FEDERAL REGISTER

VOLUME 35 • NUMBER 167

Thursday, August 27, 1970 • Washington, D.C.

Pages 13635–13713

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Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Federal Aviation Administration
Federal Communications Commission
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Land Management Bureau
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FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-248]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Missouri; Areas Quarantined

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

In § 76.2, in paragraph (e) (6) relating to the State of Missouri, subdivision (ii) relating to Howard County is deleted.

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

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

The amendment excludes a portion of Howard County, Mo., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of August 1970.

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

[F.R. Doc. 70-11309; Filed, Aug. 26, 1970; 8:47 a.m.]

[Docket No. 70-249]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Missouri; Areas Quarantined

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

In § 76.2, the reference to the State of Missouri in the introductory portion of paragraph (e), and paragraph (e) (6) relating to the State of Missouri are deleted.

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

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

The amendment excludes a portion of Chariton County, Mo., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of August 1970.

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

[F.R. Doc. 70-11368; Filed, Aug. 26, 1970; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10345, Amdt. 39-1005]

PART 39—AIRWORTHINESS DIRECTIVES

Dornier Model Do-28D-1 Airplane; Correction

Amendment 39-1005, amending Part 39 of the Federal Aviation Regulations, published in the FEDERAL REGISTER on June 6, 1970 (35 F.R. 8821), is corrected by changing the phrase "or later ARB-approved issue or an FAA-approved equivalent" to read "or later LBA-approved issue or an FAA-approved equivalent."

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

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-11336; Filed, Aug. 26, 1970; 8:49 a.m.]

[Airspace Docket No. 70-EA-39]

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

Alteration of Control Zone and Transition Area

On page 10318 of the FEDERAL REGISTER for June 24, 1970, the Federal Aviation Administration published a proposed rule which would alter the Millinocket, Maine, control zone (35 F.R. 2100) and transition area (35 F.R. 2223).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 15, 1970.

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

Issued in Jamaica, N.Y., on August 7, 1970.

R. M. BROWN,
Acting Director, Eastern Region.

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

Within a 5-mile radius of the center 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine; within 3.5 miles each side of a 094° bearing from the Millinocket RBN extending from the 5-mile radius zone to 10.5 miles east of the RBN and within 1.5 miles each side of the Millinocket VORTAC 298° radial extending from the 5-mile radius zone to the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Millinocket, 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, 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine, and within 3.5 miles each side of a 094° bearing from the Millinocket RBN extending from the 7-mile radius area to 11.5 miles each of the RBN.

[F.R. Doc. 70-11337; Filed, Aug. 26, 1970; 8:49 a.m.]

[Airspace Docket No. 70-EA-40]

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

Alteration of Control Zone and Transition Area

On page 10319 of the FEDERAL REGISTER for June 24, 1970, the Federal Aviation Administration published a proposed rule which would alter the Schenectady, N.Y., control zone (35 F.R. 2122) and Albany, N.Y., control zone (35 F.R. 2055) and transition area (35 F.R. 2136).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., October 15, 1970.

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

Issued in Jamaica, N.Y., on August 10, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Schenectady, N.Y., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 42°51'15" N., 73°55'55" W. of Schenectady County Airport, Schenectady, N.Y.; within 2.5 miles each side of a 037° bearing from the Schenectady RBN (42°51'15" N., 73°55'45" W.) extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2.5 miles each side of the Schenectady VOR (42°51'05" N., 73°56'05" W.) 030° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 28, extending from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the extended centerline of Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding the portion that coincides with the Albany, N.Y., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

(b) Delete the description of the Albany, N.Y., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 42°-44'40" N., 73°48'15" W. of Albany County Airport, Albany, N.Y.; within 3.5 miles each side of the Albany VORTAC 354° radial extending from the 5-mile radius zone to 11.5 miles north of the VORTAC and within 3 miles each side of the Albany VORTAC 182° radial extending from the 5-mile radius zone to 11.5 miles south of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Albany, N.Y., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within the area bounded by a point on the Albany VORTAC 007° radial 23 miles north of the VORTAC, thence clockwise along the arc of a 23-mile radius circle centered on the Albany VORTAC to its point of intersection with the Albany VORTAC 037° radial, thence southwest along the Albany VORTAC 037° radial to a point 12 miles northeast of the VORTAC, thence clockwise along the arc of a 12-mile radius circle centered on the Albany VORTAC to its point of intersection with the arc of a 9-mile radius circle centered on the Schenectady VOR (42°51'05" N., 73°56'05" W.), thence clockwise along the arc of the 9-mile radius circle centered on the Schenectady VOR to its point of intersection with a line 2 miles south and parallel to the extended centerline of the Schenectady County Airport Runway 28, thence west along this parallel line to its point of intersection with the arc of a 13-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of this 13-mile radius circle to its point of intersection with the Schenectady VOR 342° radial, thence north along a line bearing 356° from this point to the point of intersection of this line and the arc of a 19-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of the 19-mile radius circle centered on the Schenectady VOR to its point of intersection with the arc of a 23-mile radius circle centered on the Albany VORTAC.

[F.R. Doc. 70-11338; Filed, Aug. 26, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 328]

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

Limitation of Handling

§ 908.628 Valencia Orange Regulation 328.

(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 25, 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 28, 1970, through September 30, 1970, are hereby fixed as follows:

(i) District 1: 315,000 cartons;

(ii) District 2: 385,000 cartons;

(iii) District 3: Unlimited.

(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 26, 1970.

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

[F.R. Doc. 70–11442; Filed, Aug. 26, 1970; 11:20 a.m.]

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

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER August 6, 1970 (35 F.R. 12544). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 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.

It is hereby found 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) the relevant provisions of said marketing agreement and this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1970, and the rate of assessment herein fixed will apply to all assessable onions beginning with such date.

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

Dated: August 24, 1970.

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

[F.R. Doc. 70–11369; Filed, Aug. 26, 1970; 8:51 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Labels of Consumer Commodities; Statement of Quantity on Multiunit Packages

On May 22, 1970, a notice of proposed rule-making was published in the FEDERAL REGISTER (35 F.R. 7903). This proposed rule-making involved a redesignation of § 500.24 to § 503.1, a deletion of § 500.25, and amendments to §§ 500.6 and 500.7. The proposed rule also involved new §§ 500.24, 500.25, and 500.26. The latter defined and prescribed mandatory labeling of multiunit packages, variety packages, and combination packages of consumer commodities.

The proposed rule-making resulted in a relatively great number of comments from regulatory officials of various state weights and measures units, all of which were in support of the proposed rule-making on the grounds that such rules would promote uniformity throughout the general area of packaging. One industry comment was received which proposed that variety packages containing objects of varying nonstandard dimensions, such as assorted sponges should be a specific subject of the proposed regulation dealing with variety packages. It is the Commission's opinion that section 5(b) of the Act provides the mechanics of exempting particular commodities from full compliance with mandatory requirements when good and sufficient reasons for such exemptions are advanced, and thus the basic regulation should not be amended for the specific purpose of providing for assorted sponges consisting of nonstandard dimensions.

Having considered all relevant matter presented by interested persons during the 60 days permitted for comment, the proposed rule-making is adopted without change, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds thereofor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections or, if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective on December 1, 1970, except as to any provision that may be stayed by the filing of valid objections.

Issued: August 21, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

§ 503.1 [Redesignated]

1. Section 500.24 of Part 500 is redesignated as § 503.1 of Part 503.

§ 500.25 [Deleted]

2. Section 500.25 of Part 500 is deleted.

§ 500.7 [Amended]

3. Section 500.7 of Part 500 is amended by deleting the parenthetical example contained in the first sentence of the section.

4. Section 500.6 of Part 500 is amended by rewriting the second proviso to read:

§ 500.6 Net quantity of contents declaration, location.

* * * * *

(b) * * *

(2) The requirements as to separation, location, and type size, specified in this part are waived with respect to variety and combination packages as defined in this part.

* * * *

5. A new § 500.24, *Multiunit packages*, is added:

§ 500.24 Multiunit packages.

(a) A multiunit package is a package intended for retail sale, containing two or more individual packaged or labeled units of an identical commodity in the same quantity. The declaration of net quantity of contents of a multiunit package shall be expressed as follows:

(1) The number of individual packaged or labeled units;

(2) The quantity of each individual packaged or labeled unit including dual declarations when applicable; and

(3) The total quantity of the multiunit package which may omit the parenthetical quantity statement of a dual quantity representation.

EXAMPLES: Soap bars: "6 Bars, Net Wt. 3.4 ozs. each, Total Net Wt. 20.4 ozs." Facial Tissues: "10 Packs, each 25 two-ply tissues, 9.7 in. x 8.2 in., Total 250 Tissues."

(b) The individual packages or labeled units of a multiunit package, when intended for individual sale separate from the multiunit package, shall be labeled in compliance with the regulations under this Part 500 applicable to that package.

(c) A multiunit package containing unlabeled individual packages which are not intended for retail sale separate from the multiunit package may contain in lieu of the requirements of paragraph (a) of this section, a declaration of quantity of contents expressing the total quantity of the multiunit package without regard for inner packaging. For such multiunit packages it shall be optional to include a statement of the number of individual packages when such a statement is not otherwise required by the regulations.

EXAMPLES: Deodorant Cakes: "5 Cakes, Net Wt. 4 ozs. each, Total Net Wt. 20 ozs." or "5 Cakes, Total Net Wt. 20 ozs. (1 lb. 4 ozs.)";

Soap Packets: "10 Packets, Net Wt. 2 ozs. each, Total Net Wt. 20 ozs.", or "Net Wt. 20 ozs. (1 lb. 4 oz.)" or "10 Packets, Total Net Wt. 20 ozs. (1 lb. 4 ozs.)."

6. A new § 500.25 *Variety packages*, is added:

§ 500.25 Variety packages.

(a) A variety package is a package intended for retail sale, containing two or more individual packages or units of similar but not identical commodities. Commodities which are generically the same but which differ in weight, measure, volume, appearance or quality are considered similar but not identical. The declaration of net quantity for a variety package will be expressed as follows:

(1) The number of units for each identical commodity followed by the weight, volume or measure of that commodity including dual declarations when applicable; and

(2) The total quantity by weight, volume, measure, and count, as appropriate, of the variety package. Dual declarations may be omitted from the total quantity statement.

The statement of total quantity shall appear as the last item in the declaration of net quantity and shall not be of greater prominence than other terms used.

EXAMPLES:

(i) "2 sponges 4½ ins. X 4 ins. X ⅜ in.
1 sponge 4½ ins. X 8 ins. X ¾ in.
4 sponges 2¼ ins. X 4 ins. X ½ in.
Total 7 sponges"

(ii) "2 soap bars Net Wt. 3.2 ozs. each
1 soap bar Net Wt. 5.0 ozs.
Total 3 bars Net Wt. 11.4 ozs."

(iii) Liquid Shoe Polish: "1 Brown 3 fl. ozs.
1 Black 3 fl. ozs.
1 White 5 fl. ozs.
Total 11 fl. ozs."

(iv) Picnic Ware: "34 spoons
33 forks
33 knives
Total 100 pieces"

(b) When the individual units in a variety package are either packaged or labeled and are intended for retail sale as individual units, each unit shall be labeled in compliance with the applicable regulations under this Part 500.

7. A new § 500.26, *Combination packages*, is added:

§ 500.26 Combination packages.

(a) A combination package is a package intended for retail sale, containing two or more individual packages or units of dissimilar commodities. The declaration of net quantity for a combination package will contain an expression of weight, volume, measure or count or a combination thereof, as appropriate for each individual package or unit; provided, that the quantity statements for identical packages or units shall be combined. Dual declarations will be included where applicable.

EXAMPLES:

(1) Lighter fluid and flints: "2 cans—each 8 fl. ozs.; 1 package—8 flints."

(2) Sponges & Cleaner: "2 sponges each 4 in. X 6 in. X 1 in.; 1 box cleaner—Net Wt. 6 ozs."

(3) Picnic Pack: "20 spoons, 10 knives and 10 forks, 10 2-ply napkins 10 ins. X 10 ins. 10 cups—6 fl. ozs."

(b) When the individual units in a combination package are either packaged or labeled and are intended for retail sale as individual units, each unit shall be in compliance with the applicable regulations under this Part 500.

[F.R. Doc. 70-11321; Filed, Aug. 26, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

APPROVAL OF NEW ANIMAL DRUG APPLICATIONS AND SUPPLEMENTS

Under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.121(j) is revised to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(j) *Delegations regarding approved new animal drug applications and approved new animal drug application supplements for new animal drugs.* The Director of the Bureau of Veterinary Medicine is authorized to perform all the functions of the Commissioner of Food and Drugs with regard to the approval of new animal drug applications, and new animal drug application supplements, for new animal drugs submitted pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act. The Director of the Division of Veterinary Medical Review of the Bureau of Veterinary Medicine is authorized to perform the functions of the Commissioner with regard to the approval of applications for animal feeds containing new animal drugs.

* * * * *

Effective date. This order is effective on its date of signature.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: August 19, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-11323; Filed, Aug. 26, 1970; 8:48 a.m.]

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

REVOCATIONS REGARDING CYCLAMATE-CONTAINING PRODUCTS INTENDED FOR DRUG USE

In an order published in the FEDERAL REGISTER of October 21, 1969 (34 F.R.

17063), deleting cyclamates from the list of substances generally recognized as safe in food (21 CFR 121.101), the Commissioner of Food and Drugs gave notice that cyclamate-sweetened products intended for use in the dietary management of diabetes and obesity should be relabeled promptly to comply with the drug provisions of the Federal Food, Drug, and Cosmetic Act if they were to continue on the market.

In an order published December 31, 1969 (34 F.R. 20426), promulgating 21 CFR 130.40, notice was given that the Medical Advisory Group on Cyclamates established by the Assistant Secretary for Health and Scientific Affairs had reviewed all available data on cyclamates and in a December 1969 report:

1. Endorsed the prohibition of cyclamates in beverages for general use in the future processing of general purpose foods.

2. Expressed the unanimous opinion that under appropriate medical management of individuals with diabetes (particularly in the case of juvenile diabetes) and of patients in whom weight reduction and control are essential for health, cyclamates provide medical benefits which outweigh their hazards.

3. Recommended that cyclamates continue to be made available for such patients on medical advice and on a nonprescription, drug-labeled basis.

4. Recommended that the Food and Drug Administration carry out an annual review of data on cyclamates and other nonnutritive sweeteners.

At the request of the Food and Drug Administration, the Medical Advisory Group on Cyclamates was reconvened on August 4, 1970, and reexamined their previous conclusions in the light of all scientific evidence available to date.

In a report delivered to the Food and Drug Administration on August 13, 1970, the Medical Advisory Group on Cyclamates reaffirmed its previous endorsement of the prohibition of cyclamates in beverages for general use and in the processing of general purpose foods. The Group concluded there is no substantial evidence of effectiveness of cyclamates at any level for treatment of obese patients and individuals with diabetes. The Group found that prudent limitations on cyclamate intake dictated by safety considerations would restrict the daily intake of cyclamates to a maximum of 168 milligrams. This would permit the sweetening of only one serving of canned fruit or vegetables with a caloric reduction of approximately 21 calories. The Group concluded that this caloric reduction is insignificant and has no practical value for the obese or the diabetic patient.

Based upon the new report of the Medical Advisory Group on Cyclamates, the Commissioner concludes that in the absence of adequate evidence of safety and effectiveness continued sale of cyclamate-containing products with drug labeling cannot be permitted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 2, 3, and 130 are amended as follows:

1. Section 2.121 *Redelegations of authority from the Commissioner to other officers of the Administration* is amended by revoking paragraph (m) *Delegations regarding approved abbreviated new-drug applications and approved abbreviated new-drug application supplements for cyclamate-containing products* (35 F.R. 6574).

2. Section 3.75 *Drug labeling for cyclamate-containing artificial sweeteners* (35 F.R. 2774) is revoked.

3. Sections 130.40 *Abbreviated new-drug applications for cyclamates* (35 F.R. 20426) and 130.43 *Conditions for marketing cyclamate-containing products as drugs* (35 F.R. 5008) are revoked.

Effective date. This order is effective on publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a))

Dated: August 24, 1970.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[F.R. Doc. 70-11379; Filed, Aug. 26, 1970; 8:51 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Exemption of Fuel for Miniature Jet Propelled Engines From Classification as Banned Hazardous Substance

No comments were received in response to the notice published in the FEDERAL REGISTER of May 9, 1970 (35 F.R. 7303), in which the Commissioner of Food and Drugs proposed that the articles described below be exempted from classification as "banned hazardous substances," as defined by section 2(q)(1)(A) of the Federal Hazardous Substances Act. The Commissioner concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the act (sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304, 50 U.S.C. 1261) and under authority delegated to him (21 CFR 2.120), two new subparagraphs are added to § 191.65(a) as follows:

§ 191.65 Exemptions from classification as banned hazardous substances.

(a) * * *

(10) Solid fuel pellets intended for use in minature jet engines for propelling model jet airplanes, speed boats, racing cars, and similar models, provided such solid fuel pellets:

(i) Weigh not more than 11.5 grams each.

(ii) Are coated with a protective resinous film.

(iii) Contain not more than 35 percent potassum dichromate.

(iv) Produce a maximum thrust of not more than 7½ ounces when used as directed.

(v) Burn not longer than 12 seconds each when used as directed.

(11) Fuses intended for igniting fuel pellets exempt under subparagraph (10) of this paragraph.

Delayed effective date is unnecessary for this promulgation since the Federal Hazardous Substances Act contemplates such exemptions under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 2(q)(1)(B)(i), 74 Stat. 374, 80 Stat. 1304; 50 U.S.C. 1261)

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-11324; Filed, Aug. 26, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 103—Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 103–1—INTRODUCTION

A new Chapter 103 of Title 41 of the Code of Federal Regulations is established and reads as follows:

Subpart 103–1.1—Regulation System

Sec.

103–1.100	Scope of subpart.
103–1.101	HEW Property Management Regulations System.
103–1.103	Temporary-type HEWPMR.
103–1.104	Publication of HEWPMR.
103–1.105	Authority for HEWPMR.
103–1.106	Applicability of HEWPMR.
103–1.109	Numbering of HEWPMR.
103–1.110	Deviation.
103–1.151	Exclusion.
103–1.152	Citation.

Subpart 103–1.50—Authorities and Responsibilities

103–1.5001	Applicability.
103–1.5002	Definitions.
103–1.5002–1	Acquire (acquisition).
103–1.5002–2	Board of Survey.
103–1.5002–3	Capitalization (capitalize, to).
103–1.5002–4	Capitalized property.
103–1.5002–5	Department.
103–1.5002–6	Equipment.
103–1.5002–7	Head of the agency.
103–1.5002–8	Maintenance.
103–1.5002–9	Materials.
103–1.5002–10	Operating agency.
103–1.5002–11	Property.
103–1.5002–12	Property management.
103–1.5002–13	Property management officer.
103–1.5002–14	Secretary.
103–1.5003	General.
103–1.5004	Primary responsibility.
103–1.5005	Assignment of responsibilities and delegations of authority.
103–1.5006	Responsibilities of Department officials.
103–1.5007	Responsibilities of property management officers.
103–1.5008	Responsibilities of individuals for public property.

Subpart 103–1.99—Illustrations

Sec.
103–1.9901 Supplementary part number assignments.

AUTHORITY: The provisions of this Part 103–1 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 103–1.1—Regulation System

§ 103–1.100 Scope of subpart.

This subpart sets forth introductory material concerning the Department of Health, Education, and Welfare Property Management Regulations (referred to herein as HEWPMR) in terms of the establishment, authority, publication, applicability, implementation, and supplementation of the Federal Property Management Regulations (referred to herein as FPMR). It establishes the method of numbering, and provides the procedure for obtaining authority to deviate from regulations prescribed herein.

§ 103–1.101 HEW Property Management Regulations System.

(a) This subpart establishes the Department of Health, Education, and Welfare Property Management Regulations System, Chapter 103 of the Federal Property Management Regulations System. It states its relationship to the Federal Property Management Regulations (41 CFR Ch. 101), and provides instructions governing the property management operations of the Department of Health, Education, and Welfare (referred to herein as HEW). To effectively provide selective material to specialized groups from the wide range of subject matter covered by the FPMR, the HEWPMR System is divided into segments and published as HEW Manuals, e.g., Materiel Management, Telecommunications, Real Property Management, Facilities Planning and Construction.

(b) The effective date of FPMR throughout HEW will be the date indicated in the respective FPMR unless otherwise provided in the HEWPMR. HEWPMR will be effective on the date of the transmittal notice by which distributed unless otherwise indicated in the respective transmittal notice.

(c) The HEW Property Management Regulations shall include regulations deemed necessary for business concerns, and others, to be informed of basic and significant HEW property management policies and procedures which implement, supplement, or deviate from the FPMR.

§ 103–1.103 Temporary-type HEWPMR.

HEWPMR include a temporary-type, issued as Circulars, for use under circumstances similar to those specified in FPMR 101–1.103 (a) and (b). Conversion to permanent type HEWPMR shall be made as soon as possible, in most instances within 180 days.

§ 103–1.104 Publication of HEWPMR.

(a) The HEWPMR appear in the Code of Federal Regulations as Chapter 103 of Title 41, Public Contracts and Property Management, and are published in cumulative form.

(b) Policies and procedures which directly affect the public will be published in the FEDERAL REGISTER. However, related material, not affecting the public, may also be published in the FEDERAL REGISTER, when its inclusion will provide a logical comprehensive statement of HEW property management policies and procedures.

(c) HEWPMR will be issued in looseleaf form for use by employees of HEW. The material published in the FEDERAL REGISTER will be identified by a solid vertical line to the left of the text. The length of the line will coincide with the length of the text.

(d) All material for issuance at the Department level is published by the Office of General Services, OS–OASA. Original approved and signed manuscripts are filed with that Office.

§ 103–1.105 Authority for HEWPMR.

HEWPMR are to establish uniform policies and procedures in the Department within the area of property management. They are prescribed by the Assistant Secretary for Administration, under authority of 5 U.S.C. 301 and section 205(c), Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), delegated by the Secretary.

§ 103–1.106 Applicability of HEWPMR.

FPMR and HEWPMR apply to all HEW activities unless otherwise specified, or unless a deviation is approved as provided in § 103–1.110.

§ 103–1.109 Numbering of HEWPMR.

(a) HEW has been assigned Chapter 103 for use in publishing its implementing and supplementing regulations. These regulations shall be numbered as provided in FPMR 101–1.109(b). Implementary material is that which expands upon related Federal Property Management Regulation material. Supplementary material is that for which there is no counterpart in the FPMR. Illustration § 103–1.9901 identifies the numbering of supplementing parts assigned to each subchapter. Where material in the FPMR requires no implementation, there is no corresponding number in the HEWPMR. Thus, there are gaps in the HEWPMR sequence of numbers where the FPMR, as written, are applicable to HEW property management functions.

(b) Material issued by operating agencies and staff offices of HEW to complement the HEWPMR shall be identified by prefixes to the number 103 part, subpart, section, and subsection. The following are the assigned prefixes:

Organization	*Prefix*
HEW	(None)
Office of the Secretary	OS
Office of Field Coordination	OFC
Individual Regional Office	RO(+Roman No.)
Environmental Health Service	EHS
Food and Drug Administration	FDA
Office of Education	OE
Health Services and Mental Health Administration	HSM
National Institutes of Health	NIH
Social and Rehabilitation Service	SRS
Social Security Administration	SSA

The organizations listed above shall, under the prefixes assigned, publish detailed operating instructions as deemed necessary. However, under no circumstances shall any organization's implementation or supplementation of the FPMR or HEWPMR conflict, supersede, or duplicate policies or procedures prescribed by these regulatory issuances. Material so issued shall follow the numbering system, format, and arrangement of the FPMR and HEWPMR, and will be applicable only within the organization issuing the publication. Such material shall not be published routinely in the FEDERAL REGISTER. Requests for approval to publish material in the FEDERAL REGISTER shall be submitted to the Office of General Services, OS–OASA, when publication is deemed appropriate.

§ 103–1.110 Deviation.

(a) *FPMR.* Requests for deviations from the provisions of FPMR shall be forwarded, through administrative channels, to the Office of General Services, OS–OASA, for consideration. Approved requests shall be forwarded to the General Services Administration for appropriate action. Requests for deviations shall set forth clearly the nature of the required deviations and the circumstances warranting them.

(b) *HEWPMR.* In the interest of establishing and maintaining uniformity to the maximum extent feasible, deviations from the HEWPMR shall be kept to a minimum. Requests for such deviations shall be forwarded, through administrative channels, to the Office of General Services, OS–OASA, for consideration and appropriate action.

§ 103–1.151 Exclusion.

(a) Certain HEW property management policies and procedures which come within the scope of this Chapter 103 nevertheless may be excluded therefrom when justified. These exclusions may include the following categories:

(1) Policies or procedures which are instituted on an experimental basis, or which are expected to be effective for a period of less than 6 months.

(2) Policies and procedures pertaining to other functions of HEW as well as to property management functions, where there is need to make the issuance available simultaneously to all HEW employees concerned.

(3) Speed of issuance is essential, numerous changes are required in Chapter 103, and all necessary changes cannot be made promptly.

(4) Issuance having extensive and detailed information such as manual guides.

(b) Property management procedures and instructions issued under paragraph (a) (2) and (3) of this section will be published in Chapter 103 at the earliest practicable date.

§ 103–1.152 Citation.

The HEWPMR will be cited in the same manner as the FPMR are cited. Thus this section, in referring to divisions of the FPMR system should be cited as "Section 103–1.152 of Chapter 103." When the official Code of Federal Regulations citation is used, this section should be cited as "41 CFR 103–1.152." Any citation of the FPMR and the HEWPMR may be identified informally, for purpose of brevity, as "FPMR" or "HEWPMR" respectively, followed by the section number, such as "FPMR 101–1.101" or "HEWPMR 103–1.152."

Subpart 103–1.50—Authorities and Responsibilities

§ 103–1.5001 Applicability.

Whenever the provisions of this subpart are directed to the day-by-day responsibilities and operation of the operating agencies, and/or the Regional Offices, they shall also apply to similar operations of the Office of the Secretary, unless specifically exempted.

§ 103–1.5002 Definitions.

As used in this subpart and elsewhere in the HEWPMR, the following terms shall have the meaning as set forth in this § 103–1.5002.

§ 103–1.5002–1 Acquire (acquisition).

"Acquire (acquisition)" means to obtain ownership of property in any manner, including purchase, transfer, donation, manufacture, construction, condemnation, or production at Government-owned or operated plants or facilities. Property will be considered to be acquired at the time title to the property passes to the Department irrespective of point of origin. Usually title will pass upon delivery or acceptance of the property.

§ 103–1.5002–2 Board of survey.

"Board of survey" means a committee usually consisting of three to five officers and/or employees of the Department or the Government appointed to make inquiry into the circumstances of a shortage, loss, damage, destruction or condition of property, and to report their findings.

§ 103–1.5002–3 Capitalization (capitalize, to).

"Capitalization (capitalize, to)" means the assignment of dollar values to property for the purpose of reflecting such values on property accountability records and general ledger asset accounts.

§ 103–1.5002–4 Capitalized property.

"Capitalized property" means property which has been entered on the records of the Department as an investment or asset.

§ 103–1.5002–5 Department.

"Department" means the Department of Health, Education, and Welfare, including all of its activities wherever located.

§ 103–1.5002–6 Equipment.

"Equipment" means an article of personal property which is complete in itself, is of durable nature with an expected service life of 1 year or more, and does not ordinarily lose its identity or become a component part of another article when put into use. The term when used unqualifiedly includes furniture, machines, furnishings, etc., or any durable item required to equip an individual or activity to do a job.

§ 103–1.5002–7 Head of the agency.

"Head of the agency" shall mean the Secretary of Health, Education, and Welfare. Heads of the operating agencies shall not place themselves in the head of the agency context and interpretation.

§ 103–1.5002–8 Maintenance.

"Maintenance" refers to the routine recurring work required to keep property in substantially original condition. It may include replacement of minor constituent parts, materials or equipment.

§ 103–1.5002–9 Materials.

"Materals" refers to all items necessary for the equipping, maintenance, operation, and support of governmental activities, without distinction as to use for administrative or operational purpose.

§ 103–1.5002–10 Operating agency.

"Operating agency" shall mean the Environmental Health Service, Food and Drug Administration, Office of Education, Health Services and Mental Health Administration, National Institutes of Health, Social and Rehabilitation Service, and Social Security Administration.

§ 103–1.5002–11 Property.

"Property" means any interest in property except the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines are not suitable for return to the public domain for disposition under the general public land laws because such lands are substantially changed in character by improvements or otherwise; and records of the Federal Government. To provide the necessary management and accounting control, property is identified by categories set forth below.

(a) Real property: For definition of real property see § 101–47.103–12 of this title.

(b) Personal property: All property other than real or building service equipment. Items in this category are further classified as expendable and nonexpendable property.

(1) "Expendable" means those categories or specific items of property which have been classified for property control and/or cost accounting purposes as expendable and the cost or appraised value thereof is to be charged as an expense when received or issued depending upon the cost accounting system applied by the activity. The value of quantities of expendable items held in stores or redistribution activity pending issue is recorded as an asset.

(2) "Nonexpendable" means those categories or specific items of property which for property management and/or accounting purposes are to be carried as capital assets of a program or activity until disposed of by transfer, sale, or other means.

(c) Installed personal property is that property which requires utility connections (other than electric cord which may be plugged into receptacles) and is related to a functional area, or property which when removed from the space or building does not render the space or building unusable or uninhabitable.

