibility requirements are first met, if he enrolls in the month following the month in which such requirements are first met;

(4) The fifth month following the month in which the eligibility requirements are first met, if he enrolls in the second month following the month in which such requirements are first met;

(5) The sixth month following the month in which the eligibility requirements are first met, if he enrolls in the third month following the month such requirements are first met.

Example. An individual first meets the eligibility requirements for enrollment in April of 1967. Therefore, his initial enrollment period runs from January through July 1967. Depending upon the month in which he enrolls, his coverage period will begin as follows:

Enrolls in—	Initial enrollment period:	Coverage period begins on—
(1) January ---	---	April 1 (month eligibility requirements first met).
(2) February --	--	Do.
(3) March -----	-----	Do.
(4) April -----	-----	May 1 (month following month eligibility requirements first met).
(5) May -----	-----	July 1 (third month following month eligibility requirements first met).
(6) June -----	-----	September 1 (fifth month following month eligibility requirements first met).
(7) July -----	-----	October 1 (sixth month following month eligibility requirements first met).

(d) *Enrollment during general enrollment period.* The coverage period of an individual who enrolls after his initial or deemed initial enrollment period or reenrolls during a general enrollment period applicable in his case (see §§ 405.213 and 405.214) begins on July 1 following the month in which he so enrolls, or reenrolls.

§ 405.222 Enrollment pursuant to a State agreement; coverage period beginning date.

The coverage period of an individual enrolled pursuant to an agreement with a State under the provisions set forth in § 405.217 begins (without regard to any prior enrollment or termination of enrollment) on whichever of the following is the latest:

(a) July 1, 1966;

(b) The first day of the third month following the month in which the State agreement is entered into (or in the case of individuals covered by virtue of a modification described in § 405.217(c) (1) or (2), as of the first day of the third month following the month such modification is entered into);

(c) The first day of the first month in which he is both an eligible individual (see § 405.205) and a member of the coverage group that is specified in such agreement, except that, if an individual is a member of such group solely by virtue of a modification described in § 405.217(c) (2) (i.e., he does not receive money payments as a member of the State's coverage group), his coverage period may not begin before the first day of the second month following the month in which he is both an eligible individual and the State has made the determination (without regard to the retroactivity of such determination) that he is eligible to receive medical assistance under the

plan of such State approved under title XIX of the Act; or

(d) Such date as may be specified in the agreement, or, where the individual is covered by virtue of a modification described in § 405.217(c), as may be specified in such modification.

§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage period.

Subject to the provision that an individual's coverage period attributable to a State agreement may be terminated only as provided in paragraph (c) of this section and is not subject to termination by the individual, an enrollment and the coverage period may be terminated only as described in this section:

(a) *Individual requests termination.* An individual may at any time after September 1967 notify the Administration in writing that he no longer wishes to participate in the supplementary medical insurance plan. In such case, his enrollment and coverage period terminate effective with the close of the calendar quarter following the calendar quarter in which such notice is submitted to the Administration except that:

(1) Where such notice is submitted during the period October through December 1967, such individual's enrollment and coverage period shall terminate on December 31, 1967;

(2) Where such notice is submitted during the period January through March 1968, such individual's enrollment and coverage period shall terminate on March 31, 1968;

(3) Where an individual entitled to monthly benefits under title II of the Act or to an annuity or pension under the Railroad Retirement Act of 1937, whose coverage attributable to a Federal-State agreement containing the provisions described in § 405.217(c) is terminated or who ceases to be a member of the coverage group before his coverage under such agreement begins, files a written notice with the Administration before the first day of the fourth month which begins after the date of such termination, his coverage period is terminated effective with the last day of the third month which begins after the date his coverage period under a Federal-State agreement is terminated.

(b) *Nonpayment of premiums.* Enrollment under the supplementary medical insurance plan shall be terminated because of nonpayment of premiums. In such case, an individual's enrollment and coverage period is terminated at such time as is provided in Subpart I of this part.

(c) *Enrollees pursuant to State agreements.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement terminates (subject to the provisions of paragraph (d) of this section) on whichever of the following first occurs:

(1) The last day of the month in which the State notifies the Administration that he is ineligible for money payments of a kind specified in the

agreement and (if the agreement provides for the inclusion of individuals eligible to receive medical assistance under the plan of the State approved under title XIX of the Act) for medical assistance; or

(2) The last day of the month preceding the first month in which he becomes entitled to monthly benefits under title II of the Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement unless the State agreement provides for the inclusion of such individuals entitled to such benefits in the coverage group; or

(3) The last day of the month in which the State agreement is terminated.

(d) *Continuation of enrollees' coverage period pursuant to State agreements.* Notwithstanding the provisions of paragraph (c) of this section, if an individual's coverage pursuant to enrollment under a State agreement is terminated under the provisions of paragraph (c) of this section, such individual is deemed to have enrolled for supplementary medical insurance benefits in the initial enrollment period described in § 405.212 (b) and his coverage period continues until terminated for his failure to pay premiums or by his written notice to the Administration that he wishes to terminate his supplementary medical insurance coverage, as provided in paragraphs (a) and (b) of this section. An individual who is enrolled under a State agreement but who ceases to be a member of the coverage group before his coverage begins is also deemed to have so enrolled and his coverage as an individual begins on the date his coverage under the agreement would have begun had he continued in the coverage group.

§ 405.224 Good cause for failure to enroll during the initial enrollment period ending May 31, 1966.

An individual who first meets the eligibility requirements for enrollment prior to March 1, 1966, and who fails to enroll during the initial enrollment period ending May 31, 1966, may enroll at any time before October 1966 if such individual, or his representative, establishes to the satisfaction of the Administration that "good cause" exists because such failure was due to:

(a) Circumstances beyond the individual's control, such as extended illness, mental or physical impairment, communication difficulties;

(b) Incorrect or incomplete information furnished by official sources to the individual or another person acting on his behalf;

(c) Difficulty encountered by the individual in obtaining, within a reasonable time before the end of the initial enrollment period, an enrollment form and information about supplementary medical insurance and the manner and time limit in which enrollments may be made;

(d) Bona fide unawareness or misunderstanding of the need to enroll within the prescribed time period or of the na-

ture of coverage under this Subpart B; or

(e) Other circumstances (as a result of which the individual was deterred from enrolling) in the light of which it would be clearly inequitable to deny him a second chance to enroll.

§ 405.230 Supplementary medical insurance benefits.

(a) *Benefits provided.* Any individual who is enrolled under the supplementary medical insurance plan established by Part B of title XVIII of the Act is, subject to the conditions, limitations, and exclusions described in this Part 405, entitled to have:

(1) Payment made to him, or on his behalf, for physicians' services;

(2) Payment made to him, or on his behalf, for medical and other health services other than outpatient physical therapy services (see § 405.231) furnished by other than a participating provider of services (in the case of certain nonparticipating hospitals which have elected to claim payment with respect to emergency outpatient services—see § 405.249);

(3) Payment made on his behalf for medical and other health services (see § 405.231) furnished to him by a participating provider of services (or furnished by others under an arrangement made with them by a participating provider of services);

(4) Payment made on his behalf for home health services (see § 405.233) for up to 100 visits (as discussed in § 405.238) furnished by a participating home health agency during a calendar year; and

(5) Payment made on his behalf to a provider of services (see § 405.231(1)) for outpatient physical therapy services furnished to him after June 30, 1968.

(b) *Reimbursable expenses.* In order to be considered incurred expenses, expenses for physicians' services, home health services, and for other medical and health services covered under the supplementary medical insurance plan must be for services furnished to an individual during his coverage period. (See §§ 405.221 through 405.223.) If such individual incurs expenses during a calendar year in meeting the \$20 deductible imposed under the hospital insurance program for outpatient hospital diagnostic services furnished before April 1968 (see § 405.142(a)), such expenses shall be regarded as an incurred expense for which reimbursement (see § 405.240) may be made under this Subpart B.

§ 405.231 Medical and other health services; included items and services.

Subject to the conditions, limitations, and exclusions set forth in § 405.232, the term "medical and other health services" means the following items or services:

(a) Physicians' services (including diagnosis, therapy, surgery, consultations, and home, office, and institutional calls);

(b) Services and supplies, including drugs and biologicals which cannot be self-administered, furnished as an incident to a physician's professional service, and of kinds which are commonly

furnished in a physician's office or clinic and are commonly either rendered without charge, or included in the physician's bill;

(c) Hospital services and supplies (including drugs and biologicals which cannot be self-administered) incident to physicians' services rendered to outpatients;

(d) Diagnostic X-ray tests (including portable X-ray tests), diagnostic laboratory tests, and other diagnostic tests;

(e) X-ray therapy, radium therapy, and radioactive isotope therapy (including materials and services of technicians administering such therapies);

(f) Surgical dressings, and splints, casts and other devices used for reduction of fractures and dislocations;

(g) Rental or, effective January 1, 1968, the purchase of durable medical equipment, including iron lungs, oxygen tents, hospital beds, and wheelchairs used in the patient's home. For purposes of this paragraph, the term "home" does not include an institution which meets the requirements of section 1861(e) (1) or 1861(j) (1) of the Act—see §§ 405.1001 and 405.1101;

(h) Prosthetic devices (other than dental) which replace all or part of an internal body organ, including replacement of such devices;

(i) Leg, arm, back, and neck braces, and artificial legs, arms, and eyes, including replacements if required because of a change in the patient's physical condition;

(j) Ambulance services when the use of other means of transportation is contraindicated by the individual's condition;

(k) After March 31, 1968, outpatient hospital diagnostic services (with respect to outpatient hospital diagnostic services furnished before April 1, 1968, see § 405.141) including drugs and biologicals required in the performance of such services which are:

(1) Furnished to outpatients by a hospital (or by others under an arrangement made by a hospital); and

(2) Ordinarily furnished by such hospital (or under such arrangements) to its outpatients for the purposes of diagnostic study; and

(l) Outpatient physical therapy services furnished by or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part) or other provider of services (see Subparts J, K, and L of this part).

§ 405.232 Medical and other health services; conditions, limitations, and exclusions.

In addition to the general exclusions described in Subpart C of this part, the following conditions, limitations, and exclusions shall apply with respect to the "medical and other health services" described in § 405.231:

(a) *Inpatient hospital services; extended care services; home health services; for services rendered prior to April 1, 1968.* If any item or service

described in § 405.231 would otherwise constitute inpatient hospital services or outpatient hospital diagnostic services, extended care services, or home health services (see §§ 405.233 through 405.237), it is not considered as a medical or other health service for purposes of § 405.230 (a) (2) or (3).

(b) *Diagnostic tests.* For purposes of § 405.231(d):

(1) Diagnostic laboratory tests are not considered as "medical or other health services" if performed in a laboratory which is independent of both the attending or a consulting physician's office or a hospital, unless such laboratory meets the requirements as set forth in Subpart M of this Part 405. For purposes of this subparagraph, the term "hospital" means a hospital which meets the requirements described in § 405.249(a) (1).

(2)(i) Except as provided in subdivision (ii) of this subparagraph, diagnostic X-ray tests are covered only if performed under the immediate personal supervision of a physician, and

(ii) Portable X-ray services, including portable X-ray services furnished on or after January 1, 1968, in a place of residence used as the patient's home, are covered if such services (a) are furnished under the general supervision of a physician, and (b) the supplier of such services meets the requirements as set forth in Subpart N of this part.

(c) *Drugs and biologicals.* For purposes of § 405.231 (b) and (c), drugs and biologicals which can be self-administered are excluded from the term "medical and other health services" whether such drugs and biologicals are furnished by a physician, a provider of services, or other than a provider of services.

(d) *Outpatient hospital diagnostic services.* There shall be excluded from the outpatient hospital diagnostic services described in § 405.231(k), any items or services (except services by interns and residents not under approved teaching programs) which:

(1) Would not be included as inpatient hospital services if they were furnished to an inpatient of a hospital or if furnished by others under an arrangement made by a hospital; or

(2) Are not furnished in the hospital or in facilities operated by or under the supervision of the hospital or its organized medical staff.

(e) *Outpatient physical therapy services.* There shall be excluded from the outpatient physical therapy services described in § 405.231(l) any item or service which:

(1) Is furnished before July 1, 1968 (with respect to services furnished before such date—see § 405.231(c)); or

(2) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

(f) *Laboratory and X-ray services.* Laboratory or X-ray services furnished after March 1968 to a patient of a hospital which meets the emergency hospital requirements of § 405.249(a) (1) are not covered as "medical and other health services" under this Subpart B unless the hospital meets the laboratory or

radiology requirements (§ 405.1028 or § 405.1029 as applicable) of the conditions of participation for hospitals.

(g) *Laboratory and radiology services furnished by a nonparticipating hospital which does not meet the requirements of § 405.249(a) (1).* Laboratory and radiology services furnished by a nonparticipating hospital which does not meet the requirements of § 405.249(a) (1) are not considered as "medical and other health services" covered under Part B of title XVIII of the Act unless:

(1) The laboratory of the nonparticipating hospital meets the conditions for coverage of services of independent laboratories set forth in Subpart M of this part; and

(2) The radiology department of the nonparticipating hospital meets the conditions of participation for radiology departments of participating hospitals set forth in § 405.1029.

(h) *Diagnostic laboratory and portable X-ray services furnished by a nonparticipating extended care facility.* Diagnostic laboratory services and portable X-ray services furnished by a nonparticipating extended care facility are not considered as "medical and other health services" covered under Part B of title XVIII of the Act unless:

(1) The laboratory of the nonparticipating extended care facility meets the conditions for coverage of services of independent laboratories set forth in Subpart M of this part; and

(2) The portable X-ray services of the nonparticipating extended care facility meets the conditions for coverage of portable X-ray services set forth in Subpart N of this part.

(i) *Ambulance service.* (1) For purposes of § 405.231(j) payment will be made for ambulance service only when the use of other means of transportation is contraindicated by the individual's condition and where:

(i) Such individual is transported to an institution, as defined in subparagraph (4) of this paragraph, whose locality encompasses the place where the ambulance transportation began and which would ordinarily be expected to have appropriate facilities, or where the institution serving the locality lacks appropriate facilities, the individual is transported to the nearest institution having appropriate facilities; or

(ii) Such individual is transported from one hospital to another or, from one skilled nursing facility to another provided the institution from which he is transported lacks appropriate facilities and the one to which he is transported is the nearest such institution with appropriate facilities; or

(iii) Such individual is transported from an institution to his home provided that his home is within the locality of the institution or the institution in relation to his home is the nearest institution with appropriate facilities.

(2) Where the individual is transported beyond the destinations specified in subparagraph (1) of this paragraph:

(i) If the transportation was to an institution, payment is limited to that

which would have been made had the individual been transported to the nearest institution with appropriate facilities; or

(ii) If the transportation was to the individual's home, payment is limited to that which would have been made had he been transported from the institution in relation to his home that is the nearest one with appropriate facilities.

(3) "Ambulance" for the purposes of this paragraph means a specially designed and equipped vehicle (i.e., containing stretcher, linens, first aid supplies, oxygen equipment and such other lifesaving equipment required by State or local law, and manned by personnel trained to render first aid treatment) for transporting the sick or injured.

(4) "Institution" for the purposes of this paragraph means a hospital or skilled nursing facility which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act.

(5) "Locality" for the purposes of this paragraph means the service area surrounding the institution from which individuals normally come or are expected to come for hospital or skilled nursing services.

(6) "Appropriate facilities" for the purposes of this paragraph means that the institution is equipped to provide the needed hospital or skilled nursing care for the illness or injury involved.

§ 405.233 Home health services; general.

Home health service benefits are provided under both the supplementary medical insurance plan described in this Subpart B and also under the hospital insurance benefits plan described in Subpart A of this part. Home health services qualify for payment under the supplementary medical insurance plan even though the individual has not been an inpatient of a hospital or extended care facility. Payments for home health services for up to 100 visits (as defined in § 405.238) in a calendar year may be made under the supplementary medical insurance plan. This is entirely separate from the 100 health visits available (after the beginning of one spell of illness and before the beginning of the next) under the hospital insurance plan during the 1-year period after the individual's latest discharge from a qualifying inpatient stay.

§ 405.234 Home health services; conditions.

The items and services described in § 405.236 are "home health services" (unless excluded under § 405.237) if such items and services are furnished:

(a) To an individual who is under the care of a physician (other than a doctor of podiatry or surgical chiropody) and confined to his home;

(b) By a participating home health agency (see Subpart L of this Part 405) or by others under arrangements with them made by such agency;

(c) Under a written plan designed for such individual, established by a physician (other than a doctor of podiatry or surgical chiropody) and periodically re-

viewed by a physician (other than a doctor of podiatry or surgical chiropody); and

(d) At a place as described in § 405.235.

§ 405.235 Home health services; place where items and services must be furnished.

To be considered "home health services," items and services described in § 405.236 must be:

(a) Furnished on a visiting basis to the individual in a place of residence used as his home. The term "home" does not include an institution which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act (see §§ 405.-1001 and 405.1101); or

(b) Provided on an outpatient basis at a hospital or extended care facility, or at a rehabilitation center if such items or services:

(1) Are furnished under arrangements made by a participating home health agency and such arrangements provide that payment to the agency discharges the liability of the patient or any other person to pay for the services; and

(2) Involve (or are furnished while the individual is there to receive) the use of equipment which cannot readily be made available to the individual in a place of residence used as his home, or cannot be supplied to him there (see also § 405.238).

§ 405.236 Home health services; items and services included.

Subject to the provisions described in § 405.237, "home health services" means the following items and services furnished to an individual in accordance with §§ 405.234 and 405.235:

(a) Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

(b) Physical (see § 405.239), occupational, or speech therapy;

(c) Medical social services provided under the direction of a physician;

(d) Part-time or intermittent services of a home health aide;

(e) Medical supplies (other than drugs and biologicals) and the use of medical appliances while under the plan described in § 405.234(c);

(f) In the case of a home health agency which is affiliated or under common control with a hospital, medical services provided by an intern or resident-in-training of such hospital, under a teaching program of such hospital approved as provided in § 405.116(f).

§ 405.237 Home health services; items and services not included.

(a) *Items and services not considered as inpatient hospital services.* Notwithstanding the provisions set forth in § 405.236, no item or service listed in § 405.236 is includable as a "home health service" if the item or service would not be included as an inpatient hospital service under Subpart A of this part, if furnished to a hospital inpatient.

(b) *Transportation services.* Transportation services, whether by ambulance or other means, required to take a home-bound individual to a hospital, extended

care facility, rehabilitation center, or other place, in order to furnish him with items and services which cannot be supplied to him in his home, are not included as a "home health service," even though the services provided at such hospitals, etc., are included as a home health service.

(c) *Housekeeping services.* The services of housekeepers or food service arrangements such as those of "meals-on-wheels" programs are not includable as "home health services."

§ 405.238 Home health services; "visits" defined.

For purposes of determining the 100-visit home health services limitation specified in § 405.230(a)(4), one "visit" is charged each time a "home health service" is furnished to the individual by home health agency personnel (or by personnel furnishing "home health services" under an arrangement with them made by a home health agency). For example, since one "visit" is charged each time a therapist goes to an individual's home to furnish therapy, if the individual is visited during the same day by both a speech therapist and a visiting nurse (or if provided with the same home health service twice in the same day), two "visits" are charged. Similarly, if an individual is taken to a hospital to receive outpatient therapy that could not be furnished in his own home (e.g., hydrotherapy) and, while at the hospital receives speech therapy and other services, all of which qualify as home health services under § 405.236, two or more "visits" are charged.

§ 405.239 Option available to patients under a home health plan who require physical therapy.

A patient under a home health plan may elect to receive required physical therapy service as a "medical and other health service" (see § 405.231(l) rather than as a home health service (see § 405.-236(b)) and thereby save home health visits for other covered home health services. Because of the deductible and coinsurance provisions applicable to Part B, an individual who qualifies for Part A home health services will generally elect to receive physical therapy as a home health service.

§ 405.240 Payment of supplementary medical insurance benefits; amounts payable.

In the case of an individual who incurs expenses during his coverage period under the supplementary medical insurance plan, payment with respect to the total amount of such expenses incurred during a calendar year shall, subject to the provisions of §§ 405.243-405.246, be made as follows:

(a) (1) Eighty percent of the reasonable charges for physicians' services, and

(2) Effective April 1, 1968, with respect to radiological and pathological services, 100 percent of the reasonable charges for such services furnished to an inpatient of a hospital by a physician in the field of radiology or pathology (see § 405.232 (f) and (g));

(b) Eighty percent of the reasonable charges for medical and health services furnished by other than a participating provider of services;

(c) Eighty percent of the reasonable cost for medical and other health services furnished by (or under arrangements made by) participating providers of services;

(d) Eighty percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency; and

(e) Eighty percent of the deductible imposed under the hospital insurance benefits plan for outpatient hospital diagnostic services furnished before April 1968 (see § 405.230(b)).

§ 405.241 Payment of supplementary medical insurance benefits; election by group-practice prepayment plan as to method of determining amount of payment.

Notwithstanding the provisions of § 405.240 (a) and (b), payment to a group-practice prepayment plan which has furnished (or arranged for the availability of) items and services qualifying as medical and other health services, may be made on the basis of the reasonable cost of such services rather than on the basis of reasonable charges, even though such organization is other than a provider of services, if the group-practice prepayment plan elects to have payment made on a reasonable cost basis and agrees to charge the individuals to whom the services were provided not more than the amount of any unpaid annual deductible (see § 405.245), if any, plus 20 percent of the difference between the deductible and the reasonable cost.

§ 405.243 Psychiatric services limitation; expenses incurred for physician services.

(a) *Limitation.* With respect to expenses incurred in any calendar year in connection with the treatment of a mental, psychoneurotic, or personality disorder of an individual who is not an inpatient of a hospital (as described in paragraph (b) of this section) at the time such expenses are incurred, only the lesser of (1) \$312.50; or (2) 62½ percent of such expenses, is considered as incurred expenses for purposes of §§ 405.240 and 405.245.

(b) *Application of limitation.* Notwithstanding any other provision of this Subpart B, paragraph (a) of this section applies to specific expenses incurred for physicians' services (with no distinction being made between the services of psychiatrists and nonpsychiatrist physicians) rendered to an individual who is not an inpatient of a hospital, in connection with the treatment of a mental, psychoneurotic, or personality disorder of such individual, and any items or supplies furnished by the physician in connection with his treatment of such disorder. The term "mental, psychoneurotic, or personality disorder" means the specific psychiatric conditions described in the American Psychiatric Association's Diagnostic and Statistical Manual—Mental Disorders. Expenses incurred for

services furnished by health personnel other than physicians, including home health services and outpatient services, as well as physicians' services furnished to an individual who is an inpatient of a hospital are not subject to such limitation even though the services are in connection with a condition which is included in the definition of mental, psychoneurotic, or personality disorder. For purposes of this paragraph (b), "hospital" means a hospital which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons; or psychiatric services for the diagnosis and treatment of mentally ill persons; or medical services for the diagnosis and treatment of tuberculosis.

Example. As a private patient, Mr. X's only medical expenses during the calendar year amounted to \$750 for physicians' services in connection with the treatment of a mental disorder which did not require inpatient hospitalization. The statutory limit for any calendar year on the amount of these expenses that is covered under this Subpart B is \$312.50 (\$312.50 being lesser in amount than 62½ percent of \$750). Mr. X is required to meet the first \$50 as a deductible, and 20 percent of the balance. The remaining 80 percent is payable under this Subpart B.

Total covered expenses	Mr. X's payment	Payment under Subpart B
\$312.50	² \$437.50	-----
¹ -50.00	¹ 50.00	-----
262.50	³ 82.50	⁴ \$210.00

¹ Deductible.

² In excess of \$312.50.

³ 20 percent of total covered expenses less deductible.

⁴ 80 percent of total covered expenses less deductible.

If Mr. X had incurred \$350 of the above expenses while an inpatient of an institution (see paragraph (b) of this section), and the remaining \$400 while not an inpatient of an institution, payment would be computed as follows:

Total covered expenses	Mr. X's payment	Payment under subpart B
¹ \$250	² \$150	-----
³ +350		-----
600	450	-----
⁴ -50		-----
550	⁵ 110	⁶ \$440

¹ 62½ percent of \$400.

² In excess of 62½ percent of \$400.

³ 100 percent of expenses incurred while an inpatient.

⁴ Deductible.

⁵ 20 percent of total covered expenses less deductible.

⁶ 80 percent of total covered expenses less deductible.

§ 405.244 Incurred expenses; expenses excluded from total expenses or not considered for purposes of the deductibles.

(a) To the extent that an individual is entitled (or would be entitled except for application of the deductible or co-insurance amounts described in section 1813 of the Act (other than the outpatient hospital diagnostic deductible—see § 405.230(b))) to have payment

made under the provisions contained in Subpart A of this part with respect to services furnished to him, no payment may be made under the provisions described in this Subpart B with respect to such services and the costs or charges for such services are not considered as incurred expenses for purposes of §§ 405.240, 405.245, and 405.246.

(b) To the extent that an individual incurred expenses in meeting the medical insurance blood deductible (including the value of replacements made for such blood—see § 405.246), no payment may be made under the provisions described in this Subpart B with respect to such expenses (or value), and the costs or charges incurred in meeting such deductible are not considered incurred expenses for purposes of §§ 405.240 and 405.245.

(c) To the extent that an individual incurred expenses with respect to radiological and pathological services for which payment is made in an amount equal to 100 percent of the reasonable charges for such services (see § 405.240 (a)(2)), the costs or charges for such services are not considered as incurred expenses for purposes of §§ 405.245 and 405.246 and are not subject to the \$50 deductible.

§ 405.245 The supplementary medical insurance benefits deductible.

Subject to the provisions of § 405.244, the total amount of expenses incurred by an individual during a calendar year is reduced, prior to applying the payment percentages in § 405.240, by a deductible in an amount equal to:

(a) \$50; less

(b) The amount of any expenses incurred by such individual in the last 3 months of the preceding calendar year and applied toward such individual's deductible under this section for such preceding year.

Example. During 1969 Jones incurred total expenses of \$350 for covered medical and other health services furnished to him. Ordinarily, a deductible of \$50 would be imposed in determining the amount payable under the supplementary medical insurance plan. However, during November of 1968, Mr. Jones had incurred expenses of \$35 for covered medical and other health services which had been applied toward his supplementary medical insurance deductible for 1968. Since any expenses incurred in the last quarter of the prior calendar year, and applied toward the supplementary medical insurance benefits deductible for such year, can be carried over to the following year and applied toward the deductible, Mr. Jones' 1969 supplementary medical insurance benefits deductible is only \$15 (\$50-\$35).

§ 405.246 Supplementary medical insurance blood deductible.

(a) Subject to the provisions of §§ 405.244 and 405.245, where an individual incurs expenses for whole blood or equivalent quantities of packed red cells furnished to him as part of "medical and other health services" (see § 405.231) during a calendar year after 1967, the total amount of expenses incurred by such individual in such calendar year shall, after being reduced in accordance with the provisions of

§ 405.245, be further reduced before payment is made under this Subpart B by the reasonable and customary charge made by the supplier (e.g., physician, hospital, clinic, etc.) for any of the first 3 pints of whole blood or equivalent quantities of packed red blood cells furnished to the individual in such calendar year.

(b) For purposes of the blood deductible described in paragraph (a) of this section:

(1) A unit of packed red cells is considered equivalent to a pint of whole blood; and

(2) The amount of blood deductible is reduced to the extent that the individual replaces the blood on a pint for pint basis.

§ 405.249 Payment to a nonparticipating hospital furnishing emergency outpatient services.

(a) Payment (in amounts determined in accordance with § 405.240(c)) may be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

(1) The hospital meets the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)); and

(i) Is primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e) (1); and

(ii) Is not primarily engaged in providing the services described in section 1861(j) (1) (A) (see § 405.1101(a)); and

(2) The services furnished are emergency outpatient services (see paragraph (b) of this section) furnished on or after April 1, 1968, to an individual who is enrolled under the supplementary medical insurance plan. (With respect to emergency outpatient hospital diagnostic services furnished before Apr. 1, 1968—see § 405.152.)

(3) The services are furnished by the hospital or by others under an arrangement made by the hospital;

(4) The hospital agrees to comply, with respect to the services furnished, with the provisions of Subpart F of this Part 405 regarding the charges for such services which may be imposed on the individual or any other person, and the return of any money incorrectly collected;

(5) The hospital has filed, and the Administration has accepted, the hospital's election to claim payment from the health insurance program for all the emergency services furnished in the current calendar year under title XVIII of the Act (see § 405.658);

(6) Written request for payment is filed by or on behalf of the individual to whom such services were furnished;

(7) Payment for the services would have been made if an agreement under § 405.606 had been in effect with the hospital and the hospital otherwise met the conditions for payment;

(8) The hospital's claim for payment is filed with the Administration and is accompanied (attached thereto or as part thereof) by a physician's statement

describing the nature of the emergency and stating that the emergency services rendered were necessary to prevent the death of the individual or the serious impairment of his health. The statement must be sufficiently comprehensive to support a finding that an emergency existed.

(b) For purposes of the supplementary medical insurance benefits plan "emergency outpatient services" are those outpatient hospital diagnostic and therapeutic services which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital available and equipped to furnish such services.

(c) The requirements as to medical necessity for emergency outpatient services and as to whether the most accessible hospital available and equipped to furnish such services was utilized, will be made in accordance with the provisions of §§ 405.191 and 405.192.

§ 405.250 Procedures for payment; medical and other health services furnished by participating provider; home health services.

Payment for medical and other health services (see §§ 405.230(a)(3), 405.231, and 405.232), and for home health services (see §§ 405.230(a)(4), 405.233 through 405.236), furnished by a participating provider of services is made to such provider only if:

(a) A written request is filed by or on behalf of the individual to whom the services were furnished to have such payment made; and

(b) A physician certifies, and recertifies (see Subpart P of this part) when required, that:

(1) In the case of medical and other health services (except services described in § 405.231 (c), (k), and (l)), such services were medically required; or

(2) In the case of home health services:

(i) Such services were required because the individual was confined to his home (except when receiving items and services referred to in § 405.236(g)) and needed skilled nursing care on an intermittent basis, or physical or speech therapy, as the case may be; and

(ii) A written plan for furnishing such services to the individual has been established, and is periodically reviewed, by a physician; and

(iii) Such services were furnished while the individual was under the care of a physician.

(3) In the case of outpatient physical therapy services:

(i) Such services were required because the individual needed physical therapy services on an outpatient basis; and

(ii) A written plan for furnishing such services has been established, and is periodically reviewed, by a physician; and

(iii) Such services were furnished while the individual was under the care of a physician.

§ 405.251 Procedures for payment; medical and other health services furnished by other than a participating provider.

Payment for medical and other health services furnished by other than a participating provider of services (see §§ 405.230(a) (1) and (2); 405.231 and 405.232) may be made to the individual who incurred such expenses, or to the person who provided such services, under the following circumstances:

(a) *Payment to the individual.* Payment may be made to an individual who incurred expenses for medical and other health services furnished him by other than a participating provider of services if:

(1) He files a written request for payment;

(2) An itemized bill (which may be receipted or unpaid) is submitted which shows in detail the services provided;

(3) The items or services furnished such individual are "medical and other health services" (including "emergency outpatient services," if payment cannot be made under the provisions of § 405.249 solely because the hospital furnishing such services has not elected to claim such payment) for which payment may be made under the provisions set forth in § 405.230(a) (1) and (2).

(b) *Payment to the person who furnished the services.* Payment in the amount determined in accordance with § 405.240 may be made to a person (or organization) other than a participating provider of services who furnishes an enrolled individual medical and other health services for which payment may be made under the provisions set forth in §§ 405.230(a) (1) and (2), 405.231, and 405.232, if:

(1) The individual who was furnished the services executes an assignment of benefits to the person or organization which furnished the services;

(2) The assignment is properly filed;

(3) The items or services furnished are "medical and other health services" for which payment may be made under § 405.230(a) (1) and (2) in an amount as determined under the provisions of § 405.240; and

(4) The person or organization to whom such assignment has been made:

(i) Agrees to accept the individual's assignment of the right to receive payment for such services;

(ii) Agrees that the reasonable charge for such services shall be the full charge for such services; and

(iii) Agrees to charge the individual not more than the amount of any unpaid annual deductible (see § 405.245), if any, the blood deductible (see § 405.246), if applicable, plus 20 percent of the difference between the deductibles and the reasonable charge (as determined in subdivision (ii) of this subparagraph).

§ 405.252 Conditions prohibiting payment of benefits.

In addition to any other limitation, condition, or exclusion in the regulations in this subpart, payment of

supplementary medical insurance benefits may not be made under the following circumstances:

(a) *No payment unless information furnished.* No payment may be made to any person, organization or to any provider of services unless the information necessary to determine the amount due has been furnished.

(b) *Federal provider; Federal agency.* No payment may be made to any Federal provider of services or other Federal agency, except a provider of services which may be determined by the Secretary to be providing services to the public generally as a community institution or agency.

(c) *Services furnished at public expense.* No payment may be made to any provider of services or other person or organization for any item or service which such provider, person, or organization is obligated by a law of, or contract with, the United States to render at public expense.

(d) *Alien is outside the United States for 6 full calendar months.* No payment may be made under this Subpart B with respect to items or services furnished to an individual who is not a citizen or national of the United States in any month for which monthly benefits are not being paid to such individual (or would not be paid if he were entitled to such benefits) under certain circumstances because he has been outside the United States throughout 6 full calendar months, until, and beginning with, the first full calendar month such individual has been back in the United States.

(e) *Time limitation on payment.* After March 1968, no payment may be made under Part B of title XVIII of the Act to any person, organization, or provider of services unless a bill or request for payment made pursuant to the provisions of §§ 405.249-405.251 is submitted no later than the close of the calendar year following the year in which the services were furnished. For purposes of this paragraph, services furnished during the last 3 months of any calendar year are deemed to have been rendered in the succeeding calendar year.

[F.R. Doc. 70-10235; Filed, Aug. 5, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-89]

MATANZAS RIVER, FLA.

Drawbridge Operation

1. The Commandant, U.S. Coast Guard is considering a request by the State of Florida, Department of Transportation to amend the special operation regulations for its bridge (Bridge of Lions) across the Matanzas River (Atlantic In-

tracoastal Waterway) on State Road A1A in St. Augustine, Fla. Present regulations governing this bridge are set forth in 33 CFR 117.432 and permit the draw to remain closed to most navigation between 7:30 and 8:15 a.m. and 5-5:45 p.m. Monday through Friday. The proposed amendment would add the time of 11:50 a.m. to 12:20 p.m. to these restricted periods. All other conditions would continue unchanged. 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 amend 33 CFR 117.432(a) to read as follows:

§ 117.432 Matanzas River (Intracoastal Waterway), Fla.; Bridge of Lions (State Road No. A1A) in St. Augustine.

(a) Except as otherwise provided in paragraph (b) of this section, the owners or agency controlling the bridge shall not be required to open the drawspan for the passage of vessels between 7:30 a.m. and 8:15 a.m., 11:50 a.m. and 12:20 p.m. and 5 p.m. and 5:45 p.m., Monday through Friday of each week.

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 September 11, 1970. All submissions 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 submissions 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: July 31, 1970.

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

[F.R. Doc. 70-10246; Filed, Aug. 5, 1970; 8:50 a.m.]

[33 CFR Part 117]

[CGFR 70-92]

ATLANTIC INTRACOASTAL WATERWAY, PALM BEACH, FLA.

Drawbridge Operation

1. The Commandant, U.S. Coast Guard is considering a request by the town of Palm Beach, Fla., to revise the special operation regulations for its Flagler Memorial and Royal Park bridges across the Atlantic Intracoastal Waterway at West Palm Beach. Present regulations governing these bridges provide that from November 15 through April 30 the draws need not be opened from 7:30 to 9:30 a.m. and 4:30 to 6:30 p.m. except that the Flagler Memorial draw shall be opened on the hour and half hour and the Royal Park draw opened on the quarter and three-quarter hour during this period. Commercial tows and vessels in distress are exempted and will be passed on signal. At all other times the draw would be opened promptly on signal. The proposed regulations would require that from December 1 through April 30 the draws need not be opened from 7:30 a.m. to 6 p.m. except that the Flagler Memorial draw shall be opened on the hour and half hour and the Royal Park draw opened on the quarter and three-quarter hour during this period to permit any waiting vessels to pass. Commercial tows, public vessels of the United States and vessels in distress are exempted and will be passed on signal. At all other times the draws would be opened promptly on signal. It is further proposed to add to 33 CFR 117.440(b) the phrase "public vessels of the United States". 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 revise § 117.440(a) and amend § 117.440(b) to read as follows:

§ 117.440 Lake Worth (Intracoastal Waterway), Fla.; Flagler Memorial and Royal Park bridges, Palm Beach, Fla.

(a) From December 1 through April 30 between the hours of 7:30 a.m. and 6 p.m. the draws of these bridges need not be opened for the passage of vessels except that the Flagler Memorial draw shall be opened on the hour and half hour and the Royal Park draw shall be opened on the quarter hour and three-quarter hour during this period to permit any waiting vessel to pass. At all other times the draws shall be opened promptly on signal.

(b) The draws shall be opened to allow the passage of a vessel in distress, a public vessel of the United States or of a commercial tow at any time upon the sounding by the vessel of four blasts of a whistle or horn.

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 September 11, 1970. All submissions should be made in writing to the Commander, Seventh Coast Guard District, 515 West First Street, 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 submissions 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: July 31, 1970.

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

[F.R. Doc. 70-10247; Filed, Aug. 5, 1970;
8:50 a.m.]

Federal Aviation Administration

[14 CFR Part 36]

[Docket No. 10494; Notice 70-33]

CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering rule making to establish noise standards for the type certification of civil supersonic aircraft. This action would involve amending Part 36 of the Federal Aviation Regulations.

This advance notice of proposed rule making is issued in accordance with the Federal Aviation Administration's policy of early institution of public proceedings in actions related to rule making. An "advance" notice of proposed rule making is issued when it is found that the resources of the Federal Aviation Administration and reasonable inquiry outside the Federal Aviation Administration do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rule making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of action. This latter

purpose provides the basis for this advance notice of proposed rule making. This particular action includes a response to a petition for rule making submitted on May 25, 1970, by the Environmental Defense Fund, Inc. (Docket No. 10357). That petition requests, among other things, the immediate initiation of a public rule-making proceeding to consider the minimum environmental standards that will govern certification of supersonic aircraft and the formulation and publication of those standards at the earliest feasible date. This advance notice is the first step taken to implement this request in the field of aircraft noise. The implications of this request with respect to environmental factors other than noise are also being evaluated for possible separate action.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 6, 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. Comments received will be considered in the development of a notice of proposed rule making concerning noise type certification of supersonic aircraft.

It should be noted that much research has been done within the Office of the Secretary of Transportation and the Federal Aviation Administration to identify the best possible regulatory approach to the type certification of supersonic aircraft, and to ensure that this new generation of aircraft is developed in a manner that is compatible with the total environmental objectives of the Department. It is believed that a broad public response to this advance notice will provide a valuable supplement to the extensive research done to date.

I. *Background.* Part 36, "Noise Standards: Aircraft Type Certification" of the Federal Aviation Regulations became effective on December 1, 1969. Part 36 was based on the aircraft noise and sonic boom provisions of section 611 of the Federal Aviation Act of 1958, as added by Public Law 90-411. Section 611 provides that the Administrator, after consulting with the Secretary, shall prescribe regulations to afford relief and protection to the public from unnecessary aircraft noise and sonic boom.

Part 36 is currently limited to the noise type certification of subsonic airplanes. In this connection, the preamble to Part 36 stated that additional rule making concerning the noise type certification of

supersonic airplanes would be proposed. This advance notice is the first step in implementing this objective. It should be noted that this particular regulatory action is limited to the development of criteria which must be met prior to the issuance of a type certificate for civil supersonic aircraft. This involves the airport noise characteristics of the airplane.

II. *Basic policy objectives.* Early public participation is welcomed in the development of the fundamental policies to be applied in establishing noise ceilings for civil supersonic aircraft. Comments will be most useful if they address the following primary problems:

(1) As stated above, the Environmental Defense Fund, Inc., has submitted a petition for rule making concerning the environmental aspects of the type certification of supersonic aircraft. In order to assist in the framing of a responsive answer to the petition, public comment is requested on the following issues raised by the petition:

(i) The extent to which noise standards now applicable to subsonic aircraft could be applied to supersonic aircraft, with no reduction, consistent with the requirement in the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, Jan. 1, 1970) that all agencies of the Federal Government shall identify and develop methods and procedures which will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking "along with economic and technical considerations" (section 102(2)(B)), and the requirement in section 611(b)(4) of the Federal Aviation Act of 1958 that the Administrator, in issuing noise regulations, shall consider whether any proposed standard, rule, or regulation is "economically reasonable, technologically practicable, and appropriate for the particular type of aircraft."

(ii) The extent to which the timing of type certification standards would itself affect the ability of the FAA to adequately consider economic and technological factors. In this connection, petitioner states that the National Environmental Policy Act of 1969 contemplates action early enough to "permit an inquiry which is unimpeded by economic exigencies" (Petition, p. 2), and that such early action is necessary to escape "the dilemma that each of those Congressional Directives is designed to avoid: The need to temper environmental interests by the already accomplished commitment of economic resources" (Petition, p. 3). The precise role that economic and technological factors should play in the type certification of supersonic aircraft is a central question for public comment. It is hoped that comments will concentrate on this issue to ensure that no avenue of progress is ignored in this complex area of policy making.

(2) The development of methods to be applied to ensure that maximum use of the regulatory authority under § 611 is made, with respect to civil supersonic aircraft, without Federal interference

with the right of States or local public agencies, as the proprietors of airports, to issue regulations or establish requirements as to the permissible level of noise which can be created by aircraft using their airports (see Senate Report 1353, pp. 6, 7).

(3) The development of methods of insuring that noise level ceilings established during type certification will have the maximum utility so far as establishing noise contours for long-range land use planning and future airport development is concerned.

(4) The development of economic incentives for reducing the noise levels of civil supersonic aircraft.

III. *Specific regulatory questions.* As stated above, it is proposed to amend Part 36 to cover supersonic aircraft. The FAA believes that the basic three-point measurement concept (i.e., takeoff, approach, and sideline) in Part 36 can be extended to supersonic aircraft. However, the supersonic aircraft may be sufficiently different from subsonic aircraft to justify a comprehensive review of the details of Part 36 in the light of the unique characteristics of supersonic aircraft. For example, as stated in the preamble to Part 36, the high acceleration required by supersonic aircraft in transonic flight may produce performance capabilities at ground level that have important implications concerning its noise characteristics. Thus, unusually high take off thrust may produce higher sideline noise levels in the vicinity of the airport. On the other hand, for certain aircraft the resulting high climb capabilities are expected to produce significantly lower noise levels in communities underlying the take off flight path. Public comment is requested concerning the application of Part 36 to the new technology of supersonic aircraft, with particular attention being given to the following:

(1) It should be restated that the FAA intends to insure that supersonic aircraft, like subsonic aircraft, are subject to type certification standards that require the full application of noise reduction technology, and insure that these standards establish ceilings beyond which noise will not be permitted.

(2) The extent to which the class of supersonic aircraft should be divided into subclasses for the purpose of establishing noise ceilings and measurement concepts.

(3) The extent to which the class of supersonic aircraft should be divided into subclasses for the purpose of assessing the economic impact and technological feasibility of proposed noise regulations. This question is closely related to the issue concerning economic factors discussed above in conjunction with the Environmental Defense Fund petition for rule making.

(4) The kinds of changes, if any, to the aircraft noise measurement conditions of Appendix A of Part 36 that would be appropriate for supersonic aircraft, with respect to general test conditions, noise measurement procedures, and aircraft conditions.

(5) Factors, peculiar to supersonic aircraft, that should be considered by the Administrator to insure that supersonic

aircraft noise regulations are consistent with the highest degree of safety in air commerce or air transportation.

This advance notice of proposed rule making is issued under the authority of sections 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958 (40 U.S.C. 1354, 1421, 1423, and 1431), sections 2(b) (2) and 6(c) of the Department of Transportation Act (49 U.S.C. 1651(b) (2) and 1655(c)), Title I of the National Environmental Policy Act of 1969 (Public Law 91-190, Jan. 1, 1970), and Executive Order 11514 (Protection and Enhancement of Environmental Quality, Mar. 5, 1970).

Issued in Washington, D.C., on August 4, 1970.

JOHN O. POWERS,
Acting Director,
Office of Noise Abatement.

[F.R. Doc. 70-10312; Filed, Aug. 4, 1970;
4:28 p.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-59]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Bellingham, Wash., control zone and transition area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Program Standards Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. 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 amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The airspace requirements for Bellingham Airport have been reviewed in accordance with the U.S. Standard for Terminal Instrument Procedures (TERPs). The study revealed that the

northern control zone extension may be reduced 2 square miles.

In addition, a new VOR/DME approach procedure is proposed from the south utilizing the 169° T (146° M) radial. This procedure will require a 6-mile control zone extension 4.5 miles each side of the 169° T (146° M) radial and a small portion of 700-foot transition area to provide controlled airspace for aircraft executing the proposed instrument procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions:

In § 71.171 (35 F.R. 2054) the description of the Bellingham, Wash., control zone is amended to read as follows:

BELLINGHAM, WASH.