(d) Accountable personal property means all personal property which is subject to accountability by appropriate authority. Such property includes that capitalized in the fiscal records of the Department and usually all personal property for which quantitative record control is required to be maintained, i.e., inventories of expendable supplies.

(e) Personal custody property. Articles which are sensitive to appropriation for private use, or are used in situations beyond normal supervisory notice, and good management practice dictates that such property should be accounted for by the person to whom use and trust of the items are assigned.

§ 103–1.5002–12 Property management.

"Property management," when used as a general term, is the broad function of the management, coordination, and regulation of activities concerned with the functions of planning property needs, the acquisition of property, the receipt, storage, and distribution of property; the proper utilization and care of property; of property accounting control and the disposition of property; as well as other secondary or integral functions that affect the property of the Department.

§ 103–1.5002–13 Property management officer.

"Property mar agement officer" is the employee who has been designated by proper authority to be immediately responsible for the exercise of such property management functions as are authorized to be performed at the office and installations for which he is assigned responsibility, without regard to the job title by which his position is officially known.

§ 103–1.5002–14 Secretary.

"Secretary" means the Secretary of Health, Education, and Welfare.

§ 103–1.5003 General.

(a) General and special legislation, regulations, executive orders, and the dictates of good management practices place on the Secretary, the heads of operating agencies, subordinate line officials, and the heads of offices and installations, a responsibility for establishing and maintaining an effective and efficient property management program.

(b) The property management program to be effective and prevent losses, waste, unauthorized or improper use, and unwarranted accumulations must provide the following:

(1) Effective planning and scheduling of requirements to assure that supplies, equipment, and space are available to adequately serve operations while at the same time maintaining operating costs and inventory levels at a minimum.

(2) Assurance through leadership and direction that:

(i) Maximum utilization of property is obtained and that property is used for official purposes only;

(ii) Adequate inventory controls and accountability records are maintained;

(iii) Property is properly cared for including preservation, preventive maintenance, handling, and storage;

(iv) Property is made available for reassignment to other Government activities when such property is no longer required for present or approved projects or programs;

(v) Newly acquired property is adequately inspected to assure receipt of proper quantities in acceptable condition, and compliance with specifications and standards;

(vi) Property management reports are submitted as required.

§ 103–1.5004 Primary responsibility.

The Secretary has primary responsibility for providing direction and leadership in the development and establishment of an effective and efficient property management program including:

(a) Internal regulations, policies, and procedures, to meet the requirements of laws, regulations, and the dictates of good management practices; and

(b) The review and evaluation of property management programs, operations, and procedures.

§ 103–1.5005 Assignment of responsibilities and delegations of authority.

(a) *General.* Some property management transactions require specific grants of authority empowering individuals to take those actions, e.g., procurement authority to acquire property where the expenditure of funds is involved; contracting authority where the sale of property is involved. Other actions are based on grants of authority, instructions, directions, or are authorized by virtue of occupying a position to which responsibility is assigned. To effectively and efficiently conduct the Department's property management function, and in the interest of less costly procedures and practices, it is considered generally desirable that authority and responsibility for property management transactions be exercised at the lowest organizational unit practicable. Delegations may be made by the Office of the Secretary to operating agencies and the Regional Offices. Delegations made to officials of these organizations may be redelegated when authorized.

(b) *Delegations and redelegations.* Chapter 8–75 of the HEW General Administration Manual states the policy and procedure applicable to delegations of authority and responsibility. Delegations of authority to perform actions pertaining to the management of property and related functions are located elsewhere in this Part 103–1.

§ 103–1.5006 Responsibilities of Department officials.

(a) General. At all levels of the Department, officials in charge of activities have an inherent responsibility for the management of property under their jurisdiction. Depending upon the scope of the activities involved, these responsibilities will be carried out directly by the officer in charge or through the assistance of a staff officer selected to perform duties of the kind outlined in § 103–1.5007, either on a full-time basis or in addition to other duties.

(b) Specific responsibilities include:

(1) Advising all organizations and persons concerned of the name, location, responsibilities and authorities of individuals designated to perform property management responsibilities;

(2) Directing personnel under his jurisdiction to give full cooperation to such individuals;

(3) Designating personnel to assume the responsibilities of such individuals during their absence; and

(4) Notifying all employees of their responsibilities under § 103–1.5008.

§ 103–1.5007 Responsibilities of property management officers.

A property management officer designated to carry out property management repsonsibilities is a staff officer or employee responsible to the officer in charge of an activity. He works in concert with other staff members of that activity to coordinate the planning for and utilization of all property, to assure effective and economical service in meeting operating needs (see § 103–1.5003). The property management officer's responsibilities include, but are not limited to, the following:

(a) Providing leadership and guidance in the proper utilization, care and disposal of property, as well as assuring the development of requirements for property on the basis of a determined need within authorized program objectives.

(b) Determining the condition of property relative to its serviceability and repairability resulting from fair wear and tear.

(c) Requiring board-of-survey action in accordance with instructions contained in HEWPMR, and when otherwise deemed advisable.

(d) In addition, where the jurisdiction of his chief encompasses one or more property accountable areas:

(1) Assuring through staff leadership and technical assistance that prescribed property accountability and property custodial records and controls and property transactions are maintained;

(2) Assuring that property accountability records are verified and reconciled by periodic inventories of property; and

(3) When serving as property accountable official, carrying out prescribed responsibilities.

§ 103–1.5008 Responsibilities of individuals for public property.

(a) Any employee of the Department who has use of, supervises the use of, or exercises control over Government property, is responsible for such property. This responsibility may take either or both of the following forms:

(1) *Supervisory responsibility.* This requires the establishment and continuous enforcement of necessary administrative measures to assure proper preservation and utilization of all Government property under jurisdiction of an officer-in-charge, an administrative official, or a supervisor. This responsibility does not denote, however, that personnel in such positions will be held pecuniarily liable for loss, damage, or destruction of property under their supervisory jurisdiction, unless there is evidence of neglect or misconduct indicating dereliction of duty on their part.

(2) *Personal responsibility.* Responsibility for the care and protection of Government property is an obligation inherent in every position occupied by a Government employee. Every employee is obligated to properly care for, handle, and use Government property, whether such property has been issued to or specifically assigned for his personal use, or is used by him only occasionally. The use of Government property at or away from the office or station requires the same exercise of judgment and prudence for care and protection of the property as a reasonable person would apply to his personal belongings. Leaving expensive equipment such as cameras, portable tape recorders, etc., in full view in a locked car in a location during periods when breaking and entering could be accomplished unobserved is not exercising prudence. Such action, when associated with other factors, could constitute negligence.

(b) Failure on the part of an employee to exercise responsibility for the care and protection of Government property could result in pecuniary liability. An employee may be held pecuniarily liable and be required to make restitution to the Government when such a determination has been made under the Board of Survey procedure, or upon a review of the case by the prescribed authority or his designee when the determination has been appealed by the employee. The employee may be excused from liability by the same authority.

(c) The extract from section 641 of title 18, United States Code, quoted below, available on Form HEW–542, Care and Protection of Government Property,

will be posted on bulletin boards and other conspicuous places, for information and guidance of all concerned:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof; or any property made or being made under contract for the United States or any department or agency thereof, or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

The word "value" means face, par, or market value, or cost price, either wholesale or retail whichever is greater.

Subpart 103–1.99—Illustrations

§ 103–1.9901 Supplementary part number assignments.

HEW parts in which supplementary material is issued (parts numbered 50 and above), as contemplated in §103–1.109, are assigned to the various subchapters set forth below:

Subchapter	Parts under 50 (implement FPMR)	Parts over 50 (supplement FPMR)
A [1]	103–1 through 103–6	103–51 through 103–56.[3]
B [1]	103–7 through 103–13	103–57 through 103–63.
C [1]	103–14 through 103–16	103–64 through 103–66.
D [1]	103–17 through 103–24	103–67 through 103–74.
E [1]	103–25 through 103–34	103–75 through 103–84.
F [1]	103–35 through 103–37	103–85 through 103–87.
G [1]	103–38 through 103–41	103–88 through 103–91.
H [1]	103–42 through 103–49	103–92 through 103–99.[3]

[1] HEW Materiel Management Manual implements or supplements material only in subchapters C, E, G, and H, and Part 101–1 of subchapter A.
[2] HEW manuals other than the Materiel Management Manual implement and supplement material in subchapters A, B, D, and F.
[3] Parts 103–50 and 103–100 are reserved.

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

Approved: August 12, 1970.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 70–11348; Filed, Aug. 26, 1970; 8:51 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Cumberland, Md., and Keyser, W. Va., Interstate Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Cumberland (Maryland)—Keyser (West Virginia) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on June 25, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.59, as set forth below, designating the Cumberland (Maryland)—Keyser (West Virginia) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.59 Cumberland (Maryland)—Keyser (West Virginia) Interstate Air Quality Control Region.

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

In the State of Maryland:
Allegany County. Garrett County.

In the State of West Virginia:
Grant County. Mineral County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: August 17, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70–11163; Filed, Aug. 26, 1970; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Rockford, Ill., and Janesville-Beloit, Wis., Interstate Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Rockford (Illinois)—Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on June 30, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.71, as set forth below, designating the Rockford (Illinois)—Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.71 Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate Air Quality Control Region.

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

In the State of Illinois:
Boone County. Stephenson County.
De Kalb County. Winnebago County.
Ogle County.

In the State of Wisconsin:
Rock County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c–2(a), 1857g(a))

Dated: August 17, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70–11164; Filed, Aug. 26, 1970; 8:45 a.m.]

Title 45—PUBLIC WELFARE

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

PART 120—INTERCHANGE OF PERSONNEL WITH STATES

Miscellaneous Amendments

The following amendments to Part 120 are issued to reflect the amendments to the Elementary and Secondary Education Act of 1965 affecting Title V thereof which were made by Public Law 90–247 and Public Law 91–230.

1. In § 120.1, paragraphs (e) and (f) are amended to read as follows:

§ 120.1 Definitions.

* * * * *

(e) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(f) "State agency" or "agency of the State" means an agency of the State engaged in activities in the field of education, and includes a State educational agency, a local educational agency, and a State college or university.

* * * * *

(20 U.S.C. 867, 881)

2. Section 120.2 is amended to read as follows:

§ 120.2 Purpose.

The Commissioner is authorized, through agreements or otherwise, to arrange for assignment of officers and employees of States or agencies of States

to the Office and assignment of officers and employees of the Office to States or agencies of States, for work which the Commissioner determines will aid the Office in more effectively discharging its responsibilities as authorized by law, including cooperation with States and the provision of technical or other assistance. Such arrangements will be made by the Commissioner in accordance with the provisions of the regulations in this part and any conditions and procedures which the Commissioner finds necessary to carry out the purpose of the Act and the regulations in this part.

(20 U.S.C. 867)

3. In § 120.4, paragraphs (a) and (b) are amended to read as follows:

§ 120.4 Initiation of proposals.

* * * * *

(a) *Office proposals.* When the Commissioner desires to effect with a State agency the assignment of personnel, he will propose an arrangement for that purpose to the appropriate State agency. Upon acceptance of the proposal by the State agency, the Commissioner and the State agency will enter into an agreement which meets the requirements of the regulations in this part.

(b) *State proposals.* A State agency desiring the assignment of personnel shall submit a proposal for an arrangement for that purpose in such manner as may be prescribed by the Commissioner. Information on making such proposals may be obtained from the Office. The Commissioner will notify the State agency in writing of his acceptance or rejection of the proposal. If he rejects the proposal submitted by the State agency, he will provide reasons for his action, and, if modifications would make the proposal acceptable, he may suggest such modifications. If the proposal is accepted by the Office, the Commissioner and the State agency will enter into an agreement which meets the requirements of the regulations in this part.

(20 U.S.C. 867)

4. In § 120.7, the introductory paragraphs (b), (c), and (d) and subparagraph (1) of paragraph (e) are amended to read as follows:

§ 120.7 Personnel provisions.

* * * * *

(b) *Office personnel on leave without pay.* Each agreement for assignment to a State agency of an officer or employee of the Office on leave without pay from his position in the Office shall contain provisions with respect to the following matters:

* * * * *

(c) *State personnel without appointment to Office.* Each agreement for the assignment to the Office of an officer or employee of a State agency without appointment shall contain provisions with respect to compensation and allowances, travel and transportation expenses, and employee benefits which are consistent with his remaining an officer or employee of the State agency, except that provisions shall be contained in the agreement with respect to the following matters:

* * * * *

(d) *State personnel with appointment to Office.* Each agreement for appointment to the Office of an officer or employee of a State agency for the period of assignment shall contain provisions with respect to the following matters:

* * * * *

(e) *General provisions.* (1) Sections 203, 205, 207, 208, and 209 of title 18 of the United States Code, relating to conflicts of interest, shall apply to all officers or employees assigned to the Office pursuant to the regulations in this part.

* * * * *

(20 U.S.C. 867)

5. Section 120.8 is amended to read as follows:

§ 120.8 Modification of agreement.

Each agreement for an assignment of personnel between the Office and a State agency may be shortened, extended, or otherwise modified upon the mutual agreement of both parties. Such modifications shall be in accordance with the regulations in this part.

(20 U.S.C. 867)

6. Section 120.10 is amended to read as follows:

§ 120.10 Reports and evaluation.

The parties to each agreement shall adopt such procedures and make such reports as the Commissioner may find necessary for the evaluation of the progress of assignments under the agreement in light of the purpose stated in § 120.2. Such procedures and reports shall include, but not be limited to, (a) periodic consultations between the Office and the State agency, (b) exchange of reports, and (c) maintenance of records supporting such reports and mutual access thereto.

(20 U.S.C. 867)

In accordance with section 421 of the General Education Provisions Act (20 U.S.C. 1232), the foregoing amendments will become effective 30 days following the date of their publication in the FEDERAL REGISTER.

(20 U.S.C. 867(i). Interpret or apply 20 U.S.C. 867, 881, 883–885)

Dated: July 31, 1970.

T. H. BELL,
Acting Commissioner of Education.

Approved: August 20, 1970.

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

[F.R. Doc. 70-11349; Filed, Aug. 26, 1970; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12782]

PART 73—RADIO BROADCAST SERVICES

Competition and Responsibility in Network Television Broadcasting; Correction

Several intended changes in § 73.658 of the rules and regulations were inadvertently omitted from the amendments to the Commission's August 7, 1970 memorandum opinion and order (FCC 70-872) (35 F.R. 13208) in this proceeding. Part 73 is accordingly corrected to read as set forth below.

Released: August 21, 1970.

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

In § 73.658 of Part 73 of Chapter I of Title 47 of the Code of Federal Regulations, subparagraph (1) of paragraph (j) is revised, subparagraph (4) of paragraph (j) is added, and subparagraphs (1) and (3) of paragraph (k) are revised, to read as follows:

§ 73.658 Affiliation agreements and network program practices.

* * * * *

(j) *Network syndication and program practices.* (1) Except as provided in subparagraph (3) of this paragraph, no television network shall:

(i) After October 1, 1971, sell, license, or distribute television programs to television station licensees within the United States for nonnetwork television exhibition or otherwise engage in the business commonly known as "syndication" within the United States; or sell, license, or distribute television programs of which it is not the sole producer for exhibition outside the United States; or reserve any option or right to share in revenues or profits in connection with such domestic and/or foreign sale, license, or distribution; or

(ii) After October 1, 1970, acquire any financial or proprietary right or interest in the exhibition, distribution, or other commercial use of any television program produced wholly or in part by a person other than such television network, except the license or other exclusive right to network exhibition within the United States and on foreign stations regularly included within such television network: *Provided*, That if such network does not timely avail itself of such license or other exclusive right to network exhibition within the United States, the grantor of such license or right to network exhibition may, upon making a timely offer reasonably to compensate the network, reacquire such license or other exclusive right to exhibition of the program.

* * * * *

(4) For the purposes of this paragraph and paragraph (k) of this section the term network means any person, entity, or corporation which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States; and/or any person, entity, or corporation controlling, controlled by, or under common control with such person, entity, or corporation.

(k) *Prime time access rule.* (1) After October 1, 1971, no television station, assigned to any of the top 50 markets in which there are three or more operating commercial television stations, shall broadcast network programs offered by any television network or networks for a total of more than 3 hours per day between the hours of 7 p.m. and 11 p.m. local time, except that in the central time zone the relevant period shall be between the hours of 6 p.m. and 10 p.m.

* * * * *

(3) The portion of the time from which network programing is excluded by subparagraph (1) of this paragraph may not after October 1, 1972, be filled with off-network programs; or feature films which within 2 years prior to the date of broadcast have been previously broadcast by a station in the market.

* * * * *

[F.R. Doc. 70-11358; Filed, Aug. 26, 1970; 8:50 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

Certain National Wildlife Refuges

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—mourning and white-winged doves, from September 1 through September 20, 1970, inclusive; mourning doves only, from December 12, 1970 to January 10, 1971, inclusive. California—mourning and white-winged doves, from September 1 through September 30, 1970, inclusive; and November 28 through December 13, 1970, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1971.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Ariz. and Calif., is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—mourning and white-winged doves, from September 1 through September 20, 1970, inclusive; mourning doves only, from December 12, 1970 to January 10, 1971, inclusive. California—mourning and white-winged doves, from September 1 through September 30, 1970, inclusive; and November 28 through December 13, 1970, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1971.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock, and Wilson's snipe on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,906 acres, is delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: mourning doves, from September 1 through October 30, 1970, inclusive; rails, from September 1 through November 9, 1970, inclusive; woodcock, from October 17 through December 20, 1970, inclusive; and Wilson's snipe, from September 19 through November 22, 1970, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, and Wilson's snipe subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 20, 1970.

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Kirwin National Wildlife Refuge, Kans., is permitted from September 1 through October 30, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with applicable State and Federal regulations covering the hunting of doves.

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 30, 1970.

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and gallinules on the Quivira National Wildlife Refuge, Kans., is permitted during the early Teal Season from September 5 through September 13, 1970, inclusive, but only on the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of mourning doves, rails and gallinules.

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 September 13, 1970.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1970, inclusive, and from November 28 through December 27, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,000 acres, is delineated on maps available at refuge headquarters, Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 27, 1970.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, N. Mex., is permitted from September 1 through September 30, 1970, inclusive, and from November 28 through December 27, 1970, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,020 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 27, 1970.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of mourning doves subject to the following special conditions:

(1) The open season for hunting mourning doves on the refuge extends from September 1 through September 30, 1970, inclusive.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 September 30, 1970.

W. O. NELSON, Jr.,
Acting Regional Director,
Albuquerque, N. Mex.

AUGUST 21, 1970.

[F.R. Doc. 70-11365; Filed, Aug. 26, 1970; 8:51 a.m.]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kans., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing, including the taking of frogs, extends from February 1 through September 30, 1971, inclusive, although during the period October 1, 1970 through January 30, 1971, inclusive, Eagle Creek and the Neosho River only are open to fishing, except that the Neosho River oxbow northeast of Strawn is closed as marked by buoys, and fishing in the refuge portion of John Redmond Reservoir below the mouth of the Neosho River is permitted in the river channel as marked by buoys.

(2) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1971.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kans.

AUGUST 7, 1970.

[F.R. Doc. 70-11327; Filed, Aug. 26, 1970; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket AO–371]

HANDLING OF PAPAYAS GROWN IN HAWAII

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the County Council Room, County Building, Hilo, Hawaii, beginning at 9 a.m., local time, September 21, 1970, and in the Board Room, Hawaii Department of Agriculture Building, 1428 South King Street, Honolulu, Hawaii, beginning at 9 a.m., local time, September 24, 1970, with respect to a proposed marketing agreement and order regulating the handling of papayas grown in Hawaii.

The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted with a request for a hearing by the Hawaii Papaya Industry Association and 36 growers of papayas in Hawaii (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3 Person.

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

Sec. 4 Papayas.

"Papayas" means any and all varieties of papayas grown in the production area.

Sec. 5 Production area.

"Production area" means the State of Hawaii.

Sec. 6 Fiscal year.

"Fiscal year" means the 12-month period beginning July 1 of each year.

Sec. 7 Committee.

"Committee" means the Papaya Administrative Committee established pursuant to section 20.

Sec. 8 Grower.

"Grower" is synonymous with "producer" and means any person who is engaged within the production area in the production for market of papayas and who has a proprietary interest in the papayas so produced.

Sec. 9 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

Sec. 10 Handle.

"Handle" or "ship" means to sell, consign, transport papayas within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include: (a) The sale of papayas on the tree; (b) the transportation of papayas from the location where grown to a packinghouse within the production area for the purpose of having such papayas prepared for market and such preparation for market; (c) the transportation of papayas for storage within the production area under such terms and conditions as may be prescribed in rules and regulations of the committee approved by the Secretary; or (d) the sale of papayas at retail by a person in his capacity as a retailer.

Sec. 11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31(o):

(a) District 1 shall include the island of Hawaii.

(b) District 2 shall include Maui County.

(c) District 3 shall include Kauai County.

(d) District 4 shall include Honolulu County.

Sec. 12 Export.

"Export" means to ship papayas to any point outside the State of Hawaii.

ADMINISTRATIVE BODY

Sec. 20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of thirteen (13) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten (10) of the members and their respective alternates shall be growers and are referred to as "grower" members of the committee. Three (3) of the members of the committee and their respective alternates shall be handlers or employees of handlers, and are referred to as "handler" members of the committee. Seven of the 10 grower members and their respective alternates shall be producers of papayas in District 1, one grower member and his alternate shall be a producer of papayas in District 2, one grower member and his alternate shall be a producer of papayas in District 3, and one grower member and his alternate shall be a producer of papayas in District 4. The three (3) handler members and their respective alternates shall be selected from the production area at large.

Sec. 21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning July 1 and ending on June 30: *Provided*, That six of the initial grower members and their alternates and two initial handler members and their alternates, as determined by lot, shall end June 30, 1973. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

Sec. 22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of a meeting of handlers, and group meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for the initial members are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selection

shall be on the basis of the representation provided for in section 23.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than May 15 of each year, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate members of the committee, which shall be publicized and open to all growers and handlers. At such meeting, a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall report promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces papayas. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

Sec. 23 Selection.

(a) *Initial members.* From the nominations made pursuant to section 22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in section 20.

(b) *Successor members.* From the nominations made pursuant to section 22, the Secretary shall select the 10 grower members of the committee, the three handler members of the committee, and an alternate for each such member.

Sec. 24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in section 22 the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in section 20.

Sec. 25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

Sec. 26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in sections 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in section 20.

Sec. 27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

Sec. 30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

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

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

Sec. 31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties and procedures of each;

(c) To submit to the Secretary prior to each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Administrative Committee and which shall be subject to examinations by the Secretary;

(e) To prepare a statement of the financial operations of the Administrative Committee and to make copies of each such statement available to growers and handlers for examination at the office of the Administrative Committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To provide an adequate system for determining the total season crop of papayas and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this marketing order;

(i) To investigate the growing, handling, and marketing conditions with respect to papayas, and to assemble data in connection therewith;

(j) To engage in such research relating to the determination of maturity and grade standards for papayas as may be approved by the Secretary;

(k) To submit to the Secretary such available information, including verified reports, as he may request;

(l) To notify producers and handlers of meetings of the Administrative Committee to consider recommendations for regulation;

(m) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending Administrative Committee meetings at the request of the Administrative Committee: *Provided*, That the Administrative Committee shall not pay the travel expenses of more than four such representatives in connection with any one meeting of the Administrative Committee;

(n) To investigate compliance with the provisions of this marketing order; and

(o) With the approval of the Secretary to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in papaya production within the districts and the production area.

Sec. 32 Procedure.

(a) A majority of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require at least seven concurring votes;

(b) The committee may vote by telegraph, telephone, or other means of communication, and any vote so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

(c) All meetings of the committee held for the purpose of formulating a marketing policy, for formulating recommendations for regulations, or for consideration of matters pertaining to marketing research and development projects, including paid advertising, shall be open to the growers and handlers. The committee shall give notice to each grower and handler who has requested such notice and has filed his name and address with the committee.

Sec. 33 Expenses and compensation.

The members of the committee and alternates when acting as members, or when requested by the committee, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

Sec. 34 Annual report.

The committee shall, as soon as practicable after the end of the fiscal year, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the papaya industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

Sec. 40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in section 41.

Sec. 41 Assessments.

(a) Each person who first handles papayas shall, with respect to the papayas so handled by him, pay to the committee upon demand such person's pro rata share of the expenses including inspection expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal period and the total quantity of papayas so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such expenses shall be applied to all papayas handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

Sec. 43 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such expenses shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands payment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately 1 fiscal year's operational expenses. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses pursuant to section 40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

RESEARCH

Sec. 45 Marketing research and development.

(a) The committee, with the approval of the Secretary may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of papayas. Such projects may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid by funds collected pursuant to section 41.

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

(1) The expected supply of papayas in relation to market requirements;

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

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

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

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

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

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

Sec. 50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of papayas within the production area;

(2) The estimated utilization of the crop, showing the quantity and percentages of the crop expected to be marketed through fresh fruit channels within the State of Hawaii, within the continent of North America, and within the balance of the markets of the world; and showing the quantity and percent of the crop expected to be marketed through byproduct channels, together with quantities otherwise to be disposed of;

(3) Available supplies of competitive papayas in all producing areas of the United States and other competitive producing areas;

(4) Trend and level of consumer income;

(5) Other factors having a bearing on the marketing of papayas; and

(6) The type of regulations expected to be recommended during the season.

(b) In the event that it becomes advisable to substantially modify such marketing policy the Administrative Committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section. The Administrative Committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary. Copies of all such reports shall be maintained in the office of the Administrative Committee where they shall be available for examination by growers and handlers. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report.

Sec. 51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of papayas in the manner provided in section 52 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for papayas during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

Sec. 52 Issuance of regulations.

(a) The Secretary shall regulate, the manner specified in this section, the handling of papayas whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area;

(2) Limit the shipment of papayas by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of papayas;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of papayas which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof, to growers and handlers.

Sec. 53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to section 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of papayas in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

Sec. 54 Special purpose and minimum quantity shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of sections 41, 52, 53, and 55, and the regulations issued thereunder, handle papayas (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to sections 41, 52, 53, and 55, the handling of papayas in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to section 45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle papayas pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the papayas will not be used for any purpose not authorized by this section.

Sec. 55 Inspection and certification.

(a) Whenever the handling of any variety of papayas is regulated pursuant to section 52 or section 53, each handler who handles papayas shall, prior thereto, cause such papayas to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for papayas which previously have been so inspected and certified only if such papayas have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such papayas.

(b) The committee may enter into an agreement with the inspection agency with respect to the costs of inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

REPORTS

Sec. 60 Reports.

(a) *Receipts.* Each handler shall, upon request of the committee file promptly with the committee a certified report as to quantities, by variety, of papayas he received during such period or periods as may be specified.

(b) *Handling reports.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the quantity of papayas handled by him during any designated period or periods. The report shall show (1) the quantity subject to regulations; (2) the quantity not subject to regulation; (3) the date each lot was handled; (4) the type of carrier transporting the papayas; and (5) the identification of the inspection certificate covering each lot.

(c) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such other information as may be necessary for the committee to perform its duties under this part.

(d) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized subject to the prohibition of disclosure of individual handler's identities or operations.

(e) Each handler shall maintain for at least 2 succeeding years such records of the papayas disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

Sec. 61 Compliance.

Except as provided in this part, no person shall handle papayas the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle papayas except in conformity with the provisions and the regulations issued under this part.

Sec. 62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

Sec. 63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in section 64.

Sec. 64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of papayas for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of papayas produced for fresh market in the production area; but such termination shall be effective only if announced on or before June 15 of the then current fiscal period.

(d) Upon recommendation of the committee, received not later than February 1 of an odd-numbered year, the Secretary shall conduct a referendum prior to April 1 of such year to ascertain whether continuance of this part is favored by the growers.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

Sec. 66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which may thereafter arise in connection with any provisions of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any violation.

Sec. 67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

Sec. 68 Agents.

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

Sec. 69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

Sec. 71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.* * *

Sec. 73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.* * *

Sec. 74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of papayas in the same manner as is provided for in this agreement.* * *

Dated: August 21, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-11308; Filed, Aug. 26, 1970; 8:46 a.m.]

[7 CFR Parts 1000, 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138]

[Docket No. AO-160-A44 etc.]

MILK IN MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1004	Middle Atlantic	AO-160-A44.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A48.
1002	New York-New Jersey	AO-71-A61.
1006	Upper Florida	AO-356-A7.
1007	Georgia	AO-366-A6.
1011	Appalachian	AO-251-A13.
1012	Tampa Bay	AO-347-A11.
1013	Southeastern Florida	AO-286-A19.
1015	Connecticut	AO-305-A27.
1030	Chicago Regional	AO-361-A4.
1032	Southern Illinois	AO-313-A21.
1033	Ohio Valley	AO-166-A41.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A33.
1040	Southern Michigan	AO-225-A23.
1043	Upstate Michigan	AO-247-A16.
1044	Michigan Upper Peninsula	AO-299-A18.
1046	Louisville-Lexington-Evansville.	AO-123-A38.
1049	Indiana	AO-319-A17.
1050	Central Illinois	AO-355-A10.
1060	Minnesota-North Dakota	AO-360-A5.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A3.
1062	St. Louis-Ozarks	AO-10-A43.
1063	Quad Cities-Dubuque	AO-105-A32.
1064	Greater Kansas City	AO-23-A39.
1065	Nebraska-Western Iowa	AO-86-A24.
1068	Minneapolis-St. Paul	AO-178-A26.
1069	Duluth-Superior	AO-153-A18.
1070	Cedar Rapids-Iowa City	AO-229-A23.
1071	Neosho Valley	AO-227-A25.
1073	Wichita	AO-173-A25.
1075	Black Hills	AO-248-A13.
1076	Eastern South Dakota	AO-260-A16.
1078	North Central Iowa	AO-272-A18.
1079	Des Moines	AO-295-A21.
1090	Chattanooga	AO-266-A14.
1094	New Orleans	AO-103-A31.
1096	Northern Louisiana	AO-257-A19.
1097	Memphis	AO-219-A24.
1098	Nashville	AO-184-A30.
1099	Paducah	AO-183-A26.
1101	Knoxville	AO-195-A20.
1102	Fort Smith	AO-237-A19.
1103	Mississippi	AO-346-A13.
1104	Red River Valley	AO-298-A17.