Within a 5-mile radius of Bellingham Municipal Airport (latitude 48°47'40" N., longitude 122°32'10" W.); within 2 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 3 miles south of the VORTAC and 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 21.5 miles south of the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Bellingham, Wash., transition area is amended to read as follows:

BELLINGHAM, WASH.

That airspace extending upward from 700 feet above the surface bounded on the east by longitude 122°15'00" W., on the south by latitude 48°52'00" N., on the west and north by the United States/Canada border, and within 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from 21.5 to 24 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (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 Los Angeles, Calif., on July 21, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-10198; Filed, Aug. 5, 1970;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-58]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone at Olathe, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

All requirements have been met for the designation of a part-time control zone at Johnson County Airport, Olathe, Kans. Weather reporting services and surface communications will be provided by the Johnson County Control Tower. Accordingly, the Olathe, Kans., control zone must be established for the protection of IFR air traffic utilizing the Johnson County Airport. This control zone will be effective during the times that the Control Tower is in operation. IFR air traffic into and out of this Airport will be controlled by the Kansas City Air Route Traffic Control Center.

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

In § 71.171 (35 F.R. 2054), the following control zone is added:

OLATHE, KANS.

Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N. long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Kansas City, Mo., on July 16, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-10199; Filed, Aug. 5, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-70]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bedford, Ind.

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

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

Three new instrument approach procedures have been developed for Grissom Airport, Bedford, Ind. Consequently, it is necessary to alter the Bedford, Ind., transition area to adequately protect aircraft executing the new approach procedures.

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

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

BEDFORD, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 302° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

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

Issued in Kansas City, Mo., on July 14, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-10200; Filed, Aug. 5, 1970; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-71]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the transition area at Sturgeon Bay, Wis.

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

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

Since designation of controlled airspace at Sturgeon Bay, Wis., an amended public use instrument approach procedure has been developed for the Door County Cherryland Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Sturgeon Bay transition area to adequately protect aircraft executing the amended approach procedure and to comply with the new transition area criteria.

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

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

STURGEON BAY, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 195° bearing from the Door County Cherryland Airport extending from the airport to 18½ miles south of the airport; and within 5 miles each side of the 005° bearing from the Door County Cherryland Airport extending from the airport to 12 miles north of the airport.

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

Issued in Kansas City, Mo., on July 16, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-10201; Filed, Aug. 5, 1970;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-54]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the DuBois, Pa., control zone (35 F.R. 2073) and transition area (35 F.R. 2172).

The U.S. Standard for Terminal Instrument Approach Procedures requires alteration of the control zone and transition area to provide controlled airspace protection for aircraft executing the NDB (ADF) RWY 25 and LOC RWY 25 instrument approach procedures for DuBois-Jefferson County Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

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

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of DuBois, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Du Bois, Pa., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 41°10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3 miles each side of the Du Bois ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to de-

lete the description of the Du Bois, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the center, 41°10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3.5 miles each side of the Du Bois ILS localizer northeast course extending from the 11.5 mile radius area to 11.5 miles northeast of the OM.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-10202; Filed, Aug. 5, 1970;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-57]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Franklin, Pa., control zone and alter the Franklin, Pa., transition area (35 F.R. 2183). The foregoing designation and alteration are required to protect aircraft executing the instrument approach procedures for Chess-Lamberton Airport.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

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

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Franklin, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Franklin, Pa., control zone described as follows:

FRANKLIN, PA.

Within a 5-mile radius of the center (41°22'35" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa., VOR 001° and 181° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR and within 3 miles each side of the 102° and the 282° bearings from the Franklin, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 5-mile radius zone to 8.5 miles east of the RBN. This control zone is effective from 0800 to 2000 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Franklin, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°22'35" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.; within 3.5 miles each side of the Franklin, Pa., VOR 001° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR and within 3.5 miles each side of the 102° bearing from the Franklin, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 7-mile radius area to 11.5 miles east of the RBN.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-10203; Filed, Aug. 5, 1970;
8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-59]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Portland, Maine Control zone (35 F.R. 2133) and transition area (35 F.R. 2246).

The U.S. Standard for Terminal Approach Procedures requires alteration of the control zone and 700-foot transition area to provide the controlled airspace required to protect aircraft executing the ILS-RWY-11 and NDB (ADF) RWY-11 instrument approach procedures for Portland International Jetport.

Interested persons may submit written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is

taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

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

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Portland, Maine, proposes the airspace action hereinafter set forth:

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

Within a 5-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport, excluding the portion within a 1-mile radius of Oak Knoll Airport, Scarborough, Maine (43°35'21" N., 70°22'03" W.).

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

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[P.R. Doc. 70-10204; Filed, Aug. 5, 1970;
8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-394]

TERMINATION OF MORATORIUM PROVISIONS IN SOUTHERN LOUISIANA

Notice of Proposed Rule Making

July 30, 1970.

Notice is hereby given pursuant to 5 U.S.C. 553, and sections 4, 5, 7, and 16 of the Natural Gas Act that the Commission proposes to terminate the moratorium provided in paragraphs (f) and (g) of § 154.105 of the Commission's Regulations under the Natural Gas Act (18 CFR 154.105 (f) and (g)) and ordering paragraph (B) of Opinion No. 546-A (41 FPC 301 at 340).

By decision in Opinion No. 546 (40 FPC 530), issued on September 25, 1968, the Commission imposed in § 154.105 (f) of the regulations a moratorium prohibiting filing for rates above the ceiling rates therein established in § 154.105 (a), (b), (c), and (d) of the regulations. This moratorium was to continue until changed by the Commission. Thereafter, in Opinion No. 546-A (41 FPC 301) issued on March 20, 1969, the Commission modified the moratorium by the addition of § 154.105(g) of the regulations which permits the filing of contractually authorized increases up to a base area rate of 20 cents per Mcf for Federal domain gas-well gas sold pursuant to contracts dated on or after October 1, 1968. The Commission also provided in ordering paragraph (B) of Opinion No. 546-A (41 FPC 301 at 340) that the moratorium on increased rate filings for gas produced within the taxing jurisdiction of Louisiana under contracts similarly dated would expire on January 1, 1974.¹

In its order of December 15, 1969, in Docket No. AR69-1, the Commission denied a motion to lift the moratorium but stated that the issue of the continued effectiveness of the moratorium would remain open pending further developments in that proceeding.

Data now available to the Commission reveals that since the issuance of Opinions Nos. 546 and 546-A, circumstances have changed. There are positive indications of a worsening supply situation with new findings of gas falling below production in 2 successive years. There are also indications that there has been a sharp drop in the level of gas exploration during 1968 and 1969 which has an adverse impact on future gas supplies. There are indications of cost increases which have affected the amount of funds devoted to the industry's exploratory effort. (See Notices of Investigation, Proposed Rulemaking, etc. in Dockets Nos. R-389 and 389-A.) In these circumstances, it may be that justification now exists for the modification of the moratoria previously imposed by the Commission. We find it appropriate to receive written comments on the proposal to lift the moratoria.

In order to encourage increased exploration and development efforts for natural gas in the Southern Louisiana area and the dedication of greater volumes of gas from that area to the interstate market, we believe subject to the comments herein that the moratorium established in Opinion No. 546, as modified in Opinion No. 546-A, should be dissolved thereby permitting the filing by producers for contractually authorized rate increases which may be sub-

ject to refund under section 4(e) of the Natural Gas Act. (15 U.S.C. 717c(e).)

If an order is issued adopting the termination of the moratorium proposed in this rulemaking, we also propose to issue concurrently therewith an order prescribing the procedures which will be utilized as a result of the lifting of the moratorium. Those interested persons who make written submissions with respect to the proposed rulemaking may also submit therein data, views, comments, and suggestions concerning our proposed action.

The order would provide that 45 days after the issuance of such order rates as hereinafter established in Docket No. AR69-1 or those previously established in Opinion Nos. 546 and 546-A, whichever is higher, would constitute a floor for refunds for all vintages of gas sold subsequent thereto except as hereinafter provided. This floor would apply to those sales of natural gas which as a result of stay orders are presently being made at rates above those established in Opinion No. 546 as well as to those sales which may hereafter be made pursuant to a filing for rate increase following the date of this order. (Including increased rate filings made prior to imposition of the moratorium, but not permitted to become effective.) Provided, however, that the floor on refunds for new gas sales under contracts dated after June 17, 1970, may be established in Docket No. R-389A, "Initial Rates for Future Sales of Natural Gas for All Areas", in Docket No. AR69-1, or in Opinions Nos. 546 and 546-A, whichever is higher.

The order would also provide that any increased rate filings made pursuant to the lifting of the moratorium would become effective 45 days after the date of filing. Such a lapse of time would permit pipeline purchasers to reflect their increased gas costs, if any, by filing rate increases with the Commission. Where such pipeline rate increases are limited to tracking producer increases, we would waive, where necessary, the requirement for supporting schedules under § 154.63 of our regulations (18 CFR 154.63) provided such schedules are submitted within 4 months from the date of the pipeline's increased rate filing.

In order to avoid the administrative task of issuing suspension orders with respect to each of the increased rate filings by producers resulting from the lifting of the moratorium, we would provide in the order that each filing shall be collectible, subject to refund, 45 days after filing and that the Secretary would advise the filing party of the Commission docket number and the effective date relating thereto.

Any proposed increased rate in excess of the applicable ceiling prescribed in Opinions Nos. 546 and 546-A may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. For this reason any such above ceiling rate filed subsequent to the lifting of the moratorium would be suspended by the order in Docket No. AR69-1 and become effective as indicated above.

Accordingly, under the authority granted the Federal Power Commission

¹ See *Austral Oil Co. v. F.P.C.*, — F. 2d — (5th Circuit 1970, slip Opinion dated Mar. 19, 1970, supplemental Opinion dated June 16, 1970, No. 27492, et al.)

PROPOSED RULE MAKING

by the Natural Gas Act, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717o), the Commission proposes to revoke paragraphs (f) and (g) of § 154.105, *Area rates; Southern Louisiana area*, in Part 154, Chapter I, Title 18 of the Code of Federal Regulations.

All interested persons may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 14, 1970, data, views, comments, and suggestions in writing concerning the

proposed termination of the moratorium in Southern Louisiana and the consequent revocation of paragraphs (f) and (g) in 18 CFR 154.105. An original and nine conformed copies should be filed with the Commission. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed termination of the

Southern Louisiana moratorium. The Commission will consider all such written submissions before acting on the matters herein proposed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10217; Filed, Aug. 5, 1970;
8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-856]

CALIFORNIA

Notice of Amendment to Final Classification of Public Lands for Multiple-Use Management

JULY 29, 1970.

The notice appearing in F.R. Doc. 67-15087, page 20988, of the issue of December 29, 1967, is changed as follows:

Paragraph 4: Publication of this notice has the effect of changing paragraph 4 to provide for additional segregation of the hereinafter described 650 acres of public lands from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws:

MOUNT DIABLO MERIDIAN, CALIFORNIA
NEVADA COUNTY

All public lands in:

T. 17 N., R. 8 E.,
Sec. 24, N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 17 N., R. 9 E.,
Sec. 19, SW $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 30, N $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and
W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

All the above lands are found to have high recreational values and require the protection afforded by the above segregations. Extension of the South Yuba Trail is planned over and adjacent to the above lands.

Public comments and the record of public discussion on these additional segregations are of record in the Folsom District Office.

For a period of 30 days from the date of publication of this notice of amendment in the FEDERAL REGISTER, the classification amendment shall be subject to the exercise of administrative review and modification by the Secretary of the Interior.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-10237; Filed, Aug. 5, 1970;
8:50 a.m.]

[S-2635A]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

JULY 30, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to regulations in 43 CFR Parts 2420 and 2460, the public lands described in paragraph 3 are hereby classified for multiple-use management. 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 from a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public land described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C., chs. 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 6872). Therefore, no change has been made in the list of lands included in the classification. The record showing the comments received and other information are available for inspection at the Ukiah District Office, Bureau of Land Management, 168 Washington Avenue, Ukiah, Calif. 95482.

MOUNT DIABLO MERIDIAN

MENDOCINO AND SONOMA COUNTIES

T. 10 N., R. 8 W.,
Secs. 30, 31, and 36.
T. 11 N., R. 9 W.,
Secs. 3, 4, and 9.
T. 9 N., R. 11 W.,
Secs. 7, 17, 18, 19, and 30.
T. 17 N., R. 11 W.,
Sec. 4.
T. 17 N., R. 12 W.,
Sec. 7.
T. 9 N., R. 12 W.,
Sec. 24.
T. 22 N., R. 12 W.,
Sec. 31.
T. 24 N., R. 12 W.,
Secs. 1, 11, 12, 14, and 20;
Sec. 2, lots 1, 2, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, lots 1, 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 16 N., R. 13 W.,
Sec. 4.
T. 14 N., R. 14 W.,
Sec. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 15 N., R. 14 W.,
Sec. 34.
T. 22 N., R. 14 W.,
Secs. 4, 9, 21, and 22.
T. 24 N., R. 14 W.,
Secs. 12 and 18.
T. 12 N., R. 15 W.,
Sec. 20.
T. 14 N., R. 15 W.,
Sec. 32.
T. 13 N., R. 16 W.,
Secs. 1 and 22;
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 14 N., R. 16 W.,
Secs. 24 and 31.
T. 22 N., R. 17 W.,
Sec. 1.
T. 24 N., R. 19 W.,
Secs. 1, 2, and 10;
Sec. 3, portions of SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

HUMBOLDT MERIDIAN

T. 5 S., R. 2 E.,
Secs. 25 and 26;
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 5 S., R. 4 E.,
Secs. 25, 26, 27, 32, and 33.

The public lands hereby classified aggregate approximately 5,037.22 acres.

4. For a period of thirty (30) days from the date of publication of this notice 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 2461.3.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-10238; Filed, Aug. 5, 1970;
8:50 a.m.]

[R 1658-A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

JULY 30, 1970.

1. The following public lands are hereby classified for transfer out of Federal ownership by all forms of exchange, 43 U.S.C. 315g, etc., or State Indemnity Lieu Selection (43 U.S.C. 851, 852).

MOUNT DIABLO MERIDIAN, CALIFORNIA

KERN COUNTY

T. 31 S., R. 37 E.,
Sec. 24, S $\frac{1}{2}$.
T. 32 S., R. 37 E.,
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 31 S., R. 38 E.,
Secs. 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.
T. 32 S., R. 38 E.,
Secs. 2, 4, 6, 8, 10, and 12;
Sec. 20, E $\frac{1}{2}$.
T. 31 S., R. 39 E.,
Sec. 30, NE $\frac{1}{4}$, lots 1 and 2 of the NW $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$.
T. 32 S., R. 39 E.,
Sec. 6, lots 1 and 2 of NW $\frac{1}{4}$, lot 2 of SW $\frac{1}{4}$.

The lands described above aggregate 11,560.99 acres.

2. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the lands under lease, license, or permit, or governing the disposal of their minerals or vegetative resources, other than under the mining laws.

3. Numerous protests were received from rockhound interests following publication of the notice of proposed transfer classification in the FEDERAL REGISTER (F.R. 34-6620) of April 17, 1969. A special field investigation and hearing was held with all interested parties. As

a result, it was agreed to delete the following lands from this notice and classify them for multiple-use management:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 S., R. 38 E.,
Secs. 14, 22, 24, 26, 28, and 34.

The segregative effect of the notice of proposed transfer classification is hereby terminated on the above lands.

The below described lands were erroneously placed in the proposed multiple-use classification R-1658-S-1795 (34 F.R. 6621), of April 17, 1969, but are now included in this transfer notice:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 31 S., R. 39 E.,
Sec. 30, NE $\frac{1}{4}$, lots 1 and 2 of NW $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$.
T. 32 S., R. 39 E.,
Sec. 6, lots 1 and 2 of NW $\frac{1}{4}$, lot 2 of SW $\frac{1}{4}$.

In addition, two other protests were received. The protests were felt to lack merit in light of the State and Federal programs being furthered by the transfer classification.

4. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320 Washington, D.C. 20240 (43 CFR 2461.3).

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70-10239; Filed, Aug. 5, 1970;
8:50 a.m.]

[Serial No. I-2345]

IDAHO

Notice of Proposed Classification of
Public Lands in Jarbidge Upland
for Multiple-Use Management

JULY 29, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2461, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice will (a) segregate all of the land described in paragraph 2 from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) further segregates that portion described in paragraph 3 from the operation of the general mining laws (30 U.S.C., Chapter 2), the Public Land Sale Act (43 U.S.C. 1411-18), Exchanges (43 U.S.C. 315g), and Indemnity Selections (43 U.S.C. 851 and 852). 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), and which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Public lands proposed for classification are located in the following described area of Owyhee, Elmore, and Twin Falls Counties, and are shown on maps designated I-2345, on file in the Boise District Office, Bureau of Land

Management, and in the Land Office, Bureau of Land Management, Boise, Idaho:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 6 E.,
Secs. 1, 2, 11, 12, 13;
Sec. 14, E $\frac{1}{2}$;
Secs. 24, 25;
Sec. 26, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 7 S., Rs. 7 and 8 E.
T. 8 S., R. 7 E.,
Secs. 1 through 15 inclusive;
Secs. 17 and 18;
Secs. 20 to 29 inclusive;
Secs. 33 to 35 inclusive.
T. 8 S., R. 8 E.
T. 8 S., R. 9 E.,
Secs. 7 and 8;
Secs. 17 to 35 inclusive.
T. 8 S., R. 10 E.,
Secs. 19 to 23 inclusive;
Secs. 26 to 35 inclusive.
T. 8 S., R. 11 E.,
Secs. 31, 32, 33.
T. 9 S., R. 7 E.,
Secs. 1 to 15 inclusive;
Secs. 17 and 18;
Secs. 20 to 28 inclusive;
Secs. 33 to 35 inclusive.
T. 9 S., Rs. 8, 9, and 10 E.
T. 9 S., R. 11 E.,
Secs. 4 to 15;
Secs. 17 to 35.
T. 10 S., R. 7 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 13 inclusive.
T. 10 S., Rs. 8, 9, 10, and 11 E.
T. 10 S., R. 12 E.,
Sec. 4, S $\frac{1}{2}$;
Secs. 5 to 9 inclusive;
Sec. 10, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 13, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 14 and 15;
Secs. 17 to 35 inclusive.
T. 10 S., R. 13 E.,
Sec. 17, S $\frac{1}{2}$;
Sec. 18, S $\frac{1}{2}$;
Sec. 19;
Sec. 20, W $\frac{1}{2}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 30 to 32 inclusive;
Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 11 S., R. 7 E.,
Secs. 1, 12, 13, 24, 25, and 35.
T. 11 S., Rs. 8, 9, 10, 11, and 12 E.
T. 11 S., R. 13 E.,
Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Secs. 5 to 8 inclusive;
Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 15, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 17 to 22 inclusive;
Sec. 23, W $\frac{1}{2}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 25 to 35 inclusive.
T. 11 S., R. 14 E.,
Sec. 30, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31;
Sec. 32, W $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 12 S., R. 7 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26,
and 35.
T. 12 S., Rs. 8, 9, 10, 11, 12, and 13 E.
T. 12 S., R. 14 E.,
Sec. 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Secs. 5 to 8 inclusive;
Sec. 9, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$;
Secs. 17 to 23 inclusive;
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 26 to 35 inclusive.

T. 12 S., R. 15 E.,
Sec. 31, SW $\frac{1}{4}$.
T. 13 S., R. 7 E.,
Secs. 1 and 2;
Secs. 10 to 15 inclusive;
Secs. 21 to 29 inclusive;
Secs. 32 to 35 inclusive.
T. 13 S., Rs. 8, 9, 10, 11, 12, and 13 E.
T. 13 S., R. 14 E.,
Secs. 1 to 15 inclusive;
Secs. 17 to 24 inclusive;
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$
SE $\frac{1}{4}$;
Secs. 26 to 35 inclusive.
T. 13 S., R. 15 E.,
Sec. 6, W $\frac{1}{2}$;
Sec. 7, W $\frac{1}{2}$;
Sec. 18, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 14 S., R. 7 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 15 inclusive;
Sec. 17;
Secs. 20 to 28 inclusive;
Secs. 33 to 35 inclusive.
T. 14 S., Rs. 8, 9, 10, 11, 12, 13, and 14 E.
T. 14 S., R. 15 E.,
Sec. 7, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, W $\frac{1}{2}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 31, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$.
T. 15 S., R. 7 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 15 inclusive;
Secs. 21 to 28 inclusive;
Secs. 34 and 35.
T. 15 S., Rs. 8, 9, 10, 11, 12, 13, and 14 E.
T. 15 S., R. 15 E.,
Sec. 6, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7;
Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, W $\frac{1}{2}$;
Sec. 19, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 16 S., R. 7 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 14 inclusive;
Secs. 23 to 26 inclusive;
Sec. 35, N $\frac{1}{2}$ N $\frac{1}{2}$.
T. 16 S., Rs. 8, 9, 10, 11, 12, 13, and 14 E.
T. 16 S., R. 15 E.,
Sec. 7, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$;
Sec. 18, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 19;
Sec. 20, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 30.

The area described contains approximately 1,159,195 acres of public land.

3. As provided in paragraph 1, the following recreation, archaeological, or administrative sites are further segregated from appropriation under the general mining laws, the Public Land Sale Act, exchanges and indemnity selections:

Deans Site

T. 15 S., R. 13 E.,
Sec. 25, NW $\frac{1}{4}$;
Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 23, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$.

760 acres.

Monument Springs

T. 15 S., R. 14 E.,
Sec. 19, S $\frac{1}{2}$;
Sec. 30, NE $\frac{1}{4}$.

520 acres.

Jarbidge Columns

T. 16 S., R. 9 E.,
Sec. 33.

160 acres.

Jarbridge Forks

T. 16 S., R. 9 E.,
Sec. 3, W $\frac{1}{2}$;
Sec. 10, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 14.

1,360 acres.

Daves Creek

T. 16 S., R. 9 E.,
Sec. 24, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.

240 acres.

Salmon Falls

T. 14 S., R. 15 E.,
Sec. 18, E $\frac{1}{2}$;
Sec. 19.

960 acres.

The total area of these sites is approximately 4,000 acres.

4. Also, pursuant to the Act of September 19, 1964, it is proposed to classify the following described land to serve as livestock driveways. These driveways will provide livestock access between the Jarbridge Upland proper and ranch base properties situated along the Snake River to the north. Publication of this notice will segregate this land from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), or the Public Sale Act (43 U.S.C. 1411-18), the Recreation and Public Purposes Act (43 U.S.C. 315g), and Indemnity Selections (43 U.S.C. 851, 852).

T. 6 S., R. 6 E.,
Sec. 32, E $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$;
Secs. 33 to 35 inclusive.

T. 6 S., R. 10 E.,
Secs. 4, 9;

Sec. 10, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 15, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$;

Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$;

Sec. 23, W $\frac{1}{2}$;

Sec. 26, W $\frac{1}{2}$;

Sec. 27, E $\frac{1}{2}$;

Sec. 34, E $\frac{1}{2}$;

Sec. 35, W $\frac{1}{2}$.

T. 7 S., R. 10 E.,

Sec. 1, W $\frac{1}{2}$;

Sec. 12, W $\frac{1}{2}$;

Sec. 13, W $\frac{1}{2}$;

Sec. 24, W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 25, W $\frac{1}{2}$ W $\frac{1}{2}$;

Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, E $\frac{1}{2}$ E $\frac{1}{2}$.

T. 8 S., R. 10 E.,

Sec. 2, E $\frac{1}{2}$;

Sec. 11, E $\frac{1}{2}$;

Sec. 14, E $\frac{1}{2}$.

T. 6 S., R. 12 E.,

Secs. 14, 23, 26;

Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 32, S $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$;

Secs. 33 to 35 inclusive.

T. 7 S., R. 12 E.,

Sec. 4;

Sec. 5, E $\frac{1}{2}$;

Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, E $\frac{1}{2}$;

Sec. 9;

Sec. 17, W $\frac{1}{2}$;

Sec. 18, E $\frac{1}{2}$;

Sec. 19;

Sec. 20, W $\frac{1}{2}$;

Secs. 30 and 31.

T. 8 S., R. 12 E.,

Secs. 6 to 10 inclusive;

Sec. 11, S $\frac{1}{2}$;

Sec. 12, S $\frac{1}{2}$;

Sec. 13, N $\frac{1}{2}$;

Sec. 14, N $\frac{1}{2}$;

Sec. 15, NE $\frac{1}{4}$;

Secs. 18, 19, 30, 31.

T. 9 S., R. 11 E.,
Sec. 1.

T. 9 S., R. 12 E.,
Sec. 6.

T. 8 S., R. 13 E.,
Sec. 7, S $\frac{1}{2}$;
Secs. 8, 9, 10;
Sec. 11, N $\frac{1}{2}$;
Sec. 17, N $\frac{1}{2}$;
Sec. 18, N $\frac{1}{2}$.

The area described above contains approximately 30,114 acres.

5. Except as specifically segregated, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

6. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections concerning the proposed classification may present their views in writing to the Boise District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

7. A public hearing on this proposed classification will be held at 2:30 p.m. on August 27, 1970, in the American Legion Hall, 205 Third Avenue East, Twin Falls, Idaho.

CLAIR M. WHITLOCK,
Acting State Director.

[F.R. Doc. 70-10181; Filed, Aug. 5, 1970;
8:45 a.m.]

Geological Survey

[New Mexico 103]

NEW MEXICO**Coal Land Classification; Correction**

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), it is ordered as follows:

Correction of Coal Land Classification Order New Mexico No. 101: In F.R. Doc. 69-536, appearing in the issue of January 16, 1969 (34 F.R. 641-642), on p. 642 under the heading "Noncoal Lands" T. 23 N., R. 1 W., "Sec. 34, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ " is corrected to read "Sec. 34, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$ " and the lands classified as noncoal accordingly insofar as title thereto remains in the United States.

W. A. RADLINSKI,
Acting Director.

JULY 30, 1970.

[F.R. Doc. 70-10232; Filed, Aug. 5, 1970;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 70-26]

SOPAC TRANSPORT CORP. AND ALL PORTS FREIGHT FORWARDING, INC.**Order To Show Cause****Correction**

In F.R. Doc. 70-9755 appearing at page 12159 of the issue for Wednesday, July 29,

1970, the date in the 25th line of the third complete paragraph in the third column on page 12159, now reading "September 1, 1970", should read "September 11, 1970".

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Food and Drug Administration**

[DESI 0016NV]

CHLORTETRACYCLINE OBLETS AND TABLETS**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. Aureomycin Soluble Oblets; each oblet contains 500 milligrams of chlortetracycline; by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

2. Aureomycin Tablets; each tablet contains 25 milligrams of chlortetracycline hydrochloride; by American Cyanamid Co.

The Academy evaluated these preparations as probably effective for the treatment of cow, calf, ewe, sow, swine, and poultry diseases caused by pathogens sensitive to chlortetracycline or chlortetracycline hydrochloride.

The Academy stated:

1. Claims made regarding "for prevention of" or "to prevent" should be replaced with the following: "as an aid in the control of" or "to aid in the control of."

2. Each disease claim should be properly qualified as "appropriate for use in (name of disease) cause by pathogens sensitive to (name of drug)." If the disease claim cannot be so qualified the claim must be dropped.

3. Instructions are inadequate for lay use.

4. Instructions for intrauterine use are incomplete.

5. The manufacturer must provide evidence that the oblet and tablet disintegrates in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

6. Information is needed from the manufacturer of a product to be inserted into the uterus with respect to: (a) The degree of disintegration within the uterus; (b) the presence of hazardous ingredients that may cause severe irritation, ulceration, perforation, or necrosis; and (c) the chemical compatibility of the vehicle and active agent or agents.

The Food and Drug Administration concurs in the Academy's evaluation and recommendations.

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 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 new animal drug applications are provided 6 months from the date of publication hereof 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 holder of the new animal drug applications for 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: July 27, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10182; Filed, Aug. 5, 1970;
8:45 a.m.]

[DESI 8276V]

DRUG PRODUCT CONTAINING BACITRACIN, MINERALS, AND VITAMINS

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 preparation: Plus; each pound contains 18-22 percent calcium and a minimum of 7 percent phosphorus; 2.6 percent iron, 0.4 percent zinc, 0.6 percent of manganese, and

0.025 percent of copper in the form of various salts; 30,000 I.C. units of vitamin D, 90 milligrams of riboflavin, 0.03 milligram of vitamin B₁₂ activity, and bacitracin activity equivalent to 0.25 gram of master standard (as bacitracin methylene disalicylate) by; Dr. LeGear, Inc., 4161 Beck Avenue, St. Louis, Mo. 63116.

The Academy evaluated this preparation, to be mixed with feed, as probably not effective for promoting growth during stress or for stimulating appetite and maintaining egg production. The Academy stated: (1) Mineral and Vitamin D supplementation may be useful in diseased flocks; however, the levels of vitamins seem too low to be effective; (2) more information is needed to justify the inclusion of bacitracin which is the only medicinal agent included; and (3) although no claims are made for bacitracin, the level after mixing is far too low to be useful.

The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's 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 drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform manufacturers of the subject drug 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 drug 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 drug has been mailed a copy of the NAS-NRC report. Any other interested person may also 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: July 24, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-10185; Filed, Aug. 5, 1970;
8:46 a.m.]

[DESI 7879V]

DRUG PRODUCT CONTAINING OXY-TETRACYCLINE AND GLUCOSAMINE

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 preparation: Cosa-Terramycin Vet; capsules containing 125 milligrams of oxytetracycline hydrochloride with glucosamine per capsule and capsules containing 250 milligrams of oxytetracycline hydrochloride with glucosamine per capsule; by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017.

The Academy evaluated this product as probably not effective for the oral treatment of infections in calves, pigs, lambs, dogs, cats, and horses. The Academy stated there is a lack of scientific documentation to support claims, many case histories are without controls, no statistical analysis was supplied, and the claim for glucosamine should be documented or dropped. The Academy is aware that the antimicrobial effect of oxytetracycline has been established. The Food and Drug Administration concurs with the Academy's findings.

This evaluation is concerned only with the drug's 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 drug or its 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 new animal drug applications are provided 6 months from the date of publication hereof 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 holder of the new animal drug application for the listed drug 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: July 28, 1970.

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

[F.R. Doc. 70-10184; Filed, Aug. 5, 1970;
8:46 a.m.]

[DESI 12409V]

DRUG PRODUCT CONTAINING SODIUM SULFABROMOMETHAZINE

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 preparation: Sulfabrom; each cubic centimeter contains 62.5 milligrams of sodium sulfabromomethazine; by Merck Chemical Division, Merck and Co., Inc., Rahway, N.J. 07065.

The Academy evaluated this drug as probably effective for treatment of bacterial infections in cattle caused by pathogens sensitive to sodium sulfabromomethazine. The Academy stated: (1) Documentation is needed to support the therapeutic concentration of the recommended dosages; (2) warning should be included that this drug may produce abortion in pregnant cattle; (3) each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified, the claim must be dropped; and (4) since the product is labeled "not sterilized," the "caution" for intravenous and intraperitoneal administration needs revision to clearly state that the product needs to be sterilized for this route of administration.

The Food and Drug Administration concurs with the findings of the Academy and, since it is not practical to expect laity to sterilize products for intravenous and intraperitoneal use, concludes the drug should bear the veterinary prescription legend "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

This evaluation is concerned only with the drug's 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 drug or its 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 new animal drug applications are provided 6 months from the date of publication hereof 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 holder of the new animal drug application for the listed drug 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: July 28, 1970.

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

[F.R. Doc. 70-10186; Filed, Aug. 5, 1970;
8:46 a.m.]

[DESI 12890V]

FULVIDEX

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 preparation: Fulvidex Otic Suspension; each cubic centimeter contains 0.25 milligram of dexamethasone acetate, 2 milligrams of nitrofurathiazide, 15 milligrams of griseofulvin, 10 milligrams of undecylenic acid, and 10 milligrams of tetracaine hydrochloride; by Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003.

The Academy evaluated this product as probably effective for acute or chronic ulcerative and suppurative mycotic otitis externa in dogs and cats. The Academy stated: (1) The claim that the product is a topical fungicide has not been substantiated; and (2) each ingredient in a preparation containing more than one drug must be effective, or contribute to the effectiveness of the preparation, to warrant acceptance as a therapeutic ingredient.

The Food and Drug Administration concurs with the Academy's findings.

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 the new animal drug applications are provided 6 months from the date of publication hereof 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 holder of the new animal drug application for the listed drug 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: July 28, 1970.

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

[F.R. Doc. 70-10187; Filed, Aug. 5, 1970;
8:45 a.m.]

[DESI 12-16NV]

PREDNISOLONE-NEOMYCIN SULFATE-TETRACAINE OINTMENT

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 ophthalmic preparation: Optisone; each gram contains 2 milligrams of prednisolone, 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base), and 5 milligrams of tetracaine; by EVSCO Pharmaceutical Co., Oceanside, Long Island, N.Y. 11101.

The Academy evaluated this preparation as probably not effective for ophthalmic use on animals.

The Academy stated that:

1. Tetracaine should be removed from this preparation.
2. Several of the specified diseases are not controlled by this drug. This preparation is probably not effective against anterior uveitis, iritis, and keratitis.
3. Other claims are inadequately documented. Documentation should include more specific information.
4. A steroid warning statement should be shown on label as "All topical ophthalmic preparations containing corticosteroids, with or without an antimicrobial agent, are contraindicated in the initial treatment of corneal ulcers. They should not be used until the infection is under control and regeneration well under way."

The Food and Drug Administration concurs with the Academy's findings.

This announcement is published (1) to inform manufacturers of the subject drug 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 drug 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 drug 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: July 28, 1970.

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

[F.R. Doc. 70-10183; Filed, Aug. 5, 1970;
8:45 a.m.]

Office of Education

COLLEGE WORK-STUDY PROGRAM

Notice of Availability of Supplemental Funds—Cutoff Date for Filing Ap- plications

Institutions of higher education who are currently conducting a College Work-Study Program under Title IV, Part C of the Higher Education Act of 1965 pursuant to an agreement with the Commissioner are hereby advised that supplemental funds are being made available for the expansion of such programs during the academic year 1970-71. These supplemental funds are, however, available only to those participating institutions at least 50 percent of whose total full-time enrollment is or will be composed of students whose parents have combined gross annual incomes of \$7,500 or less.

Participating institutions are also notified that pursuant to regulations approved by the Commissioner, supplemental grants which are made to successful applicants pursuant to this Notice will be available to pay 100 percent of the earnings of students employed under the College Work-Study Program, provided that the institution first completely expends its regular College Work-Study Program grant for calendar year 1970 under the regular terms and conditions of 80 percent Federal participation.

An interested institution may apply for these supplemental funds by submitting a letter amendment to Part IV of its Institutional Application(s) to participate in Federal Student Financial Aid Programs, Fiscal Year July 1, 1970

through June 30, 1971 (OE Form 1036-4, 8/69). This amendment should indicate:

1. The number of full-time students enrolled in your institution during academic year 1969-70.
2. The number of full-time students expected to be enrolled during academic year 1970-71.
3. The number and percentage of such students whose parents have combined gross annual incomes of \$7,500 or less.
4. The steps being taken in the limited time available to increase the number of such students enrolled in your institution.
5. The additional Federal funds requested for the period ending December 31, 1970, and for the period January 1, 1971, through June 30, 1971; and the estimated numbers of students to be assisted with these additional funds.
6. The estimated portion of the institution's College Work-Study Program grant already approved for calendar year 1970 that has been expended through the end of the most recently completed pay period.

Separate supplemental grants will be made to cover calendar year 1970 and calendar year 1971, in accordance with previously established practice.

In order to be assured of consideration, applications for these supplemental funds must be received at the following address no later than August 17, 1970:

Work-Study Branch, Division of Student Financial Aid, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

Dated: July 24, 1970.

PETER P. MUIRHEAD,
Associate Commissioner
for Higher Education.

Approved: July 31, 1970.

T. H. BELL,
Acting U.S. Commissioner
of Education.

[F.R. Doc. 70-10241; Filed, Aug. 5, 1970;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

CALVERT CLIFFS' COORDINATING COMMITTEE, INC., ET AL.

Filing and Denial of Petition for Rule Making in Light of Pending Rule Making Proceeding

Notice is hereby given that the Calvert Cliffs' Coordinating Committee, Inc., National Wildlife Federation, and The Sierra Club, by letter dated June 29, 1970, have filed with the Commission a petition for rule making to amend the Commission's regulation "Licensing of Production and Utilization Facilities," 10 CFR Part 50.

The petitioners request that the Commission, among other things, amend § 50.109(a) to require "backfitting" of a production or utilization facility (i.e., the addition, elimination, or modification of structures, systems, or components of the facility after the construction permit has been issued) if the Commission finds

that such action will provide additional protection of the environment.

The petitioners also request that the Commission add a new Appendix F to Part 50 to implement the National Environmental Policy Act of 1969 with respect to nuclear power plants for which construction permits have been issued without prior consideration of environmental factors by the Commission, providing as follows:

1. Upon the request of any interested party the Commission shall immediately issue to any holder of a construction permit who has not received a facility operating license, an order to show cause why the permit should not be suspended pending a full investigation of the environmental impact of the proposed facility or facility modification.

2. The Commission shall suspend the construction permit where it finds that full and complete examination of the environmental impact of the facility has not been conducted in accordance with the National Environmental Policy Act.

3. With respect to all facilities for which construction permits have been issued, but for which operating licenses have not been issued, the Commission shall require the applicant to submit as soon as possible the environmental reports required by paragraph 1 of Appendix D of Part 50 without awaiting application for an operating license, and shall apply the requirements of paragraphs 3 and 4 of Appendix D to such reports.

4. The Commission shall, with respect to such facilities, conduct the environmental studies and prepare the environmental reports required by the National Environmental Policy Act and by the Interim Guidelines published by the Council on Environmental Quality on May 12, 1970, and expedite the preparation of the studies and reports required.

5. Whether or not the Commission has suspended the construction permit of the facility, it shall require modification of the construction permit and of the facility, or if necessary revocation of the permit, in order to protect the environment to the greatest extent practicable as indicated by the environmental studies with respect to the facility.

6. The regulations shall be interpreted in light of the Congressional purpose stated in the National Environmental Policy Act which requires that full consideration be given to environmental factors at the earliest possible time in order to permit maximum implementation of environmentally desirable alternatives.

The petition also requests the Commission to order Baltimore Gas and Electric Co. to prepare and submit with respect to the Calvert Cliffs Nuclear Power Plant, the environmental statement required by the National Environmental Policy Act (NEPA) and by Commission regulations, to begin immediately the environmental studies required by NEPA with respect to the Calvert Cliffs Plant to determine if any modifications are required and to issue an order to show cause to Baltimore Gas and Electric Co., pursuant to § 2.202 of 10 CFR Part 2, why the con-

struction permit issued on July 2, 1969, for the Calvert Cliffs Plant should not be suspended pending investigation of environmental factors.

The petition for rule making raises substantial questions relating to the Commission's exercise of its responsibilities under the National Environmental Policy Act. The Commission is presently conducting a rule making proceeding, initiated by a notice of proposed rule making published in the FEDERAL REGISTER on June 3, 1970 (35 F.R. 8594), for the revision of Appendix D to Part 50, the statement of general policy which indicates how the Commission will exercise its responsibilities under NEPA. The proposals and comments made in the subject petition for rule making are germane to the subject of that rule making proceeding, as the petitioners in their supporting memorandum recognize in stating that to the extent the petition requires amendment of Appendix D, it should be treated as a comment thereon.

In light of the foregoing, the Commission deems it unnecessary to initiate a further, separate, rule making proceeding in respect to matters related to amendment of Appendix D. The Commission will consider carefully, and address itself to, the matters raised by the petition for rule making in the current rule making proceeding to amend Appendix D of Part 50. A copy of the petition has been placed in the file relating to that proceeding and is available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Accordingly, the petition for rule making filed by the Calvert Cliffs' Coordinating Committee, Inc., National Wildlife Federation, and The Sierra Club is denied. The other requests made by petitioners, relating specifically to action in regard to the Calvert Cliffs Nuclear Power Plant, have been referred to the Director of Regulation. It is expected that the Director of Regulation will take action on these requests following the completion of the rule making proceeding which is presently underway, the outcome of which will determine the action to be taken.

Dated at Germantown, Md., this 27th day of July 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 70-10177; Filed, Aug. 5, 1970;
8:45 a.m.]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Schedule for Hearing

In the matter of Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1).

Notice is hereby given that a hearing in this matter will be held at 10 a.m., local time, on September 21, 1970, in the

Joseph A. Edgar School Auditorium, Route 25A, Rocky Point, Long Island, N.Y.

Dated: July 31, 1970.

ATOMIC SAFETY AND LICENSING BOARD,
JACK M. CAMPBELL,
Chairman.

[F.R. Doc. 70-10178; Filed, Aug. 5, 1970;
8:45 a.m.]

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES

Notice of Availability of Applicant's Environmental Report and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Barnwell Nuclear Fuel Plant, Applicant's Environmental Report" and submitted by the Allied-Gulf Nuclear Services is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. This proceeding involves the application by Allied-Gulf Nuclear Services for a construction permit for the proposed irradiated nuclear fuel reprocessing plant, to be located on property in Barnwell County, S.C., about 7 miles west of the town of Barnwell. A notice of the receipt of the application by the Commission was published in the FEDERAL REGISTER on November 30, 1968 (33 F.R. 17866).

The Commission requests, within 60 days of publication of this notice in the FEDERAL REGISTER, comments on the proposed action and on the Applicant's Environmental Report from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Copies of the Applicant's Environmental Report and the comments thereon of Federal agencies whose comments have been requested by the Commission will be supplied to such State and local agencies upon request addressed to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 22d day of July 1970.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 70-10319; Filed, Aug. 5, 1970;
10:18 a.m.]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.**Notice of Availability of Applicant's Environmental Statement and Request for Comments from State and Local Agencies**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Environmental Statement—Dresden Nuclear Power Station Unit 3" is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the office of the Chairman of the Board of Supervisors, Grundy County Courthouse, Morris, Ill. This proceeding involves the application by Commonwealth Edison Co. for a license to operate the Dresden Nuclear Power Station Unit 3 which is located on the applicant's site in Grundy County, Ill. Provisional Construction Permit No. CPPR-22 authorizing construction of the Dresden Nuclear Power Station Unit 3 was issued by the Commission on October 14, 1966.

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, comments on the proposed action and on the Environmental Statement from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make. Copies of the Environmental Statement and the comments thereon of Federal agencies whose comments have been requested by the Commission will be supplied to such State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 4th day of August 1970.

For the Atomic Energy Commission,

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-10320; Filed, Aug. 5, 1970;
10:18 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20291, 20993; Order 70-7-88]

INTERNATIONAL AIR TRANSPORT ASSOCIATION**Order Regarding Fare and Rate Matters**

Issued under delegated authority July 20, 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 Traffic Conferences 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 the resolutions governing rates of exchange and the transmittable air waybill consignment note by changing the currency symbols for U.S. dollars and pounds sterling form "\$" and "£" to "D" and "L" respectively.

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

CAB Agreement: IATA resolutions

21917:	
R-1	100 (Mail 854) 021b. 200 (Mail 055) 021b. 300 (Mail 343) 021b.
R-2	100 (Mail 854) 021g. 200 (Mail 055) 021g. 300 (Mail 343) 021g. JT12 (Mail 752) 021g. JT23 (Mail 263) 021g. JT31 (Mail 187) 021g. JT123 (Mail 652) 021g.
R-3	100 (Mail 854) 600k 200 (Mail 055) 600k 300 (Mail 343) 600k

Accordingly, it is ordered, That: Action on Agreement CAB 21917, R-1 through R-3, 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. 70-10242; Filed, Aug. 5, 1970;
8:50 a.m.]

[Docket No. 20291; Order 70-7-143]

INTERNATIONAL AIR TRANSPORT ASSOCIATION**Order Regarding Fare Matters**

Issued under delegated authority July 30, 1970.

By Order 70-7-66, dated July 14, 1970, action was deferred, with a view toward eventual approval, on a resolution incorporated in an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement incorporates within the framework of IATA currently effective inclusive tour basing fares for groups of 24, 48, or 96 passengers, traveling between Chicago and Mexico City/Acapulco.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of

or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-7-66 will herein be made final.

Accordingly, it is ordered, That: Agreement CAB 21872 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-10243; Filed, Aug. 5, 1970;
8:50 a.m.]

[Docket No. 20993; Order 70-7-144]

INTERNATIONAL AIR TRANSPORT ASSOCIATION**Order Regarding Specific Commodity Rates**

Issued under delegated authority July 30, 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 unopposed notices to the carriers and promulgated in an IATA letter dated July 21, 1970, names additional specific commodity rates, as set forth in the attachment hereto,¹ which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R-17 through R-19, 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. 70-10244; Filed, Aug. 5, 1970;
8:50 a.m.]

¹ Attachment filed as part of the original document.

CIVIL SERVICE COMMISSION**DEPARTMENT OF DEFENSE****Notice of Grant of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary of Defense (Telecommunications), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-10209; Filed, Aug. 5, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION**Notice of Grant of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Systems Engineering, Office of the Secretary, Office of Assistant Secretary for Systems Development and Technology, Office of Systems Engineering.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-10212; Filed, Aug. 5, 1970; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION**Notice of Title Change in Noncareer Executive Assignment**

By notice of August 16, 1969, F.R. Doc. 69-9708, the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Assistant Administrator for Public Affairs, Federal Aviation Agency. This is notice that the title of this position is now being changed to Director of Public Affairs, Federal Aviation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-10213; Filed, Aug. 5, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION**Notice of Grant of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Communications Commission to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Chairman for Planning, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-10210; Filed, Aug. 5, 1970; 8:48 a.m.]