7 CFR Part	Marketing area	Docket No.
1106	Oklahoma Metropolitan	AO-210-A29.
1108	Central Arkansas	AO-243-A21.
1120	Lubbock-Plainview	AO-328-A12.
1121	South Texas	AO-364-A4.
1124	Oregon-Washington	AO-368-A3.
1125	Puget Sound	AO-226-A22.
1126	North Texas	AO-231-A36.
1127	San Antonio	AO-232-A22.
1128	Central West Texas	AO-238-A25.
1129	Austin-Waco	AO-256-A18.
1130	Corpus Christi	AO-250-A22.
1131	Central Arizona	AO-271-A14.
1132	Texas Panhandle	AO-262-A21.
1133	Inland Empire	AO-275-A22.
1134	Western Colorado	AO-301-A12.
1136	Great Basin	AO-309-A16.
1137	Eastern Colorado	AO-326-A16.
1138	Rio Grande Valley	AO-335-A17.

Notice is hereby given of a public hearing to be held at the U.S. Department of Agriculture (South Building, Jefferson Auditorium), 14th and Independence Avenue, Washington, D.C., beginning at 10 a.m., local time, on September 30, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

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 purpose of the hearing is to receive evidence with respect to the adoption of precisely uniform language for certain provisions which have a uniform purpose in all orders. These provisions include definitions and other provisions relating to order administration. The hearing will consider the proposed amendments as hereinafter set forth and any appropriate modifications thereof to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 1. Issue a general provisions Part 1000 which would become a part of each Federal milk marketing order as follows:

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

Sec.

1000.1 Scope and purpose.
1000.2 Definitions.
1000.3 Market administrator.
1000.4 Continuity and separability of provisions.
1000.5 Handler responsibility for records and facilities.
1000.6 Termination of obligations.

§ 1000.1 Scope and purpose.

This part sets forth certain terms, definitions, and provisions which shall be common to and part of each Federal milk marketing order except as specifically defined otherwise, or modified, in an individual order.

§ 1000.2 Definitions.

The following terms shall have the following meanings as used in the order:

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

(b) *Order.* "Order" means the applicable part of Title 7 of the Code of Federal Regulations issued pursuant to section 8c of the Act as a Federal milk marketing order (as amended).

(c) *Department.* "Department" means the U.S. Department of Agriculture.

(d) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(e) *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

(f) *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application for qualification by the association:

(1) Is qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act" (7 U.S.C. 291, 292);

(2) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(3) Has its entire organization and all of its activities under the control of its members.

§ 1000.3 Market administrator.

(a) *Designation.* The agency for the administration of the order shall be a market administrator selected by the Secretary and subject to removal at the Secretary's discretion. The market administrator shall be entitled to compensation determined by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to each order under his administration:

(1) Administer the order in accordance with its terms and provisions;

(2) Make rules and regulations to effectuate the terms and provisions of the order;

(3) Receive, investigate, and report complaints of violations to the Secretary; and

(4) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all the duties necessary to administer the terms and provisions of each order under his administration, including, but not limited to, the following:

(1) Execute and deliver to the Secretary a bond covering himself and a bond covering any person designated by the Secretary to act in his stead. The respective bond shall be:

(i) Delivered within 45 days after he (or the acting market administrator) enters upon his duties;

(ii) Effective as of the date he (or the acting market administrator) enters upon his duties;

(iii) Conditioned upon the faithful performance of the market administrator's duties; and

(iv) In an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of persons necessary to enable him to exercise his powers and perform his duties;

(3) Pay out of funds provided by the administrative assessment, except expenses associated with functions for which the order provides a separate charge, the cost of all expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his duties, including his own bond and compensation and the necessary bonds of his employees;

(4) Keep records which will clearly reflect the transactions provided for in the order, and upon request by the Secretary, surrender them to his successor or such other person as the Secretary may designate;

(5) Furnish information and reports requested by the Secretary and submit his records to examination by the Secretary;

(6) Announce publicly at his discretion, unless otherwise directed by the Secretary, by such means as he deems appropriate, the name of any handler who, after the date upon which he is required to perform such act, has not:

(i) Made reports required by the order;

(ii) Made payments required by the order; or

(iii) Made available records and facilities as required pursuant to § 1000.5;

(7) Prescribe reports required of each handler under the order. Verify such reports and the payments required by the order by examining records (including such papers, copies of income tax reports, fiscal and product accounts, correspondence, contracts, documents or memoranda of the handler, and the records of any other persons that are relevant to the handler's obligation under the order), by examining such handler's milk handling facilities and by such other investigation as he deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the order. Reclassify skim milk and butterfat received by any handler if such examination and investigation discloses that the original classification was incorrect.

(8) Furnish each regulated handler a written statement of such handler's accounts with the market administrator promptly after computation of the uniform price(s) each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(9) Prepare and disseminate publicly for the benefit of producers, handlers,

and consumers such statistics and other information concerning operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

§ 1000.4 Continuity and separability of provisions.

(a) *Effective time.* The provisions of the order or any amendment to the order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of the order whenever he finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. The order shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the order, there are any obligations arising under the order, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination.

(d) *Liquidation.* (1) Upon the suspension or termination of any or all provisions of the order, the market administrator, or such other liquidating agent designated by the Secretary, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

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

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

§ 1000.5 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of his operations and make such records and his facilities available to the market administrator as follows:

(a) *Records to be maintained.* (1) Each handler shall maintain records of his operations (including, but not limited to, records of purchases, sales, processing, packaging, and disposition) as are necessary to verify whether such handler has any obligation under the order and, if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of skim milk and butterfat contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time, and source of each receipt;

(ii) The utilization of all skim milk and butterfat showing the respective quantities of such skim milk and butterfat in each form disposed of or on hand at the end of the month (unless the handler who first receives skim milk or butterfat can prove the utilization thereof to the market administrator all skim milk and butterfat shall be priced in the highest use class); and

(iii) Payments to producers, dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(b) *Availability of records and facilities.* During his usual hours of business each handler shall make available all records pertaining to such handler's operations and all facilities the market administrator finds are necessary for such market administrator to verify the information required to be reported by the order and/or to ascertain such handler's reporting, monetary or other obligation under the order. Each handler shall permit the market administrator to weigh, sample, and test milk and milk products and observe plant operations and equipment and make available to the market administrator such facilities as are necessary to carry out his duties.

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

§ 1000.6 Termination of obligations.

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

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

(1) The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association (except an obligation to be prorated to producers under an individual handler pool), the name of such producer(s) or such cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

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

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

(d) Unless the handler files a petition pursuant to section 8c(15)(A) of the Act and the applicable rules and regulations (7 CFR 900.50 et seq.) within the applicable 2-year period indicated below, the obligation of the market administrator:

(1) To pay a handler any money which such handler claims to be due him under the terms of the order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim was received; or

(2) To refund any payment made by a handler (including a deduction or offset by the market administrator) shall terminate 2 years after the end of the month during which payment was made by the handler.

Proposal No. 2. Amend each order adopting Part 1000 by reference and make such other changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective

orders, 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 21, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-11307; Filed, Aug. 26, 1970; 8:46 a.m.]

[7 CFR Part 1030]

[Docket No. AO-361-A2-RO2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on August 3, 1970 (35 F.R. 12545) giving notice that the public hearing which was held at Chicago, Ill., on August 20-22, 1969, with additional sessions at Oshkosh, Wis., on August 25-27, 1969, pursuant to notice thereof which was issued on July 25, 1969, and published in the FEDERAL REGISTER on July 31, 1969 (34 F.R. 12529) will be partially reopened. The reopened hearing was to 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.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that the said hearing is rescheduled to 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 October 20, 1970.

Signed at Washington, D.C., on August 21, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-11306; Filed, Aug. 26, 1970; 8:46 a.m.]

[7 CFR Parts 1032, 1050]

[Dockets Nos. AO-355-A8, AO-313-A19]

MILK IN CENTRAL ILLINOIS AND SOUTHERN ILLINOIS MARKETING AREAS

Notice of Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Central Illinois and Southern Illinois marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. 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 above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), an the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Peoria, Ill., May 13, 1970, pursuant to notices thereof which were issued April 8, 1970 (35 F.R. 6009), April 23, 1970 (35 F.R. 6712), and April 30, 1970 (35 F.R. 7082).

This decision deals only with the issues relating to the handling of milk in the Central Illinois marketing area. The issues relating to the Southern Illinois marketing area were considered in a previous decision.

The material issues on the record of the hearing relating to the Central Illinois marketing area concern:

1. Marketing area;
2. Diversions of producer milk;
3. Location adjustments; and
4. Miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Central Illinois marketing area, which now contains 13 Illinois counties, should be expanded to include the six Illinois counties of:

Bureau.	Kankakee.
Grundy.	La Salle.
Iroquois.	Putnam.

The expanded marketing area will comprise a contiguous area in which both wholesale and retail routes of milk handlers doing business in the area are interspersed. All handling of milk in this proposed enlarged marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and its products.

The sanitary requirements for Grade A milk produced for fluid distribution in this expanded marketing area are patterned after the U.S. Public Health Ordinance and Code. Milk meeting the sanitary requirements of the State of Illinois is acceptable for distribution throughout the proposed marketing area. The uniformity of health standards permits free movement of fluid milk products throughout the proposed marketing area.

Four fluid milk distributors, three who operate plants located in La Salle County and the other whose plant is located in Kankakee County, proposed the expansion of the Central Illinois marketing area to include these two counties plus the four adjacent counties of Bureau, Grundy, Iroquois, and Putnam. Cooperative associations whose members deliver milk to these handlers supported the proposal as did two regulated handlers located in the marketing area. There was no opposition.

The six-county area abuts the State of Indiana on the east, the Chicago Regional marketing area on the north, the Quad Cities-Dubuque marketing area on the west, and the Central Illinois marketing area on the south. In 1960 the total population of the six counties combined was slightly over 300,000 people. About two-thirds of this population lived in Kankakee and La Salle Counties. Principal cities and their populations are Kankakee (28,000), Ottawa (19,000), Streator (17,000), and La Salle (12,000).

More than 85 percent of the total Class I sales of each proponent is in the six counties proposed to be added to the marketing area. However, due to their sales in nearby Federal order marketing areas each of the proponents is either fully or partially regulated under a Federal milk order. One proponent's plant presently is fully regulated under the Central Illinois order while another's plant is partially regulated under that order and has been fully regulated during some months in the past. These two proponents have between 7 and 14 percent of their total fluid milk sales in the Central Illinois marketing area. The plants of the other two proponents are partially regulated under the Chicago Regional order and on occasion have been fully regulated under that order. One of these proponents has 3 percent of his sales in the Chicago Regional market and 8 percent in the Central Illinois market. The other has regulated sales only in the Chicago Regional market, and such sales amount to 7 percent of his total. The majority of the combined sales of these four distributors in Federal order marketing areas is in the present Central Illinois market.

Adding these six counties to the marketing area of the Central Illinois Federal milk order will assure the continuous regulation of the four proponents' plants. The switching back and forth between partial and full regulation of these handlers has caused a disruptive situation both for the handlers themselves and for their producers. Greater stability of marketing conditions will be achieved if the handlers' plants are continuously regulated under the Central Illinois milk order. Producers and handlers then will be assured of a stable and orderly marketing situation.

The inclusion of the six counties in the Central Illinois marketing area will assure that all Class I sales in these

counties will be regulated under the Federal milk order program. This should create an improved market for handlers as well as producers. All handlers competing within these counties will have assurance that their competitors' Class I sales will be accounted for on the same classification and pricing system as their own sales. Likewise, the producers will have assurance that the classification and payment for their milk is in accordance with its full use value.

Another important relationship between proponents and the Central Illinois market is that the bulk of producer milk supplies of proponents is procured from a common production area with handlers regulated under the Central Illinois order. There are about 80 producers who deliver milk to proponents' plants. Over 70 of those producers are located in counties where about an equal number of producers deliver to handlers regulated under the Central Illinois order.

In the decision upon which the Central Illinois order was first promulgated proposals to include these six counties in the marketing area were denied because the majority of the milk sold in these counties was by handlers regulated under the former Chicago, Ill., order. Presently, there is substantial overlapping of the distribution routes in these counties by proponents and by Chicago Regional, Central and Southern Illinois, Quad Cities-Dubuque, and Indiana handlers. Handlers regulated under the Chicago Regional order still sell the major proportion of the milk sold in these counties. The representative of producers pointed out, however, that at a hearing on the Chicago Regional order held in August 1969 handlers regulated under that order who distribute milk in these six counties did not support a proposal to include some of these counties in the Chicago Regional marketing area, but did support their inclusion in some Federal order marketing area.

Because of the proximity of these six counties to the Central Illinois marketing area proponents must purchase their milk supplies in competition with handlers regulated under such order and the monthly uniform prices under the order exceed such prices under the Chicago Regional order. Thus, full regulation of proponents under the Chicago Regional order would cause serious procurement problems for them.

Even though Chicago Regional handlers have substantial sales in these six counties, they will not be disadvantaged if these counties are included in the Central Illinois marketing area because the class prices at plants located in these counties are established at a level which exceeds the Chicago Class I price by the cost of transporting milk from the Chicago heavier production area to these counties.

For the reasons set forth above it is hereby concluded that the Illinois counties of Bureau, Grundy, Iroquois, Kankakee, La Salle, and Putnam should be included in the Central Illinois marketing area.

Although some of the route disposition of regulated handlers extends beyond the boundaries of the Central Illinois marketing area, it is neither practical nor reasonable to stretch the regulated area to cover all areas where a handler has or might develop some route disposition. Nor is it necessary to do so to accomplish effective regulation under the order. The marketing area herein proposed is a practicable one in that it encompasses the great bulk of the fluid milk sales area of regulated handlers.

All producer milk received at regulated plants must be made subject to classified pricing under the order, however, regardless of whether it is disposed of within or outside the marketing area. Otherwise the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in-area" sales were subject to classification, pricing and pooling a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area.

Unless all milk of such a handler were fully regulated under the order, he would not be subject to effective price regulation. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. The absence of effective classification, pricing and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order.

It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

The terms and provisions of the Central Illinois order as herein proposed to be amended are appropriate with respect to their application to any handler who may become regulated as a result of this decision.

The representative of the dairy farmers who deliver milk to the four proponents' plants proposed that for 1970 the dairy farmers who deliver to the three plants that will become fully regulated as a result of this decision (one plant already is fully regulated under the order) be excluded from receiving any of the "pay back" monies accumulated by the market administrator in the seasonal incentive fund if the order becomes effective before January 1, 1971. This was supported by a handler.

The seasonal incentive plan enhances seasonal changes in the blend prices computed under the order. Money is deducted from the pool fund at the rate of 15 cents per hundredweight for producer milk received in March and July and at the rate of 25 cents for producer milk received in April through June. The total amount of money accumulated from these deductions is then paid to producers by adding 20 percent of the total deductions to the producer-settlement fund for milk delivered in September and December and 30 percent for milk delivered in October and November. Through this adjustment of the monthly blend prices producers are encouraged to level out their seasonal milk production pattern.

The dairy farmers' witness stated that through the operation of a voluntary arrangement these farmers have accumulated their own seasonal incentive fund. The moneys accumulated under this arrangement during the spring months are distributed in the fall. Both the spring deductions and the fall pay back are based on the rates specified in the Central Illinois order. It was claimed that if, in addition to receiving the money in their own fund, these farmers also receive a portion of the funds accumulated by the market administrator, they would gain a windfall at the expense of the present order producers.

Virtually every month there is some change in the number of producers supplying the Central Illinois market. Some producers stop shipping to the market while others begin shipping. New producers receive the uniform price applicable to the month in which they start shipping to the market, regardless of whether or not the uniform price for that month is adjusted up or down by the operation of the seasonal incentive plan. Adding the 75 producers who deliver to three proponents' plants that are not presently regulated may be a more dramatic addition of new producers on the market but it is of the same nature as the addition of any other new producers during the 4 pay-back months.

Regardless of its possible adverse effect upon present order producers, the order should not be revised to exclude any group of producers from receiving the money accumulated by the market administrator in the seasonal incentive fund. To exclude any producer or group of producers would not result in the payment of uniform prices to all producers.

The money set aside during the spring "takeout" months is distributed to producers during the fall "payback" months by adding the proportionate amount each month to the producer-settlement fund for inclusion in the computation of the uniform prices. This uniform price is paid to all producers for their deliveries during such month regardless of whether or not these producers delivered milk to the market during the previous "takeout" months.

2. *Diversions of producer milk.* The provision relating to the diversion of producer milk should be revised to permit diversions in the month of July on the same basis as now provided for May and June. During the other 9 months of the year the number of days of diversion should not exceed the days of delivery of such producer's milk at a pool plant during the month, and the total quantity of milk that may be diverted by a handler or cooperative association should not exceed one-third of the receipts at pool plants.

Presently, the order permits unlimited diversion of producer milk during the months of May and June to nonpool plants that are not other order plants, and to other order plants if diverted for Class II uses. During each of the other months, diversions to any such plant are limited to 8 days. Diversions between pool plants are allowed each month for not more days of production of a producer than is physically received at the pool plant from which diverted. No change is proposed herein with respect to diversions between pool plants.

The major cooperative association in the market proposed that the month of July be added to the months of unlimited diversions to nonpool plants. It has been necessary each year since the Central Illinois order was promulgated on January 1, 1967, to suspend the 8-day limit for the month of July to effect orderly disposition of reserve supplies. Several handlers supported this proposal and there was no opposition to it.

The provisions for diversion of producer milk should be related to the reserve needs of the market. About 270 producers delivering to pool plants regulated under the Central Illinois order in December 1969 live in northern Illinois, Minnesota, and Wisconsin. When milk is not needed at pool plants from these producers, it is more efficient to divert their milk to manufacturing plants located near their farms.

May is the month of highest milk production for the Central Illinois market. June, however, is the month that the greatest proportion of producer milk is used in Class II outlets. Due to the relatively low volume of Class I sales during July which is attributable, in part, to the closing of schools, the percentage that Class II milk is of total producer receipts in July is higher than it is in May and not significantly lower than it is in June. For example, in 1969 the average monthly percentage of Class II utilization was 41.3 while in May it was 46.1, in June 52.6, and in July 49.6. Comparable patterns also existed in 1967 and 1968. May, June, and July thus are the 3 months of the year when the proportions of producer milk that must be utilized in Class II outlets are the greatest.

For the reasons set forth above, it is appropriate to include the month of July along with May and June as a month of unlimited diversions of producer milk to nonpool plants.

A handler proposed alternative provisions relative to diversions during the months of August through April. As proposed the present 8-day limitation during these 9 months would be deleted and one of the two alternatives listed below would be added.

The alternatives would:

(1) Permit the diversion by the pool plant operator of 25 percent of the producer milk he receives including both the producer milk physically received in and diverted from his pool plant. Under this alternative not less than 8 days' production of each producer would be physically received at the pool plant each month to be eligible for diversion; or

(2) Permit the milk of any producer to be diverted during the month for not more days of production of such producer's milk than is received at a pool plant. Proponent stated that if necessary under this alternative the total amount of producer milk diverted by a handler may be limited to 25 percent of his total producer receipts, including both the milk physically received in and diverted from his pool plant.

The cooperative's witness stated that if diversions are allowed on a percentage basis, any milk the cooperative association is asked to divert for the plant operator be included in the computation to arrive at the percentage.

The diversion privilege is primarily intended to obtain efficiency in the marketing of the milk not needed at a pool plant. There is substantial variation in the daily fluid milk needs of distributing plants. Most distributing plants do not process and package milk on Sundays. Also, there are increasing numbers of distributing plants that also do not process and package milk on Saturdays as well as Sundays. On the days that they do operate, their processing and packaging schedule is generally varied in accordance with their sales volume.

The daily sales volume of distributing plants is very uneven because the purchases of milk by consumers at stores are greatest during the last 3 days of the week. The operators of distributing plants typically associate a sufficient supply of milk with their operations to cover their requirements on peak bottling days during the period of seasonally low production. Consequently, there are substantial quantities of milk produced on the other days of the week during the short production season as well as throughout the period of seasonally high production that must be utilized in manufactured dairy products.

Virtually all of the milk supply for the market is hauled from farms to plants in bulk tank trucks. On days when the milk is not needed at distributing plants it is more economical to move the milk directly from the farm to a nonpool manufacturing plant than to first assemble it at a pool distributing plant for transshipment to such manufacturing plant.

The present system of basing diversions strictly on the number of days an individual producer's milk is actually delivered to a pool plant has the effect of causing each producer's milk to be delivered every day, except on weekends, to a pool plant during these 9 months. Under the present system, on some days distant milk must be delivered to a pool plant in order to qualify, while at the same time nearby milk is diverted to a manufacturing plant. Reducing the number of days an individual producer's milk must be delivered to a pool plant during the month and limiting diversions to a percentage basis of total deliveries will eliminate this uneconomic movement of particular loads of milk.

Some modification of the present provision for 8 days' diversion during the months of August through April is necessary. Allowing handlers and cooperatives to divert producer milk on a percentage basis will add needed flexibility in diversions by handlers and cooperatives in the market. It is not necessary, however, to provide for an increased quantity of milk to be diverted. Proponent stated that it does not expect to divert any larger quantities but desires the change only to allow it to operate more efficiently. The cooperatives' witness stated that although they favored granting handlers flexibility in disposing of their reserve milk supplies they would want the order to contain requirements that milk be delivered to pool plants as will clearly demonstrate that the milk is associated with the market on a regular basis.

Specifically, it is proposed herein that for each of the months of August through April, milk of an individual producer may be diverted to a nonpool plant that is not an other order plant, or to an other order plant if diverted for Class II uses, for not more days of production of such producer's milk than is received at a pool plant. However, the total quantity of milk that may be diverted by a handler operating a pool plant may not exceed 33⅓ percent of the receipts at his pool plant during the month, exclusive of any milk of producers who are members of a cooperative association that is diverting milk during the month, unless the cooperative notifies the handler and the market administrator in writing prior to the first day of the month that designated member producer milk delivered to such handler's plant is not to be included in computing the cooperative association's diversion percentage. A cooperative association may divert for such period up to 33⅓ percent of the milk of its producer members received at all pool plants during the month except the milk of member producers which the cooperative permits a handler to divert.

Requiring one-half of the total deliveries of each producer to be received at a pool plant during each of the months of August through April in conjunction with the percentage limitation will allow about the same quantity of milk to be diverted each month as the order presently provides. The record does not indicate a need to increase the quantity of milk that may be diverted during these 9 months. If the alternative of only 8 days' delivery were required to be received at a pool plant each month, situations could arise in this market in which some of the milk would be diverted to nonpool plants on peak bottling days while supplemental milk would have to be brought into distributing plants to fill their fluid requirements. The latter would not promote orderly marketing.

The diversion percentage of 33⅓ percent of milk received at pool plants is comparable to the proposed diversion percentage of 25 percent of total milk receipts when both the milk delivered to pool plants and that diverted to nonpool plants are included. However, basing diversions on a percentage of actual receipts at pool plants provides a fixed

quantity of milk each month to which the diversions can be related.

The above provision will assist cooperatives and handlers to achieve maximum use of available producer milk in Class I through economical handling practices. The total quantity of producer milk that may be diverted during any month will be about the same as if each producer's milk were diverted for 8 days.

A cooperative or proprietary handler diverting milk in excess of the percentage limit would be required to designate those producers whose milk must be excluded from the pool. If the handler fails to designate those producers whose milk is thus ineligible, making it infeasible for the market administrator to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler during the month should be excluded as producer milk.

Another change in the provisions relating to transfers and diversions also was proposed by cooperatives. Presently, the order provides for automatic Class I classification of fluid milk products transferred or diverted to nonpool plants located more than 350 miles from the city hall in Peoria, Ill. Although this provision has not interfered with the diversion of producer milk to nonpool plants, it could affect the orderly disposition of reserve milk supplies in the future, especially since the farms of some of the producers delivering to the market are located in Minnesota and Wisconsin.

Milk must be classified and priced on the basis of the form in which, or the purpose for which, used or disposed of by handlers. In earlier days, it was economically feasible to move milk from the market beyond the 350 miles only if it were intended for Class I use. Because Class II milk has the same value at all locations, it was uneconomical under normal circumstances to transport it long distances for Class II use. However, under today's supply and marketing conditions milk associated with this market could be handled at manufacturing plants located more than 350 miles from the basing point of Peoria, Ill. Many of the farms which supply milk to this market are located more than 350 miles from Peoria, Ill., and could be diverted to nearby plants for manufacturing uses.

Also, limiting distant movements to Class I formerly tended to save some administrative costs. The cost involved in checking utilization at distant plants is greatly lessened today because the Federal order system now is extensive. Federal milk orders operate throughout much of the continental United States, with the exception of a few States. Arrangements for checking utilization at distant nonpool plants are feasible through the facilities of the several market administrators' offices.

Accordingly, the order should be amended to remove the automatic Class I classification of fluid milk products transferred or diverted to nonpool plants more than 350 miles from Peoria, Ill. Such transfers or diversions would be classified on the same basis as now provided for transfers to nonpool plants located within a 350-mile radius from Peoria.

3. *Location adjustments.* The order should be amended to provide a separate pricing zone for the six counties to be added to the marketing area. The present marketing area would be Zone I, and the six counties would be Zone II. The Class I and uniform prices in Zone II would be the prices applicable in Zone I, minus 5 cents. The two Illinois counties of Mercer and Henry, outside the marketing area, should have the same prices as Zone II.

Presently, the order establishes a 7.5-cent lower price on milk received from producers at plants located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Marshall, Livingston, Ford, and Iroquois, if such plant also is located 50–60 miles from the city hall in Peoria, Ill. Such price is reduced an additional 1.5 cents for each 10 miles, or fraction thereof, beyond 60 miles. The announced Class I and producer blend prices currently apply to milk received at pool plants located within the present 13-county marketing area. The location adjustments applicable under the order to the plants of the four proponents of marketing area expansion range from minus 7½ to minus 15 cents.

Such proponents, and the cooperative associations with members supplying milk to proponents' plants, proposed that the newly added counties be identified in a new Zone II, with 5-cent lower Class I and uniform prices than prevail in the present marketing area. Two other handlers regulated under the order supported this proposal and there were no opposing views.

Proponent handlers compete extensively with one another throughout the six-county area both in the procurement and distribution of fluid milk products. Also, each of their plants is located about the same distance from alternative milk supplies in Wisconsin. Thus, it is appropriate to establish a single price level throughout these six counties.

To carry out the objective of assuring adequate supplies, it is essential to establish a proper Class I price relationship between the handlers located in the six counties proposed to be added to the market and handlers located in the present marketing area. Also, Class I milk in these six counties must be competitively priced with milk supplied to other nearby markets and with other milk that may be distributed in these counties in competition with local producer milk.

The farms of these producers who deliver to proponents' plants generally are located in counties that are one or two tiers north of the present marketing area. If a producer who delivers his milk to one of proponents' plants should change his point of delivery to a plant in the present marketing area, he would need to haul his milk at least 30 additional miles and thus would incur an additional transportation cost on his milk. At the rates established under the order this would cost an additional 5 cents.

Establishing a minus 5-cent price zone within these six counties will yield Class I prices that are 8 cents higher than the Chicago Regional order Class I prices at Chicago. (Official notice is hereby taken of the order amending the Chicago Regional order issued July 28, 1970 (35 F.R. 12263) by the Assistant Secretary. The amended Chicago Regional order, which becomes effective September 1, 1970, raises the price of Class I milk received at plants located in the city of Chicago 6 cents per hundredweight.) Since the major distribution centers in these six counties are 60 to 100 miles from Chicago such a difference in Class I prices will reasonably reflect transportation as allowed in the order for such distance.

The Class I price level in these six counties also must take into account also the cost of obtaining quality milk on a regular basis from alternative sources, or producers supplying handlers in these counties might be without a continuing outlet for their milk.

The Chicago milkshed is a source of supplemental supplies for the plants located in these six counties. The spokesman for the cooperative associations states that a Chicago Regional pool plant from which supplemental milk usually is shipped to the plants in the six counties is located in Burlington, Ill. The Burlington, Ill., plant is located about 75 miles from proponents' plant. The Class I differential under the Chicago Regional order at Burlington, Ill., is $1.24. Based on the order minimum price at Burlington, Ill., plus transportation, the cost of alternative supplies to proponents would be the same as the Class I price proposed herein for producer milk received at a Central Illinois regulated plant in Zone II.

For the reasons set forth above it is appropriate to establish the two pricing zones within the marketing area, Zone I to consist of the present marketing area in which the announced Class I and uniform prices will apply and Zone II to consist of the six counties to be added to the marketing area in which Class I and uniform prices shall be 5 cents lower than in Zone I.

The addition of the six counties to the marketing area and the establishment of a separate pricing zone in these counties requires further modification in location adjustments.