SELECTIVE SERVICE SYSTEM**Notice of Grant of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Selective Service System to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Selective Service System.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-10211; Filed, Aug. 5, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-95]

ATLANTIC SEABOARD CORP.**Notice of Petition To Amend**

JULY 29, 1970.

Take notice that on July 19, 1970, Atlantic Seaboard Corp. (petitioner), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP70-95 a petition to amend the order of the Commission issued pursuant to section 7 of the Natural Gas Act on February 24, 1970, to authorize an increase in the volumes of natural gas delivered to certain of its customers, and the abandonment of certain natural gas facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that its currently authorized maximum daily deliveries are inadequate to meet the natural gas requirements of its customers and requests an upward revision of the volumetric limitation thereon from the currently

authorized 950,000 Mcf to 957,000 Mcf. Petitioner further states that it proposes to sell 22.6 miles of 20-inch transmission line it originally had proposed to abandon in place.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 18, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10218; Filed, Aug. 5, 1970; 8:48 a.m.]

[Docket No. CP70-197]

COLORADO INTERSTATE GAS CO. ET AL.**Notice of Petition To Amend**

JULY 29, 1970.

Take notice that on July 20, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-197 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder on April 20, 1970, to authorize an increase in the total cost of all authorized facilities to \$4 million, and the single project cost to \$1 million, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the aforementioned order, inter alia, to construct and operate natural gas facilities with the total cost not to exceed \$1 million, and no single project cost to exceed \$250,000. Petitioner states the increase in cost limitation will allow it greater flexibility to act with reasonable dispatch in contracting for and connecting to its transmission system new supplies of natural gas in various areas generally coextensive with said system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 17, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10219; Filed, Aug. 5, 1970;
8:48 a.m.]

[Docket No. RP69-19 etc.]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Motion for Approval of Settlement

JULY 29, 1970.

Dockets Nos. RP69-19, RP70-2, CP67-307, G-1972.

Take notice that on July 29, 1970, Consolidated Gas Supply Corp. (Consolidated) filed a proposed settlement together with a motion requesting that the settlement be approved by the Commission. The settlement would resolve all the issues raised in the proceeding, subject to Commission review and decision as to two provisions of the settlement. In Article III the parties agree to Consolidated's adoption of normalized accounting with respect to liberalized depreciation, instead of flow-through accounting, effective July 1, 1970, only if the Commission specifically expresses acceptance of the change in accounting at the time it approves the settlement. Article VIII of the settlement indicates that Consolidated will accept certificates of public convenience and necessity, beginning with the 1971-72 heating season, imposing volumetric limitations on the maximum daily quantities of gas which Consolidated can sell to its jurisdictional customers, only if the Commission finds, after a review of the evidence submitted and comments made with respect to that issue, that Article VIII prescribes the appropriate method for disposing of that question.

The remaining aspects of the settlement provide for: (1) the refund of \$4,605,585, plus interest, to Consolidated's jurisdictional customers for the period from May 15, 1969, through June 30, 1970, including a refund of \$846,604 associated with the locked-in period in Docket No. RP69-19 extending from May 15, 1969, to January 31, 1970; (2) the filing of rates to track increases and decreases in cost of purchased gas or changes in Federal income tax rates affecting Consolidated's tax liability; (3) the flow through to jurisdictional customers of the appropriate portion of

all refunds, together with interest, received from suppliers under "revenue" and "Mcf" formulas described in the settlement; (4) the revision of Consolidated's FPC Gas Tariff to provide, inter alia, for the measurement of gas deliveries by use of a uniform pressure base, the redesignation of rate zones, and clarification of zone boundary limits; (5) the initiation in zone 5, for purposes of effecting a settlement of a new single-block rate for customers who purchase less than 5,000,000 Mcf of gas per year; and (6) a moratorium stating that Consolidated will not file for an increase in its jurisdictional rates which would become effective prior to July 1, 1971, after suspension, if any, except that it may file to track increases or decreases in cost of purchased gas or Federal income taxes, as hereinbefore indicated.

Copies of the settlement and request for approval thereof were served on all parties to the proceeding, all of Consolidated's jurisdictional customers, and interested State commissions.

Comments relating to the proposed agreement may be filed with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, and served on the parties to this proceeding, on or before August 17, 1970. Answers to comments may be filed and served on or before August 27, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10220; Filed, Aug. 5, 1970;
8:48 a.m.]

[Project No. 1218]

GEORGIA POWER CO.

Notice of Application for New License for Constructed Project

JULY 30, 1970.

Public notice is hereby given that application has been filed under section 15 of the Federal Power Act (16 U.S.C. 808) for a new 50-year license by Georgia Power Co. (correspondence to: I. S. Mitchell, III, Vice President and Secretary, Georgia Power Co., Post Office Box 4545, Atlanta, Ga. 30302) for the continued operation and maintenance of its constructed Flint River Project No. 1218, located on Flint River, in Dougherty and Lee Counties, Ga., near the city of Albany. The project affects navigable waters of the United States.

The project, the present license for which will expire on September 16, 1971, consists of a main dam and integral powerhouse across Flint River and a diversion dam across Muckafoonee Creek about 3,000 feet northwest of the powerhouse. The main and diversion dams are joined by a 2,600-foot long earth dike and a 500-foot long spillway. The project structures on Flint River consist of: (1) A dam 60 feet high and 637 feet long, comprised of a reinforced concrete slab and buttress gated spillway section and a powerhouse intake

section; (2) a short earth dike in the right abutment and (3) a powerhouse integral with the dam, containing three 1,800 kw. generating units and minimal provisions for a fourth unit; project structures on Muckafoonee Creek consist of: (1) A concrete diversion dam comprised of a nonoverflow and sluice section 69 feet long and a gated spillway section 133 feet long and 21 feet high (2) an old powerhouse substructure and (3) an earth dike approximately 383 feet long, 200 feet of which comprise an emergency spillway with crest at elevation 184.7 m.s.l.; and the connecting project facilities from Flint River to Muckafoonee Creek consist of: (1) An earth dike 2,600 feet long; (2) a reservoir, extending approximately 8 miles up Flint River and approximately 2 miles up Muckafoonee Creek, having an area of approximately 1,400 acres; (3) a concrete slab and buttress, free-crest, auxiliary spillway with crest at elevation 182.3 m.s.l. 500 feet long and 15 feet high; and (4) an excavated channel with bed at elevation 169.3 m.s.l. connecting the two arms of the reservoir.

Recreational facilities at the project site have been largely provided by the State and include provisions for fishing, boating, camping, and picnicking. Chehaw State Park, located along the reservoir, provides picnic tables, camp sites, playground areas, and a pavilion. Also located along the reservoir are residential homes, the Southwest Georgia Sportsmen's Club area, an American Legion Golf Course, the Optimists Boys' Club camping area and the Albany U.S. Naval Air Station boat ramp.

According to the application, Georgia Power Co. supplies electric power throughout the greater part of Georgia and interchanges such power with subsidiaries of The Southern Co. in Alabama, Mississippi, and Florida and others by means of physical connections with the transmission systems of each. The Flint River Project is situated near a large load center.

Applicant states that if the project is taken over at the end of the present license term, the 44,038,000 kw.-hr. average annual energy economically produced by the project for applicant's service area for over 45 years must be replaced by more costly energy. Based on January 1970 costs and values, the energy costs would be as follows: Fair value relative to: coal fired steam plant, \$1,830,000; gas fueled combustion units, \$1,880,000; and oil fueled combustion units, \$4,180,000.

Applicant states that the net investment (actual legitimate cost less depreciation) recorded for the project at the end of 1968 is \$1,035,435, and that the estimated net investment projected to the end of 1970 is \$977,585, and will be about \$960,000 at the end of August 1971.

Applicant contends that severance damages in the event of take over would amount to \$3,220,000, based on current oil fuel costs.

Applicant states that the project produces close to \$120,000 annually in tax revenues to Federal, State, and local taxing authorities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 18, 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. 70-10221; Filed, Aug. 5, 1970; 8:48 a.m.]

[Docket No. RI71-88]

ALEXANDER G. KASPAR

Order Providing for Hearings on and Suspension of Proposed Changes in Rate¹

JULY 30, 1970.

The respondent named herein has filed a proposed increased rate and charge of a currently effective rate schedule for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice

and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 14, 1970.

By the Commission,

[SEAL] GORDON M. GRANT,
Secretary.

¹ Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-88	Alexander G. Kaspar, Suite 801, First National Bank Bldg., Midland, Tex. 79701.	(1)		El Paso Natural Gas Co. (J. M. Field, Crockett County, Tex.).	\$1,119	7-2-70	8-2-70	1-2-71	16.5	17.5656	

¹ Pertains to contract dated May 19, 1967. Sale covered under small producer certificate in CS67-100. Pressure base is 14.65 p.s.i.a.

The proposed increase filed by Kaspar, a holder of a small producer certificate for a sale in the Permian Basin area, exceeds the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales under small producer certificates and should be suspended for 5 months from August 2, 1970, the proposed effective date.²

[F.R. Doc. 70-10214; Filed, Aug. 5, 1970; 8:48 a.m.]

[Docket No. CP70-94]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Petition To Amend

JULY 29, 1970.

Take notice that on July 17, 1970, Kentucky Gas Transmission Corp. (petitioner), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP70-94 a petition to amend the order of the Commission issued pursuant to section

² Producers operating under small producer certificates are permitted to file above ceiling rate increases in the Permian Basin area without submitting rate schedules as a result of Order No. 394 issued January 6, 1970. Where the words "supplement" or "rate schedule" appear in this order, they refer to the notice of change in rate filed by the small producer herein.

7(c) of the Natural Gas Act on February 24, 1970, to authorize an increase in the maximum daily deliveries to its jurisdictional customers to 759,200 Mcf of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the aforementioned order, inter alia, to make maximum daily deliveries to its jurisdictional customers of 750,500 Mcf, and states the increased level of natural gas service is necessary to meet the increased natural gas requirements of its customers for the 1970-71 heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 17, 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 peti-

tion to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10222; Filed, Aug. 5, 1970; 8:49 a.m.]

[Docket No. CP70-97]

MANUFACTURERS LIGHT AND HEAT CO. AND HOME GAS CO.

Notice of Petition To Amend

JULY 29, 1970.

Take notice that on July 19, 1970, The Manufacturers Light and Heat Co. (Manufacturers) and Home Gas Co. (Home), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP70-97 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on June 19, 1970, to authorize increased deliveries of natural gas to six of their existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Manufacturers proposes to increase daily deliveries to Elizabethtown Gas Co. from 6,600 Mcf to 7,600 Mcf, Penn Fuel Gas Cos. from 22,875 Mcf to 25,375 Mcf and Columbia Gas of West Virginia,

Inc., to 136,800 Mcf, Home proposes to increase daily deliveries to Columbia Gas of New York, Inc., from 106,800 Mcf to 107,800 Mcf, Central Hudson Gas and Electric Corp. from 13,000 Mcf to 14,000 Mcf, and Orange and Rockland Utilities, Inc., from 37,800 Mcf to 39,400 Mcf. All six of these proposed increases are intended to become effective on November 1, 1970, and petitioners state that the increased deliveries are necessary to serve the increased requirements of these six customers during the 1970-71 heating season and that said increases totaling 8,500 Mcf can be served from presently authorized capacity.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 18, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10223; Filed, Aug. 5, 1970;
8:49 a.m.]

[Docket No. CP71-18]

NEW ENGLAND LNG CO., INC.

Notice of Application

JULY 30, 1970.

Take notice that on July 23, 1970, New England LNG Co., Inc. (applicant), 95 East Merrimack Street, Lowell, Mass. 01853, filed in Docket No. CP71-18 an application pursuant to section 7(c) of the Natural Gas Act for an order of the Commission granting authority to sell and deliver liquefied natural gas (LNG) for resale by distributing companies in New England.

Applicant proposes to purchase LNG from suppliers which now own LNG liquefaction capacity and which have LNG for sale. The LNG will be transported and delivered to customer distributing companies' facilities by over-the-road, cryogenic tanker semitrailers operated by an affiliated, authorized motor carrier under the regulatory jurisdiction of the Interstate Commerce Commission. The application and accompanying Exhibits disclose that applicant proposes to obtain from Philadelphia Gas Works Division of UGI Corp. (a "municipality" as defined in section 2(3) of the Act) between April 1 and November 1 of the following years the following volumes of LNG: 1970—85,000 barrels,¹ 1971—90,000

¹ 1 Bbl.=42 gallons or 3.47 Mcf (1,034 B.t.u.).

barrels, 1972—95,000 barrels at a price of 85 cents per Mcf equivalent f.o.b. Philadelphia. Applicant proposes to deliver an equivalent volume to three named distributing companies located in Rhode Island, Connecticut, and Maine.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 24, 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. 70-10224; Filed, Aug. 5, 1970;
8:49 a.m.]

[Docket No. CP71-15]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 29, 1970.

Take notice that on July 20, 1970, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP71-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the adjustment and realignment of contract demand and the initiation and adjustment of certain firm industrial natural gas service for certain of its customers commencing October 27, 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to realign contract demand by community to allow its utility customers to achieve maximum utiliza-

tion of presently authorized service, and to adjust and initiate certain firm industrial service from existing volumes of contract demand. Applicant also proposes that the Commission amend its orders issued in Dockets Nos. G-17485, G-17486 et al., on July 31, 1959, and Docket No. CP64-255 (Phase I) on December 21, 1964, in order that applicant may accomplish the proposed realignment of contract demand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 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. 70-10225; Filed, Aug. 5, 1970;
8:49 a.m.]

[Docket No. CP70-96]

OHIO FUEL GAS CO.

Notice of Petition To Amend

JULY 30, 1970.

Take notice that on July 19, 1970, The Ohio Fuel Gas Co. (petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP70-96 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on February 24, 1970, to authorize the increased sale of natural gas to certain of its existing customers, construction and operation of minor facilities therefor, and retirement of a small segment of pipeline proposed herein to be replaced, all as more fully set forth in the petition to amend which is on file

with the Commission and open to public inspection.

Petitioner proposes to increase quantities of natural gas sold to the Cincinnati Gas and Electric Co. from 105,800 Mcf to 108,500 Mcf, to Columbia Gas of Ohio, Inc., from 2,219, 400 Mcf to 2,200,500 Mcf, and to the city of Lancaster from 22,668 Mcf to 23,950 Mcf. Applicant further proposes to construct 2.1 miles of 12 $\frac{3}{4}$ -inch O.D. transmission line in Sandusky County, Ohio, replacing a section of 8 $\frac{1}{2}$ -inch line.

The total estimated cost of the proposed facilities is \$480,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 18, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-10226; Filed, Aug. 5, 1970;
8:49 a.m.]

[Docket No. CS70-50 etc.]

UNUM, INC., ET AL.

Notice of Applications for "Small Producer" Certificates¹

JULY 30, 1970.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and §157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 14, 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

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. 1	Date filed	Name of applicant
CS70-50..	6-30-70	Unum, Inc., Post Office Box 22763, Houston, Tex. 77027.
CS70-51..	5-11-70	Explor Co., 238 Western United Life Bldg., Midland, Tex. 79701.
CS71-1...	7-6-70	George F. Thagard, Jr., c/o Robert A. Robinson, Accountant, 2320 First City National Bank Bldg., Houston, Tex. 77002.
CS71-2...	7-6-70	George F. Thagard, Jr., Trustee, c/o Robert A. Robinson, Accountant, 2320 First City National Bank Bldg., Houston, Tex. 77002.

[F.R. Doc. 70-10228; Filed, Aug. 5, 1970;
8:49 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, notice is given that at its meeting on May 5, 1970, the Committee suspended, for the period from the opening of business May 5, 1970, until the close of business May 26, 1970, the provision of paragraph 1(a) of the continuing authority directive limiting changes in System Account holdings of U.S. Government securities between meetings of the Committee to \$2 billion.

NOTE: For paragraph 1 of the directive, see 32 F.R. 9584; for paragraph 2, see 35 F.R. 9297; for paragraph 3, see 35 F.R. 447; and for the remainder, see 32 F.R. 9584.

By order of the Federal Open Market Committee, July 30, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-10179; Filed, Aug. 5, 1970;
8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 5, 1970.¹

The information reviewed at this meeting indicates that real economic activity weakened further in the first quarter of 1970. Growth in personal income, however, is being stimulated in the second quarter by the enlargement of social security benefit payments and the Federal pay raise. Prices and costs generally are continuing to rise at a rapid pace, although some components of major price indexes recently have shown moderating tendencies. Most market interest rates have risen sharply in recent weeks as a result of heavy demands for funds, possible shifts in liquidity preferences, and the disappointment of earlier expectations regarding easing of credit market conditions. Prices of common stocks have declined markedly since early April. Attitudes in financial markets generally are being affected by the expansion of military operations in Southeast Asia and by concern about the success of the Government's anti-inflationary program. Both bank credit and the money supply rose substantially from March to April on average, although during the course of April bank credit leveled off and the money supply receded sharply from the end-of-March bulge. The over-all balance of payments was in considerable deficit during the first quarter. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee desires to see moderate growth in money and bank credit over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining bank reserves and money market conditions consistent with that objective, taking account of the current Treasury financing: *Provided, however*, That operations shall be modified as needed to moderate excessive pressures in financial markets, should they develop.

By order of the Federal Open Market Committee, July 30, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-10180; Filed, Aug. 5, 1970;
8:45 a.m.]

SOCIETY CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Society Corp., Cleveland, Ohio, for approval of acquisition of 100 percent (less directors' qualifying shares) of the voting shares of The Erie County Bank, Vermilion, Ohio.

¹ The Record of Policy Actions of the Committee for the meeting of May 5, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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 Society Corp., Cleveland, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of The Erie County Bank, Vermilion, Ohio (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Ohio Superintendent of Banks and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 29, 1970 (35 F.R. 8460), 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, the second largest bank holding company and the fifth largest banking organization in Ohio, controls six banks with aggregate deposits of \$959 million, representing slightly less than 5 percent of the commercial bank deposits in the State. (All banking data are as of Dec. 31, 1969, and reflect holding company actions approved by the Board to date). Bank (\$26 million deposits) is headquartered in Vermilion, 40 miles west of Cleveland, and operates four offices in two markets: In the Lorain market (Lorain County and the city of Vermilion), Bank, with two offices, is the smallest of eight banks, controlling slightly more than 3 percent of the commercial bank deposits in that market; in the Erie market (Erie County other than the city of Vermilion), Bank, with two offices, is the fifth largest of six banks, controlling 8 percent of the commercial bank deposits in that market.

Applicant's closest subsidiary has a branch office located 24 miles west of Bank, with the city of Sandusky intervening, and there appears to be no significant existing competition between Bank and any of Applicant's subsidiaries. Nor does it appear likely that such competition would develop because of the distances between Applicant's present subsidiaries and Bank, the presence of competitive alternatives in the intervening areas, and Ohio law which restricts branching to the home office county of each bank. Although Bank could branch into the eastern portion of Lorain County

(a suburb of Cleveland which is served by Applicant's principal subsidiary bank), such action appears unlikely because of the size of Bank and the presence in that area of numerous offices of larger institutions.

Based upon the foregoing, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area. Considerations relating to financial and managerial resources and future prospects are regarded as consistent with approval as they relate to Applicant and its subsidiaries, and, as they relate to Bank, lend weight in support of such action, since Applicant plans to inject additional capital and to continue to provide management assistance. As far as the convenience and needs of the communities concerned, on consummation of the acquisition, Applicant plans to offer fiduciary, international, and investment advisory services not presently available from Erie County banks. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered. For the reasons set forth in the 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 time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,
July 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-10236; Filed, Aug. 5, 1970;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 72]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

JULY 31, 1970.

The following applications are governed by Special Rule 247² of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, and Maisel. Absent and not voting: Governors Brimmer and Sherrill.

² Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 2900 (Sub-No. 201), filed July 6, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk,

household goods as defined by the Commission, classes A and B explosives, and commodities requiring the use of special equipment, over service route: (a) Between Charlotte, N.C., and Baxley, Ga., from Charlotte, N.C., over U.S. Highway 21 to Rock Hill, S.C., thence over South Carolina Highway 121 to junction U.S. Highway 25 and South Carolina Highway 121, thence over U.S. Highway 25 to junction U.S. Highway 25 and 1, thence over U.S. Highway 1 to Baxley, Ga., and return over the same route, serving the Edwin I. Hatch Nuclear Plant north of Baxley, Ga., as an intermediate point and serving Wrens, Ga., for joinder purposes only; and (b) between Dublin and Baxley, Ga., from Dublin, Ga., over U.S. Highway 441 to Interstate Highway 16, thence over Interstate Highway 16 to Georgia Highway 29, thence over Georgia Highway 29 via Soperton, Ga., to U.S. Highway 280, thence over U.S. Highway 280 to Lyons, Ga., thence over U.S. Highway 1 to Baxley, Ga., and return over the same route, serving the Edwin I. Hatch Nuclear Plant north of Baxley, Ga., as an intermediate point.

Over alternate routes: (1) Between Gainesville and Branford, Fla., over U.S. Highway 27 to Branford, Fla., and return over the same route serving Branford for joinder purposes only as an alternate route for operating convenience only; (2) between Gainesville and Palatka, Fla., over Florida Highway 20, as an alternate route for operating convenience only; (3) between Palatka and St. Augustine, Fla., over Florida Highway 207, as an alternate route for operating convenience only; (4) between Atlanta and Monroe, Ga., from Atlanta over Interstate Highway 20 to Conyers, Ga., thence over Georgia Highway 138 to Monroe, Ga., and return over the same route, as an alternate route for operating convenience only; and (5) between Greenville, S.C., and Wrens, Ga., from Greenville, S.C., over U.S. Highway 25 to Greenwood, S.C., thence over U.S. Highway 221 to Wrens, Ga., and return over the same route, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Jacksonville, Fla., or Washington, D.C.

No. MC 3717 (Sub-No. 8), filed June 29, 1970. Applicant: INTERSTATE REFRIGERATED FOODS, INC., 3540 South Lawrence Street, Philadelphia, Pa. 19148. Applicant's representative: Alfred N. Lowenstein, 1540 Philadelphia Savings Fund Society Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, and meat products*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and/or cold storage facilities of Penn Packing Co., in Philadelphia, Pa., to Bridgeport, Hartford, and New Haven, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 8973 (Sub-No. 18), filed June 30, 1970. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnel Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, plastic articles, paving materials, materials, and supplies* used in the manufacture of plastic articles and building materials (except those in bulk, and those which because of size and weight require the use of special equipment); (1) between points in New Jersey north of the Raritan River and west of U.S. Highway 202, New York, N.Y.; points in Nassau, Westchester, and Rockland Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia, and (2) between Jamesburg, N.J., and points in New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 9789 (Sub-No. 13) (Correction), filed June 29, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, republished as corrected this issue. Applicant: THOMAS C. DYER, INC., North 322 Eastern Road, Spokane, Wash. 99206. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size or weight require special handling or the use of special equipment and commodities which do not require special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith between points in Washington, Oregon, Idaho, Utah, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. The purpose of this republication is to include "and commodities which do not require special equipment" in (1) above. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Ore.