Presently, the order provides that any plant located outside the State of Illinois or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Livingston, Ford, and Iroquois is subject to a location adjustment. (Warren, Knox, Stark, Livingston, and Ford are the northern boundary of the present marketing area while Henderson and Iroquois are adjacent to the marketing area lying to the west and east, respectively.) Because the six counties being added to the marketing area are north of the present marketing area and will have a 5-cent location adjustment, the

variable location adjustment of 1.5 cents per 10-mile distance from Peoria, Ill., should begin to apply north of these counties.

As set forth below, the 5-cent location adjustment also will apply in the two Illinois counties outside the marketing area of Mercer and Henry. Thus, the counties of Mercer, Henry, Bureau, La Salle, Grundy, and Kankakee will be the northernmost counties in which the 5-cent location adjustment will apply, and accordingly they should replace the seven counties presently listed in the location adjustment provision, north of which any Illinois plant will have the 1.5-cent per 10-mile location adjustment rate apply.

To insure that the Class I and producer prices at any plant located in Mercer County or Henry County, which becomes subject to the order prices will be properly aligned with the price structure in Zone II the prices applicable in Zone II also should apply. These two counties are directly west of the six being added to the marketing area and are adjacent to the northern boundary of the present marketing area. Since the location of these two counties, relative to the present marketing area, is similar to those in Zone II, it should be provided that the applicable Class I price at such a plant under the Central Illinois order be equal to the Class I price applicable at a Zone II pool plant.

A limitation on the Class I location price adjustment should be provided with respect to fluid milk products received from an unregulated supply plant if such receipts are allocated to Class I utilization. Otherwise, the Class I price adjustment could result under certain conditions in a handler receiving a payment from the producer-settlement fund on Class I milk obtained from an unregulated supply plant. Such payment could result when the location differential at the distant plant is greater than the difference between the Class I and Class II prices. In this circumstance, producers under the order, in effect, would be giving the handler a credit sufficient to reduce his cost for the distant milk below its value for manufacturing use at the point of purchase.

A similar situation now exists with respect to the obligation of the operator of a partially regulated distributing plant or an other order plant. In certain cases, the handler's obligation includes a payment to the producer-settlement fund at the difference between the Class I price applicable at his plant and either the "weighted average" price or the Class II price. For the reasons stated above, the order should provide that the Class I price, as adjusted for location, not be less than the Class II price in computing the obligation of these handlers.

4. *Miscellaneous provisions*—(a) *Allocation.* The order should provide that there be no pool obligation on milk received at a pool plant from an unregulated supply plant if such milk has been priced as Class I milk under this or any other Federal order. Bulk milk could be transferred, for example, from a pool plant under this or another order to a nonfederally regulated plant and, on the basis of its ultimate utilization, classified and priced as Class I milk. The unregulated plant, in turn, could transfer bulk or packaged milk to a Central Illinois pool plant. To the extent that this or an equivalent amount of milk has been priced as Class I milk under a Federal order, the Central Illinois regulated handler receiving the milk should not have a pool obligation on such milk. On any unpriced milk received from an unregulated supply plant, the Central Illinois handler would continue to have an obligation to the producer-settlement fund at the difference between the Class I price and the weighted average price, as now required under the order.

(b) *Computation of the uniform price.* In the computation of the uniform price, the provision instructing the market administrator to exclude the report of a handler who had not paid his producers individually the uniform price announced in the previous month should be deleted.

Procedures are established to assure that all handlers comply with each provision of the order, including the requirement for the payment of the uniform price to producers by specified dates. These procedures include, among other things, legal action against violations. However, the fact that some handler had not paid his producers the previous month's uniform price does not affect the operation of the producer-settlement fund nor the ability of the market administrator to compute the uniform price. There could be delays in the computation of the uniform price due to matters not under the market administrator's control if he waited until a handler had paid his producers. Only actions by handlers which would affect these two operations (i.e., the payments required pursuant to § 1050.84 and the filing of reports pursuant to § 1050.30) should be cause to exclude such handlers' reports when computing the monthly uniform price.

(c) *Deletion of obsolete language.* In several sections of the order special provisions having application only for the first year (1967) the order was effective still remain. These special provisions have no application to the classification and pricing of milk received since 1967 or to any future months and, accordingly, should be deleted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Central Illinois marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1050.6 is revised as follows:

§ 1050.6 Central Illinois marketing area.

The "Central Illinois marketing area" hereinafter called the "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

ZONE I

Cass.	McDonough.
Ford.	Peoria.
Fulton.	Stark.
Knox.	Tazewell.
Livingston.	Warren.
Marshall.	Woodford.
Mason.	

ZONE II

Bureau.	Kankakee.
Grundy.	La Salle.
Iroquois.	Putnam.

2. In § 1050.12 paragraphs (c) and (d) are revised as follows:

§ 1050.12 Pool plant.

* * * * *

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section; and

(d) For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1050.14 (b) and (c) by an operator of a pool plant.

3. Section 1050.14 is revised as follows:

§ 1050.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of this or any other order issued pursuant to the Act which is:

(a) Received during the month:

(1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1050.9(d); and

(2) By a cooperative association as a handler pursuant to § 1050.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1050.41(b)(7) or as Class I shrinkage:

(b) Diverted by a handler from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted. For pricing purposes such diverted milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted;

(c) Diverted from a pool plant to a nonpool plant that is not an other order plant or to a nonpool plant that is an other order plant if diverted as Class II milk, subject to the conditions of this paragraph. For pricing purposes, milk so diverted shall be deemed to be received at the plant from which diverted, unless the plant to which the milk is diverted is located more than 110 miles from the city hall in Peoria, Ill. (by shortest highway distance as determined by the market administrator) in which case the milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted:

(1) During May, June and July the operator of a pool plant or a cooperative association may divert the milk production of a producer on any number of days;

(2) During the months August through April the operator of a pool plant may divert the milk of a producer for not more days of production of such producer's milk than is physically received at the pool plant from which diverted: *Provided,* That the total quantity of producer milk diverted does not exceed 33⅓ percent of the receipts at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk during the month unless the cooperative association notifies the handler and market administrator in writing prior to the first day of the month that milk delivered by specified member producers to such handler's plant is not to be included in computing the cooperative association's diversion percentage;

(3) During the months August through April a cooperative association may divert the milk of its individual member producers for not more days of production of each producer's milk than is physically received at a pool plant: *Provided,* That the total quantity of producer milk diverted does not exceed 33⅓ percent of its producer member milk received at pool plants during such month exclusive of any member milk which the cooperative association has notified the handler and market administrator in writing prior to the first day of the month that milk of such member producer is not to be included in computing the cooperative association's diversion percentage;

(4) When milk is diverted in excess of the limits specified in subparagraphs (2) and (3) of this paragraph, eligibility as producer milk under this section shall be forfeited on the excess quantity. In such event the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(5) Milk diverted to an other order plant under the conditions specified in this section shall be producer milk pursuant to this section only if it is not producer milk under such other order.

4. In § 1050.43, paragraph (d) is deleted, the introductory text of paragraph (e) preceding subparagraph (1) and paragraph (e)(3)(iii) are revised as follows:

§ 1050.43 Transfer and diversions.

* * * * *

(d) [Deleted]

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

* * * * *

(3) * * *

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

* * * * *

5. In § 1050.44 paragraph (c) is revised as follows:

§ 1050.44 Computation of skim milk and butterfat in each class.

* * * * *

(c) There will be computed for each cooperative association reporting pursuant to § 1050.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk for which it is the handler pursuant to § 1050.9 (c) and (d). The amounts so determined shall be those used for computation pursuant to § 1050.45(c).

6. In § 1050.45(a), a new subparagraph (1a) is added, and subparagraphs (4)(iv), (5)(i) and (ii) and (8) are revised as follows:

§ 1050.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset or any other payment obligation under this or any other order;

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to paragraph (1a) of this paragraph; and

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1a) or (4)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1a) or (4)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of

the handler) at all pool plants of the handler by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1a), (4) (iv) or (5) (i) and (ii) of this paragraph;

* * * * *

7. Section 1050.51(a) is revised as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents; and

* * * * *

8. Section 1050.53(a) is revised as follows:

§ 1050.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant that is outside Zone I shall be adjusted as follows:

(1) At a plant in Zone II or in the Illinois counties of Henry and Mercer, the Class I price shall be decreased 5 cents; and

(2) At a plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Mercer, Henry, Bureau, La Salle, Grundy, and Kankakee the Class I price shall be reduced 7.5 if such plant is 50 or more miles by the shortest highway distance, as determined by the market administrator from the City Hall in Peoria, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

* * * * *

9. In § 1050.61, paragraph (e)(2) is revised as follows:

§ 1050.61 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

10. In § 1050.62 paragraphs (a)(1)(i), (b) (2) and (5) are revised as follows:

§ 1050.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts of such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or to an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants where such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1050.70(f) and a credit in the amount specified in § 1050.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant (or producer-handler plant) to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

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

11. In § 1050.70 paragraphs (e) and (f) are revised as follows:

§ 1050.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1050.45(a)(4) and the corresponding step of § 1050.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1050.45(a)(4) (iv) and (v) and the corresponding steps of § 1050.45(b) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class II price); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at the nearest nonpool plant(s) from which an equivalent volume was received, but not to be less than the Class II price, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1050.45(a)(8) and the corresponding step of § 1050.45(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order).

12. In § 1050.71, paragraphs (a), (h), and (i) are revised as follows:

§ 1050.71 Computation of the uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1050.70 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made the payments pursuant to § 1050.84 for the preceding month;

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section;

* * * * *

13. Section 1050.82 is revised as follows:

§ 1050.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1050.80 the uniform price per hundredweight for producer milk received at a

plant outside Zone I shall be adjusted according to the location of the plant at the rates set forth in § 1050.53.

(b) For purposes of computation pursuant to §§ 1050.84 and 1050.85 the weighted average price shall be adjusted in the same manner as the uniform price is adjusted pursuant to paragraph (a) of this section for the location of the nonpool plant from which the milk was received.

14. Section 1050.87 is revised as follows:

§ 1050.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1050.9(d) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production).

(b) Other source milk allocated to Class I pursuant to § 1050.45(a) (4) and (8) and the corresponding steps of § 1050.45(b), except other source milk on which no handler obligation applies pursuant to § 1050.70(f); and

(c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds Class I milk specified in § 1050.62(b)(2).

Signed at Washington, D.C., on August 21, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-11305; Filed, Aug. 26, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

ICE CREAM IDENTITY STANDARD

Proposed Listing of Calcium Carbonate and Magnesium Carbonate as Optional Ingredients

Notice is given that the Food Adjuncts Association, Inc., 4804 Moorland Lane, Washington, D.C. 20014, has submitted a petition proposing that the identity standard for ice cream (§ 20.1) be amended by listing calcium carbonate and magnesium carbonate as optional ingredients. These new ingredients would be listed with the presently permitted optional ingredients calcium oxide, magnesium oxide, calcium hydroxide, and magnesium hydroxide, and the limitation on total amount of 0.04 percent by weight of the finished ice cream would apply to all six alkaline salts, whether used singly or in any combination.

Grounds given in support of the proposal are that the proposed optional ingredients will function to increase protein stability and to delay the occurrence of "churning out" or fat separation due to excessive agitation of the frozen dessert mix.

Accordingly, it is proposed that § 20.1 (f)(8)(ii) be revised to read as follows:

§ 20.1 Ice cream; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(8) * * *

(ii) Calcium oxide, magnesium oxide, calcium hydroxide, magnesium hydroxide, calcium carbonate, magnesium carbonate, or any combination of two or more of these; but the total quantity of the solids of such ingredients is not more than 0.04 percent of the weight of the finished ice cream.

* * * * *

Due to cross-references, adoption of the proposed amendment to the standard for ice cream (§ 20.1) would have the effect of making the subject mineral salts permitted ingredients of frozen custard (§ 20.2) and ice milk (§ 20.3).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

Dated: August 17, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-11322; Filed, Aug. 26, 1970; 8:48 a.m.]

[21 CFR Part 120]

DDT

Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of July 8, 1970 (35 F.R. 10962), proposing the repeal of 21 CFR 120.147 a, b, and c and the revision of 21 CFR 120.147, provided for the filing of comments within 30 days after said date.

Several requests for an extension of the time for comment were received, but they were denied because the petitioner, Environmental Defense Fund, Inc., had represented to the Court of Appeals that the Agency was not acting as expeditiously as it should. The Commissioner has now received a request for an extension of the time for comment from petitioner, Environmental Defense Fund, Inc. The grounds for the request are that the petitioner has moved the Court of Appeals to clarify its opinion and mandate and to require the Agency to invite comment on alternative approaches for achieving the eventual elimination of DDT residues.

The time for filing comments on the proposed zero tolerances for DDT is extended to 30 days from the publication of this notice in the FEDERAL REGISTER, and the Commissioner explicitly invites comments on the alternatives suggested by the Court of Appeals, i.e., a zero tolerance applicable only to new uses of DDT, a zero tolerance effective upon a fixed future date, or a phase out of DDT for all but essential uses and elimination of DDT as soon as possible as suggested by the Mrak Commission, as well as upon any other alternative course of action.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(m), 68 Stat. 517; 21 U.S.C. 346a(m)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 21, 1970.

JAMES D. GRANT,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 70-11367; Filed, Aug. 26, 1970; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-100]

HOQUIAM RIVER, WASH.

Proposed Drawbridge Operation Regulations

1. The Commandant, U.S. Coast Guard is considering a request by the Washington State Highway Commission to revise the special operation regulations for its bridge across Hoquiam River, known as the Simpson Avenue bridge, Hoquiam, Wash. Present regulations governing this bridge require that the draw be opened on signal from 5 a.m. to 9 p.m. At all other times 8 hours' advance notice is required. The proposed regulations would require 2 hours' advance notice at all times. 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 33 CFR 117.810(f)(6) to read as follows:

§ 117.810 Navigable waters in the State of Washington; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(6) Hoquiam River: State Department of Highways bridge at Simpson

Street, Hoquiam. At least 2 hours' advance notice is required at all times.

* * * * *

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 28, 1970. All submissions should be made in writing to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Wash. 98104.

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, Thirteenth Coast Guard District.

6. After the time set for the submissions of comments by the interested parties, the Commander, Thirteenth 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: August 17, 1970.

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

[F.R. Doc. 70-11304; Filed, Aug. 26, 1970; 8:46 a.m.]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10525]

ROLLS ROYCE DART MODELS 506, 510, and 526 Engines

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rolls Royce Dart Models 506, 510, and 526 engines. A case has been reported of failure of an annulus gear which resulted in damage to the engine, decoupling of the propeller, and extensive damage to the adjacent engine and fuselage. Since this condition is likely to exist or develop in other engines of the same type design, the proposed airworthiness directive would require installation of an automatic feathering probe and a retaining ring on these engines.

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 docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 28, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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:

ROLLS-ROYCE. Applies to Rolls-Royce Dart engines Models 506, 510, and 526, installed on, but not necessarily limited to, British Aircraft Corp. Viscount 744 and 745D; and Armstrong Whitworth Argosy 650 Series 101 airplanes.

Compliance is required within the next 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent the loss of propeller control in the event of an annulus gear failure, accomplish the following:

(a) For Rolls-Royce Dart Model 506 engines, incorporate Rolls-Royce Dart Modification 1431 in accordance with Rolls-Royce Dart Aero Engine Service Bulletin Number Da72-297, Revision 7, dated February 20, 1970, or later ARB-approved revision, or an FAA-approved equivalent.

(b) For Rolls-Royce Dart Models 510 and 526, incorporate Rolls-Royce Dart Modification 1550 in accordance with Rolls-Royce Dart Aero Engine Service Bulletin Number Da72-348, Revision 9, dated November 28, 1969, or later ARB-approved revision, or an FAA-approved equivalent.

Issued in Washington, D.C., on August 19, 1970.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-11340; Filed, Aug. 26, 1970; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-WE-56]

TRANSITION AREA

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the Rockaway, Oreg., 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 identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, 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 amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of fair operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the revocation of the Rockaway, Oreg., transition area as it is no longer required as designated controlled airspace.

This amendment is proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510) Executive Order 10854 (24 F.R. 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 70-11341; Filed, Aug. 26, 1970; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 104, 105, 141, 204, 205, 260]

[Docket No. R-390]

REVISIONS IN UNIFORM SYSTEMS OF ACCOUNTS, AND FORMS 1-F AND 2-A

Notice of Extension of Time

AUGUST 18, 1970.

On August 11, 1970, Edison Electric Institute filed a request for an extension of time to and including October 13, 1970, within which any interested person may submit data, views, comments, or suggestions concerning the notice of proposed rule making issued July 8, 1970, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including October 13, 1970, within which any person may submit data, views, comments, or suggestions to the aforementioned notice in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11292; Filed, Aug. 26, 1970; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

FLAMMABLE FABRICS

Testing Certain Classes of Fabrics; Extension of Time for Filing Comments

On June 2, 1970, the Federal Trade Commission caused to be published in the FEDERAL REGISTER, 35 F.R. 8503, notice of its proposal to amend paragraph (a) of § 302.5 [Rule 5] of the rules and regulations under the Flammable Fabrics Act (Part 302, Title 16, Chapter I, Subchapter C, Code of Federal Regulations). The matter to be considered was a proposed amendment of said paragraph (a) so as to provide the conditions under which certain fabrics and articles of wearing apparel which are affected by drycleaning or washing but which are not normally and customarily drycleaned or washed may be tested for flammability and marketed, and to provide for warning the trade and the consuming public of danger from flammability should such fabrics or articles of wearing apparel be drycleaned or washed. Interested parties were invited to participate by submitting in writing to the Commission their views, arguments, or other data on or before July 20th 1970. Written rebuttal was to be submitted by August 10, 1970.

On request of an interested trade association for an extension of time within which to submit comments in this proceeding, and upon a determination by the Commission that an additional opportunity for comment would be in the public interest, the Commission hereby provides an additional period until and including September 8, 1970, wherein interested parties may participate herein by submitting in writing to the Commission their views, arguments, or other data.

(Sec. 5, 67 Stat. 112, as amended; 15 U.S.C. sec. 1194)

Issued: August 24, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-11397; Filed, Aug. 26, 1970; 8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 113 (Rev. 1)]

DISTRICT DIRECTORS AND DIRECTOR OF INTERNATIONAL OPERATIONS

Authority To Issue Determination Letters Relating to Exempt Organization Matters

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150–37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the following districts:

San Francisco.	Atlanta.
Seattle.	Manhattan.
Los Angeles.	Boston.
Dallas.	Philadelphia.
Austin.	Baltimore.
Detroit.	Chicago.
Cincinnati.	St. Paul.
Cleveland.	St. Louis.

and to the Director of International Operations the authority to:

1. Issue determination letters involving the provisions of the Internal Revenue Code of 1954 with respect to: Exemption from Federal income tax under sections 501 and 521; the effect of section 502 on such exemption; the status of organizations under sections 507, 508, and 509; the imposition of unrelated business income tax under sections 511 through 515; and the imposition of excise taxes under sections 4940 through 4948; provided the requests present questions the answers to which are clear from an application of the provisions of the statute, Treasury decisions or regulations, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin.

2. Issue modifications or revocations of determination letters described above (see Commissioner Delegation Order No. 88 as revised for authority to issue notices of revocation of exemption relating to prohibited transactions as defined in section 503(c)).

3. Redelegate this authority as follows:

(a) With respect to issuance of determination letters, not below Internal Revenue Agent, GS–12, provided such individual is a person other than the initiator.

(b) With respect to revocation or modification of determination letters, not below Chief, Audit Division.

4. This order supersedes Delegation Order No. 113, issued January 30, 1970.

Date of issue: August 21, 1970.

Effective date: September 21, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70–11366; Filed, Aug. 26, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S–572]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management: Partial Termination

AUGUST 20, 1970.

The classification of public lands for multiple-use management published as F.R. Doc. 67–14813 on page 20660 of the issue for Thursday, December 21, 1967, is hereby terminated insofar as it affects the lands described below. Pursuant to the regulations in 43 CFR 2461.5(c)(2), the lands are hereby relieved of any segregative effect by the subject classification.

MOUNT DIABLO MERIDIAN

PLACER COUNTY, CALIFORNIA

T. 14 N., R. 10 E.,
Sec. 28, lot 15.

E. J. PETERSEN,
Acting State Director.

[F.R. Doc. 70–11326; Filed, Aug. 26, 1970; 8:48 a.m.]

[New Mexico 929]

[Amdt. 2]

NEW MEXICO

Notice of Classification of Public Lands for Multiple Use Management

AUGUST 20, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and the regulations in 43 CFR 2400 and 2460, the public lands within the areas described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the general mining and the mineral leasing laws, subject to valid existing rights. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 7191). The record showing the comments received and other information is on file and can be examined in the Roswell District Office, Roswell, N. Mex. The public lands affected by this classification are located within the following-described areas and are designated as the Mathers Natural area:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 30 E.,
Sec. 1, lots 1, 2, S½NE¼, and N½SE¼.
T. 10 S., R. 31 E.,
Sec. 6, lots 4, 5 and 6.

The areas described aggregate 362.34 acres in Chaves County.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70–11299; Filed, Aug. 26, 1970; 8:46 a.m.]

[OR 6817]

OREGON

Notice of Proposed Classification of Public Lands for Disposal by Exchange

AUGUST 21, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), and to the regulations in 43 CFR 2462, it is proposed to classify the lands described below for disposal through exchange, under the Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2220), for lands within the Prineville District:

WILLAMETTE MERIDIAN

GILLIAM COUNTY

T. 1 N., R. 19 E.,
Sec. 2, SW¼SE¼;
Sec. 12, SE¼NE¼, N½NW¼, SW¼NW¼, and N½S½.
T. 1 N., R. 20 E.,
Sec. 6, lot 7.

The areas described aggregate approximately 411.47 acres.

Publication of this notice will segregate the lands from all appropriations including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2201.1 and 2201.2, no application for an exchange will be accepted until the lands have been classified and the application is accompanied by a statement from the Bureau of Land Management, Prineville District Manager, that the proposal is feasible.

Information concerning these lands is available at the Prineville District Office, Bureau of Land Management, 185 East Fourth Street, Post Office Box 550, Prineville, Oreg. 97754.

For a period of 60 days from the date of publication of this notice all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 185 East Fourth Street, Post Office Box 550, Prineville, Oreg. 97754.

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

After having considered comments received as a result of this publication and hearing, if such is deemed necessary to be held, the authorized officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 70-11300; Filed, Aug. 26, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority to Approve and Sign Publications for Federal Register

I hereby delegate to the Assistant Secretary for Administration authority to approve and sign for publication in the FEDERAL REGISTER, as he deems advisable, regulations pertaining to procurement and materiel management functions of the Department.

This authority may be redelegated to the Deputy Assistant Secretary for Administration.

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

Dated: August 10, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-11350; Filed, Aug. 26, 1970; 8:50 a.m.]

DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority to Approve and Sign Publications for Federal Register

I hereby redelegate to the Deputy Assistant Secretary for Administration authority, delegated to me by the Secretary, to approve and sign for publication in the FEDERAL REGISTER, as he deems advisable, regulations pertaining to procurement and materiel management functions of the Department.

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

Dated: August 11, 1970.

JAMES FARMER,
Assistant Secretary for Administration.

[F.R. Doc. 70-11351; Filed, Aug. 26, 1970; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Availability of Environmental Reports 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 the Jersey Central Power and Light Co. has submitted two reports dated July 29, 1970, containing information for preparation of an environmental statement. Copies of the reports are being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the Mayor, Lacey Township, Ocean County, N.J. This proceeding involves the application by Jersey Central Power and Light Co. for a construction permit for its proposed Forked River Nuclear Generating Station, Unit 1, to be located on its site in Lacey Township, Ocean County, N.J. A notice of receipt of the application by the Commission was published in the FEDERAL REGISTER on June 20, 1970 (35 F.R. 10165).

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, 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, comments on the proposed action and on the reports. 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 Jersey Central Power and Light Co.'s reports, dated July 29, 1970, and the comments thereon of Federal agencies (whose comments are being separately 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 19th day of August 1970.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 70-11311; Filed, Aug. 26, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Atlantic Bancorporation, Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of The Exchange Bank of St. Augustine, St. Augustine, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Atlantic Bancorporation, Jacksonville, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Exchange Bank of St. Augustine, St. Augustine, Fla. (St. Augustine Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on June 19, 1970 (35 F.R. 10123), 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 fourth largest banking organization in Florida, controls 15 banks with aggregate deposits of $577 million, representing approximately 4.7 percent of total bank deposits in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect bank holding company acquisitions approved by the Board to date.) On acquisition of St. Augustine Bank (deposits $23 million) and of Hastings Exchange Bank, Hastings, Fla.,

acquisition of which by Applicant is approved by the Board by separate order of this date, Applicant would control 4.9 percent of such deposits, and would remain the fourth largest banking organization in the State. Hastings Exchange Bank and St. Augustine Bank have been affiliated through common ownership since organization of the former in 1950, and, because of this and their geographical separation, no competition exists between them.

St. Augustine Bank is the largest of three banks located in the relevant market, which encompasses approximately the eastern two-thirds of St. Johns County. The other two banks in that market are both subsidiaries of the State's third largest banking organization, a registered bank holding company. One of these is only marginally smaller than St. Augustine Bank; the other is a new bank which opened for business in April of this year. Applicant's nearest subsidiary to St. Augustine Bank is located 30 miles from the latter and does not compete with it. Consummation of the proposed acquisition would eliminate no existing competition, and it does not appear that it would foreclose significant potential competition, or have adverse effects on the viability or competitive effectiveness of any competing bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as they relate to Applicant, its present subsidiaries, and St. Augustine Bank are consistent with approval. Considerations relating to the convenience and needs of the communities to be served are also consistent with approval of the application. 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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11293; Filed, Aug. 26, 1970; 8:45 a.m.]

ATLANTIC BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Atlantic Bancorporation, Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of Hastings Exchange Bank, Hastings, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Atlantic Bancorporation, Jacksonville, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Hastings Exchange Bank, Hastings, Fla. (Hastings Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida and requested his views and recommendations. The Commissioner recommended approval of the application .

Notice of receipt of the application was published in the FEDERAL REGISTER on June 18, 1970 (35 F.R. 10059), 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 fourth largest banking organization in Florida, controls 15 banks with aggregate deposits of $577 million representing approximately 4.7 percent of total bank deposits in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect bank holding company acquisitions approved by the Board to date.) On acquisition of Hastings Bank (deposits $4 million) and of The Exchange Bank of St. Augustine, St. Augustine, Fla., acquisition of which by Applicant is approved by the Board by separate order of this date, Applicant would control 4.9 percent of such deposits, and would remain the fourth largest banking organization in the State. The Exchange Bank of St. Augustine and Hastings Bank have been affiliated through common ownership since organization of the latter in 1950, and, because of this and their geographical separation, no competition exists between them.

Hastings Bank is the only bank located in Hastings, an agricultural community with a population of 600, located at the fringe of a market centered in Palatka (Putnam County), 11 miles southwest. The larger of two Palatka banks (the only other banks in the market) is a subsidiary of Applicant; the other Palatka bank is a subsidiary of another registered bank holding company, and both are larger than Hastings Bank.

Applicant's subsidiary in Palatka derives a small amount of business from the area served by Hastings Bank, and therefore some competition would be eliminated by consummation of the proposal. However, Hastings Bank does not compete in Palatka, and, because of its limited size and relatively remote location, exerts little competitive impact on the Palatka market. These same considerations, together with the State law's prohibition against branching, make it unlikely that competition between Hastings Bank and the Palatka subsidiary would become significant in the future. The proposed acquisition would not have serious anticompetitive effects in any relevant market.

Because of Hastings Bank's dependence on an agricultural economy, its deposits are subject to seasonal fluctuations; its access to the financial and management resources of Applicant through the proposed affiliation would result in improvements in its prospects. Applicant's ability to provide a broader service offering would also result in greater convenience to the area served by Hastings Bank, and these considerations provide support for approval of the application.

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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] August 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11295; Filed, Aug. 26, 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 26, 1970.[2]

The information reviewed at this meeting indicates that real economic activity declined more than previously estimated in the first quarter of 1970, but little further change is projected in the second quarter. Prices and costs generally are continuing to rise at a rapid pace, although some components of major price indexes recently have shown moderating tendencies. Since early May most long-term interest rates have remained under upward pressure, partly as a result of continued heavy demands for funds and possible shifts in liquidity preferences, and prices of

[1] Voting for this action: Chairman Burns, and Governors Robertson, Mitchell, and Maisel. Absent and not voting: Governors Daane, Brimmer, and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Maisel. Absent and not voting: Governors Daane, Brimmer, and Sherrill.

[2] The Record of Policy Actions of the Committee for the meeting of May 26, 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.

common stocks have declined further. Attitudes in financial markets generally are being affected by the widespread uncertainties arising from recent international and domestic events, including doubts 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; in May bank credit appears to be changing little while the money supply appears to be expanding rapidly. The overall balance of payments continued in considerable deficit in April and early May. 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, in view of current market uncertainties and liquidity strains, open market operations until the next meeting of the Committee shall be conducted with a view to moderating pressures on financial markets, while, to the extent compatible therewith, maintaining bank reserves and money market conditions consistent with the Committee's longer-run objectives of moderate growth in money and bank credit.

By order of the Federal Open Market Committee, August 19, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-11320; Filed, Aug. 26, 1970; 8:47 a.m.]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First National Charter Corp., Kansas City, Mo., for approval of acquisition of 80 percent or more of the voting shares of the National Bank of Boonville, Boonville, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First National Charter Corp., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the National Bank of Boonville, Boonville, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to the approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 17, 1970 (35 F.R. 11542), 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 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 fourth largest banking organization in Missouri, has two subsidiary banks with $407 million in deposits, which represent 3.8 percent of the total deposits of all banks in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.)

Bank (deposits $9.4 million) is the smaller of two banks in Boonville, and is the second largest of 11 banks serving Cooper and Howard Counties, the relevant market. Applicant's two present subsidiaries are located more than 100 miles west of Bank, and it does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of the present proposal.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Bank, are regarded as consistent with approval. Considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval; Applicant proposes to expand the services offered by Bank, and to assist it in meeting the larger credit needs of the area, through participation with Applicant's subsidiaries. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] August 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11296; Filed, Aug. 26, 1970; 8:45 a.m.]

[1] Voting for this action: Chairman Burns and Governors Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson, Mitchell, and Daane.

SHAWMUT ASSOCIATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Shawmut Association, Inc., which is a bank holding company located in Boston, Mass., for prior approval by the Board of Governors of the acquisition by Applicant of up to 100 percent of the voting shares of The Framingham National Bank, Framingham, Mass.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors, August 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11297; Filed, Aug. 26, 1970; 8:45 a.m.]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Virginia Commonwealth Bankshares, Inc., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the

acquisition by Applicant of 100 percent of the voting shares of the successor by merger to The Merchants and Farmers Bank of Galax, Galax, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

By order of the Board of Governors, August 20, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-11298; Filed, Aug. 26, 1970; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 779, Amdt. 1]

NEW YORK

Amendment to Declaration of Disaster Loan Area

Declaration of Disaster Loan Area 779, dated July 14, 1970, for New York, is hereby amended as follows:

1. By adding Tompkins and Schuyler before the word "Counties" in the first "Whereas" clause.

2. By substituting February 28 for January 31 in paragraph 2 thereof.

Dated: August 19, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-11301; Filed, Aug. 26, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

OBSOLETE DELEGATIONS OF AUTHORITY

Notice of Revocation

The delegations of authority published in the FEDERAL REGISTER as listed below are hereby revoked concurrently by the Agricultural Stabilization and Conservation Service, the Commodity Credit Corporation, and the Consumer and Marketing Service:

23 F.R. 5738, July 30, 1958;
31 F.R. 4742, March 19, 1966 (2 delegations);
32 F.R. 15125, November 1, 1967 (2 delegations);
13 F.R. 8250, December 23, 1948;
15 F.R. 7216, October 27, 1950;
17 F.R. 10976, December 4, 1952;
15 F.R. 2379, April 27, 1950;
15 F.R. 3240, May 26, 1950;
26 F.R. 7812, August 22, 1961;
27 F.R. 2331, March 10, 1962 (2 delegations).

Signed at Washington, D.C., on August 21, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service, and Executive Vice President, Commodity Credit Corporation.

GEORGE R. GRANGE,
Acting Administrator, Consumer and Marketing Service, and Acting Vice President, Commodity Credit Corporation.

[F.R. Doc. 70-11370; Filed, Aug. 26, 1970; 8:51 a.m.]

Commodity Credit Corporation

OBSOLETE DELEGATIONS OF AUTHORITY

Notice of Revocation

CROSS REFERENCE: For a document issued jointly by the Agricultural Stabilization and Conservation Service, the Commodity Credit Corporation, and the Consumer and Marketing Service, relating to the revocation of obsolete delegations of authority, see F.R. Doc. 70-11370, Department of Agriculture, Agricultural Stabilization and Conservation Service, *supra*.

Consumer and Marketing Service

OBSOLETE DELEGATIONS OF AUTHORITY

Notice of Revocation

CROSS REFERENCE: For a document issued jointly by the Agricultural Stabilization and Conservation Service, the Commodity Credit Corporation, and the Consumer and Marketing Service, relating to the revocation of obsolete delegations of authority, see F.R. Doc. 70-11370, Department of Agriculture, Agricultural Stabilization and Conservation Service, *supra*.

Packers and Stockyards Administration

BAKERSFIELD CATTLE AUCTION ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard and date of posting

CALIFORNIA

Bakersfield Cattle Auction, Bakersfield, July 29, 1970.

LOUISIANA

Delhi Livestock Auction, Delhi, Aug. 3, 1970.

MINNESOTA

S & M Livestock Sales, Mora, July 12, 1969.

MISSISSIPPI

Highway 84 Stockyard, Laurel, June 17, 1970.

MISSOURI

MFA Livestock Association, Inc., Stockton Concentration Point, Stockton, July 30, 1970.

Done at Washington, D.C., this 17th day of August 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-11310; Filed, Aug. 26, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-266]

CITY OF SAVANNAH, TENN., AND TENNESSEE GAS PIPELINE CO.

Order Denying Motions, Granting Interventions, and Fixing Date of Hearing

AUGUST 21, 1970.

On May 1, 1970, pursuant to section 7(a) of the Natural Gas Act, city of Savannah, Tenn. (Savannah) filed an application in Docket No. CP70-266 for an order directing Tennessee Gas Pipeline Co. (Tennessee) to establish physical connection with applicant's proposed facilities and sell applicant up to 6,097 Mcf of gas per day for resale. Of these volumes, applicant proposes to sell 6,000 Mcf per day on a firm basis to one industrial customer, Tennessee River Pulp and Paper Co. (Paper Company), with the remainder to be sold to commercial and residential customers.

Notice of the application was issued on May 12, 1970 (published May 21, 1970, 35 F.R. 7829), providing that June 2, 1970, would be the final date for the filing of protests or petitions to intervene.

On June 29, 1970, Tennessee filed its answer in which it alleges that it has no gas service to offer for resale for firm industrial use. However, it states that, if ordered by the Commission to render the service, it will of course do so.

On June 2, 1970, petitions to intervene and motions to dismiss were filed by Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) and Hardin County Gas Co. (Hardin), both of which currently serve the Paper Company with interruptible and firm gas, respectively. In its opposition to the application, Alabama-Tennessee alleges (1) that it is currently serving the Paper Company with 12.6 miles of 6-inch line which will be rendered useless if Savannah's proposal is approved, (2) that, since both Tennessee and the Paper Company are subsidiaries of Tenneco, Inc., the application may violate Federal antitrust laws, and (3) that Savannah does not have authority under Tennessee law to implement its proposal.

Hardin's petition and motion, which incorporates by reference the allegations of Alabama-Tennessee, asserts that it will ultimately lose the Paper Company's business if Savannah's application is approved. Although the application does not contemplate a change in Hardin's firm sales of 192 Mcf per day to the Paper Company, Hardin anticipates that its contract, which expires February 1, 1971, will not be renewed because of Savannah's lower rates.

In response to petitioners, Savannah has filed answers and a motion to strike certain portions of Alabama-Tennessee's petition which allege that the application may violate Federal antitrust laws. Replies to Savannah's answers and motion have been submitted by the petitioners.

Having reviewed the pleadings in this matter, we are convinced that petitioners have alleged sufficient interest to warrant intervention. However, for the reasons that follow, we find their motions to dismiss to be without merit.

Alabama-Tennessee and Hardin predicate their motions to dismiss upon two allegations: (1) That the application may violate Federal antitrust laws, and (2) that there is presently pending, in the Tennessee courts, a suit challenging Savannah's statutory authority to implement its proposal. Neither of these grounds will support a dismissal at this time.

It is clear that, in considering what action is in the public interest, we are obliged to determine the impact upon competition. Northern Natural Gas v. Federal Power Commission ("Great Lakes"), 399 F. 2d 953 (1968). Such antitrust questions can be resolved only after a hearing of evidentiary proof.

We are also unable to accept petitioners' contention that the application should be dismissed because Savannah is without State statutory authority to implement its proposal. Whether or not an applicant has such local authority is an issue of State law which must be determined by State courts. American Louisiana Pipe Line Co., 30 FPC 698, 714 (1963), 338 F. 2d 682 (CA7, 1967). Moreover, the fact that a suit challenging Savannah's authority is currently pending in the Tennessee courts is no reason to delay or dismiss the application. Any order which may be subsequently issued can be conditioned upon Savannah having the appropriate State authority to implement the order. East Tennessee Natural Gas Co., 11 FPC 426 (1952).

We further conclude that it would be improper at this time to grant Savannah's motion to strike those portions of Alabama-Tennessee's petition which allege a conspiracy to violate Federal antitrust laws. As indicated above, we are obliged to examine applicant's proposal for possible antitrust problems. In such an examination, evidence of a conspiracy to violate antitrust laws would be relevant. However, we would emphasize that the burden of proving such a conspiracy is upon the parties making the allegation. Under these circumstances, we feel compelled to deny the motion to strike without prejudice to applicant to renew its motion at the close of the evidentiary record.

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The motions to dismiss of both Alabama-Tennessee and Hardin are without merit and should be denied.

(3) The motion to strike of Savannah is without merit at the present time and should be denied without prejudice.

(4) The expeditious disposition of this proceeding will be effectuated by the submission of applicant's case-in-chief, including all direct testimony and exhibits, on or before September 10, 1970.

(5) The expeditious disposition of this proceeding will be further effectuated by holding a hearing on September 29, 1970.

The Commission orders:

(A) The petitioners, Alabama-Tennessee and Hardin, are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The motions to dismiss of both Alabama-Tennessee and Hardin are denied.

(C) The motion to strike of Savannah is denied without prejudice.

(D) Savannah shall file its case-in-chief, including all direct testimony and exhibits, on or before September 10, 1970.

(E) A public hearing on the issues presented in the application in this case will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on September 29, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70-11343; Filed, Aug. 26, 1970; 8:49 a.m.]

[Docket No. CP71-29]

COLORADO INTERSTATE GAS CO.

Notice of Application

AUGUST 19, 1970.

Take notice that on August 10, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP71-29 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities and transportation of natural gas for exchange with Mountain Fuel Supply Co. (Mountain Fuel) and pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Mountain Fuel, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the short-term sale of natural gas to Mountain Fuel authorized in Docket No. CP70-50 due to insufficient gas supply and to initiate an exchange of gas with Mountain Fuel through the existing facilities. Applicant states that it is willing to exchange gas on a short-term basis which will not affect its system gas supply.

Applicant proposes to deliver up to 30,000 Mcf of natural gas per day and 2,000,000 Mcf total to Mountain Fuel during the period from November 1, 1970, through March 31, 1971. The gas will be redelivered to applicant from April 1, 1971, through October 31, 1971, and/or April 1, 1972, through October 31, 1972. The proposed exchange will be in Sweetwater County, Wyo., without charge by either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11287; Filed, Aug. 26, 1970; 8:45 a.m.]

[Docket No. E-7550]

DETROIT EDISON CO.

Notice of Application

AUGUST 19, 1970.

Take notice that on August 13, 1970, The Detroit Edison Co. (applicant), filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $150 million aggregate principal amount of unsecured short-term promissory notes and commercial paper notes.

Applicant is incorporated under the laws of the State of New York and authorized to do business in the State of Michigan as a foreign corporation with its principal office in Detroit, Mich. The applicant is a public utility engaged primarily in the generation, purchase, transmission, distribution, and sale of electricity in a service area of approximately 7,600 square miles in southeastern Michigan.

The proposed short-term notes and commercial paper will be issued in varying amounts and periods of maturity from time to time prior to December 31, 1971.

Applicant proposes to issue short-term promissory notes to commercial banks and commercial paper dealers, with maturities of not more than 9 months. Interest on the promissory notes to banks will be the prime rate in effect at the time of the borrowing. The discount rate on commercial paper will be at the rate then in effect on such commercial paper of such quality and term.

The proceeds from the issuance of the notes will be used to finance the construction, completion, extension, and improvement of the applicant's facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11291; Filed, Aug. 26, 1970; 8:45 a.m.]

[Docket No. CP71-31]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 19, 1970.

Take notice that on August 11, 1970, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP71-31 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon seven 800-horsepower compressor units and appurtenant facilities at its Compressor Station No. 1 in Culberson County, Tex., and six 800-horsepower compressor units and appurtenant facilities at its Compressor Station No. 2 in Hudspeth County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the subject facilities were installed between 1931 and 1941 and that due to their age it has not relied on the two stations for sustained operations for several years. Applicant states further that the proposed abandonment will not reduce the design transport capability of its integrated Southern Division System nor will the abandonment reduce or terminate present or future service to any customers served by that system.

Applicant proposes to abandon the subject facilities by removal at a cost of $54,050, which will be financed with working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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 permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11288; Filed, Aug. 26, 1970; 8:45 a.m.]

[Docket No. CP71-28]

GRAND VALLEY TRANSMISSION CO.

Notice of Application

AUGUST 20, 1970.

Take notice that on August 7, 1970, Grand Valley Transmission Co. (applicant), Post Office Box 986, Billings, Mont. 59103, filed in Docket No. CP71-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 1.6 miles of 6⅝-inch pipeline replacing a similar length of 3½-inch pipeline, approximately 6.9 miles of 4½-inch pipeline looping an existing 3½-inch pipeline, and an 800-horsepower compressor station on its existing 6⅝-inch mainline, all in Grand County, Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that in order to increase the deliverability from existing wells connected to applicant's gathering system in Grand and Uintah Counties, Utah, it is necessary to decrease wellhead pressures and the operating pressure on an existing compressor station. Applicant proposes the subject facilities to enable it to replace pressure which is required for delivery of natural gas to El Paso Natural Gas Co. Applicant estimates that with the proposed facilities it will have capacity and reserve deliverability initially to transport and deliver approximately 13,500 Mcf of natural gas per average day to El Paso Natural Gas Co.

The estimated cost of the proposed facilities is $237,710, which will be financed with funds on hand and mortgage loans and notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11312; Filed, Aug. 26, 1970; 8:47 a.m.]

[Docket No. CP71-27]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application

AUGUST 19, 1970.

Take notice that on August 7, 1970, Great Lakes Gas Transmission Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP71-27 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to render an initial period natural gas service during the year 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed initial period service is to be rendered pursuant to a new proposed FPC Gas Rate Schedule IPS-1. Applicant states that the purpose of the initial period service is to make gas deliveries to new customers applicant was authorized to serve by the Commission in Dockets Nos. CP70-19 et al., and CP70-88 and CP70-100, to the extent that a supply may be available prior to November 1, 1970. November 1, 1970, is the proposed effective date for the new service agreements to be executed in connection with the sales authorized in the foregoing dockets.

The application indicates that the proposed initial period service is available to customers who have executed a standard service agreement for contract quantity or general service. Further, applicant states that in the subject application it is not proposing any new facilities; is not proposing to render any increased contract quantity or general service beyond that already authorized by the Commission; and is not proposing to serve any new customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11289; Filed, Aug. 26, 1970; 8:45 a.m.]

[Docket No. CP70-161]

MISSOURI EDISON CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Filing of an Amendment to Application

AUGUST 21, 1970.

Take notice that on August 17, 1970, Missouri Edison Co. (applicant), 202 South Third Street, Louisiana, Mo. 63353, filed in Docket No. CP70-161 an amendment to its application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (respondent) to establish physical connection of facilities and to sell and deliver natural gas to applicant for a proposed addition to its gas distribution system, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant proposes to supplement its application by requesting, in the alternative to its original filing, a request to the Commission to order Panhandle Eastern Pipe Line Co., respondent, to sell and deliver volumes of natural gas under Panhandle's I-2 Rate Schedule to Missouri Edison Co. Applicant proposes to resell the I-2 allocation gas to Hercules, Inc., under an interruptible contract. Applicant states that 15,000 Mcf per day is the maximum daily requirement of Hercules, Inc., for which the I-2 Rate Schedule allocation is requested.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 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). 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. Persons already parties to the proceeding need not file any additional petitions to intervene.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11344; Filed, Aug. 26, 1970; 8:49 a.m.]

[Docket No. CP71-25]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 19, 1970.

Take notice that on August 6, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP71-25 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas in interstate commerce and the construction and operation of facilities necessary to effectuate the exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to receive from Lone Star Gas Co. in Hemphill County, Tex., quantities of natural gas which will be redelivered at a proposed point of interconnection with the existing pipeline facilities of the two companies in Wise County, Tex. The volume of gas exchanged will initially average approximately 16,000 Mcf per day.

Applicant also seeks authorization to construct and operate the exchange facilities in Wise County. The facilities in Hemphill County will be constructed pursuant to authorization granted in Docket No. CP70-108 which was issued on January 19, 1970.

The total estimated cost of the Wise County facilities is $29,700 for which

applicant will be reimbursed by Lone Star Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11290; Filed, Aug. 26, 1970; 8:45 a.m.]

[Docket No. CP71-32]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 19, 1970.

Take notice that on August 13, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP71-32 an abbreviated application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to continue to operate certain gas transmission facilities owned by The Peoples Gas Light and Coke Co. (Peoples), an affiliate of applicant, under the terms of a lease agreement dated July 16, 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently operating the facilities, which provide a direct interconnection between the Calumet and Crawford Stations of Peoples in the city of Chicago and the gas transmission mains of applicant which terminate at the south and southwest city limits, under a lease dated February 20, 1950, pursuant to authorization previously granted by the Commission. Applicant further states that it and Peoples entered the July 16, 1970, lease agreement, so as to revise the annual rental to adequately compensate Peoples for the use of the facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11313; Filed, Aug. 26, 1970; 8:47 a.m.]

[Project No. 1892]

NEW ENGLAND POWER CO.

Notice of Application for New License for Constructed Project

AUGUST 20, 1970.

Public notice is hereby given that application for new license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by New England Power Co. (correspondence to: Richard B. Dunn, General Counsel, Turnpike Road, Westboro, Mass. 01581) for its constructed Project No. 1892, known as the Wilder Project, located on the Connecticut River, in Grafton County, N.H., in the vicinity of Lebanon, Hanover, Lyme, Oxford, Piermont, and Haverhill, and in Windsor and Orange Counties, Vt., in the vicinity of Hartford, Norwich, Thetford, Fairlee, Bradford, and Newbury.

The constructed Wilder Project consists of: (1) A concrete gravity dam about 59 feet high comprised of a nonoverflow section about 232 feet long and a spillway section with tainter gates and flashboards about 526.5 feet long flanked by earth embankments about 400 and 180 feet long; (2) Wilder pond having a surface area of about 3,100 acres at normal elevation 383 feet (USGS) and extending upstream about 45 miles; (3) a powerhouse containing two 16,200-kw. generating units; and (4) all other facilities and interests appurtenant to the operation of the project.

The project recreational facilities consist of: Existing—a visitor center, public baseball field, and water-based recreational facilities for picnicking, boating, fishing, and hiking; and proposed—by 1975 approximately 58.6 acres will be developed for recreation and 11 acres will be preserved as natural areas, the existing facilities will be expanded and hiking and snowshoe trails will be added. Following pollution abatement, swimming facilities will be added.

According to the application: (1) The market for the project power is applicant's service areas in Massachusetts, New Hampshire, and Rhode Island and project output would continue to be utilized on applicant's New England Power system—a part of the New England Regional system (NEPEX); (2) the estimated net investment is approximately $11,700,000 as of December 31, 1969, and the fair value would not be less than the net investment figure, plus severance damages—an unknown figure until it is determined whether all or part of the project would be taken over; and (3) annual taxes paid to State and local governments in 1969 amounted to $767,200.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11318; Filed, Aug. 26, 1970; 8:47 a.m.]

[Project No. 1904]

NEW ENGLAND POWER CO.

Notice of Application for New License for Constructed Project

AUGUST 21, 1970.

Public notice is hereby given that application for new license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by New England Power Co. (correspondence to: Richard B. Dunn, General Counsel, Turnpike Road, Westboro Road, Mass. 01581) for constructed Project No. 1904, known as the Vernon Project, located on the Connecticut River, in Cheshire County, N.H., in the vicinity of Hinsdale, Chesterfield, Westmoreland, and Walpole, N.H., and in Windham County, Vt., in the vicinity of Vernon, Brattleboro, Dummerston, Putney, and Westminster.

The constructed Vernon Project consists of: (1) A concrete gravity dam comprised of a spillway section 600 feet long surmounted by 8-foot-high flashboards and a nonoverflow section 353 feet long; (2) Vernon pond with a water surface of 2,550 acres at normal elevation 220.1 extending about 27 miles upstream; (3) a powerhouse containing eight 2,000-kw. and two 4,200-kw. hydroelectric generating units; and (4) all other facilities and interests appurtenant to the operation of the project.

Recreation facilities at the project consist of: existing—public access and free use of facilities for picnicking, fishing, hiking and boat launching; proposed—by 1975 additional recreational facilities will be provided by expanding existing facilities, by developing a 29.5-acre tract for playgrounds, hiking and picnicking, 98 acres will be designated as a natural area, and 125 acres for a demonstration forest; a boat access picnic area is planned for the 32-acre Stebbins Island, and following pollution abatement swimming facilities will be provided at a suitable location on the project pond.

According to the application: (1) The market for the project power is in applicant's service in Massachusetts, New Hampshire, and Rhode Island and project output would continue to be utilized on applicant's New England Power system—a part of the New England Regional system (NEPEX); (2) the estimated net investment is approximately $2,200,000 as of December 31, 1969, and the fair value would not be less than the net investment figure, plus severance damages—an unknown figure until it is determined whether or not among other factors, the project would be taken over; and (3) annual taxes paid to State and local governments in 1969 amounted to $257,552.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 20, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–11345; Filed, Aug. 26, 1970; 8:49 a.m.]

[Docket No. CP71–33]

SEA ROBIN PIPELINE CO.

Notice of Application

AUGUST 20, 1970.

Take notice that on August 17, 1970, Sea Robin Pipeline Co. (Sea Robin) filed an application in Docket No. CP71–33 pursuant to section 7(c) of the Natural Gas Act, and section 157.7(b) of the Commission's regulations for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Sea Robin to take into its certificated main pipeline system natural gas which it will purchase from producers in the general area of its existing transmission system from time to time during the 12-month period beginning September 1, 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Sea Robin's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of gas in producing areas generally coextensive with its system.

The total cost of the proposed facilities will not exceed $5 million, with the total cost of any single project not to exceed $1,250,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–11314; Filed, Aug. 26, 1970; 8:47 a.m.]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for New License for Constructed Project

AUGUST 19, 1970.

Public notice is hereby given that application for new license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Co. (correspondence to: Robert P. O'Brien, Vice President, Southern California Edison Co., Post Office Box 351, Los Angeles, Calif. 90053) for its constructed Project No. 67, known as the Big Creek No. 2A and No. 8 Project, located on San Joaquin River in Fresno and Madera Counties, Calif., in the vicinity of Madera, Fresno, and Visalia, and affecting lands of the United States within Sierra National Forest and other lands of the United States. The license for the project will expire on March 2, 1971.

The existing Big Creek No. 2A and No. 8 Project consists of: (1) The Tombstone Creek Diversion Dam, a 26.4-foot long 5-foot-high masonry structure with crest at elevation 7,673 feet (USGS); (2) the Tombstone Creek Conduit, a combination of steel pipe and natural channel approximately 3,299 feet long conveying water to Florence Lake; (3) the concrete Crater Creek Diversion Dam which is 21 feet long and has its crest at elevation 8,764.6 feet (USGS); (4) the Crater Creek conduit, a 7,260 feet long combination of ditch and natural channel, which diverts water from Crater Creek into Florence Lake Reservoir; (5) The North Slide Creek Diversion Dam, a masonry structure about 19 feet long and 5 feet high, with crest at elevation 7,501.5 feet (USGS); (6) South Slide Creek Diversion Dam, a masonry structure 22 feet long and 5 feet high with crest at elevation 7,501.5 feet (USGS); (7) the North and South Slide Creeks Conduit, a 12-inch diameter steel pipe between North and South Slide Creek diversion connecting to a wye branch and thence 1,028 feet to a point where it discharges into Hooper Creek Conduit; (8) Bear Creek Diversion Dam, a concrete structure 293 feet long and 55 feet high spillway crest at elevation 7,350 feet (USGS); (9) the concrete Hooper Creek Diversion

Dam, 158 feet long and 30 feet high, with crest at elevation 7,505 feet (USGS); (10) Hooper Creek Conduit a 34 inch diameter 13,097-foot-long steel pipe diverting water from Hooper Creek to Florence Lake Reservoir; (11) the reinforced concrete multiple-arch Florence Lake Dam across the South Fork of San Joaquin River with a crest length of 3,156 feet and a height of 154 feet; (12) Florence Lake Reservoir with 64,574 acre-feet of gross storage capacity and a surface area at maximum elevation 7,327.5 feet of 962 acres; (13) the concrete Chinquapin Creek Diversion Dam approximately 47 feet long, 8 feet high, with crest elevation 7,277 feet which diverts water into the Ward Tunnel; (14) the 156-foot-long, 64-foot-high concrete Mono Creek Diversion Dam with spillway crest at elevation 7,350 feet (USGS); (15) Bear Creek Diversion Dam 293 feet long and 55 feet high at 7,350 feet elevation (USGS); (16) the Mono-Bear Conduit, comprised of an unlined tunnel and 92-inch diameter steel pipe having a combined length of 8,361 feet, through which water is diverted from Mono and Bear Creeks to Ward Tunnel Adit No. 1; (17) the very small Camp 62 Creek concrete dam with crest at elevation 7,309 feet; (18) the rock and earth fill Bolsillo Creek Diversion Dam 54 feet long and 6 feet high with spillway crest at elevation 7,535 feet (USGS) which diverts water into the Ward Tunnel; (19) the Ward Tunnel, 67,619 feet long, conveying water from Florence Lake Reservoir to Huntington Lake Reservoir; (Formed by Huntington Lake Dams—Project No. 2175); (20) the Huntington-Shaver Conduit (Tunnel No. 7) comprised of a tunnel 42,287 feet long diverting water from Huntington Lake Reservoir to Shaver Lake Reservoir via North Fork of Stevenson Creek; (21) the concrete Pitman Creek Diversion Dam approximately 68 feet long with spillway crest at elevation 6,998 feet (USGS) which diverts water into Tunnel No. 7; (22) a natural channel, North Fork of Stevenson Creek, extending from Tunnel No. 7 conduit portal for approximately 13,300 feet to a point of discharge into Shaver Lake Reservoir; (23) the Shaver Lake Dam 184 feet high and 21,169 feet long; (24) the Shaver Lake Reservoir with a gross storage capacity of 135,568 acre-feet, and a surface area at maximum elevation 5,370.13 feet (USGS) of 2,187 acres; (25) Tunnel No. 5 and a steel penstock having a combined length of 19,741 feet which diverts water from Shaver Lake Reservoir to Big Creek Powerhouse 2A; (26) the Big Creek Powerhouse 2A containing two 40,000-kw. generating units discharging into the pool of Dam No. 5; (27) the 224-foot-long, 60-foot-high Dam No. 5 across Big Creek having a spillway with crest at elevation 2,939 feet (USGS); (28) the 20-foot diameter Tunnel No. 8 extending from the intake structure of Dam No. 5 for approximately 5,570 feet to a surge chamber 35 feet in diameter; (29) two penstocks, extending from the surge tank approximately 2,560 feet to Big Creek Powerhouse No. 8; (30) Big Creek Powerhouse No. 8 containing two generating units rated 27,000 kw. and 31,500 kw. respectively; (31) four 30,000 kv.-a. outdoor transformers adjacent to Big Creek Powerhouse No. 2A, and four 20,000 kv.-a. outdoor type transformers located in the transformer building adjacent to Powerhouse No. 8; (32) a switchyard near Big Creek Powerhouse 2A; (33) a 220-kv. single circuit line 7.3 miles long from Big Creek Powerhouse No. 8 to a point near Powerhouse No. 2 and a 220-kv. single circuit line 1.7 miles long from Big Creek Powerhouse No. 8 to the switchrack at Big Creek Powerhouse No. 2A; and (34) appurtenant facilities.

The project's recreational facilities consist of: Existing: Family and group camping, picnicking, swimming, fishing, boat launching, and sanitary facilities on Shaver Lake Reservoir; existing camping area in the vicinity of the dam at Florence Lake which is to be converted to a day use area that will provide boat launching, picnicking, and sanitary facilities. Proposed: Camping, picnicking, fishing, sanitary, and swimming facilities, and access roads at Shaver Lake Reservoir; camping, picnicking, sanitary, and boat launching facilities and an access road at Florence Lake; camping and sanitary facilities at Mono Creek Development; camping, hiking, and sanitary facilities at Bear Creek Development; and parking facilities, sanitary facilities, and informational signs in the vicinity of the Portal Powerhouse.

According to the application, the power generated by the project is used in applicant's service area in central and southern parts of California and is also utilized in applicant's interconnected transmission system which is part of the integrated power pool operating under the California Power Pool Agreement. Applicant states that: Should the Project be taken over at the end of the license term, applicant estimates that the sum of approximately $112,300,000 would be payable as compensation based upon an estimated net investment of $37,800,000 plus estimated severance damages of $74,500,000; and the estimated tax loss (State and local) would average almost $1,511,000 annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11317; Filed, Aug. 26, 1970; 8:47 a.m.]

[Docket No. CP71-30]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

AUGUST 19, 1970.

Take notice that on August 10, 1970, Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP71-30 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 54½ miles of 30-inch pipeline and 34 miles of 20-inch pipeline onshore and offshore Texas, an 800-horsepower field booster station in the North Markham Field, Matagorda County, Tex., and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the subject facilities to connect the Block A-76 Field, Brazos Area South Addition, offshore Texas, to applicant's existing gathering lateral into the North Markham Field. The subject facilities will be used to transport natural gas purchased by applicant from Getty Oil Co. (Getty) and other producers in the Block A-76 Field.

The application states that in consideration for the sale of gas by Getty, applicant has agreed and herein seeks authorization to transport for Getty up to 9,300 Mcf of natural gas per day to Eastern Shore Natural Gas Co. in Chester County, Pa., for transportation to Getty's refinery in Delaware City, Del.