No. MC 14702 (Sub-No. 30), filed July 17, 1970. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, between Lancaster, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and Michigan. NOTE: Applicant states that the requested

authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 29120 (Sub-No. 118), filed July 17, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Mead Bailey, 1500 Industrial Avenue, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tire supplies*, from Dayton, Ohio, to Sioux Falls, S. Dak. NOTE: Applicant states that the requested authority can be tacked at Sioux Falls, S. Dak., MC 29120 and Subs. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 30844 (Sub-No. 329), filed July 17, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials, supplies, and products* used in or produced by the food processing industry (except in bulk, or commodities which because of size or weight require the use of special equipment); (1) between Springdale, Ark., on the one hand, and, on the other, points in Missouri, Iowa, Illinois, Kentucky, Kansas, Nebraska, Oklahoma, Colorado, New Mexico, Arizona, California, and points in Texas, west of U.S. Highway 281; and (2) between Lawton, Mich., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, Kansas, Nebraska, Arkansas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 31389 (Sub-No. 130) (Clarification), filed July 1, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, and republished, as clarified, this issue. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McNerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities in bulk); and (2) *Government-owned compressed gas trailers*, empty or loaded with compressed gases other than liquefied petroleum gas; serving the plant and storage

facilities of Boise-Southern Co. as an off-route point in connection with McLean's regular-route between Lake Charles, La., and Shreveport, La., at Sheet No. 7 of Herrin Transportation Co. Certificate No. MC-1124. NOTE: Herrin Transportation Co. was merged into McLean Trucking on October 1, 1968, pursuant to Commission order in No. MC-C-10121, reissuance of the Herrin authority in the name of McLean is in the process of being completed. The purpose of this republication is to clarify the authority sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 33037 (Sub-No. 14), filed July 16, 1970. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, from White Cloud, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 35320 (Sub-No. 120), filed July 13, 1970. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408. Applicant's representatives: W. D. Benson, Post Office Box 6723, Lubbock, Tex. 79413, and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. 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, ammunition, and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, livestock, those injurious or contaminating to other lading, sand, gravel, coal, and those requiring special equipment); (a) between Memphis, Tenn., and Dallas, Tex., from Memphis, Tenn., over U.S. Highway 70 (also Interstate Highway 40) to Little Rock, Ark., thence over U.S. Highway 67 (also over Interstate Highway 30) to Dallas, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's presently authorized routes; and (b) between Atlanta, Ga., and Dallas, Tex., from Atlanta, Ga., over U.S. Highway 78 (also Interstate Highway 20) to Birmingham, Ala., thence over U.S. Highway 11 (also over Interstate Highway 20) to Meridian, Miss., thence over U.S. Highway 80 (also over Interstate Highway 20) to Dallas, Tex., and return over the same routes, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's presently authorized routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Memphis, Tenn., or any place convenient to the Commission.

No. MC 35358 (Sub-No. 23), filed July 15, 1970. Applicant: BERGER TRANSFER AND STORAGE, INC., 3720 Macalster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated store, school, hospital, and industrial furniture, cabinets, fixtures, sinks, and tops*, from Geneva, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking is possible, but applicant knows of no present traffic subject to transportation over the tacking point. Applicant further states that tacking is possible with its present authority in MC 35358 Subs 1, 11, 15, and 16. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 40915 (Sub-No. 21), filed July 16, 1970. Applicant: BOAT TRANSPORT, 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: *Lighting and electrical fixtures, equipment, and supplies*, from the plantsite and warehouse facilities of Lithonia Lighting, Conyers, Ga., to points in Arizona, California, Colorado, Iowa, Kansas, Nebraska, New Mexico, Oregon, Utah, and Washington, and *returned shipments*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Los Angeles, Calif.

No. MC 40915 (Sub-No. 23), filed July 16, 1970. Applicant: BOAT TRANSPORT, INC., Post Office Box 1403, Newport Beach, Calif. 92663. 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: (1) *Fiberglass bathtubs and shower bathstalls*, from Santa Ana, Calif., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and *returned shipments*, on return; and (2) *fiberglass roving*, from Anderson, S.C., to Santa Ana, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 41406 (Sub-No. 27), filed July 20, 1970. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representatives: Ferdinand Born and Walter E. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Iron and steel and iron and steel articles*; (1) from Danville, Sterling, Peotone, Peoria, Havana, Alton, Granite City, Madison, and East St. Louis, Ill., to points and places in the Lower Peninsula of Michigan; and (2) from Detroit and Albion, Mich., to points in Illinois and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states the purpose of this application is to eliminate gateways and enable operations over more direct routes. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 41706 (Sub-No. 11), filed July 9, 1970. Applicant: TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. 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); (1) between Phillipsburg, N.J., and Hackettstown, N.J., serving all intermediate points, from Phillipsburg, N.J., over U.S. Highway 22 to junction New Jersey Highway 24, junction over New Jersey Highway 24 to junction New Jersey Highway 519, thence over New Jersey Highway 519 to Bridgeville, thence over U.S. Highway 46 to Hackettstown, and return over the same routes; (2) between Hackettstown, N.J., and Tranquility, N.J., serving all intermediate points, from Hackettstown, N.J., over New Jersey Highway 517 to Cranberry Lake, thence northwest over unnumbered highway to Tranquility, N.J., and return over these same routes; (3) between Hackettstown, N.J., and Easton, Pa., serving all intermediate points, from Hackettstown, N.J., south over New Jersey Highway 57 to junction New Jersey Highway 24, thence over New Jersey Highway 24 and U.S. Highway 22 to Easton, Pa., and return over the same routes;

(4) Between the intersection of U.S. Highway 22 and New Jersey Highway 523, at or near White House Station, N.J., and Phillipsburg, N.J., serving all intermediate points and the off-route point of Bloomsbury, N.J., from the intersection of U.S. Highway 22 and New Jersey Highway 523, at or near White House Station, N.J., over U.S. Highway 22 to Still Valley, N.J., thence over U.S. Highway 78 to junction alternate U.S. Highway 22, thence over alternate U.S. Highway 22 to Phillipsburg, and return over these same routes; (5) between Phillipsburg, N.J., and intersection U.S. Highway 22 and New Jersey Highway 523, at or near White House Station, serving all intermediate points and the off-route point of Riegelsville, N.J., from Phillipsburg over alternate U.S. Highway 22 to junction New Jersey Highway 519, thence over New Jersey Highway 519 to Milford, N.J., thence over New Jersey Highway 29 to Frenchtown, N.J., thence over New

Jersey Highway 12 to Flemington, N.J., thence over New Jersey Highway 523 to junction U.S. Highway 22, and return over these same routes; (6) between Buttzville, N.J., and intersection of New Jersey Highway 31 and New Jersey Highway 523, serving all intermediate points and the off-route point of High Bridge, N.J., from Buttzville, N.J., over New Jersey Highway 31 to junction New Jersey Highway 523, near Flemington, N.J., and return over these same routes; (7) between Hackettstown, N.J., and intersection of New Jersey Highway 523 and U.S. Highway 22, at or near White House Station, N.J., serving all intermediate points; from Hackettstown, N.J., south over New Jersey Highway 57 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to junction New Jersey Highway 517, at or near Long Valley, N.J., thence over New Jersey Highway 517 to junction U.S. Highway 78, thence over New Jersey Highway 523 to junction U.S. Highway 22, at or near White House Station, N.J., and return over the same routes;

(8) Between Flemington, N.J., and Hillsboro, N.J., serving all intermediate points, from Flemington, N.J., over New Jersey Highway 514 Spur to junction New Jersey Highway 514, thence south over New Jersey Highway 514 to Reaville, N.J., thence east over New Jersey Highway 514 to Woods Tavern, N.J., thence south on U.S. Highway 206 to Hillsboro, N.J., and return over these same routes; (9) between Woods Tavern, N.J., and Chester, N.J., serving all intermediate points, from Woods Tavern, N.J., over U.S. Highway 206, via Peapack, N.J., to junction New Jersey Highway 513, thence over New Jersey Highway 513 to Chester, N.J., and return over these same routes; (10) between Chester, N.J., and intersection of New Jersey Highway 31 and New Jersey Highway 513, serving all intermediate points, from Chester over New Jersey Highway 24 to Long Valley, N.J., thence over New Jersey Highway 513, via High Bridge, N.J., to junction New Jersey Highway 31, and return over these same routes; (11) between the intersection of U.S. Highway 22 and New Jersey Highway 523, at or near White House Station, and the intersection of U.S. Highway 22 and U.S. Highway 206, near Raritan, N.J., serving all intermediate points, from the intersection of U.S. Highway 22 and New Jersey Highway 523, at or near White House Station, thence over U.S. Highway 22 to the intersection of U.S. Highway 22 and U.S. Highway 206, near Raritan, N.J., and return over these same routes. Note: Applicant also possesses irregular route authority (MC-F-9335) to serve the points in issue. By reason of this application it intends to obviate the necessity to observe the gateway which must now be adhered to in rendering service at points on the proposed routes. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 42487 (Sub-No. 751), filed July 13, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION

OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Oreg. 97208. 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 Klamath Falls, Oreg., and Winnemucca, Nev., from Klamath Falls, over Oregon Highway 140 to the Oregon-Nevada State line, thence over Nevada Highway 140 (formerly Nevada Highway 8A) to junction U.S. Highway 95, thence over U.S. Highway 95 to Winnemucca, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Klamath Falls, Oreg., and Winnemucca, Nev., from Klamath Falls over Oregon Highway 39 to Oregon-California State line, thence over California Highway 139 to junction California Highway 299 (at or near Canby, Calif.), thence over California Highway 299 to junction unnumbered California Highway at Cedarville, Calif., thence southerly over unnumbered California Highway via Eagleville, Calif., to the California-Nevada State line, thence over Nevada Highway 81 to junction Nevada Highway 34 at Gerlach, Nev., thence over Nevada Highway 34 to junction Nevada Highway 48 (3 miles south of Gerlach), thence over Nevada Highway 48 to junction Nevada Highway 49, thence over Nevada Highway 49 to Winnemucca, and return over the same route, serving the intermediate point of Gerlach, Nev., for purpose of joinder only, as an alternate route for operating convenience only;

(3) Between Klamath Falls, Oreg., and Winnemucca, from Klamath Falls, Oreg., to Cedarville, Calif., via the route described in (2) above, thence via California Highway 299 to the California-Nevada State line, thence via Nevada Highway 8A to junction Nevada Highway 34 (at or near Vya, Nev.), thence via Nevada Highway 34 to Gerlach, Nev., thence to Winnemucca as described in (2) above, and return over the same route, serving the intermediate point of Gerlach, Nev., for purpose of joinder only, as an alternate route for operating convenience only; (4) between Gerlach, Nev., and the junction of Nevada Highway 34 and Interstate Highway 80 at or near Wadsworth, Nev., over Nevada Highway 34, serving no intermediate points, and service at termini for purpose of joinder only, as an alternate route for operating convenience only; (5) between Gerlach and Lovelock, Nev., from Gerlach over Nevada Highway 34 to junction Nevada Highway 48 (3 miles south of Gerlach), thence over Nevada Highway 48 and Nevada Highway 49 via Trego and Scossa, Nev., to Lovelock, and return over the same route, serving no intermediate points, with service at Gerlach for purpose of joinder only, as an alternate route for operating convenience only; (6) between Battle Mountain and Las Vegas, Nev., from Battle

Mountain over Nevada Highway 8A to junction U.S. Highway 50 at Austin, Nev., thence over U.S. Highway 50 to junction Nevada Highway 8A (12 miles east of Austin), thence over Nevada Highway 8A to junction U.S. Highway 6, near Tonopah, Nev., thence over U.S. Highway 6 to Tonopah, thence over U.S. Highway 95 to Beatty, Nev., thence over U.S. Highway 95 to Las Vegas, and return over the same route, serving no intermediate points but serving Beatty, Battle Mountain, Tonopah, and Las Vegas, Nev., for purpose of joinder only, as an alternate route for operating convenience only.

(7) Between the junction of U.S. Highway 395 and U.S. Highway 66 (near Cajon, Calif.) and Beatty, Nev.; (a) from junction U.S. Highways 395 and 66 (near Cajon, Calif.) over U.S. Highway 395 to its junction with unnumbered California Highway near Red Mountain, Calif., thence over unnumbered California Highway via Trona, Calif., to junction California Highway 190, at Emigrant Junction, Calif., thence over California Highway 190 to the California-Nevada State line, thence over Nevada Highway 58 to Beatty, and return over the same route; (b) from junction U.S. Highways 395 and 66 (near Cajon, Calif.), over U.S. Highway 395 to junction California Highway 178, at Inyokern, Calif., thence over California Highway 178 and unnumbered California Highway via Trona, Calif., to junction California Highway 190 at Emigrant Junction, thence over route described in (7)(a) above, and return over the same route; (c) from junction U.S. Highways 395 and 66 (near Cajon), over U.S. Highway 395 to junction California Highway 190, at Olancha, Calif., thence over California Highway 190 to the California-Nevada State line, thence over Nevada Highway 58 to Beatty, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only, in connection with 7 (a) through (c), as alternate routes for operating convenience only;

(8) Between the junction of U.S. Highway 395 and U.S. Highway 66 (near Cajon, Calif.), and Coaldale, Nev., from the junction of U.S. Highways 395 and 66 (near Cajon), over U.S. Highway 395 to junction U.S. Highway 6, at Bishop, Calif., thence over U.S. Highway 6 to Coaldale, and return over the same route, serving no intermediate points, but serving Basalt and Coaldale, Nev., for the purpose of joinder only, as an alternate route, for operating convenience only; (9) between Basalt, Nev., and junction Nevada Highway 10 and U.S. Highway 95, from Basalt over U.S. Highway 6 to junction Nevada Highway 10 (approximately 1 mile west of Basalt), thence over Nevada Highway 10 to junction U.S. Highway 95, and return over the same route, serving no intermediate points and serving Basalt for purpose of joinder only, as an alternate route for operating convenience only; (10) between Wadsworth, and Fallon, Nev., over alternate U.S. Highway 95 (via Hazen), serving no intermediate points, and serving the termini for purpose of joinder only, as an alternate route for operating convenience

only; (11) between the junction of Interstate 80 and U.S. Highway 95 and Coaldale, Nev., over U.S. Highway 95, serving no intermediate points, and serving Coaldale, for purpose of joinder only, as an alternate route for operating convenience only; (12) between Coaldale and Tonopah, Nev., over U.S. Highway 6 serving no intermediate points, and serving the termini for purpose of joinder only, as an alternate route for operating convenience only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 42487 (Sub-No. 752), filed July 13, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Post Office Box 3062, Portland, Ore. 97208. 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) from Bakersfield, Calif., over California Highway 58 to Barstow, Calif., and return over the same route; (2) from Bakersfield, Calif., over California Highway 58 to its junction with California Highway 14 at or near Mojave, Calif., thence southerly over California Highway 14 to its junction with California Highway 138 at or near Palmdale, Calif., thence southeasterly over California Highway 138 to its junction with U.S. Highway 395, thence over U.S. Highway 395 to San Bernardino, Calif., and return over the same route; (3) from Bakersfield, Calif., over California Highway 58 to its junction with U.S. Highway 395 at or near Beechers Corners, Calif., thence southerly over U.S. Highway 395 to San Bernardino, Calif., and return over the same route, as an alternate route for operating convenience only in (1), (2), and (3) above, serving no intermediate points, in connection with carriers presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 51146 Sub-No. 164) (Amendment), filed June 18, 1970, published in the FEDERAL REGISTER issue of July 16, 1970, amended and republished as amended, this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and 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: *Plywood and plywood products, plywood and plywood products combined with veneer and plastics, paneling, doors, wood products, composition wood, and composition wood products, and sash*, from Merrill and New London, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Flor-

ida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *returned shipments of the above-specified commodities, and equipment, materials, and supplies used in the manufacturer and distribution of the commodities described in the paragraph above, except commodities in bulk, in tank vehicles, from points in the District of Columbia and points in the above-named destination States, to Merrill and New London, Wis.* NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. The purpose of this republication is to add New London, Wis., as an additional origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 168), filed July 17, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, paper, and paper products, and products produced or distributed by manufacturers and converters of paper and paper products*; and (2) *materials and supplies used in the manufacture and distribution of the foregoing commodities (except commodities in bulk)*, between points in Allegan, Kalamazoo, and St. Joseph Counties, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51603 (Sub-No. 3), filed June 22, 1970. Applicant: REESE TRUCK LINE INCORPORATED, Highway 24 Bypass, Centerville, Miss. 39631. Applicant's representative: John A. Crawford, 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. 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, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Centerville, Miss., and the Mississippi-Louisiana State line, from Centerville to McComb, Miss., over Mississippi State Highways 24 and 48, thence from McComb to the Mississippi-Louisiana State line over U.S. Highway 51 and/or Inter-

state Highway 55, and return over the same routes, serving all intermediate points and serving the off-route point of Summit, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at McComb or Centerville, Miss.

No. MC 55889 (Sub-No. 35), filed July 17, 1970. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Avenue, Washington, D.C. 20004, and Kenneth A. Roberts, 1026 17th 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, commodities requiring special equipment, and those injurious or contaminating to other lading), between Brewton, Ala., and Montgomery, Ala., from Brewton over U.S. Highway 31 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 55898 (Sub-No. 43), filed July 17, 1970. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Hester Road, Lebanon, N.H. 03766. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Room 510, Manchester, N.H. 03101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plywood*, from North Stratford, N.H., to points in Indiana, Illinois, Ohio, Wisconsin, Pennsylvania, Michigan, Kentucky, Virginia, and West Virginia; and (2) *lumber*, from Berlin, N.H., to points in Indiana, Illinois, Ohio, Wisconsin, Pennsylvania, Michigan, Kentucky, Virginia, and West Virginia. NOTE: Applicant states in (1) above it will tack at North Stratford, N.H., and in (2) above it will tack at Berlin, N.H. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., Montpelier, Vt., or Boston, Mass.

No. MC 61592 (Sub-No. 181), filed July 20, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Twine*, from Duluth, Minn.; Milwaukee, Wis.; and New Orleans, La.; to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Wisconsin, South Dakota, Michigan, Indiana, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 62181 (Sub-No. 12), filed June 29, 1970. Applicant: JOHN HENNES TRUCKING COMPANY, a corporation, Post Office Drawer 10H, 320 South 19th, Milwaukee, Wis. 53201. Applicant's representative: William C. Dineen, 701 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestressed, and preformed concrete products*, from the plantsites of Hufschmidt Engineering Co., at Sussex, Menomonee Falls, and Janesville, Wis., to points in Illinois, Indiana, and Michigan, restricted to traffic originating at said origin points and destined to said destination States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 111868, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 64832 (Sub-No. 3), filed July 20, 1970. Applicant: MAGNOLIA TRUCK LINE, INC., 3097 Fontaine Road, Memphis, Tenn. 38116. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39205. 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 Memphis, Tenn., and Alexandria, La., from Memphis over U.S. Highway 61 to Natchez, Miss.; thence over U.S. Highway 84 to junction Louisiana Highway 8; thence over Louisiana Highway 8 to junction U.S. Highway 165; thence over U.S. Highway 165 to Alexandria, and return over the same route, serving all intermediate points between Alexandria and Natchez, and serving all intermediate points on U.S. Highway 61 between Vicksburg and Natchez, including Vicksburg and Natchez; and (2) between Natchez, Miss., and Natchez, Miss., in a circuitous manner as follows: From Natchez over U.S. Highway 61 to Woodville; thence over Mississippi Highway 24 to Centerville; thence over Mississippi Highway 33 to junction U.S. Highway 98; thence over U.S. Highway 98 to Meadville; thence return from Meadville over U.S. Highway 98 to Natchez, serving all intermediate points, and the off-route point of Bude, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Natchez, Miss., or Memphis, Tenn.

No. MC 65802 (Sub-No. 45) (Amendment), filed May 15, 1970, published in the FEDERAL REGISTER issue of June 18, 1970, amended July 10, 1970, as republished amended this issue. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, cement in sacks, cement products, lumber, heavy machinery, and commodities* which because of size or weight require the use of special equipment, between points in Whatcom County, Wash., including ports of entry at or near the United States-Canada international boundary line. 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 broaden the commodity description. If a hearing is deemed necessary, applicant requests it be held at Bellingham or Seattle, Wash.

No. MC 68078 (Sub-No. 33), filed July 13, 1970. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Anniston and Birmingham, Ala., from Anniston over Alabama Highway 21 to junction U.S. Highway 78, thence over U.S. 78 (with alternate over Interstate Highway 20) to Birmingham, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Chattanooga, Tenn., or Atlanta, Ga.

No. MC 70083 (Sub-No. 16), filed January 26, 1970. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, N.J. 08034. Applicant's representative: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives, inflammables, and commodities injurious or contaminating to other lading), moving on airbills of direct air carriers or air freight forwarders in substituted motor for air transportation. Authority is restricted to carriage of freight, which cannot be accommodated on scheduled aircraft because of lack of lift, between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Newark, N.J., and points in Hunterdon, Mercer, Middlesex, Burlington, Camden, Gloucester, Salem, Monmouth, Somerset, Morris, Passaic, Bergen, Essex, and Union Counties, N.J.; Philadelphia, Pa., and points in Bucks, Montgomery, Chester, and Delaware Counties, Pa.; points in Wilmington County, Del.; points in Fairfield County, Conn.; Boston, Mass., and points in Middlesex, Plymouth, Essex, Bristol, Suffolk and Norfolk Counties, Mass.; Providence, R.I., on the one hand, and, on the other, Chicago, Ill., and points in Will, Kankakee, Cook, Kendall, Kane,

Du Page, Lake, and McHenry Counties, Ill., and points in Lake and Porter Counties, Ind. NOTE: Applicant states it will tack at Philadelphia, Pa., Boston, Mass., or New York, N.Y., to and from those points authorized in MC 70083 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 76032 (Sub-No. 258), filed July 20, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: David N. Inwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Kansas City, Mo., and Fort Wayne, Ind., from Kansas City over Interstate Highway 70 and U.S. Highway 40 to junction Indiana Highway 37 at Indianapolis, Ind., thence over Indiana Highway 37 to Fort Wayne, Ind., and return over the same route, serving no intermediate points, in connection with applicant's presently authorized regular route operations, and, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 76032 (Sub-No. 259), filed July 20, 1970. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: David N. Inwood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, imported through ports in California, Oregon, and Washington, and destined to points in Arizona, California, Colorado, Montana, New Mexico, Oregon, Utah, and Washington. 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 Denver, Colo., or San Francisco, Calif.