The estimated cost of the proposed facilities is $27,284,024, which will be financed initially with bank loans and funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 8, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11315; Filed, Aug. 26, 1970; 8:47 a.m.]

[Docket No. CP69-341]

UNITED GAS PIPE LINE CO.

Notice of Application To Amend

AUGUST 20, 1970.

Take notice that on August 11, 1970, United Gas Pipe Line Co. (applicant), 1525 Fairfield Avenue, Shreveport, La. 71102, filed in Docket No. CP69-341 an application to amend the Commission's order issued September 17, 1969, pursuant to section 7(c) of the Natural Gas Act by authorizing applicant to continue for the period November 1, 1970, through March 31, 1971, a short-term sale of natural gas to Mid Louisiana Gas Co. (Mid-Louisiana), successor to Humble Gas Transmission Co., all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of September 17, 1969, issued to applicant a certificate of public convenience and necessity authorizing the sale and delivery on a short-term basis of up to 40,000 Mcf per day of natural gas to Humble Gas for the period extending from November 1, 1969, through March 31, 1970.

The application indicates that Mid-Louisiana has exercised its option to continue the short-term sale of up to 40,000 Mcf daily for the period November 1, 1970, through March 31, 1971. Deliveries will be at an existing interconnection between the two companies in the Monroe Field near Fowler, Ouachita Parish, La. An alternate or supplemental sales delivery point will be at applicant's Scotland compressor station site in East Baton Rouge Parish, La.

Applicant states that the proposed short-term supply will permit Mid Louisiana to maintain continuity of service while it continues to make arrangements for the future operation of its system and acquire a long-term gas supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 11, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11316; Filed, Aug. 26, 1970; 8:47 a.m.]

[Docket No. CP71-34]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 21, 1970.

Take notice that on August 17, 1970, United Gas Pipe Line Co. (applicant) filed an application in Docket No. CP71-34 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant, during the 12-month period beginning November 1, 1970, to render natural gas service to (1) existing distributors at rates on file with the Commission for resale in existing market areas as provided for in § 157.7(c)(1)(i) of the Commission's regulations, (2) direct customers as described in § 157.7(c)(1)(ii) of the Commission's regulations, located near the route of applicant's pipeline system in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, and (3) provide for the miscellaneous rearrangements of sales facilities as described in § 157.7(c)(1)(iii) of the Commission's regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the maximum delivery to any one customer will not exceed 100,000 Mcf of natural gas annually, that the gas will not be used as boiler fuel and the total estimated cost of all facilities under this budget-type application will not exceed $300,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 14, 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11346; Filed, Aug. 26, 1970; 8:49 a.m.]

[Docket No. CP71-35]

UNITED GAS PIPE LINE CO.

Notice of Application

AUGUST 21, 1970.

Take notice that on August 17, 1970, United Gas Pipe Line Co. (applicant) filed an application in Docket No. CP71-35, pursuant to section 7(b) of the Natural Gas Act and § 157.7(e) of the regulations thereunder, for an order permitting and approving for the 12-month period commencing October 1, 1970, a budget-type abandonment and removal of certain direct gas sales facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and remove certain direct sales measuring, regulating, and related minor facilities, which were originally established in prior years pursuant to authority granted by budget-type certificates for service to certain existing direct sales customers. Applicant further states that the deliveries to any one of these direct sales customers through the sales measuring facilities to be abandoned have not exceeded 100,000 Mcf annually during the last year of service.

Applicant also states that it will not abandon any service under this budget-type authorization unless it has received written request, or written permission, from the direct sale customer to terminate such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-11347; Filed, Aug. 26, 1970; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY ET AL.

Designation and Delegation of Authority

SECTION A. *Director of Equal Employment Opportunity—1. Designation.* The Assistant Secretary for Equal Opportunity is hereby designated the Director of Equal Employment Opportunity for the Department of Housing and Urban Development pursuant to the regulations of the Civil Service Commission codified under 5 CFR 713.204(c).

2. *Delegation of authority.* The Director of Equal Employment Opportunity is authorized to:

a. Exercise all authority of the Director of Equal Employment Opportunity pursuant to the regulations of the Civil Service Commission codified under 5 CFR 713.204(d), including making the decision under 5 CFR 713.221 for the Secretary on complaints of discrimination and ordering such corrective measures as the Director may consider necessary.

b. Designate HUD officials as Equal Employment Opportunity Officers and assign functions to such Officers.

c. Make changes in programs and procedures designed to eliminate discriminatory practices and improve the Department's program for equal employment opportunity.

SEC. B. *Supersedure.* Section A of this document supersedes the designation of Equal Employment Opportunity Officer, assignment of functions, and delegation of authority under paragraphs 2 and 3 of the document published at 33 F.R. 3654, March 1, 1968.

SEC. C. *Deputy Director of Equal Employment Opportunity—1. Designation.* The Deputy Assistant Secretary for Equal Opportunity is hereby designated the Deputy Director of Equal Employment Opportunity for the Department of Housing and Urban Development.

2. *Delegation of authority.* The Deputy Director of Equal Employment Opportunity is authorized to exercise the authority delegated to the Equal Employment Opportunity Officer under section A, 2, a.

SEC. D. *Designation of Equal Employment Opportunity Officers.* Each official of the Department of Housing and Urban Development listed below is hereby designated an Equal Employment Opportunity Officer for his organizational unit, pursuant to the regulations of the Civil Service Commission codified under 5 CFR 713.204(c):

1. Assistant Secretary for Metropolitan Planning and Development.
2. General Counsel.
3. Assistant Secretary for Housing Production and Mortgage Credit and Federal Housing Commissioner.
4. Assistant Secretary for Renewal and Housing Management.
5. Assistant Secretary for Model Cities and Governmental Relations.
6. Assistant Secretary for Equal Opportunity, except that any complaints arising in his organization shall be processed by the Executive Assistant to the Secretary.
7. Assistant Secretary for Research and Technology.
8. Assistant Secretary for Administration.
9. Each Regional Administrator.

The jurisdictional area of each Regional Administrator includes all HUD Area Offices and HUD-FHA Insuring Offices within the region.

The Executive Assistant to the Secretary is hereby designated the Equal Employment Opportunity Officer for all Central Office organizations not under the jurisdiction of an Equal Employment Opportunity Officer numbered 1 to 8.

SEC. E. *Revocation.* All existing designations of Deputy Equal Employment Opportunity Officers are hereby revoked except that each such Officer is authorized to complete the processing of pending complaints now under his jurisdiction.

(E.O. 11478 of Aug. 8, 1969, 34 F.R. 12985; regs. of Civil Service Commission codified under 5 CFR Part 713; and sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This document is effective as of August 27, 1970.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 70-11361; Filed, Aug. 26, 1970; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

AIR WEST

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

AUGUST 21, 1970.

Notice is hereby given that the Civil Aeronautics Board on August 21, 1970, received an application, Docket 22493, from Hughes Air Corp. doing business as Air West for amendment of its certificate of public convenience and necessity for Route 76 to authorize it to engage in nonstop service between Los Angeles-Boise, Los Angeles-Spokane, and Boise-Spokane. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11374; Filed, Aug. 26, 1970; 8:51 a.m.]

[Docket No. 17353]

REOPENED PACIFIC ISLANDS LOCAL SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on September 9, 1970, at 10 a.m., d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to Board Order 70-7-82, dated July 17, 1970. All or part of the evidence to be offered at the hearing may be taken in Executive Session.

Dated at Washington, D.C., August 21, 1970.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[F.R. Doc. 70-11373; Filed, Aug. 26, 1970; 8:51 a.m.]

[Dockets Nos. 22301, 22302; Order 70-8-90]

PIEDMONT AVIATION, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of August 1970.

Application of Piedmont Aviation, Inc., for amendment of its certificate of public convenience and necessity for route 87, Docket 22301. Application of Piedmont Aviation, Inc., for authority to suspend service temporarily at Southern Pines/Pinehurst/Aberdeen, N.C., Docket 22302.

By application filed on June 22, 1970, Piedmont Aviation, Inc. (Piedmont), re-

quests authority to temporarily suspend service at Southern Pines/Pinehurst/Aberdeen, N.C., pending final Board decision on its application, Docket 22301, to delete that point from its certificate of public convenience and necessity.

In support of its application, Piedmont alleges, inter alia, that Piedmont carried only 3,052 passengers in 1969 or only about 2.5 passengers per departure; that much of Southern Pines traffic is diverted to the nearby airports at Fayetteville, Raleigh, and Charlotte, which offer superior and more frequent services; that adequate ground transportation is provided at Southern Pines by the Seaboard Coast Line Railroad and the Trailways Bus Co.; and that Piedmont has made efforts to generate traffic by upgrading the equipment utilized, adding north-south services, and engaging in promotional activities comparable to those engaged in by Piedmont at other similar points. In addition, Piedmont asserts that there has been no appreciable growth in the traffic at Southern Pines since 1965 and that elimination of Southern Pines from its system will result in a savings to Piedmont of $62,569 and a subsidy need reduction of $21,101

The county of Moore, N.C. (Moore), of which Southern Pines is a part, filed an answer in opposition to Piedmont's suspension application. Moore alleges, inter alia, that the traffic deficiency at Southern Pines is due to Piedmont's inadequate scheduling and routing of flights and poor promotional activity; that the traffic potential exists at Southern Pines due to the increased growth of tourist attractions, industry, and population in the surrounding communities.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Piedmont's request for temporary suspension of service and set for hearing Piedmont's application to delete Southern Pines from its certificate.

We note that, in the absence of a replacement service, Southern Pines will, for the first time since 1947, be without air service. As indicated above, the community opposes suspension of service by Piedmont, and we believe that under all the circumstances it is appropriate to consider, on an evidentiary record, Moore's contentions that its low traffic generation has been the result of poor scheduling and lack of advertising and promotion by Piedmont.

Accordingly, it is ordered, That:

1. The application of Piedmont Aviation, Inc., in Docket 22302, be and it hereby is denied;

2. The application of Piedmont Aviation, Inc., in Docket 22301, be and it hereby is set for hearing at a time and place to be hereafter designated; and

3. This order shall be served on the parties served with the foregoing applications.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11377; Filed, Aug. 26, 1970; 8:51 a.m.]

[Docket No. 22442; Order 70-8-86]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 20, 1970.

A final service mail rate for the transportation of mail by aircraft, established by Order 70-4-37, April 8, 1970, in Docket 21955 is currently in effect for the above-captioned air taxi, operating under 14 CFR Part 298. This rate is based on six round trips per week between Sheridan, Newcastle, Wheatland, and Cheyenne, Wyo.

The Postmaster General filed a petition on August 5, 1970, stating that the volume of mail involved does not justify weekend trips on this route and he has been authorized by the carrier to petition for a new rate of 47 cents per great circle aircraft mile, based on five round trips per week. The carrier and the Post Office Department have agreed that the proposed rate is a fair and reasonable rate for these services.

The Board finds it in the public interest to fix and determine the fair and reasonable rate of compensation to be paid by the Postmaster General for the transportation of mail by aircraft between the aforesaid points. Upon consideration of the petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid on and after August 5, 1970, to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 47 cents per great circle aircraft mile between Sheridan, Newcastle, Wheatland, and Cheyenne, Wyo.

2. This final rate, to be paid entirely by the Postmaster General, is based on five round trips per week flown with Piper Aztec PA-23 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Western Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Ross Aviation, Inc.;

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

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

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

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Western Air Lines, Inc.

This Order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11376; Filed, Aug. 26, 1970; 8:51 a.m.]

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 22451; Order 70-8-85]

SIZER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority August 20, 1970.

The Postmaster General filed a notice of intent August 6, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 54.3 cents per great circle aircraft mile for the transportation of mail by aircraft between Bemidji and AMF Twin Cities, Minneapolis, Minn., via Brainerd, Minn., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model Tradewind, twin-engine aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and

other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sizer Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 54.3 cents per great circle aircraft mile between Bemidji and AMF Twin Cities, Minneapolis, Minn., via Brainerd, Minn., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Sizer Airways, Inc., the Postmaster General, North Central Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sizer Airways, Inc.

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

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

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

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-11375; Filed, Aug. 26, 1970; 8:51 a.m.]

[1] This order to show cause is not a final action and is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will be applicable to final action taken by the staff under authority delegated in § 385.16(g).

SECURITIES AND EXCHANGE COMMISSION

[70-4911]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of First and Refunding Mortgage Bonds and Preferred Stock at Competitive Bidding

AUGUST 21, 1970.

Notice is hereby given that The Connecticut Light and Power Co. (CL&P), Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

CL&P proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of first and refunding mortgage _____ percent bonds, Series W, due October 1, 2000. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to CL&P (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture of mortgage and deed of trust dated May 1, 1921, between CL&P and Bankers Trust Co., trustee, as heretofore supplemented and amended and as to be further supplemented by a supplemental indenture to be dated as of October 1, 1970, and which contains a prohibition until October 1, 1975, against refunding the issue with the proceeds of funds borrowed at a lower cost of money.

CL&P also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 400,000 shares of its $_____ preferred stock—Series I, $50 par value. The dividend rate of the preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to CL&P (which will be not less than $50 nor more than $51.375 per share) will be determined by the competitive bidding. None of the Series I preferred stock shall be redeemed prior to October 1, 1975, if such redemption is for the purpose of or in anticipation of refunding such Series I preferred stock through the use, directly or indirectly, of funds borrowed by CL&P or of the proceeds of the issue by CL&P of shares of any stock ranking prior to or on a parity with the Series I preferred stock as to dividends or assets, if such borrowed funds or such shares have an effective interest cost or dividend cost to CL&P of less than the effective dividend cost to CL&P of the Series I preferred stock.

The application states that CL&P intends to use the proceeds from the sale of the bonds and preferred stock to finance CL&P's construction program, to supply funds for its investments in regional nuclear generating companies and to repay short-term borrowings which were incurred for these purposes. It is estimated that the short-term borrowings will total $50 million at the time of such sales. CL&P expects that no additional financing will be required during 1970 for construction or further temporary investments in regional nuclear generating companies except for short-term borrowings which are estimated to total $16,300,000 by the end of 1970.

The application further states that the issue of the bonds and preferred stock is subject to the jurisdiction of the Connecticut Public Utilities Commission. A statement of fees and expenses incident to the issue and sale of the bonds and preferred stock will be filed by amendment.

Notice is further given that any interested person may, not later than September 21, 1970, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-11329; Filed, Aug. 26, 1970; 8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 21, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 24, 1970, through September 2, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-11328; Filed, Aug. 26, 1970; 8:48 a.m.]

[70-4910]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

AUGUST 21, 1970.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, or to renew, from time to time prior to December 31, 1971, to the banks named below its short-term promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The aggregate principal amount of such notes to be outstanding at any one time will not exceed $44 million.

Although no commitments or agreements for such borrowings have been made, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

The First National City Bank, New York, N.Y.	$5,000,000
Marine Midland Grace Trust Co. of New York, New York, N.Y.	6,000,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	6,000,000
The Fidelity Bank, Philadelphia, Pa	3,000,000
The First Pennsylvania Banking & Trust Co., Philadelphia, Pa.	7,000,000
American Bank & Trust Co. of Pennsylvania, Reading, Pa.	3,000,000
National Bank & Trust Co. of Central Pennsylvania, York, Pa	1,650,000
The Bank of Pennsylvania, Reading, Pa	1,200,000
York Bank & Trust Co., York, Pa.	1,100,000
Reading Trust Co., Reading, Pa.	800,000
Southern Pennsylvania National Bank, York, Pa	500,000
Commonwealth National Bank of Pennsylvania, Dillsburg, Pa.	200,000
The Peoples National Bank, Lebanon, Lebanon, Pa	200,000
The First National Bank of Lebanon, Lebanon, Pa	200,000
Northhampton National Bank, Easton, Pa	200,000
Lafayette Trust Co., Easton, Pa.	200,000
Easton National Bank & Trust Co., Easton, Pa	350,000
Subtotal	36,600,000
	*7,400,000
Total	44,000,000

* The names of the banks from which it is contemplated the balance of the short-term borrowings will be made are not presently known and are to be supplied by amendment prior to effecting such borrowings.

Met-Ed intends to utilize the proceeds of the proposed notes to finance its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings and the temporary reimbursement of its treasury for construction expenditures provided therefrom.

The declaration states that the net proceeds, as defined, from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of such permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale or renewal of the notes are estimated at $5,300, including counsel fees of $5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 10, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 24 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-11330; Filed, Aug. 26, 1970; 8:48 a.m.]

[70-4907]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 19, 1970.

Notice is hereby given that Michigan Consolidated Gas Co. (Michigan), 1 Woodward Avenue, Detroit, Mich. 48226, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan proposes to issue and sell, as funds are required, commencing on September 15, 1970, and from time to time prior to September 15, 1971, its unsecured promissory notes in an aggregate face amount not exceeding $16 million outstanding at any one time to the following banks in the respective amounts shown:

First National City Bank, New York, N.Y.	$4,000,000
National Bank of Detroit, Mich.	5,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	2,000,000
The Chase Manhattan Bank, New York, N.Y.	3,000,000
Manufacturers National Bank of Detroit, Mich.	1,000,000
The Detroit Bank & Trust Co., Detroit, Mich.	1,000,000
Total	16,000,000

Each note will be dated as of the date of issue, will mature September 15, 1971, and will bear interest at the prime rate in effect at First National City Bank, New York, N.Y., on the date of each borrowing, which interest rate will be adjusted to the prime rate in effect at such bank at the beginning of each 90-day period subsequent to the date of the first borrowing. There is no commitment fee, and the notes may be prepaid at any time without penalty. Michigan proposes to use the proceeds from the sale of the proposed notes to finance, in part, construction costs, which for the year 1970 are estimated at $43 million. The filing states than Michigan contemplates that the notes will be retired with funds generated internally, including retained earnings, and through new lines of credit.

Fees and expenses incident to the proposed transactions are estimated at $1,500, including legal fees of $500. The declaration states that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than September 11, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-11302; Filed, Aug. 26, 1970; 8:46 a.m.]

[70-4908]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes to Banks

AUGUST 20, 1970.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Penelec requests that, for the period commencing on the granting of this application and ending on December 31, 1971, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act relating to the issue and sale of short-term notes be increased from 5 percent to approximately 9.3 percent of the principal amount and par value of other securities of Penelec at the time outstanding. Penelec proposes to have outstanding at any one time not in excess of an aggregate of $50 million of short-term notes to banks. The filing states that Penelec had $12,430,000 principal amount of such notes outstanding at the date of this application.

The new notes will bear interest at a rate not exceeding the prime rate (presently 8 percent per annum) in effect for commercial borrowing at the lending bank as of the date of issue, will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will not be issued as part of a public offering.

Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, Penelec expects that, as and to the extent that its cash needs require, borrowings will be effected from among a group of 40 banks in the amount of $40,935,000 outstanding at any one time. The names of the banks from which the balance of funds will be borrowed will be supplied by amendment. A further order of the Commission will be issued prior to Penelec's effecting any such borrowings.

Penelec proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provision for construction expenditures, repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. Penelec will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding pursuant to the increased exemption requested herein in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by Penelec under this application will be reduced by the amount of the net proceeds of any such permament debt financing.

The application states that Penelec's expenses incident to the proposed issuance of notes will be approximately $5,700, including legal fees of $5,500, and that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 10, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-11303; Filed, Aug. 26, 1970; 8:46 a.m.]

[812-2780]

TELEPROMPTER CORP.

Notice of Filing of Application for Order Exempting Proposed Transaction

AUGUST 21, 1970.

Notice is hereby given that Teleprompter Corp. (Applicant), 50 West

44th Street, New York, N.Y. 10036, a New York corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) to exempt from section 17(a) of the Act the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was formed in 1951 and is principally engaged in the cable television (CATV) business. It owns or has substantial interests in and operates 24 CATV systems. Applicant is also engaged in the master antenna television (MATV) business encompassing the design and installation of MATV receiving facilities, closed circuit television security and surveillance systems, and the production of closed circuit telecasts and program origination. Applicant further states that in order to further develop its program origination capabilities, in July 1969, it acquired Filmation Associates, a company principally engaged in the production of animated television programs.

H&B American Corp. (H&B) is a New York corporation incorporated in 1941. Applicant states that H&B is principally engaged in the CATV business and owns and operates 73 CATV systems. Incident to its CATV activities, H&B and a market research company are participating in a joint venture attempting to utilize CATV facilities to develop marketing research services for television advertisers and broadcasters.

Applicant states that on or about May 1969, Applicant began negotiations relating to the basic terms and provisions of a proposed merger of H&B into Applicant. Such negotiations were held over a period of about 4 months.

On August 6, 1969, applicant's board of directors unanimously approved the basic terms and provisions of a plan and agreement of merger. On August 11, 1969, H&B's executive committee (and subsequently its board of directors) approved the basic terms and provisions at which time the proposed merger was announced, and the two companies commenced the initial exchange of drafts of a definitive merger agreement. The definitive plan and agreement of merger was signed on January 26, 1970. Applicant states that the delay between the announcement of the proposed merger and the signing of the definitive agreement was due to the fact that in October 1969, Applicant announced that it had reached an agreement in principle to acquire by merger another company, and that for approximately 2 months thereafter Applicant's executives and advisors were occupied with this new proposal which, however, was dropped.

The definitive plan and agreement of merger (Agreement) was approved by the shareholders of Applicant and H&B at their respective meetings which were held on May 21, 1970. On its record date, April 9, 1970, Applicant had outstanding and entitled to vote a total of 1,296,581 common shares. Of this number 1,028,999 common shares were present at the meeting, either in person or by proxy, and 1,003,505 votes or 77.40 percent of the total outstanding were cast for the Agreement and 2,098 votes or 0.16 percent of the total outstanding votes were cast against the Agreement. On its record date, April 3, 1970, H&B had outstanding and entitled to vote a total of 5,285,342 common shares. Of this number, 5,135,000 common shares were present at the meeting, either in person or by proxy, and 4,684,379 votes or 88.63 percent of the total outstanding were cast for the Agreement, and 23,728 votes or 0.45 percent of the total outstanding votes were cast against the Agreement.

Pursuant to the Agreement, each share of Applicant's common stock issued and outstanding on the effective date of the merger will remain outstanding and unchanged. The shares of H&B common stock outstanding on the effective date of the merger will be changed into shares of Applicant's common stock at the rate of one share of Applicant's common stock for each 3⅛ shares of H&B common stock. Applicant states that the exchange ratio has remained unchanged from the time it was originally agreed upon in August 1969.

Applicant states that upon completion of the merger, based upon shares outstanding as of March 31, 1970, the shareholders of Applicant would own 1,248,466 shares or 42.4 percent of the surviving corporation, and the shareholders of H&B would own 1,693,793 shares or 57.6 percent of the surviving corporation. However, after giving effect to the full conversion as of April 9, 1970, of Applicant's 5½ percent debentures due 1989 and the exercise of the $5.65 warrants expiring September 30, 1970, Applicant's shareholders would own 1,369,102 shares or 44.7 percent of the surviving corporation and H&B shareholders would own 1,693,793 shares or 55.3 percent of the surviving corporation.

Applicant also states that upon consummation of the merger three of the present members of the H&B board of directors will become directors of applicant. The present 10 directors of Applicant will constitute the remaining directors. The merger agreement also provides that a condition of Applicant's obligation to close is the signing of a voting agreement between Irving B. Kahn, chairman and president of TPT; Jack Kent Cooke, a director and chairman of the executive committee of H&B; and a corporation of which Mr. Cooke is the sole shareholder. Under such voting agreement, Mr. Kahn, subject to certain restrictions, will be able to vote for a maximum term ending December 31, 1976, a maximum of 500,000 shares of TPT common stock which will be received beneficially by Mr. Cooke and his corporation.

On Applicant's record date, the Channing Special Fund, a registered open-end diversified management investment company, owned 40,870 shares or 3.2 percent of Applicant's common stock. In addition, the Channing Growth Fund (Growth Fund), a registered open-end diversified management investment company owned 90,000 shares or 6.9 percent of Applicant's total outstanding voting common stock. Growth Fund also owned 252,500 shares or 4.8 percent of H&B's voting common stock outstanding on H&B's record date. Applicant and Growth Fund are therefore affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, makes it unlawful for an affiliated person of a registered investment company to purchase securities from or sell securities to such company. If Growth Fund does not dispose of its holdings in H&B common stock, its shares of H&B common stock will be converted into shares of Applicant's common stock, upon consummation of the merger. In effecting this conversion, the acquisition by Applicant of the H&B common stock held by Growth Fund and the exchange by Applicant of its own stock for this H&B stock would constitute a purchase and sale within the meaning of section 17(a). Section 17(b) provides for the granting of an exemption from the prohibitions of section 17(a) if evidence establishes that "the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned." In addition, the proposed transaction must be "consistent with the policy of each registered investment company concerned" and with the general purposes of the Act.

Applicant states that no director of Applicant or H&B is a director or officer of Growth Fund, owns any shares of Growth Fund, or, to Applicant's knowledge, has any other interest in Growth Fund and that neither the existence nor the terms of the Agreement were communicated to Growth Fund by Applicant or H&B other than at the time of mailing the proxy material to all shareholders and the making of like disclosures to the general public. Applicant states that neither it nor H&B had any knowledge of what the attitude of Growth Fund toward the Merger Agreement would be or how it would vote its shares of Applicant or H&B stock. Applicant and H&B have since learned that Growth Fund voted all such shares for the merger. Applicant further states that: Applicant owns no shares of H&B common stock and H&B owns no shares of Applicant's common stock; that no shares of H&B common stock were beneficially owned as of March 31, 1970, by any director or officer of Applicant, and no shares of Applicant's common stock were beneficially owned as of March 31, 1970, by any director or officer of H&B; that none of the directors of Applicant are directors or officers of H&B and none of the directors of H&B are directors or officers of Applicant; that Applicant and H&B, with possible minor exceptions, have had no business dealings or contractual relationships prior to the merger negotiations which commenced in May 1969; and that Applicant knows of no relationship between Growth Fund's management and the directors or officers of Applicant or H&B which might have influenced

Growth Fund to vote on the merger agreement otherwise than in the best interests of its own shareholders, and that the merger thus does not involve overreaching.

Applicant further represents that the terms of the proposed merger, including the consideration to be paid, are reasonable and fair and that the transaction is consistent with the policy of Growth Fund, and is consistent with the general purposes of Act, as set forth in section 1 of the Act.

Notice is further given that any interested person may not later than September 11, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-11331; Filed, Aug. 26, 1970; 8:48 a.m.]

[File No. 500-1]

SPOKANE NATIONAL MINES, INC.

Order Suspending Trading

AUGUST 21, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Spokane National Mines, Inc., and all other securities of Spokane National Mines, Inc., a Nevada corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 21, 1970, through August 30, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-11332; Filed, Aug. 26, 1970; 8:48 a.m.]

[70-4909]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of First Mortgage Bonds

AUGUST 21, 1970.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $20 million, is estimated at $135 million. Its 10 sponsor companies are committed by capital fund agreements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

Pending long-term debt financing, Vermont Yankee has obtained funds to meet its capital requirements by the issue and sale of common stock to its sponsors in the aggregate amount of $40 million, by short-term borrowings from banks pursuant to a revolving credit agreement, and by subordinated notes issued to the sponsors. This revolving credit agreement provides for short-term loans to Vermont Yankee up to an aggregate outstanding at any time of $20 million until October 28, 1970 (File No. 70-4611). As of June 30, 1970, an aggregate of $20 million has been obtained under this arrangement. Vermont Yankee is presently authorized to issue and sell to its sponsor companies up to an aggregate of $60 million of subordinated notes (Holding Company Act Release No. 16556), of which $42,046,000 are currently outstanding and are held by the sponsors in the same proportion as their stock ownership. Vermont Yankee has requested authorization to increase the aggregate amount of subordinated notes it may issue and sell to its sponsors by an additional $20 million (Holding Company Act Release No. 16802).

Vermont Yankee presently proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $80 million principal amount of first mortgage bonds, Series A, ------ percent, to mature on October 1, 1998. The interest rate (which shall be a multiple of one-eighth of 1 percent or one-tenth of 1 percent) and the price, exclusive of accrued interest, to be paid to Vermont Yankee (which will be not less than 100 percent and not more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the provisions of the first mortgage indenture dated as of October 1, 1970, between Vermont Yankee and Bankers Trust Co., as trustee, which includes a prohibition until October 1, 1975, against refunding the bonds with the proceeds of funds borrowed at a lower interest cost. The bonds will be secured by the physical properties of Vermont Yankee and by an assignment to the indenture trustee of its interest in the power contracts and capital funds agreements with the sponsors, as specified in the indenture. The indenture further provides for a sinking fund, sufficient to retire $1,569,000 principal amount of bonds each 6 months, commencing on the first interest payment date (October 1 and April 1) which next succeeds by at least 6 months the completion of the generating plant, but in no event later than October 1, 1973.

The proceeds from the issue and sale of the bonds will be used to repay the short-term borrowings from banks and from sponsors incurred to finance the construction of the generating plant and to meet future construction costs.

The application states that the Vermont Public Service Board has jurisdiction over the issue and sale of the bonds. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than September 9, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended,

may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-11333; Filed, Aug. 26, 1970; 8:48 a.m.]

[70-4906]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

AUGUST 21, 1970.

Notice is hereby given that Western Massachusetts Electric Co. (WMECO), 174 Brush Hill Avenue, West Springfield, Mass. 01089, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

WMECO proposes, from time to time but not later than December 31, 1971, to issue and sell short-term notes (including commercial paper), in an aggregate principal amount outstanding at any one time of not more than $20,100,000. WMECO intends to utilize the proceeds of the sale of its notes for construction expenditures and for investments in nuclear generating companies. WMECO's construction program contemplates gross construction expenditures of approximately $46,700,000 for 1970 and $31,500,000 for 1971. Estimated investments in or advances to nuclear generating companies (i.e., Maine Yankee Atomic Power Co. and Vermont Yankee Nuclear Power Corp.) are estimated to aggregate approximately $3,600,000 during 1970 and $1,500,000 during 1971.

WMECO presently has no outstanding short-term promissory notes but expects to issue and sell up to an aggregate principal amount of $7,400,000 of its short-term notes to banks or to a dealer in commercial paper prior to September 15, 1970, pursuant to the 5 percent exemptive provision of section 6(b) of the Act. WMECO proposes to renew and extend any notes so issued or to refund them with other similar notes issued to banks or to a dealer in commercial paper and to issue and sell up to an additional $12,700,000 of short-term notes (and to renew such notes) from time to time but not later than December 31, 1971, to meet portions of its capital requirements. The aggregate amount of all such notes at any one time outstanding, including both notes issued on or prior to September 15, 1970, and those thereafter issued, will at no time exceed $20,100,000. The bank notes will each be dated the date of issue, will have maximum maturity dates of 9 months, with right of renewal, will bear interest at the prime rate (currently 8 percent per annum) in effect at the lending bank on the date of issue, and will be subject to prepayment at any time at the company's option without premium. Although no formal commitments for future borrowings have been made with any bank, WMECO expects such borrowings will be effected from the following banks:

Name of bank	*Maximum amount to be borrowed*
The First National Bank of Boston, Mass	$12,000,000
New England Merchants National Bank, Boston, Mass	4,000,000
Valley Bank and Trust Co., Springfield, Mass	1,750,000
Berkshire Bank and Trust Co., Pittsfield, Mass	270,000
First Agricultural National Bank of Berkshire County, Pittsfield, Mass	900,000
First Bank and Trust Company of Hampden County, Springfield, Mass	5,000,000
First National Bank of Amherst, Mass	100,000
First National Bank of Franklin County, Greenfield, Mass	145,000
Franklin County Trust Co., Greenfield, Mass	200,000
Pittsfield National Bank, Pittsfield, Mass	150,000
The Security National Bank of Springfield, Mass	145,000
Third National Bank of Hampden County, Springfield, Mass	130,000
Total	$24,790,000

The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1 million and will be sold by WMECO directly to a dealer in commercial paper at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days after December 31, 1971, which have an effective interest cost which exceeds the prime commerical bank rate at which WMECO could borrow from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper.

The commercial paper dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than one-eighth of 1 percent per annum less than the prevailing discount rate to WMECO. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

The declaration states that, unless otherwise authorized by the Commission, any bank notes or commerical paper of WMECO outstanding at December 31, 1971, will be repaid from internal cash resources or from the proceeds of long-term debt or equity financing.

WMECO requests that the issue and sale of its commercial paper notes, pursuant to paragraph (a)(5) of Rule 50, be excepted from the requirements thereof in view of the fact that current rates for commercial paper for prime borrowers such as WMECO are readily ascertainable by reference to daily financial publications and that it is not practicable to invite competitive bids for commercial paper.

It is represented that no fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, estimated at $500, will be performed at cost by Northeast Utilities Service Co., an affiliated service company. It is further represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 11, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-11334; Filed, Aug. 26, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18834, 18835; FCC 70R-290]

BI-COUNTY BROADCASTING CORP. AND OGEMAW BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Bi-County Broadcasting Corp. (WCRM), Clare, Mich., Docket No. 18834, File No. BP-17987; and Dean W. Manley, Jack E. Kauffman, and Robert S. Marshall, doing business as Ogemaw Broadcasting Co., West Branch, Mich., Docket No. 18835, File No. BP-18044; for construction permits.

1. This proceeding involves the application of Bi-County Broadcasting Corp. (Bi-County), licensee of standard broadcast Station WCRM, Clare, Mich., to change its station's frequency from 990 kHz to 1060 kHz and to change from directional to nondirectional daytime operation, and the mutually exclusive application of Ogemaw Broadcasting Co. (Ogemaw) for a construction permit to establish a new AM station in West Branch, Mich., utilizing 1060 kHz. The applications were designated for consolidated hearing by Commission Memorandum Opinion and Order, FCC 70-381, released April 23, 1970, on areas and populations issues, Suburban and financial issues against Ogemaw and a section 307(b) issue. Presently before the Review Board are a petition to enlarge issues, filed May 13, 1970, by Ogemaw, and two supplements thereto, filed on May 22 and June 12, 1970, respectively, whereby Ogemaw requests the addition of requisite qualifications issues against Bi-County to determine whether the WCRM licensee and its principals failed to notify the Commission of changes in the management and ownership of Bi-County as required by § 1.615 of the rules; to determine whether there has been an unauthorized transfer of control of the licensee corporation; and to determine whether Bi-County failed to inform the Commission of substantial changes in the operation of Stations WCRM and WCRM-FM.[1]

2. In support of its request for a § 1.615 issue,[2] petitioner initially notes that the most recent ownership report for Bi-County, filed on April 2, 1968, identified the following officers and directors of the licensee corporation: Robert M. Klein, president and director; Mary Ann Devenney, 20 percent stockholder, vice president and director; John Quinnan, secretary and director; and Hugh Hogan (deceased), former treasurer and director. The petitioner also notes that an ownership report filed for K & H, Inc., a Michigan corporation holding 20 percent of the stock of Bi-County, indicated that three equal stockholders occupy the following offices: Robert M. Klein, president and director; Hugh Hogan (deceased), former secretary-treasurer; and Paul Janes, vice president. In contrast to these representations to the Commission by Bi-County, Ogemaw, through the affidavit of Jack L. Winter, a local Michigan attorney, and on the basis of a copy of the 1968 annual report of Bi-County filed with the Treasury Department of the State of Michigan on May 20, 1968 (attached to the supplementary pleadings noted in paragraph 1, supra), points out that the licensee corporation has reported the following officers and directors of Bi-County to the State of Michigan: Russell W. Holcomb, president, treasurer and director; Mary Ann Devenney, vice president and director; John J. Quinnan, secretary and director; Robert Klein, director; and Charles Bennett, director.[3] Ogemaw also refers to the 1969 annual report of K & H, Inc. to the State of Michigan, a copy of which is attached to the petitioner's further supplement, filed June 12, 1970, which discloses that Robert Klein is president and director; J. Paul Janes is secretary and director; and Mrs. Robert Klein and Mrs. Paul Janes are directors. According to the petitioner, these discrepancies in the licensee's reports to the Commission and to the State of Michigan illustrate Bi-County's lack of candor in reporting management and ownership changes to the Commission. Ogemaw also contends that Bi-County has failed to explain fully the circumstances surrounding the replacement of George Devenney, a former president, treasurer, director, 20 percent stockholder and general manager of the Bi-County stations (WCRM and WCRM-FM), by Robert Klein in its April 1968 ownership report. This failure assumes some significance, petitioner asserts, since the licensee's reports to the State of Michigan made no mention of Klein serving in the capacity of corporate president during 1967 or 1968. Similarly, Ogemaw faults Bi-County for failing to report the departure of Mary Ann Devenney from the corporation's management as is indicated in Bi-County's 1969 submission to the State of Michigan. Ogemaw contends that these failures to keep the Commission apprised of changes in the management and ownership[4] of Bi-County warrant the addition of the requested § 1.615 issue.

3. Petitioner also asserts that this "unreported shuffle" of corporate officers suggests that Holcomb has exercised a stock option or otherwise obtained an ownership interest in Bi-County as well as full control over its operations. In this regard, Ogemaw notes that Jack L. Winter has been informed that Holcomb was granted a stock option by Bi-County at the time he extended an $18,000 loan to the licensee corporation. According to the petitioner, several other factors evidence an unauthorized transfer of control of the licensee corporation: (1) Holcomb was named general manager of the Bi-County stations even though he has extensive business interests in a community located more than 100 miles from Clare; and (2) Mrs. Devenney's removal was accomplished not long after Holcomb assumed a prominent role in the management and control of the stations. These facts, argues Ogemaw, raise a substantial question as to whether Holcomb has assumed full control of the Bi-County stations and an ownership interest therein without the licensee's reporting such changes to the Commission or seeking its approval therefor, and warrant addition of the requested transfer of control issue.[5] As a final matter, Ogemaw, through the affidavit of one of its partners, points out that WCRM is now operating sunrise to sunset and that WCRM-FM is currently operating from 6 a.m. to 10 p.m. in spite of Bi-County's letter of notification of May 24, 1968, to the Commission, which indicated that the stations would curtail hours of operation because of financial difficulties. According to the petitioner, Bi-County's failure to notify the Commission of its subsequent increase of broadcast hours

[1] Also before the Board are the following related pleadings: comments, filed June 4, 1970, by the Broadcast Bureau; and reply to Bureau's comments, filed June 16, 1970, by Ogemaw. Bi-County has not filed a response to the petition to enlarge issues and supplements thereto, and the time for filing has expired.

[2] Section 1.615 of the Commission's Rules states, in pertinent part, that:

(c) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation:

(1) Any change in capitalization or organization;

(2) Any change in officers and directors;

(3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock, such as:

(i) A transfer of stock * * *

[3] A copy of Bi-County's 1969 annual report to the State of Michigan is also submitted by Ogemaw; the report, like the 1968 report, is signed by Holcomb as president and lists Russell W. Holcomb as president, treasurer and director; Robert Klein as vice president, secretary and director; and Charles Bennett as director.

[4] See paragraph 3, infra, concerning Ogemaw's contention that Holcomb has exercised a stock option to acquire an interest in Bi-County. The petitioner also points out that Bi-County has not reported the disposition of Hugh Hogan's stock interest in K & H, Inc. since his death.

[5] In its requested issue, petitioner refers to section 309(b) of the Communications Act when, in fact, it intends to rely on section 310(b) of the Act.

illustrates the licensee's "cavalier disregard" of the Commission's notification requirements and should be investigated in hearing.

4. The Broadcast Bureau, in its comments, supports the addition of a § 1.615 issue and an unauthorized transfer of control issue; the Bureau also contends that a § 1.65 issue is warranted since Bi-County's pending application has not been amended to reflect the various management and ownership changes referred to by Ogemaw. In amplification of the circumstances surrounding these matters, the Bureau refers to Bi-County's responses of February 10 and March 28, 1968, to a notice of apparent liability issued to the licensee by the Commission for the former's failure to file a renewal application in compliance with § 1.539(a) of the rules.[6] In the February 1968 response, signed by Holcomb as "Manager WCRM, Clare", Holcomb explains that George Devenney is no longer with the corporation; that he (Holcomb) has been asked to provide management for the station and to prepare to purchase a controlling interest in Bi-County if the Commission approves; and that failure to file the WCRM renewal application on time resulted from the financial distress caused by management disruption. In the March 1968 response, signed by Klein and Holcomb,[7] it is stated that Devenney disappeared about December 23, 1967, in the midst of marital difficulties; that Devenney's stock interest in Bi-County passed to Mary Ann Devenney as part of the property settlement, which fact is reflected in the licensee's January 1968 ownership report to the Commission; that Bi-County, because of the management crisis and the need for new operating capital, hired Holcomb to be station manager and arranged a $10,000 loan from Judan, Inc., a land and minerals company of which Holcomb is an officer and stockholder; that Holcomb has offered suggestions concerning station policies, but that decisions have been made by the board of directors of Bi-County; that certain new officers and directors were elected at a stockholders' meeting of February 1, 1968, as reflected in an ownership report filed simultaneously with the March 1968 response; and that, although discussions have been held concerning Holcomb's acquisition of an ownership interest in Bi-County, no agreement has been reached. The Bureau's files also reveal a letter from Holcomb to former counsel for Bi-County, dated April 20, 1968, wherein Holcomb discusses his retention as WCRM manager and the $10,000 loan to Bi-County by Judan, Inc.; his preparation of a draft agreement between Judan and Bi-County concerning these matters; his responsibilities as manager in contrast to Klein's position as president; and the fact that "in no sense of the word have I assumed ownership rights or responsibilities."[8] In the Bureau's view, these facts along with those presented by Ogemaw are sufficient to raise serious questions concerning Bi-County's compliance with the Commission's reporting requirements (§§ 1.615 and 1.65); the Bureau also asserts that these facts raise a substantial question as to a possible unauthorized transfer of control of the licensee since it appears that Holcomb is functioning as president, treasurer, station manager, director and creditor of Bi-County and since he has an admitted interest in acquiring the licensee. The Bureau also suggests that, if Holcomb was an officer of Bi-County as the 1968 annual report to Michigan indicates, then the licensee's ownership report to the Commission in 1968 was in error, and that a misrepresentation issue is warranted as well.[9]

5. In its reply to the Bureau's comments, Ogemaw agrees that a misrepresentation issue is required here since the 1968 annual report of Bi-County to the State of Michigan varies in material respects from the statements contained in Holcomb's letter of March 28, 1968, to the Commission. Ogemaw takes issue with the Bureau's summary dismissal of its request for an inquiry into Bi-County's alleged failure to notify the Commission of the resumption of full broadcast schedules on Stations WCRM and WCRM-FM. It is the petitioner's position that Instruction 5 of section IV-A of the Commission's renewal application form requires licensees to report all significant changes in program format that occur during a license term, including substantial changes in hours of operation; on this basis, Ogemaw argues that Bi-County's 1967 renewal application contained several inaccurate responses and that the licensee's resumption of full broadcast schedules again affected those responses.

6. The Review Board is of the opinion that Ogemaw's uncontested allegations, which are, for the most part, adequately supported by affidavits and documentation, raise several serious questions concerning Bi-County's requisite qualifications. For instance, there are obvious discrepancies between Bi-County's reports to the State of Michigan and its reports to the Commission concerning the management of the corporation. In Bi-County's reports of 1968 and 1969 to the State of Michigan, Holcomb is represented as the president, treasurer and director of the corporation, and, in fact, Holcomb has signed both state reports in his capacity as president; however, Bi-County's 1968 ownership report to the Commission, filed at about the same time as its 1968 report to Michigan, indicates that Klein is president and is signed by Klein in that capacity. In view of the very real possibility that Holcomb has assumed some ownership interest in the corporation. Bi-County has apparently also failed to report stock transfers to the Commission. The 1969 state report indicates that Mary Ann Devenney[10] no longer occupies the positions of vice president and director; however, such information has not been conveyed to the Commission as required by § 1.615. In addition, no report concerning the disposition of Hogan's interests and positions in Bi-County and K & H, Inc. has been filed with the Commission although, in regard to his positions with these corporations, the Michigan reports reflect their passage to other individuals.[11] Therefore, a substantial question does exist as to who are the current principals of Bi-County (and its minority stockholder, K & H, Inc.) and as to whether Bi-County has complied with the notification requirements of § 1.615 of the rules; appropriate issues will be specified to investigate these matters in hearing. In a similar vein, we will also add a § 1.65 issue, as suggested by the Bureau, since there has been no amendment of the pending modification application to reflect the various management and ownership changes noted above.[12] Similarly, we agree with the Bureau that a misrepresentation issue is also required since there appear to be significant differences in Bi-County's reports to the Commission and to the State of Michigan in 1968. We also note that the representations of Bi-County in its letters of February and March 1968 to the Commission concerning the management of the corporation and the extent of Holcomb's participation therein conflict in material respects with the information contained in the state reports. For example, if Holcomb was an officer of Bi-County as the 1968 annual report to the State of Michigan indicates, then the 1968 ownership report to the Commission and the responses to the Broadcast Bureau's Complaints and Compliance Division contained false information. An appropriate issue will be specified since such conflicts should be resolved through the hearing process.

7. Petitioner's request for an unauthorized transfer of control issue will be granted. Although we recognize the fact that the Commission approached this matter in paragraphs 5 and 6 of the

[6] Copies of these responses are attached to the Bureau's comments.

[7] This letter was directed to the Chief of the Complaints and Compliance Division of the Broadcast Bureau of the Commission in response to an inquiry about whether Bi-County had filed an ownership report to reflect changes in the licensee's management and had entered into a contract with Holcomb for the purchase of a stock interest in the licensee by him or for the assignment of its license to him.

[8] The Bureau also notes Holcomb's claim that: "I don't even have a signature on the bank account." In this regard, the Bureau submits a copy of a $100 check of the licensee to the Commission in payment of a forfeiture; the check is signed by Russell Holcomb.

[9] The Bureau dismisses Ogemaw's requested issue concerning Bi-County's alleged failure to notify the Commission of the resumption of full broadcast schedules on WCRM and WCRM-FM on the grounds that petitioner has cited no requirements for such notification and that there is no merit in the claims of nondisclosure.

[10] The petitioner has apparently misspelled this name throughout its pleadings since State and Commission reports indicate the proper selling to be "Devenney".

[11] For example, Holcomb is listed as treasurer of Bi-County in 1968, and Janes is listed as secretary of K & H, Inc.

[12] See Harrison Radio, Inc., 22 FCC 2d 283, 18 RR 2d 889 (1970).

designation order herein,[13] we do not construe that language to mean that Ogemaw has been foreclosed from making a further showing in this regard. Petitioner's showing before us, as augmented by the Bureau, indicates that Holcomb has apparently functioned as president, treasurer, director, station manager and major creditor (through Judan, Inc.) of Bi-County; has been granted a stock option by Bi-County and has responded to Commission inquiries on behalf of the corporation; has signed a check of the corporation directed to the Commission in payment of a forfeiture; and may have been responsible for the removal of Mary Ann Devenney from her corporate positions. These factual allegations along with Holcomb's admitted interest in acquiring an ownership position in Bi-County and the apparent failures of Bi-County to report required ownership and management information to the Commission are sufficient to warrant the specification of a section 310(b) issue. Ogemaw's final request for an issue concerning Bi-County's alleged failure to inform the Commission of its resumption of full broadcast schedules on Stations WCRM and WCRM–FM, however, will be denied. In this regard, we note that § 73.71 of the rules requires daytime AM stations to broadcast at least 8 hours per day and that § 73.261 requires FM stations to broadcast a minimum of 36 hours per week during the hours of 6 a.m. to midnight, consisting of not less than 5 hours in any one day except Sunday. Both sections permit a licensee to limit or discontinue operation for a period of not more than 10 days without further Commission authority in the event that causes beyond the licensee's control make it impossible to adhere to the minimum operating schedule; however, the Commission and the engineer-in-charge of the radio district in which the station is located are to be notified in writing if the station is unable to maintain a minimum operating schedule and are to be notified upon the subsequent resumption of regular operation. It appears that Bi-County, by letter of its counsel of May 24, 1968, notified the Commission that because of financial difficulties, Stations WCRM and WCRM–FM were then broadcasting from 6 a.m. to 10 a.m. and from 2 p.m. to 6 p.m. Since it also appears that such revised schedules comply with the minimum operating schedules contained in §§ 73.71 and 73.261, noted above, Bi-County would seemingly be under no obligation to notify the Commission of its resumption of regular operation. In any event, Ogemaw has not adequately demonstrated Bi-County's obligation to so notify the Commission and has not even seen fit to provide references to the appropriate provisions of the rules, and its belated reliance on the general requirements of the renewal application form (FCC Form 303) obviously cannot support the request made.

8. *Accordingly, it is ordered,* That the petition to enlarge issues, filed May 13, 1970, by Ogemaw Broadcasting Co., as supplemented, is granted to the extent indicated below, and is denied in all other respects; and

9. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues: [14]

(a) To determine who are the principals of Bi-County Broadcasting Corp.; and whether Bi-County Broadcasting Corp. has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes on matters specifically referred to in this memorandum opinion and order, and, if not, the effect of such noncompliance on the basic qualifications of Bi-County Broadcasting Corp. to be a Commission licensee;

(b) To determine whether Bi-County Broadcasting Corp. has failed to inform the Commission of changes in the management and ownership, including indirect ownership interests, of the licensee corporation as required by § 1.615 of the Commission's rules, and, if so, the effect thereof on the basic qualifications of Bi-County Broadcasting Corp. to be a Commission licensee;

(c) To determine whether Mr. Russell W. Holcomb has assumed control of Bi-County Broadcasting Corp. without first obtaining Commission approval as required by section 310(b) of the Communications Act of 1934, as amended, and, if so, the effect thereof on the basic qualifications of Bi-County Broadcasting Corp. to be a Commission licensee;

(d) To determine, in light of the evidence adduced under Issues (b) and (c) above, whether Bi-County Broadcasting Corp. misrepresented to the Commission the management and ownership of the corporation, and, if so, the effect thereof on the basic qualifications of Bi-County Broadcasting Corp. to be a Commission licensee; and

10. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein will be on Ogemaw Broadcasting Co., and the burden of proof will be on Bi-County Broadcasting Corp.

Adopted: August 19, 1970.

Released: August 21, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[15]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70–11356; Filed, Aug. 26, 1970; 8:50 a.m.]

[13] The Commission dismissed Ogemaw's allegations concerning an unauthorized transfer of control at WCRM and Holcomb's participation therein as without sufficient support. The Commission concluded that such allegations "cannot, at least at this time, be made the basis for an issue in the forthcoming hearing." See FCC 70–381.

[14] The Board notes that Bi-County has a pending renewal application for Station WCRM before the Commission (filed July 6, 1970). In light of the serious questions raised herein concerning Bi-County's requisite qualifications, the Commission may want to consider the effect of the issues specified by the Board in its processing of the WCRM renewal application.

[15] Board Member Nelson absent.

[Dockets Nos. 17916, 17917; FCC 70R–294]

GLENN WEST AND SOUNDVISION BROADCASTING, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Glenn West, Portland, Ind., Docket No. 17916, File No. BPH–5820; and Soundvision Broadcasting, Inc., Portland, Ind., Docket No. 17917, File No. BPH–5899; for construction permits.

1. This proceeding involves the mutually exclusive applications of Glenn West (West) and Soundvision Broadcasting, Inc. (Soundvision) for permits to construct a new FM broadcast station in Portland, Ind. The applications were designated for hearing by Commission Order, FCC 67–1328, released December 28, 1967, on a standard comparative issue.[1] In an Initial Decision, FCC 69D–54, released October 24, 1969, the Hearing Examiner proposed to grant West's application; however, at the request of West, the Review Board, by memorandum opinion and order, 23 FCC 2d 235, 19 RR 2d 29, released May 4, 1970, reopened the record and added various qualifications issues against Soundvision. Presently before the Review Board is a motion to enlarge issues or for other indicated relief, filed June 23, 1970, by Soundvision,[2] requesting the addition of the following three issues:

To determine whether Glenn West has violated § 73.93 of the Commission's rules, and if so, how often; for what period of time; and under what circumstances;

To determine, in light of the evidence adduced pursuant to the above issue, whether Glenn West may reasonably be expected to exercise diligently the degree of responsibility required of a Commission licensee, and what effect such conduct should have on Glenn West's basic and/or comparative qualifications to be a Commission licensee;

To determine whether Glenn West has engaged in misrepresentations or conduct lacking in candor in his dealings with the Commission, and, if so, the effect thereof on the basic and/or comparative qualifications of Glenn West to be a Commission licensee.

2. At the outset, Soundvision avers that good cause exists for filing its petition at this time because the matters alleged "only recently" came to the attention of Soundvision principals. In support of its claim that West has violated § 73.93 of the Commission's rules, Soundvision alleges that West, who is sole owner and chief engineer of standard broadcast Station WPGW, Portland, Ind., has on several occasions left the station totally unattended while he went to pick up his wife, who also works at the

[1] The Review Board later enlarged the scope of the proceedings by adding a financial qualifications issue against West. 12 FCC 2d 674, 13 RR 2d 2 (1968).

[2] Also before the Review Board for consideration are: (a) Comments, filed July 10, 1970, by the Broadcast Bureau; (b) opposition, filed July 21, 1970, by Glenn West; and (c) reply, filed July 31, 1970, by Soundvision.

station. According to movant, Mr. and Mrs. West are the only persons on the WPGW staff. Movant further alleges that Station WPGW is a directional operation on 1440 kHz and that § 73.93 requires the attendance of a first-class engineer at such station at all times during operation. Attached to the motion are the sworn affidavits of Omer K. Wright, president of Soundvision, and Wayne Silverman, an employee of Wright's, who both state that, during May and June 1970, they personally observed West's absence from the station during hours of operation. According to Soundvision, "[t]his violation of the Commission's rules clearly places in question whether Mr. West can reasonably be expected to exercise diligently the degree of responsibility required of a Commission licensee." Movant further argues that a "full inquiry" into the station's operation under West is warranted because West and his wife have been the only employees of the station for several years, and West has been the only first-class operator in attendance at the station for the past 12 years. Soundvision's request for a misrepresentation issue is premised upon statements made by West in June 1968, during the hearing phase of this proceeding. According to movant, West testified that, during the past 12 years, he had been on duty at all times and had always been at the station. Soundvision contends that this has obviously not been the case and that a misrepresentation issue must also be specified by the Board.

3. The Broadcast Bureau unqualifiedly supports the addition of the requested § 73.93 issue and the related character issue.[2] The Bureau also supports the addition of a misrepresentation issue, "unless West affirmatively establishes that his prior testimony concerning his presence at * * * WPGW * * * was true."

4. In opposition, West argues that Soundvision's motion is procedurally defective because no good cause has been shown for the long delay in filing and that, on the merits, the allegations are not of such a disqualifying nature as to permit the Board's consideration of them under the principles set forth in The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). In a sworn affidavit attached to the opposition, West notes that he testified at the hearing to the effect that, on occasion, the station had been left unattended for short periods of time to allow him to "grab a tube" or purchase other necessary equipment. West further states, in his affidavit, that he has been under a misapprehension since 1952 concerning Commission regulations in regard to the presence of a first-class operator at a radio station. In this respect, he points out that, in 1952, he received a letter from the Commission stating that, under § 1.334, "* * * at least one first-class operator will be employed full time at the station and will be available on call at all times in the event of equipment failure";[4] he interpreted this response to mean that he could leave the station for short periods of time if it was in the course of his duty as a first-class operator. Concerning the specific allegations made by Soundvision, West explains that, during the past several months, due to the death of several of his wife's relatives who had previously provided her with transportation, he has had to leave the station for periods approximating 20 minutes to pick up his wife for work. West concludes that "[s]ince [his] violation of [Rule 73.93] * * * has not been done with knowledge and since the violations have not been substantial or repeated over a long period of time," the requested issues should not be added.

5. In reply, Soundvision characterizes West's opposition and attached affidavit as a confession and plea for clemency and insists that the opposition raises more questions than it answers. Movant alleges that § 1.334, relied upon by West since 1952, has no current or historical relationship with the present § 73.93,[5] and points out that West has conceded that, for at least 18 years, he has been misconstruing and violating the Commission's rules. Soundvision further contends that West's statement, in his affidavit, that not only did he leave the station, but that, at times in the past, he "turn[ed] off the transmitter for a period of time and [took] the station off the air," warrants exploration at hearing. Finally, movant maintains that its petition is not untimely since it only recently learned of West's regular and repeated violations of Commission rules. Thus, Soundvision urges the specification of the requested issues.

6. The Review Board is of the opinion that good cause has not been shown to justify the late filing of the instant motion. Although West's absences to pick up his wife are apparently of recent origin, West testified, at the hearing in 1968, that he left the station on occasion to purchase necessary equipment. Therefore, it is clear that Soundvision was aware, at the time of the hearing, that West had left the station unattended, contrary to the requirements of § 73.93. However, we agree with the Bureau that since these allegations are of a serious nature and since there has already been a remand by the Board, enlargement of the issues will not unduly disrupt this proceeding. Cf. Medford Broadcasters, Inc., 18 FCC 2d 699, 700, 16 RR 2d 900, 902 (1969), and cases cited therein. Soundvision's request for issues relating to § 73.93 will be granted. It appears that West has violated the provisions of § 73.93, and neither lack of intent nor the 1952 Commission letter, which deals with a totally different rule, can detract from the infractions.[6] Cf. Fay Neel Eggleston, 1 FCC 2d 1006, 6 RR 2d 176 (1965); and Elbert H. Dean and B. L. Golden, FCC 65–823, 6 RR 2d 174. The Commission expects that licensees will be fully aware of and fully comply with all of its rules and regulations; and oversight or lack of knowledge of the rules has not been considered a valid excuse for a licensee's failure to comply therewith. See Centennial Radio Corp., 15 FCC 2d 817, 15 RR 2d 298 (1969). Moreover, it appears that West's absences have been repeated over a long period of time and that some absences have been accompanied by the cessation of broadcast operations. These actions therefore raise a serious question regarding West's qualifications to be a Commission licensee. However, there is no basis for ordering a "full inquiry" into the past operations of Station WPGW, as Soundvision urges, because, in our opinion, there are no specific factual allegations presented which would warrant such an inquiry.[7] See § 1.229(c). Notwithstanding the Board's determination to specify the § 73.93 issues, Soundvision's request for a misrepresentation issue will be denied. West's testimony is not as unequivocal as Soundvision states; West testified that he sometimes left the station unattended. The testimony has been reaffirmed by West in a sworn affidavit attached to the opposition. In view of these circumstances, a misrepresentation issue is not warranted.

7. *Accordingly, it is ordered*, That the motion to enlarge issues or for other indicated relief, filed June 23, 1970, by Soundvision Broadcasting, Inc., is granted to the extent indicated below, and is denied in all other respects;

8. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether Glenn West has violated § 73.93 of the Commission's rules; and if so, how often; for what period of time; and under what circumstances;

(b) To determine, in light of the evidence adduced pursuant to the above

[2] In the Bureau's opinion, Soundvision has failed to justify the late filing of the petition; however, the Bureau recommends that the Board, on its own motion, consider the merits of the petition in view of the seriousness of the allegations made and in light of the fact that this proceeding has been remanded for further hearing by the Board.