No. MC 78687 (Sub-No. 28), filed July 17, 1970. Applicant: LOTT MOTOR LINES, INC., Routes 6 and 92, Rural Delivery 4, Tunkhannock, Pa. 18657. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland and Schuylkill Counties, Pa., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 2505, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 82079 (Sub-No. 21), filed July 20, 1970. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 One Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Michigan, restricted to the transportation of traffic originating at the above-specified cold storage facilities and destined to the above-specified destination. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 82492 (Sub-No. 41), filed July 16, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, Post Office Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris, Post Office Box 2853, Kalamazoo, Mich. 49003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and foodstuffs*, from Kalamazoo, Mich., and points in Michigan within 50 miles of Kalamazoo, to points in South Dakota. 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. 72), filed July 9, 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: *Portable enclosures* (other than house trailers or campers) restricted against the transportation of such commodities as by reason of size or weight require the use of special equipment, between points in Dodge County, Nebr., on the one hand, and, on the other, points in Montana, Wyoming, Colorado, Kansas, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, 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 Omaha, Nebr.

No. MC 88594 (Sub-No. 17), filed July 13, 1970. Applicant: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Town of Deposit (Delaware County), N.Y. 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in,*

or used by, a processor or distributor of cheese and cheese products (except in bulk), in vehicles equipped with mechanical refrigeration, between the town of Lowville, Lewis County, N.Y., on the one hand, and, on the other, points in Pennsylvania, Maryland, Delaware, and Washington, D.C. 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., or Washington, D.C.

No. MC 95540 (Sub-No. 781), filed July 15, 1970. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, packinghouse products, and articles distributed by meat packinghouses*, as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* (except meat and meat products as described above) when transported in mixed truckloads with meat and meat products, from the plantsite and warehouse facilities of Geo. A. Hormel & Co., Tucker, Ga., to points in Florida, North Carolina, South Carolina, Alabama, Tennessee, Louisiana, Mississippi, and Virginia, restricted to traffic originating at the named plantsite and warehouse facilities of Geo. A. Hormel & Co., Tucker, Ga., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Atlanta, Ga., or Washington, D.C.

No. MC 95876 (Sub-No. 100), filed July 16, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. 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: *Wire, wire products, posts, nails, gates, and materials and supplies* used in connection with the installation of the above named commodities, from Crawfordsville, Ind., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 99745 (Sub-No. 4), filed June 29, 1970. Applicant: IMPERIAL TRUCK LINES, INC., 101 North Avenue 18, Los Angeles, Calif. 90031. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and motor

vehicles), between points in California; (1) From Los Angeles over Interstate Highway 5 to San Ysidro; (2) from San Diego over Interstate Highway 8 to Winterhaven; (3) from Los Angeles over Interstate Highway 10 to Indio; (4) from Indio over California Highway 86 to Calexico; (5) from the junction of Interstate Highway 10 with California Highway 111 near White Water over California Highway 111 to Calexico; (6) from Los Angeles over California Highway 60 to Beaumont; (7) from Long Beach over California Highway 91 to Riverside; (8) from San Bernardino over Interstate Highway 15 to San Diego; (9) from Oceanside over California Highway 78 to Escondido; and

(10) From Los Angeles to the Los Angeles to the Los Angeles Harbor Commercial Zone, as defined by the Commission, over California Highway 7 and also over California Highway 11; and return over the same routes, serving all intermediate points. Service is authorized at all off-route points in the territory hereinafter described, consisting of portions of the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Imperial, as follows: Between Desert Hot Springs, Yucaipa, Calif., and those points in that part of California on and within a boundary line beginning at junction U.S. Highway 1 and California Highway 27 at the shoreline of the Pacific Ocean, and extending north along California Highway 27 to junction California Highway 118 at Chatsworth, Calif.; thence easterly along California Highway 118 to junction U.S. Highway 66 at or near Pasadena, Calif.; thence east along U.S. Highway 66 to junction U.S. Highway 395 (Interstate Highway 15) at San Bernardino, Calif.; thence south along U.S. Highway 395 (Interstate Highway 15) to junction U.S. Highway 99 (Interstate Highway 10); thence easterly along U.S. Highway 99 (Interstate Highway 10) to junction California Highway 111 at or near Coachella, Calif.; thence southerly along California Highway 111 to junction California Highway 115 at or near Calipatria, Calif.; thence south along California Highway 115 to junction U.S. Highway 80 (Interstate Highway 8) at or near Holtville, Calif.; thence east along U.S. Highway 80 (Interstate Highway 8) to the California-Arizona State line; thence west along the California-Arizona State line to the United States-Mexico boundary line; thence west along the United States-Mexico boundary line to the shoreline of the Pacific Ocean; thence northwesterly along the shoreline of the Pacific Ocean to the point of beginning.

Restrictions: The authority granted herein is restricted against service (1) between points in San Diego County, Calif.; and (2) at the U.S. Navy Ammunition Depot at or near Fallbrook, Calif. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited, in point of time, to a period expiring 5 years after December 6, 1968. NOTE: Applicant states that the purpose of this instant application is to convert an irregular route service in MC 99745

Sub-No. 3 to a regular route service. Applicant further states that it consents to the cancellation of its Sub-No. 3 certificate. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 99427 (Sub-No. 14), filed July 14, 1970. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, 4715 West Buckeye Road, Post Office Box 6910, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups, and blends thereof, and dry corn products*, in bulk, from points in Castro and Deaf Smith Counties, Tex., to points in the United States (except Alaska and Hawaii), restricted against the transportation of sugars, syrups, and blends thereof, from the plantsite of Holly Sugar Corp. located near Hereford, Tex. (Deaf Smith County), to points in Arizona, Arkansas, Colorado, Louisiana, Kansas, Missouri, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 103993 (Sub-No. 544), filed July 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borgheani and Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel*, from Elkhart, 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 Washington, D.C.

No. MC 103993 (Sub-No. 549), filed July 20, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borgheani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles in initial movements, from points in Charlotte County, and Wylliesburg, Va., to points in the United States (except Alaska and Hawaii); (2) *buildings*, mounted on undercarriages, from points in Pittsylvania County and Chatham, 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 104104 (Sub-No. 9), filed July 17, 1970. Applicant: GEORGE A. FETZER, INC., Rural Delivery No. 1, Augusta, N.J. 07822. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulators, isolators, and insulating materials*, from Netcong and Stanhope, N.J., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New York, New Hampshire, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Washington, D.C. 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 Newark, N.J., or New York, N.Y.

No. MC 104104 (Sub-No. 10), filed July 17, 1970. Applicant: GEORGE A. FETZER, INC., Rural Delivery No. 1, Augusta, N.J. 07822. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lawn furniture*, in cartons, from Tranquility, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. 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 Newark, N.J., or New York, N.Y.

No. MC 106163 (Sub-No. 29), filed July 9, 1970. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Post Office Box 7608, Pine Bluff, Ark. 71601. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Delhi, La., and Bossier City, La., over U.S. Highway 80 (Interstate Highway 20), and return over the same route serving all intermediate points; (2) between Monroe and Alexandria, La., over U.S. Highway 165, and return over the same route serving all intermediate points; (3) between Lake Providence, La., and the junction of U.S. Highway 165: from Lake Providence over Louisiana Highway 17 to junction Louisiana Highway 4 at Winnsboro, and thence over Louisiana Highway 4 to junction U.S. Highway 165, and return over the same route, serving all intermediate points; and (4) between Alexandria and Ruston, La., over U.S. Highway 167, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107012 (Sub-No. 108), filed July 17, 1970. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Donald C.

Lewis and Terry G. Fewell, Post Office Box 988, Fort Wayne, Ind. 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manually operated materials handling equipment and vehicles*, uncrated, from Hamilton, Ohio, to points in the United States (except Alaska, Hawaii, North Dakota, South Dakota, Wyoming, Idaho, 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 Cincinnati, Ohio, Indianapolis, Ind., or Washington, D.C.

No. MC 107095 (Sub-No. 4), filed July 13, 1970. Applicant: JOSEPH FORNINO, doing business as PARAMONT TRUCKING CO., 268 Tolland Street, East Hartford, Conn. Applicant's representative: Reubin Kaminsky, Post Office Box 17-056, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail chain food and grocery stores*, from the plant and warehouse facilities of First National Stores, Inc., at East Hartford, Conn., to points in Berkshire, Franklin, Hampden, and Hampshire Counties, Mass., and Columbia, Dutchess, and Putnam Counties, N.Y., and *refused, rejected, damaged and unsalable shipments, and empty containers*, on return, under contract with First National Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 107295 (Sub-No. 411), filed July 10, 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: *Lumber and lumber products, plywood, molding and door jambs*, from Grandville, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin, restricted to traffic originating at the plantsite and warehouse facilities of Empire Lumber Co., Grandville, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107295 (Sub-No. 415), filed July 13, 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: *Plywood and plywood panels*, from Newton, Kans., 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 Wichita or Topeka, Kans.

No. MC 107295 (Sub-No. 416), filed July 13, 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: *Plywood*, from Cincinnati, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107295 (Sub-No. 417), filed July 13, 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: *Metal building products and accessories*, from Emsworth, Pa., and Cambridge, Ohio, 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 Pittsburgh, Pa.

No. MC 107460 (Sub-No. 24), filed July 8, 1970. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingot*, from the plantsite of National Southwire Co. at or near Hawesville, Ky., to the plantsite of Capitol Products Corp. in Hampden Township (Cumberland County), Pa., under contract with Capitol Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107515 (Sub-No. 699), filed July 13, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, Forrest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive film* requiring refrigeration with a temperature of 0° to 5° in vehicles with mechanical refrigeration, from Springfield, Mo., to Marietta, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110525 (Sub-No. 980), filed July 13, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Thomas J. O'Brien (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diketene*, in bulk, in tank vehicles, from Meadville, Pa., to Denver, Colo., and Coventry, R.I. 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 110525 (Sub-No. 981), filed July 13, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silicate of soda*, in bulk, in tank vehicles, from plantsite of Pennwalt Corp. at Wyandotte, Mich., to Skaneateles Falls, N.Y. 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 111545 (Sub-No. 141), filed July 17, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, partitions, electric motors, iron and steel track, aluminum track, and equipment, materials, and supplies* used in the installation and operation of doors and partitions, between Dyersville, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *hydraulic cylinders*, between Waverly, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (3) *aircraft, aircraft parts, materials, supplies, and equipment* used in servicing aircraft, between Wichita, Kans., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that it does not specifically intend to tack and therefore does not identify all tacking possibilities. However applicant states that it is not agreeable to imposition of any tacking restriction unless shown to be warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111729 (Sub-No. 300), filed July 10, 1970. Applicant: AMERICAN

COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*; (a) between Danvers, Mass., and Cumberland, R.I.; (b) between Norfolk, Va., on the one hand, and, on the other, Charlotte, and Durham, N.C.; (c) between West Bridgewater, Mass., on the one hand, and, on the other, Gilford, Keene, and Somersworth, N.H.; Augusta, Bangor, Brunswick, Lewiston, Portland, Rockland, Rumford, Scarborough, and Waterville, Maine; Bristol, East Hartford, and North Haven, Conn.; East Providence, Johnston, North Smithfield, and Providence, R.I.; and Bel Air, Md.; (d) between West Bridgewater, Mass., on the one hand, and, on the other, Logan International Airport, Boston, Mass., restricted to traffic having an immediately prior or subsequent movement by air; (e) between Philadelphia, Pa., on the one hand, and, on the other, points in Hunterdon County, N.J.; (f) between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (except motion picture film used primarily for commercial theater and television exhibition);

(a) Between Chamblee, Ga., on the one hand, and, on the other, points in Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Tallapoosa, Washington, and Wilcox Counties, Ala.; and points in Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington Counties, Fla.; (b) between points in Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Tallapoosa, Washington, and Wilcox Counties, Ala., on traffic having an immediately prior or subsequent movement by air; (c) between points in Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Putnam, St. Johns, Santa Rosa, Suwannee, Taylor,

Union, Volusia, Wakulla, Walton, and Washington Counties, Fla., on traffic having an immediately prior or subsequent movement by air; (d) between Chamblee, Ga., on the one hand, and, on the other, points in Tennessee, east of the westerly crossing of the Tennessee River, bounded on the north by Kentucky and Virginia, on the east by North Carolina, and on the south by Georgia and Alabama; (e) between Akron, Columbus, and Dayton, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, and Michigan;

(3) *Laboratory samples, blood drawing material, blood specimens and serum specimens, and related documents and records, such as specimen and medical reports;* (a) between points in Bergen County, N.J., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island; (b) between points in Middlesex County, Mass., on the one hand, and, on the other, points in Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan Counties, N.H.; Bristol, Kent, Newport, Providence, and Washington Counties, R.I.; Cumberland, Penobscot, Sagadahoc, and York, Counties, Maine. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 112750 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 112822 (Sub-No. 164), filed July 17, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, plywood, and particleboard*, from Huttig, Ark., Lillie and Winnfield, La., to points in Arizona, Colorado, Kansas, Nebraska, New Mexico, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 113362 (Sub-No. 190), filed July 17, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from

Chicago, Ill., to Little Rock, Ark., Memphis and Nashville, Tenn., and points in Louisiana. NOTE: Applicant states that tacking is possible with applicant's existing authority from certain points in New York and New Jersey, but the operations would not be practical. 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 113678 (Sub-No. 393), filed July 20, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501, and Richard Peterson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Chicago, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113974 (Sub-No. 42), filed July 20, 1970. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Jones & Laughlin Steel Corp. at Pittsburgh and Aliquippa, Pa., to points in Indiana, Illinois, and the Lower Peninsula of Michigan. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113996 (Sub-No. 9), filed July 16, 1970. Applicant: T. C. DUNLEVY, Post Office Box 325, Johnston, S.C. 29832. Applicant's representative: William Addams, 1776 Peachtree Street NW., Suite 527, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used automobile parts, unpackaged*, (1) from points in Colorado, Nebraska, New Mexico, and Wyoming to the Distribution Center N.A.P.A. at Denver, Colo.; (2) from points in Arizona, Nevada, and New Mexico to the Distribution Center N.A.P.A. at Phoenix, Ariz.; (3) from points in Colorado, Idaho, Nevada, Utah,

and Wyoming to the Distribution Center N.A.P.A. at Salt Lake City, Utah; (4) from points in Idaho, Montana, and Washington to the Distribution Center N.A.P.A. at Seattle, Wash.; (5) from points in Idaho, Montana, Nevada, Oregon, and Washington to the Distribution Center N.A.P.A. at Portland, Oreg.; and (6) from points in Arizona, California, Nevada, and Oregon to the Distribution Centers N.A.P.A. at Los Angeles and San Francisco, Calif., under contract with Rayloc, Division of Genuine Parts Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 114123 (Sub-No. 36), filed July 20, 1970. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Muselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup, mixtures of liquid or invert sugar and corn syrup, and flavoring syrup*, between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118661 and Subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114290 (Sub-No. 47) (Correction), filed June 15, 1970, published in the FEDERAL REGISTER issue of July 9, 1970, corrected and republished as corrected this issue. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products and whey powder*, from Tillamook, Oreg., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to show the correct commodity description as whey powder in lieu of whey powder as previously published. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 115162 (Sub-No. 198), filed July 10, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood hardboard, veneer, wood paneling, and wood particle board*, from Oshkosh, Wis., to points in the States of Arkansas, Georgia, North Carolina, Oklahoma, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115180 (Sub-No. 61), filed July 16, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. 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: *Frozen meat*, from the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., to points in Connecticut, Delaware, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to the transportation of traffic originating at the above specified cold storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 208), filed July 12, 1970. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, Colo. 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing-houses*, 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, from Greeley and Denver, Colo., to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Washington, D.C. 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 116063 (Sub-No. 121), filed July 13, 1970. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sugars and blends thereof, and dry products of corn*, in bulk, from points in Castro and Deaf Smith Counties, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 116073 (Sub-No. 126), filed July 13, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tesser (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *buildings* in sections mounted on wheeled undercarriages with hitch ball connectors, from points in Stephens County, Tex., and Coahoma County,

Miss., to points in the United States, including Alaska (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 Atlanta, Ga., or Jackson, Miss.

No. MC 117165 (Sub-No. 31), filed July 17, 1970. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, quick or hydrate, in bags, from Chicago and Thornton, Ill., to points in Ohio, Indiana, Michigan, Kentucky, Missouri, Iowa, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 117386 (Sub-No. 5), filed July 17, 1970. Applicant: LEE S. BURRIS, an individual, Bradgate, Iowa 50520. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Humboldt, Iowa, to points in South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 117883 (Sub-No. 140), filed July 16, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products and advertising equipment, materials, and supplies*, when shipped therewith (except commodities in bulk), from points in Massachusetts to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. All such duplicating authority shall be eliminated if and when the requested authority is granted. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 118989 (Sub-No. 51), filed July 14, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth

Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levey, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solution containers, plastic, and related components thereto and parts thereof*, from Racine, Wis., to Chicago, Ill., and Elkhart, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119539 (Sub-No. 11), filed July 20, 1970. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, N.Y. 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies and incidental nursery supplies* when moving in mixed shipments with foodstuffs (presently authorized), from the plantsite of Gerber Products Co. at Rochester, N.Y., to points in Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y. 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 Rochester, N.Y.

No. MC 119641 (Sub-No. 90), filed July 10, 1970. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames and fifth wheels), *equipment* designed for use in conjunction with tractors, *agricultural, industrial, and construction machinery, and equipment, trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), *attachments* for the above-described commodities, *internal combustion engines, and parts* of the above-described commodities when moving in mixed loads with such commodities, from the port of entry on the international boundary line between the United States and Canada, located at or near Detroit, Mich., to points in Michigan. NOTE: Applicant states that it does not propose to tack this authority with any presently existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 123613 (Sub-No. 6), filed July 20, 1970. Applicant: CLAREMONT MOTOR LINES, INC., Post Office Box 702, Claremont, N.C. 28610. Applicant's representative: Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Poultry, poultry products, poultry dinners and animal feed*, from points in Wilkes, Alexander, Union Counties, N.C., and Hanover and Accomack Counties, Va., to all States east of the Mississippi River and Louisiana, Iowa, Missouri, Arkansas, Kansas, Nebraska, Oklahoma, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Greensboro, N.C.

No. MC 124054 (Sub-No. 2) (Correction), filed July 6, 1970, published FEDERAL REGISTER issue of July 30, 1970, corrected and republished in part, as corrected this issue. Applicant: MERLIN HERRMANN, 510 East Dodge Street, Laverne, Minn. 56156. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: * * * *pig feeding equipment* * * *. NOTE: The purpose of this republication is to have a portion of the commodity description read as "pig feeding equipment" in lieu of big feeding equipment, as previously published. The rest of the application remains as previously published.

No. MC 124078 (Sub-No. 445), filed July 10, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash* from Dayton, Ohio, to points in Pennsylvania. 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 Cleveland, Ohio, or Chicago, Ill.

No. MC 124111 (Sub-No. 26), filed July 13, 1970. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297, Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Buildings, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food products*, from Columbus, Ohio, to points in District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Delaware, Virginia, and West Virginia. 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 Columbus, Ohio, or Washington, D.C.

No. MC 124121 (Sub-No. 6), filed July 10, 1970. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., Prentice, Wis. 54556. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic loading equipment*, for trucks, trailers, or tractors, and *component parts thereof*; (a) from Prentice, Wis., to Zebulon, N.C., and points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan; and (b) from Zebulon, N.C., to Prentice, Wis., and points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan; and (2) *materials, equipment, and supplies*, used in the manufacture of hydraulic loading equipment, for trucks, trailers, or tractors, and *component parts thereof*, from points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan to Prentice, Wis., and Zebulon, N.C., under contract with Omak Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 124701 (Sub-No. 4) (Amendment), filed June 1, 1970, published in the FEDERAL REGISTER issue of June 18, 1970, and republished as amended this issue. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, from West Lebanon, N.H., to points in Orange, Windsor, Windham, Washington, Caledonia, Lamoille, and Orleans Counties, Vt., and Grafton, Sullivan, Cheshire, Merrimack, and Hillsborough Counties, N.H., under contract with Lebanon Crushed Stone, Inc. NOTE: The purpose of this republication is to add the additional counties Washington, Caledonia, Lamoille, and Orleans, located in Vermont, as destination points. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Montpelier, Vt.

No. MC 124708 (Sub-No. 26), filed July 10, 1970. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, Nebr. 68114. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, sauces, and concentrates thereof*, (2) *fresh and frozen cranberries* when moving in mixed loads with (1) above, (a) from Hanson, Onset, and Middleboro, Mass., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York; (b) from Bordentown, N.J., to points in Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi,

Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, and New York; (c) from North Chicago, Ill., Kenosha and Babcock, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, New Mexico, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Ohio, Mississippi, and Alabama; and (d) from Markham, Wash., to points in Montana, Wyoming, Utah, Nevada, California, Arizona, Idaho, Washington, and Oregon, under contract with Ocean Spray Cranberries, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124708 (Sub-No. 27), filed July 17, 1970. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, Nebr. 68114. Applicant's representatives: Andrew R. Clark, and Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Citrus products* in containers, except frozen, (2) *fresh citrus fruits and products and fresh citrus sections and salads*, not frozen when transported in the same vehicle at the same time with the commodities described in (1) above, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Saint Lucie, Sarasota, Seminole, Sumter, Volusia Counties, Fla., to points in Washington, Oregon, Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Nevada, Utah, California, Kentucky, Iowa, Arkansas, Oklahoma, Texas, Nebraska, Missouri, Kansas, Illinois, Indiana, Wisconsin, North Dakota, South Dakota, and Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125168 (Sub-No. 16), filed July 6, 1970. Applicant: OIL TANK LINES, INC., Box 190, Hook Road and Darby Creek, Darby, Pa. 19023. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between Falling Rock, W. Va., on the one hand, and, on the other, Freedom, Pa., and points in Buchanan, Dickenson, and Russell Counties, Va., under contract with Pennzoll United, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 125497 (Sub-No. 10), filed July 16, 1970. Applicant: L. WOODS & SON TRANSPORT LTD., a corporation, 5005 Irwin Avenue, La Salle, Quebec, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment

Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Pittsburgh, Pa.; Youngstown, Ohio; Philipsdale, R.I.; and Detroit, Mich., to ports of entry on the United States-Canada boundary line in New York and Michigan. Restrictions: (1) The transportation sought herein is restricted to traffic moving from points in the United States to points in Canada. (2) The transportation sought herein is restricted to shipments originating at the named points in the United States and destined to the plants and warehouses of the Dominion Steel and Coal Corp. Ltd., located in the Province of Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126039 (Sub-No. 13), filed July 16, 1970. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shipping devices, supplies, and materials* used in the manufacturing, processing, and distribution thereof, between points in Blackford County, Ind., on the one hand, and, on the other, points in the United States on and east (or west, as the situation may be) 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. 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 Indianapolis, Ind., or Chicago, Ill.

No. MC 126542 (Sub-No. 2), filed June 22, 1970. Applicant: B. R. WILLIAMS TRUCKING INC., Post Office Box 3310, Oxford, Ala. 36201. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Equipment, material, and supplies* belonging to Lee Brothers Corp., between their plantsites in Chattanooga, Tenn., and Anniston, Ala.; (2) *aluminum, brass, bronze, and copper bushings and castings*, from Chattanooga, Tenn., to points in the United States (except Alaska and Hawaii); and (3) *brass, bronze, aluminum and copper scrap, ingots, tubing, valves, valve parts, castings and equip-*

ment, material and supplies (except machinery and machinery parts from points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee) used in the manufacture and distribution of brass, bronze, aluminum, and copper pipe fittings, valves and castings from points in the United States (except Alaska and Hawaii) to Chattanooga, Tenn., under continuing contract with Lee Brothers Corp. of Anniston, Ala., and Chattanooga, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 127042 (Sub-No. 62), filed July 13, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, from Crookston, Minn., to points in Minnesota, Illinois, Wisconsin, Kansas, Missouri, Iowa, Nebraska, South Dakota, and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 127049 (Sub-No. 5), filed July 22, 1970. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Grafton, Wis., 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn*, from Grafton, Fort Atkinson, and Hustisford, Wis., to points in the United States, except Wisconsin, Alaska, and Hawaii; (2) *Semiprocessed yarn*, from Oxford, N.C., to Cleveland, Ohio; and (3) *dye stuff*, except in bulk in tank vehicles, from Boston, Mass., to Grafton and Fort Atkinson, Wis., all for the account of Badger Mills, Grafton, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127099 (Sub-No. 10), filed July 10, 1970. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, Ohio 43701. Applicant's representatives: James R. Stiversen and Edwin H. van Deusen 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated cardboard*; (a) from the plantsite of Greif Bros. Corp. at Zanesville, Ohio, and Sebring, Ohio, to points in Illinois; (b) from the plantsite of the Greif Bros. Corp. at Scio and Sebring, Stiversen and Edwin H. van Deusen, 50 Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia; and (2) *materials and supplies* used in the manufacture of corrugated cardboard; (a) from points in Indiana, Illinois, Kentucky, Michigan, Pennsylvania, and West Virginia, to the plantsites and warehouse facilities of Greif Bros. Corp. in Ohio, restricted to

operations to be performed under a continuing contract or contracts with the Greif Bros. Corp., Zanesville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127274 (Sub-No. 23), filed July 16, 1970. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. 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: *Bakery products* (except frozen), *flour, cookie, and cracker meal*, from Richmond, Ind., to Napoleon, Toledo, Cleveland, and Urbana, Ohio; Asheville, N.C.; Fremont, Mich.; Oklahoma City, Okla.; Evansdale, Iowa; Peachtree City, Ga.; and St. Simon's Island, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127453 (Sub-No. 3), filed July 20, 1970. Applicant: BANKS RAY, JR., doing business as NASHVILLE TRUCKING COMPANY, Post Office Box 69, Nashville, Ark. 71852. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes, wooden baskets, and wooden basket covers*, from the plantsite of Nashville Basket Co., at Nashville, Ark., to points in Hale, Deaf Smith, and Farmer Counties, Tex., under contract with Nashville Basket Co., Nashville, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 128220 (Sub-No. 5), filed July 13, 1970. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, Post Office Box 508, Burnside, Ky. 42519. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal; charcoal briquets; vermiculite; wood chips; lighter fluid; and spices and sauces* used or useful in outdoor cooking, from the plantsite of Cumberland Charcoal Corp. near Burnside, Ky., to points in Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and 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 Louisville, Ky., or Nashville, Tenn.

No. MC 128343 (Sub-No. 15), filed July 17, 1970. Applicant: C-LINE, INC., 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 New Bedford, Mass., to points in the States of 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 New Bedford, Mass., 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 128837 (Sub-No. 1), filed July 17, 1970. Applicant: HOWARD K. SMITH, an individual, Rural Route No. 2, Greenville, Ill. 62246. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumnite cement*, in tote bins, from Buffington, Ind., to Owensville, Mo.; (2) *powdered silica sand*, in tote bins, from Ottawa, Ill., to Owensville, Mo.; (3) *crude fire clay*, in tote bins, from Mayfield, Ky., and Clover, S.C., to Owensville, Mo. 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 Springfield, Ill., or St. Louis, Mo.

No. MC 129657 (Sub-No. 6), filed July 13, 1970. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and carbonated beverages*, from Monroe, Wis.; to St. Louis, Mo.; East St. Louis, Belleville, and Collinsville, Ill.; Kansas City and Springfield, Mo.; Lincoln and Omaha, Nebr.; and Springfield, Ill. 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 Madison or Milwaukee, Wis.

No. MC 134378 (Sub-No. 2), filed July 10, 1970. Applicant: E. R. WHITE, doing business as WHITE TRUCK LINE, 2815 Highway 12, Idor, Tex. 77662. Applicant's representative: Lipscomb Norvell, Jr., Post Office Box 551, 1350 Petroleum Building, Beaumont, Tex. 77704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, consisting of sawdust and/or ground wood with binder included, from Silsbee, Tex., to points in Louisiana, Alabama, and Mississippi. NOTE: Applicant states that it does not intend to tack. If a hearing is

deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 134389 (Sub-No. 2), filed July 15, 1970. Applicant: WILLIAM MILLICAN, doing business as MILLICAN TRANSFER, 2121 Main Street, Victoria, Va. 23974. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products and articles* distributed by meat packinghouses as described in sections A and B of the appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Victoria, Va., to points in Virginia, restricted to shipments having and immediately prior movement by for-hire carrier, under contract with Hygrade Food Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134531 (Sub-No. 1), filed July 6, 1970. Applicant: AGGREGATE HAULERS, INC., Post Office Box 386, 2109 State Street, Cayce, S.C. 29033. Applicant's representative: E. J. Morrison, Post Office Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, portland mortar mix, in bags; from points in Richland County, S.C., to points in North Carolina and Georgia; (2) *crushed stone*, sand and sand clay, in bulk, from points in Richmond and Columbia Counties, Ga., to points in Aiken, Barnwell, Allendale, Bamberg, Hampton, Orangeburg, Jasper, Colleton, Dorchester, and Beaufort Counties, S.C.; and (3) *crushed stone*, in bulk, from points in Mecklenburg County, N.C., to points in York and Chester Counties, S.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.; August, Ga., or Charlotte, N.C.

No. MC 134534 (Sub-No. 2), filed July 20, 1970. Applicant: LUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 341 Colorado, Gooding, Idaho 83301. Applicant's representatives: Hepworth, Walker, Nungester & Felton, Bank of Idaho Building, Post Office Box 23, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products*, from points in Gooding County, Idaho, to points in Oregon and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 134599 (Sub-No. 1), filed July 20, 1970. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *con-*

tract carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy, chocolate, confectionery, nuts, edible, and advertising and promotional materials* when moving in the same vehicle and at the same time with the aforementioned commodities, from Centralia, and Ashley, Ill., Montgomery, Ala., and Sulphur Springs, Tex., and points within their commercial zones to points in the United States on and west of U.S. Highway 61; (2) *candy, chocolate, confectionery, nuts, edible, ingredients, materials, and supplies* used in the manufacture and production of candy, chocolate, confectionery, and nuts, edible, between Centralia, and Ashley, Ill., Montgomery, Ala., and Sulphur Springs, Tex., and (3) *candy, chocolate, confectionery, nuts, edible, and advertising and promotional materials* when moving in the same vehicle and at the same time with candy, chocolate, confectionery, nuts, edible, and materials, ingredients, and supplies used in the manufacture and production of candy, chocolate, confectionery, and nuts, edible, between Centralia, and Ashley, Ill., Montgomery, Ala., and Sulphur Springs, Tex., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, and New York, under a continuing contract with Hollywood Brands, Division of Consolidated Foods Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC 134748, filed June 29, 1970. Applicant: BARKO, INC., 700 First American National Bank Building, Duluth, Minn. 55802. Applicant's representative: James Harper and Barry L. Peterson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished products* of Lakeshore Body and Equipment Co. consisting of primarily *hydraulic loaders, trucks in which hydraulic loaders have been installed, and parts, supplies and equipment* used in connection therewith, from Duluth, Minn., to points in the United States, including Alaska (except Hawaii), under contract with Lakeshore Body and Equipment Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 134763, filed July 10, 1970. Applicant: WINCO TRANSPORT, INC., 1225 Constitution Road SE., Atlanta, Ga. 30316. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags, plastic tubing, and sheeting, and new burlap* in compressed rolls, from the plantsite of Packaging Products & Design Corp., Newark, N.J., to points in Alabama, California, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, Texas, and South Carolina, under contract with Packaging Products and Design Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134765, filed July 8, 1970. Applicant: SPECIALTY TRANSPORT, INC., 135 State Street, Suite 200, Springfield, Mass. 01103. Applicant's representative: David M. Marshall (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Containers, including drums, barrels, cans, boxes, and cartons, and parts and materials relating to the manufacture thereof; and collapsible tier bins*, between Cambridge and Westfield, Mass., Teterboro, Rahway, and Spotswood, N.J., Staten Island, N.Y., Eddystone, Pa., and Sparrows Point, Md., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, and Pennsylvania, under a continuing contract with Greif Bros. Corporation of Delaware, Ohio, with the right to lease vehicles to said shipper. NOTE: Applicant states it intends to transport the above commodities between Staten Island, N.Y., and points in the State of New York traversing points in the State of New Jersey enroute; (b) *plastic, plastic products, and cellulose products*, between Worcester and Manchaug, Mass., and Central Falls, R.I., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland, and District of Columbia, under a continuing contract with Norman Kartiganer, Inc., of Worcester, Mass., with the right to lease vehicles to said shipper; and (c) *toilet preparations and toiletries, and advertising and promotional displays, racks and matter*, between Providence and East Providence, R.I., on the one hand, and, on the other, points in New York, New Jersey, and Connecticut, under a continuing contract with Speidel, a Textron Company of Providence, R.I., with the right to lease vehicles to said shipper. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., Boston, Mass., Providence, R.I., or New York City, N.Y.

No. MC 134770, filed July 15, 1970. Applicant: R. E. DANIEL, doing business as THE DANIEL COMPANY, 419 East Kearney Street, Springfield, Mo. 65803. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, cotton swabs, and cotton balls*, from Jefferson City, Mo., to points in California, Oregon, and Washington, under contract with Cheseborough-Pond's, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo.

No. MC 134771, filed July 15, 1970. Applicant: TUPLER TRUCKING, INC., 6570 Southwest 47th Court, Ft. Lauderdale, Fla. 33314. Applicant's representative: Jerome H. Shevin, 346 Seybold Building, Miami, Fla. 33132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and junk*, from points in Monroe, Dade, Broward, and

Collier Counties, Fla., to Port Everglades in Broward County, Fla., and to the Port of Miami in Dade County, Fla., for export to other national and international ports. 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 Dade or Broward Counties, Fla.

No. MC 134772, filed July 13, 1970. Applicant: GEORGE LANGE, doing business as GEORGE LANGE TRUCKING, 790 Ringwood Avenue, Menlo Park, Calif. 94025. Applicant's representative: Robert K. Lancefield, Post Office Box 11415, 2470 El Camino Real, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brandy, wine, champagne, and alcoholic liquors for beverage purposes; new bottles; bottle stoppers; corks, crowns and wire hoods for bottles; labels, products intended for use in the bottling or packaging of brandy, wine, champagne, and alcoholic liquors used for beverage purposes*, between Saratoga, Calif., on the one hand, and, on the other, (1) the piers at San Francisco, Oakland, Richmond, Port of Stockton, Redwood City, Calif., and (2) San Francisco International Airport, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134780, filed July 20, 1970. Applicant: JOE TOLBERT, doing business as UNITED TRUCK SERVICE, Post Office Box 1276, Seminole, Okla. 74868. Applicant's representative: Dean Williamson, 600 Leninger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay pipe, including connections, fittings, and accessories therefor*, from the plantsite of United Clay Pipe Co. at or near, Seminole, Okla., to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Texas, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134781, filed July 20, 1970. Applicant: FAST FREIGHT TRANSFER, INC., 1075 East 21st Street, Hialeah, Fla. Applicant's representative: John P. Bond, 303 Giralda Avenue, Coral Gables, Fla. 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, dry* (except articles of unusual value, dangerous explosives, livestock, commodities in bulk, household goods, articles because of their size and weight require special handling and special equipment, and commodities that require refrigeration), restricted to traffic having a prior or subsequent movement by freight forwarder or rail, between points in Dade, Broward, and Palm Beach Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Fort Lauderdale, Fla.

No. MC 134787, filed July 20, 1970. Applicant: HULME TRANSPORTATION CO., a corporation, 16 Navaho Street, Cranston, R.I. 02907. Applicant's representative: Russell B. Curnett, 36

Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Boston, Mass. to points in New York and *refused or rejected shipments*, on return. NOTE: Applicant holds contract carrier authority under Docket No. MC 2416 and Subs 6 and 9, therefore, dual operations may be involved. Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

MOTOR CARRIERS OF PASSENGERS

No. MC 84728 (Sub-No. 57), filed July 13, 1970. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. 20005. Applicant's representatives: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207, and Andrew P. Goldstein, 1730 Rhode Island Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in the same vehicle with passengers, in one-way or round trip special operations, subject to such definitions or conditions concerning such operations as may apply upon final disposition of the proceeding in MC-29 (Sub-No. 1), beginning at (1) all points on the presently authorized regular routes of applicant (as set forth in MC-84728 and various subnumbers, extending generally from Washington, D.C., on the south, to New York, N.Y., on the north, from Atlantic City, N.J., on the east, to Reading, Pa., on the west); (2) points in Nassau and Suffolk Counties, N.Y.; (3) points in Montgomery, Prince Georges, Howard, Anne Arundel, Baltimore, Hartford, and Cecil Counties, Md.; (4) points in New Castle County, Del.; (5) points in Lancaster, Berks, Lehigh, Chester, Delaware, and Bucks Counties, Pa.; and (6) points in Salem, Gloucester, Atlantic, Burlington, Mercer, Middlesex, Somerset, Bergen, Camden, Essex, Hudson, and Union Counties, N.J., and extending to all points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant states that should the authority sought herein be granted, applicant would be willing to surrender such authority as it now holds as may duplicate any authority granted herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Baltimore, Md.; Philadelphia, Pa.; or New York, N.Y.

No. MC 124233 (Sub-No. 7), filed July 15, 1970. Applicant: VANCOUVER ISLAND TRANSPORTATION COMPANY LIMITED, doing business as VANCOUVER ISLAND COACH LINES LIMITED, 710 Douglas Street, Victoria, British Columbia, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same

vehicle with passengers, (1) in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada international boundary line in Washington and extending to points in Nevada, Arizona, Utah, Idaho, Colorado, Montana, and Wyoming; (2) in round-trip special operations, in sight-seeing and pleasure tours, beginning and ending at ports of entry on the United States-Canada international boundary line in Washington, and extending to points in Nevada, Arizona, Utah, Idaho, Colorado, Montana, Wyoming, California, Oregon, and Washington; and (3) in one-way charter operations from ports of entry on the United States-Canada international boundary line in Washington to points in Washington. Authority requested herein is restricted to operations originating and ending at points on Vancouver Island, British Columbia, Canada. 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 Seattle, Wash.

No. MC 134600 (Amendment), filed May 1, 1970, published in the FEDERAL REGISTER issue of June 11, 1970, amended July 16, 1970, and republished as amended, this issue. Applicant: MOOSE MOUNTAIN LINES, LTD., a corporation, 1630 St. John Street, Regina, Saskatchewan, Canada. 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: *Passengers and their baggage*, in round trip charter service, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in the United States (except Alaska and Hawaii). The purpose of this republication is to eliminate the confinement of the entry and exit to ports of entry in Montana and North Dakota. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

APPLICATION OF FREIGHT FORWARDER

No. FF-392 (AIRBORNE FREIGHT CORPORATION Freight Forwarder Application), filed July 21, 1970. Applicant: AIRBORNE FREIGHT CORPORATION, Colman Building, Seattle, Wash. 98104. Applicant's representatives: Louis P. Haffer, and Andrew P. Goldstein, 1730 Rhode Island Avenue NW., Washington, D.C. 20036. Authority sought under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of general commodities, restricted to shipments having a prior or subsequent movement by aircraft, between points in the United States.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130061 (Sub-No. 1), filed July 13, 1970. Applicant: ALBERT CHARLES MAURER, doing business as AL MAURER TOURS, 1249 Ledlie Avenue, Springfield, Ill. Applicant's representative: Edward F. Casey, Ridley Building, Springfield, Ill. 62701. For a license (BMC-5) to engage in operations as a broker at Springfield, Ill., in arranging for transportation in interstate or foreign commerce of passengers and their baggage, in all-expense round trip tours, in special and charter operations, beginning and ending at points in Sangamon, Christian, Montgomery, Shelby, Moultrie, De Witt, Piatt, Macon, Logan, Taxewell, Mason, Menard, Cass, Morgan, Scott, Green, Macoulin, and Jersey Counties, Ill., and extending to points in the United States (except Alaska and Hawaii).

No. MC 130121, filed July 8, 1970. Applicant: ACTION SKI TOURS, INC., 150 Merrick Road, Amityville, N.Y. 11701. Applicant's representative: Michael M. Perlman, 170 Old Country Road, Mineola, N.Y. 11501. For a license (BMC 5) to engage in operations as a broker at Amityville, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, both as individuals and in groups, in all expense special and charter operations, beginning and ending at points in Nassau and Suffolk Counties, N.Y., and extending to points in Connecticut, Maine, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, and Vermont.

No. MC 130122, filed July 13, 1970. Applicant: TRAVEL SERVICES, INC., 416 West Walnut Street, Louisville, Ky. 40202. Applicant's representative: Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. For a license (BMC 5) to engage in operations as a broker at Louisville, Ky., in arranging transportation by motor vehicle in interstate or foreign commerce of passengers and their baggage, both as individuals and as charter groups, between Louisville, Ky., and points in the United States, all trips beginning and ending at Louisville, Ky.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 123135 (Sub-No. 11), filed June 5, 1970. Applicant: CHARLES BEIL & SONS, INC., Millstadt, Ill. Applicant's representative: Delmar Koebel, 107 West St. Louis, Lebanon, Ill. 62254. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Edible flour*, in bulk, from Millstadt, Ill., to St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10154; Filed, Aug. 5, 1970;
8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 3, 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. 42015—*Sand to Romulus, Mich.* Filed by Southwestern Freight Bureau, agent (No. B-177), for interested rail carriers. Rates on sand, NOIBN, in carloads, as described in the application, from Klondike, Ludwig, and Pacific, Mo., to Romulus, Mich.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 84 to Southwestern Freight Bureau, agent, tariff ICC 4797.

FSA No. 42016—*Lumber and related articles from, to, and between points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-173), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, between Albuquerque, N. Mex., on the one hand, and points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, also Memphis, Tenn., Natchez and Vicksburg, Miss., on the other.

Grounds for relief—Rate relationship.

Tariff—Supplement 78 to Southwestern Freight Bureau, agent, tariff ICC 4819.

FSA No. 42017—*Clay, kaolin or pyrophyllite to various points in western trunkline territory.* Filed by O. W. South, Jr., agent (No. A6185), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from Aberdeen, Miss., and points taking same rates, to specified points in western trunkline territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 96 to Southern Freight Association, agent, tariff ICC S-751.

FSA No. 42018—*Chlorine from St. Gabriel, La.* Filed by O. W. South, Jr., agent (No. A6184), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from St. Gabriel, La., to Palatka, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 143 to Southern Freight Association, agent, tariff ICC S-699.

FSA No. 42019—*Ferro-alloys from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A6186), for interested rail carriers. Rates on ferro-alloys, in carloads, as described in the application, from Calvert, Ky., to New Kensington, Pa.

Grounds for relief—Barge competition.

Tariff—Supplement 33 to Southern Freight Association, agent, tariff ICC S-839.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10254; Filed, Aug. 5, 1970;
8:51 a.m.]

[Notice 567]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 3, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72263. By order of July 27, 1970, the Motor Carrier Board approved the transfer to Redner Trucking, Inc., Central Valley, N.Y., of that portion of the operating rights in certificate No. MC-94939 issued June 10, 1941, to Percy H. Redner, Central Valley, N.Y.,

authorizing the transportation, over irregular routes, of general commodities between Central Valley, N.Y., and points within 15 miles of Central Valley, on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 20 miles of Rutherford, N.J., restricted against the transportation of household goods. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432; attorney for applicants.

No. MC-FC-72274. By order of July 27, 1970, the Motor Carrier Board approved the transfer to J. E. Hamilton, doing business as Hamilton Body Shop, South Bend, Ind., of the operating rights in certificate No. MC-123369 issued November 27, 1961, to Louis Albert, doing business as Albert City Service, Lapaz, Ind., authorizing the transportation, over irregular routes, of used tractors or used trailers, to be used as replacements for wrecked or disabled tractors or trailers, in truckaway service, wrecked or disabled automobiles, trucks, tractors, trailers, and buses, in truckaway service, and parts, accessories, supplies, materials, and incidental equipment, moving in wrecker equipment, between points in Illinois, Indiana, Michigan, and Ohio (except points in Summit and Cuyahoga Counties, Ohio). Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-72283. By order of July 27, 1970, the Motor Carrier Board approved

the transfer to J. Rollman & Son, Inc., Lititz, Pa., of the operating rights in certificate No. MC-109875 issued November 1, 1966 to Elmer H. Rock, Inc., Clay, Pa., authorizing the transportation of specified commodities from and to points and areas in Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, Georgia, Kentucky, Michigan, Ohio, Indiana, Illinois, Connecticut, Rhode Island, Massachusetts, Maine, New York, New Hampshire, Wisconsin, Missouri, Vermont, and West Virginia. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101; attorney for applicants.

No. MC-FC-72284. By order of July 27, 1970, the Motor Carrier Board approved the transfer to Donald W. Gersten, doing business as Gersten Services, St. Clair Shores, Mich., of the operating rights in certificate No. MC-95961 issued January 22, 1953, to K. & B. Mounting, Inc., Warren, Mich., authorizing the transportation of new and used trucks, automobiles, trailers, chassis, bodies, cabs, and tractors, in driveaway service, between points in Wayne County and those in Warren Township, Macomb County, Mich. Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005; attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-10253; Filed, Aug. 5, 1970;
8:51 a.m.]

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