[4] A copy of the Commission's letter is attached to West's opposition. The letter, which is dated Sept. 18, 1952, was in response to West's request for information as to whether the Commission's regulations permit a broadcast station to employ a first-class operator living 30 miles from his place of employment. The Commission stated that § 1.334 contemplated the employment of at least one first-class operator who will work a full week and who will be available on call in the event of emergencies at the station.

[5] Soundvision notes that § 73.93 was originally contained in §§ 3.402 and 3.403, but was recodified in 1948 and was redesignated in 1956.

[6] We do note, however, the Commission's notice of inquiry and notice of proposed rule making in Docket No. 18930, FCC 70–825, released Aug. 5, 1970, wherein the Commission intends to examine its rules concerning the employment of transmitter operators at AM and FM broadcast stations. While the Commission has indicated its intention to explore the feasibility of third-class operation of directional AM stations, we observe that the need for the full-time employment and availability of a first-class operator has been reaffirmed.

[7] Of course, the circumstances surrounding West's apparent violations of § 73.93 are relevant to the inquiry now being specified by the Board.

issue, whether Glenn West may reasonably be expected to exercise diligently the degree of responsibility required of a Commission licensee, and what effect such conduct should have on Glenn West's basic and/or comparative qualifications to be a Commission licensee; and

9. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Soundvision Broadcasting, Inc., and the burden of proof under such issues shall be on Glenn West.

Adopted: August 20, 1970.

Released: August 24, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-11357; Filed, Aug. 26, 1970; 8:50 a.m.]

[Report 506]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 24, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

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

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

938-C2-P-(5)-71—General Telephone Co. of Florida (New), C.P. for a new 1-way station to operate on frequency 158.100 MHz to be located at location No. 1: Corner of Zack and Morgan Streets, Tampa, Fla.; location No. 2: New Port Richey, 0.95 mile northeast of Port Richey, Fla.; location No. 3: 117 First Avenue SW., Largo, Fla.; location No. 4: 2788 Fairfield Avenue South, St. Petersburg, Fla., and at location No. 5: 207 County Road No. 94, St. George, Fla.

943-C2-P-71—Instant Communications, Inc. (New), C.P. for a new 1-way station to be located at the Pontiac State Bank Building, Saginaw and Lawrence Streets, Pontiac, Mich., to operate on frequency 43.58 MHz.

944-C2-P-71—Imperial Communications Corp. (KLF644), C.P. for additional facilities to operate on frequency 158.70 MHz at location No. 2: Grossmont Hospital, 5555 Grossmont Center Drive, La Mesa, Calif., and at a new site to be described as location No. 3: Mount Woodson, Calif.

946-C2-P-71—National Communications System, Inc. (KMM704), C.P. to add a third channel for 2-way facilities at Fourth and I Streets, Sacramento, Calif., to operate on frequency 454.225 MHz.

968-C2-AL-71—Indianapolis Mobile Telephone Co. Consent to assignment of license from Thomas R. Felts and Fred A. Seiger, doing business as Indianapolis Mobile Telephone Co., Assignor, to RAM Broadcasting of Indiana, Inc., Assignee. Station: KSD327, Indianapolis, Ind.

973-C2-P-(3)-71—Lafayette Radiofone (KKO352), C.P. for additional 2-way facilities to be located at the following new locations. Location No. 2: First National Bank Building, corner of North Parkerson and Highway No. 90, Crowley, La., to operate on frequency 454.100 MHz. Location No. 3: Approximately 1 mile west of Interstate Highway No. 90 and 2 miles south of New Iberia, La., to operate on frequency 454.075 MHz. Location No. 4: On Highway No. 31, approximately 2 miles southeast of Opelousas, La., to operate on frequency 454.050 MHz.

974-C2-P-71—Williston Telephone Co. C.P. to change the base frequency to 152.810 MHz and relocate facilities to 5.75 miles east of Williston, S.C.

975-C2-P-(2)-71—Chapman Radio & Television Co. (KIY734), C.P. to add a second channel to operate on frequency 152.03 MHz and change the antenna system operating on 152.18 MHz, located at 1000 Monte Sano Boulevard, Huntsville, Ala.

979-C2-P-71—South Central Bell Telephone Co. (KKJ448), C.P. to add a fifth channel to operate on 152.54 MHz and change the antenna system for facilities located at 555 Florida Street, Baton Rouge, La.

981-C2-P-(2)-71—The Pacific Telephone & Telegraph Co. (KMA400), C.P. for additional facilities to be located at a new site described as location No. 4: 420 South Grand Avenue, Los Angeles, Calif., to operate on frequencies 454.575 and 454.625 MHz.

982-C2-P-71—National Communications Systems, Inc. (KJU808), C.P. to add a second base channel to operate on 454.250 MHz. Station location: Sulphur Springs Mountain, 1.6 miles northeast of Vallejo, Calif.

983-C2-P-(2)-71—L. C. McCall (KIM900), C.P. to change the antenna system operating on frequencies 152.09 and 152.18 MHz at location No. 1: Dug Gap Mountain, approximately 4 miles southwest of Dalton, Ga.

984-C2-P-(2)-71—Mobilfone (KKA341), C.P. to replace the transmitters operating on frequencies 152.03 and 152.09 MHz and change the antenna system at location No. 2: 6.5 miles west-northwest of Tulsa, Okla.

997-C2-AL-71—Minnesota Central Telephone Co., Svea, Minn. (KAL875), Consent to assignment of license from Minnesota Central Telephone Co., Assignor, to Lake State Telephone Co., Assignee.

998-C2-AL-71—Clear Valley Telephone Co., Clear Lake, Minn. (KLF532), Consent to assignment of license from Clear Valley Telephone Co., Assignor, to Lake State Telephone Co., Assignee.

558-C2-R-71—Michigan Bell Telephone Co. (KQM40), Renewal of developmental license expiring Sept. 28, 1970. Term: Sept. 28, 1970, to Sept. 28, 1971.

Informative

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

California

Western California Telephone Co. (New), 3707-C2-P-70.
The Pacific Telephone & Telegraph Co. (New), 5158-C2-P-70.

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[8] Board Member Nelson absent.

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

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

RURAL RADIO SERVICE

945–C1–P–71—South Georgia Communications Co. (New), C.P. for a new fixed station to be located at Little Cumberland Island, Ga., to operate on frequency 158.61 MHz.

969–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new interoffice station. Frequency 77.1 MHz. Location: On Hinchenbrook Island, Boswell Bay, Alaska.

970–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new interoffice station. Frequency 165.60 MHz. Location: Cape Lisbourne, Alaska.

971–C2–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new interoffice station. Frequency 84.6 MHz. Location: Approximately 2 miles north of Tin City, Alaska.

972–C1–P–71—RCA Alaska Communications, Inc. (New), C.P. for a new interoffice station. Frequency 97.4 MHz. Location: 1 mile west on Pillar Mountain, Kodiak, Alaska.

999–C1–AL–(2)–71—Northland Consolidated Telephone. Consent to assignment of license from Northland Consolidated Telephones, Inc., Assignor, to Lake State Telephone Co., Assignee. Stations: KAI84, Buyck, Minn.; KAJ61, near Crane Lake, Minn.

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

5075–C1–R–71—Indiana Bell Telephone Co. (KYS50), Renewal of developmental license expiring Sept. 12, 1970. Term: Sept. 12, 1970, to Sept. 12, 1971.

934–C1–P–71—Bell Telephone Co. of Nevada (KPR97), C.P. to add frequencies 6004.5 and 6123.1 MHz toward Mount Rose, Nev. Station location: Churchill Butte, near Silver Springs, Nev.

935–C1–P–71—Bell Telephone Co. of Nevada (KOY38), C.P. to add frequencies 6256.5 and 6375.2 MHz toward Churchill Butte, Nev., and 6256.5 and 6375.2 MHz toward Cisco Butte, Calif. Station location: Mount Rose, 13 miles southwest of Reno, Nev.

936–C1–P–71—The Pacific Telephone & Telegraph Co. (KMQ41), C.P. to add frequencies 6256.5 and 6375.2 MHz toward Cisco Butte, Calif. Station location: Wolf Creek, 6 miles southwest of Grass Valley, Calif.

937–C1–P–71—The Pacific Telephone & Telegraph Co. (KMZ79), C.P. to add frequencies 6004.5 and 6123.1 MHz toward Wolf Creek, Calif., and 6004.5 and 6123.1 MHz toward Mount Rose, Nev. Station location: Cisco Butte, near Cisco, Calif.

947–C1–P–71—The Ohio Bell Telephone Co. (KQH44), C.P. to add 6249.1, 11,525 and 11,685 MHz toward Bowling Green, Ohio. Station location: 121 Huron Street, Toledo, Ohio.

948–C1–P–71—The Ohio Bell Telephone Co. (KQN69), C.P. to add frequencies 5997.1, 11,075, and 10,755 MHz toward Toledo, and 5952.6 and 10,795 MHz toward New Riegel, Ohio. Station location: Dirlam Road, 3.3 miles southeast of Bowling Green, Ohio.

949–C1–P–71—The Ohio Bell Telephone Co. (KVI42), C.P. to add frequencies 6204.7 and 11,245V MHz toward Bowling Green, Ohio. Station location: County Road 45, 3 miles southwest of New Riegel, Ohio.

950–C1–P–71—American Telephone & Telegraph Co. (KQE76), C.P. to add frequency 3930 MHz toward Gandeeville, W. Va. Station location: 1.5 miles northwest of Tyler, W. Va.

951–C1–P–71—American Telephone & Telegraph Co. (KQA40), C.P. to add frequency 3890 MHz toward Tyler and Elizabeth, W. Va. Station location: 1.8 miles west of Gandeeville, W. Va.

952–C1–P–71—American Telephone & Telegraph Co. (KQA41), C.P. to add frequency 3930 MHz toward Gandeeville, W. Va. Station location: 2 miles north-northeast of Elizabeth, W. Va.

American Telephone & Telegraph Co.—Fifteen applications for permits to construct additional Type TD–2 radio relay channels on existing routes between San Antonio, Bulverde, and Waco, Tex., and between Bulverde and Laredo Junction, Tex.

953–C1–P–71—American Telephone & Telegraph Co. (KKC93), Add frequencies 3750, 3830, and 4150 MHz toward Bulverde, Tex. Station location: 105 Auditorium Circle, San Antonio, Tex.

954–C1–P–71—American Telephone & Telegraph Co. (KKC92), Add frequencies 3710 and 3790 MHz toward San Antonio and 3970 and 4050 MHz toward Seguin and 4030 and 4110 MHz toward Lone Man Mountain, Tex. Station location: 2.5 miles southwest of Bulverde, Tex.

955–C1–P–71—American Telephone & Telegraph Co. (KKC91), Add frequencies 4070 and 4150 MHz toward Bulverde and Austin Junction, Tex. Station location: 8 miles south of Dripping Springs, Tex.

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

956–C1–P–71—American Telephone & Telegraph Co. (KKC90), Add frequencies 4030 and 4110 MHz toward Lone Man Mountain, and 4050 MHz toward Pflugerville, Tex. Station location: West 10th and West Lynn Streets, Austin Junction, Tex.

957–C1–P–71—American Telephone & Telegraph Co. (KKM29), Add frequencies 4070 and 4150 MHz toward Austin Junction, and 4090 MHz toward Florence, Tex. Station location: 2.75 miles west of Pflugerville, Tex.

958–C1–P–71—American Telephone & Telegraph Co. (KKM28), Add frequencies 4030 and 4110 MHz toward Pflugerville, Tex., and 4050 MHz toward Moody, Tex. Station location: 4.75 miles northeast of Florence, Tex.

959–C1–P–71—American Telephone & Telegraph Co. (KKM27), Add frequencies 4070 and 4150 MHz toward Florence, Tex., and 4090 MHz toward Waco, Tex. Station location: 2.5 miles northeast of Moody, Tex.

960–C1–P–71—American Telephone & Telegraph Co. (KKM26), Add frequencies 4030 and 4110 MHz toward Moody, Tex. Station location: 48th and Bosque Streets, Waco, Tex.

961–C1–P–71—American Telephone & Telegraph Co. (KKZ89), Add frequencies 4010 and 4090 MHz toward Bulverde, Tex., and 3990 MHz toward Floresville, Tex. Station location: 8 miles southeast of Seguin, Tex.

962–C1–P–71—American Telephone & Telegraph Co. (KLS27), Add frequency 4030 MHz toward Seguin, Tex., and 3890 MHz toward Pleasanton, Tex. Station location: 5 miles northeast of Floresville, Tex.

963–C1–P–71—American Telephone & Telegraph Co. (KLS28), Add frequency 3930 MHz toward Floresville and Hindes, Tex. Station location: 5.5 miles southeast of Pleasanton, Tex.

964–C1–P–71—American Telephone & Telegraph Co. (KLS29), Add frequency 3890 MHz toward Pleasanton and Cotulla No. 2, Tex. Station location: 4.5 miles south of Hindes, Tex.

965–C1–P–71—American Telephone & Telegraph Co. (KLS30), Add frequency 3930 MHz toward Hindes and Encinal, Tex. Station location: 3 miles southwest of Cotulla, Tex.

966–C1–P–71—American Telephone & Telegraph Co. (KLS31), Add frequency 3890 MHz toward Cotulla No. 2, and Laredo Junction, Tex. Station location: 11 miles west-southwest of Encinal, Tex.

967–C1–P–71—American Telephone & Telegraph Co. (KLS32), Add frequency 3930 MHz toward Encinal, Tex., and 4090 and 4170 MHz toward Laredo, Tex. Station location: 13.8 miles east-northeast of Loredo, Tex.

976–C1–P/ML–71—The Chesapeake & Potomac Telephone Co. (WAN67), C.P. and modification of license to add frequency 6419.6 MHz toward Washington, D.C. Station location: Administration Building, Howard University, 2400 Sixth Street NW., Washington, D.C.

985–C1–MP–71—Southern Bell Telephone & Telegraph Co. (WAN77), Modification of C.P. to change point of communications, to West Palm Beach, Fla. Frequency: 10,875 MHz. Station location: 2101 45th Street, West Palm Beach, Fla.

986–C1–MP–71—Southern Bell Telephone & Telegraph Co. (KJG24), Modification of C.P. to change point of communication, frequency 11,605 MHz toward Boynton Beach, Fla., azimuth 197°51′. Station location: 326 Fern Street, West Palm Beach, Fla.

987–C1–P–71—Southern Bell Telephone & Telegraph Co. (New), C.P. for a new station to be located at 325 Gardenia Street, West Palm Beach, Fla. Frequencies: 6050 MHz toward Lantana, Fla., and 6197.2 MHz toward Lake Worth, Fla., and 11,325 MHz toward West Palm Beach, Fla.

988–C1–P–71—Wisconsin Telephone Co. (New), C.P. for a new station to be located at 911 South University Circle Drive, Green Bay, Wis. Frequency: 6293.6 MHz toward Oconto Falls, Wis.

989–C1–P–71—Wisconsin Telephone Co. (New), C.P. for a new station to be located at 1 mile southwest of Oconto Falls, Oconto Falls, Wis. Frequency: 6412.2 MHz toward Marinette, Wis.

990–C1–P–71—American Telephone & Telegraph Co. (KEA77), C.P. to add frequencies 5945.2 and 6123.1 MHz toward Hope, N.J. Station location: 0.8 mile north of Cherryville, N.J.

991–C1–P–71—American Telephone & Telegraph Co. (KTQ69), C.P. to add frequencies 6197.2 and 6375.2 MHz toward Cherryville and Colesville, N.J. Station location: 2 miles east of Hope, N.J.

992–C1–P–71—American Telephone & Telegraph Co. (KEE60), C.P. to add frequencies 5945.2 and 6123.1 MHz toward Hope, N.J. Station location: 2.5 miles northwest of Colesville, N.J.

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

993–C1–P–71—American Telephone & Telegraph Co. (KIJ90), C.P. to add frequency 4010 MHz toward Knights, Fla. Station location: 1 mile southeast of Browns Summit, N.C.
994–C1–P–71—American Telephone & Telegraph Co. (KIL27), C.P. to add frequency 3850 MHz toward Westover, N.C. Station location: 3.5 miles south of Hillsboro, N.C.
995–C1–P–71—American Telephone & Telegraph Co. (KJC99), C.P. to add frequency 4010 MHz toward Knights, Fla. Station location: 7.5 miles north of Polk City, Fla.
996–C1–P–71—Pacific Northwest Bell Telephone Co. (KOT50), C.P. to add frequencies 5989.7 and 6049.0 MHz toward Everett, Wash. Station location: Rattlesnake Ledge, 2.8 miles southwest of North Bend, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

929–C1–P–71—United Video, Inc. (KXQ36), C.P. to add a new point of communications at Osco, Ill., using frequencies 11,265, 11,425, 11,505, and 11,585 MHz on azimuth 291°56'. Location: 2 miles north of Kewanee, Ill., at latitude 41°16'40" N., longitude 89°55'15" W.
930–C1–P–71—United Video, Inc. (New), C.P. for a new station 3.1 miles east-northeast of Osco, Ill., at latitude 41°21'54" N., longitude 90°12'34" W. Frequencies: 10,735, 10,815, 10,895, and 11,055 MHz on azimuths 301°45', and 301°55'.

(Informative: Applicant proposes to provide the signals of WGN–TV, WFLD, WCIU, and WTTW to Moline, Ill., and Davenport, Iowa, for delivery to Cox Cable Communications, Inc.)

931–C1–P–71—United Video, Inc. (KXQ33), C.P. to add new point of communications at Sutter, Ill. Frequencies: 10,735 and 10,895 MHz on azimuth 207°06'. Location: 2 miles east-southeast of Dallas City, Ill., at latitude 40°37'24" N., longitude 91°07'53" W.
932–C1–P–71—United Video, Inc. (New), C.P. for a new station 3.8 miles southwest of Sutter, Ill., at latitude 40°15'23" N., longitude 91°22'34.5" W. Frequencies: 11,265 and 11,425 MHz on azimuth 211°24'.
933–C1–P–71—United Video, Inc. (New), C.P. for a new station 1.5 miles east-southeast of Philadelphia, Mo., at latitude 39°49'51.6" N., longitude 91°42'46.2" W. Frequencies: 10,815 and 11,135 MHz on azimuth 119°54'.

(Informative: Applicant proposes to provide the television signals of WGN–TV and WFLD to LVO Cable, Inc., in Hannibal, Mo.)

Correction

The corrected Informative associated with Alabama Microwave, Inc., applications, file numbers 6017 through 6024–C1–P–70, appearing on page 15 of Public Notice dated July 13, 1970, is further corrected as follows:

Page 15, line 5, column 3. Add notation: "Port Charlotte, Fla., CATV system serves nearby community of Punta Gorda, Fla."
Page 15, line 8, column 2. Change "Highlands Cable TV Corp." to "Cox Cablevision Corp."
Page 15, line 8, column 3. Add notation: "Sebring, Fla., CATV system serves nearby community of Avon Park, Fla."

Major Amendments

2843–C1–P–70—Microwave Service Co. (KUV91), Application amended to change frequency 6409.0 MHz to 6375.2 MHz toward Columbus, Miss. Other particulars are as shown on Public Notice dated Dec. 1, 1968.

6022–C1–P–70—Alabama Microwave, Inc. (KJG38), Application amended to (a) delete the three proposed frequencies 5974.8, 6034.2, and 6152.8 MHz toward Port Charlotte, Fla.; (b) delete the one existing frequency 6093.5 MHz toward Port Charlotte, Fla.; and (c) add, in lieu of the above frequencies 10,715, 10,795, 10,875, and 10,955 MHz toward Port Charlotte, Fla.

6024–C1–P–70—Alabama Microwave, Inc. (New), Application amended to change the proposed frequencies 5945.2, 6063.8, and 6197.5 MHz to 5989.7, 6049.0, and 6108.3 MHz toward Sebring, Fla. Other particulars are same as reported on Public Notice dated Apr. 13, 1970.

[F.R. Doc. 70–11355; Filed, Aug. 26, 1970; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 79]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

AUGUST 21, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's General Rules of Practice (49 CFR 1100–247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 9676 (Sub-No. 23), filed August 3, 1970. Applicant: NATIONAL TRANSPORTATION COMPANY, doing business as NATIONAL TRANSPORT 101, Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. 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, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Nassau, Orange, Westchester, Putnam, Dutchess, Rockland, Ulster, Sullivan, and Delaware Counties, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn. NOTE: Applicant intends to tack the requested authority with its existing authority wherever possible, wherein applicant is authorized to serve points in Connecticut,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Massachusetts, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 24136 (Sub-No. 11), filed August 5, 1970. Applicant: HARRISON-SHIELDS TRANSPORTATION LINES, INC., Post Office Box 445, Meadow Lands, Pa. 15347. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. 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, between points in Chartiers Township, Pa., on the one hand, and, on the other, points in that part of West Virginia on and north of West Virginia Highway 3. NOTE: Applicant states it intends to tack with all existing authority wherever possible. The purpose of this instant application is to permit direct operations from its new terminal instead of its former Pittsburgh terminal. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 402), filed August 3, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boat trailers*, designed to be drawn by passenger automobiles, from Lancaster, Tex., to points in the United States, including Alaska, excluding 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 30837 (Sub-No. 403), filed August 3, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* in initial truckaway and driveaway service; (1) from Scotia, N.Y., and points within 5 miles thereof to points in the United States; and (2) from Charlotte, N.C., and points within 5 miles thereof to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 758), filed July 28, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representatives: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680, and E. T. Liipfert, Suite 1100, 1660 L 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, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) between Memphis, Tenn., and Cincinnati, Ohio, from Memphis over Interstate Highway 40 to Nashville, Tenn., thence over U.S. Highway 31W to junction with Interstate Highway 65 near the Kentucky-Tennessee State line, thence over Interstate Highway 65 to the Blue Grass Parkway, thence over the Blue Grass Parkway to junction with U.S. Highway 60, thence over U.S. Highway 60 to junction Bypass U.S. Highway 60 near Lexington, Ky., thence over Bypass U.S. Highway 60 to junction Kentucky Highway 922 (Newtown Pike), thence over Kentucky Highway 922 to junction Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, and return over the same route, as an alternate route for operating convenience only; and (2) From Memphis over Interstate Highway 40 to Nashville, Tenn., thence over Interstate Highway 65 to the Blue Grass Parkway, thence over the Blue Grass Parkway to junction with U.S. Highway 60, thence over U.S. Highway 60 to junction Bypass U.S. Highway 60 near Lexington, Ky., thence over Bypass U.S. Highway 60 to junction with Kentucky Highway 922 (Newtown Pike), thence over Kentucky Highway 922 to junction with Interstate Highway 75, thence over Interstate Highway 75 to Cincinnati, 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 states requests it be held at St. Louis, Mo.

No. MC 53965 (Sub-No. 69), filed August 5, 1970. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. 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: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Topeka, Kans., and Plattsmouth, Nebr., over U.S. Highway 75, serving no intermediate points, as an alternate route for operating convenience only; and (2) between Topeka, Kans., and Lincoln, Nebr., from Topeka over U.S. Highway 75 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: Applicant states that the purpose of this application is to remove from Sub 41 and Sub 54 the following restriction: Restriction: The operations authorized herein are restricted against the transportation of traffic moving between points in the Kansas City, Mo., commercial zone, as defined by the Commission, and points beyond Kansas City, Mo., on the one hand, and, on the other, points in the Omaha, Nebr., commercial zone, as defined by the Commission, and points beyond Omaha, Nebr. Applicant further states that in the event this application is granted, it will tender to the Commission a request for cancellation of Subs 41 and 54, if required by the Commission. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 61231 (Sub-No. 51), filed August 7, 1970. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, valves and hydrants, and fittings and accessories* used in the installation of the above-named commodities, from Savage, Minn., to points in the Upper Peninsula of 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 Des Moines, Iowa, or Minneapolis, Minn.

No. MC 72140 (Sub-No. 56), filed August 5, 1970. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample, South Bend, Ind. 46624. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of the Borg & Beck Division of Borg-Warner Corp. at 18½-Mile Road east of Mound Road, Sterling Heights, Mich., as an off-route point in connection with carrier's authorized regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 74164 (Sub-No. 5), filed August 6, 1970. Applicant: WEST FARMS EXPRESS, INC., 1062 Close Avenue, Bronx, N.Y. 10472. 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: (1) *General commodities and explosives*, between points in the New York City, N.Y., commercial zone as fixed by the Interstate Commerce Commission, which transportation is under a common control management or arrangement for a continuous carriage or shipment by motor vehicle to or from a

point without such zone; (2) *general commodities*, from New York City, N.Y., to points in Nassau County; (3) *empty drums and returned shipments*, on return; (4) *bowling alleys and billiard tables, parts, and supplies*, from points in Nassau County, N.Y., to New York City, N.Y. NOTE: Applicant states it intends to tack at New York, N.Y., with its other authorities. Applicant further states that the above authority is stated as set forth in Case MT 6376 of the New York Public Service Commission. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 77972 (Sub-No. 17), filed July 21, 1970. Applicant: MERCHANTS TRUCK LINE, INC., Summer Street, Post Office Box 908, New Albany, Miss. 38652. 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); (A) (1) between Meridian, Miss., and Hattiesburg, Miss., from Meridian over Interstate Highway 59 to Hattiesburg, and return over the same route, serving no intermediate points, but serving the off-route points of Petal, Richton, and Camp Shelby, Miss.; (2) between Hattiesburg, Miss., and Osyka, Miss., from Hattiesburg over U.S. Highway 98 to McComb; thence over U.S. Highway 51 and/or Interstate 55 to Osyka, and return over the same routes serving all intermediate points between McComb and Osyka, Miss., but serving no intermediate points between Hattiesburg and McComb, Miss.; (3) between McComb, Miss., and Crystal Springs, Miss., over U.S. Highway 51 and/or Interstate 55 and return over the same route, serving all intermediate points; the above authority to be joined with applicant's present authority at Meridian, Miss.; (B) between Meridian, Miss., and Toomsuba, Russell, and the U.S. Navy Air Base near Meridian, Miss., as off-route points in conjunction with applicant's existing authority;

(C) (1) Between Laurel, Miss., and Hattiesburg, Miss., from Laurel over Interstate Highway 59 to Hattiesburg and return over the same route, serving no intermediate points, but serving the off-route points of Petal, Richton, and Camp Shelby, Miss.; (2) between Hattiesburg, Miss., and Osyka, Miss., from Hattiesburg over U.S. Highway 98 to McComb; thence over U.S. Highway 5 and/or Interstate 55 to Osyka, and return over the same route, serving all intermediate points between McComb and Osyka, but serving no intermediate points between McComb and Hattiesburg, Miss.; (3) between McComb, Miss., and Crystal Springs, Miss., over U.S. Highway 5 and/or Interstate 55 and return over the same route serving all intermediate points. NOTE (1): Applicant states it currently has pending an application in MC-77972 (Sub-No. 15) seeking authority to extend its operations between Meridian, Miss., and named points extending as far south as U.S. Highway 84, including Brookhaven and Laurel, Miss. By this application applicant does not seek any duplicating authority and will, if both applications are granted, seek appropriate cancellation of the duplicating routes set forth in (A) (1), (2), and (3); and NOTE (2): Applicant further states if the authority requested in MC-77972 (Sub-15) is granted, applicant proposes to join the authority requested in (C) (1), (2), and (3) above with said authority at Laurel, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hattiesburg, Miss., and Memphis, Tenn., or Memphis, Tenn., and McComb, Miss.

No. MC 83539 (Sub-No. 279) (Amendment), filed May 25, 1970, published in the FEDERAL REGISTER issue of June 25, 1970, and republished as amended this issue. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks (same address as above), and Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuelers*, mounted or not mounted, and *accessories, attachments, and parts therefor*, from Kansas City, Mo., and Neodesha, Kans., to points in the United States (except Missouri and Hawaii). NOTE: The purpose of this republication is to include the additional origin point of Neodesha, Kans. 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 Kansas City, Mo., or Kansas City, Kans.

No. MC 83539 (Sub-No. 290), filed August 4, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mixers, pumping units, commercial laundry tumblers, hide processors, dump trailers, and parts and attachments* for the commodities described above, from Industry, Calif., and Bryan, Ohio, to points in the United States (including Alaska but excluding Hawaii). 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 Los Angeles, Calif.

No. MC 85934 (Sub-No. 57), filed July 20, 1970. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, Dearborn, Mich. 48120. 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: *Dry silicate of soda*, in bulk, from Skaneateles Falls, N.Y., to Wyandotte, Mich. 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, Mich., or Chicago, Ill.

No. MC 87476 (Sub-No. 5), filed July 20, 1970. Applicant: CARL SCHAEFER JR. TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, Ind. 47803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machinery parts, equipment, materials, and supplies*, used or to be used in the printing, production, and distribution of magazines, magazine parts, or sections including but not restricted to the following named commodities: *Adhesives; ink; paper and paper articles; printed matter such as magazines, magazine periodicals, parts, and sections; advertising materials; paper patterns; printing press parts; empty roller cases; mill rolls (new or used) and machinery parts; printing press parts and supplies; starch; twine, tying; wire, tying; and strapping, metal*, from points within the Chicago, Ill., commercial zone, to the plantsite of Dayton Division, The McCall Printing Co., Dayton, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Dayton, Ohio.

No. MC 96098 (Sub-No. 45), filed August 7, 1970. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 2, Post Office Box 207, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Stamford, Conn., to Urbana, Ohio, under contract with St. Regis Paper Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 97357 (Sub-No. 33), filed August 4, 1970. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Charles T. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalytic blown asphalt, emulsions, road oils, and asphalts*, from points in Los Angeles County, Calif., to Silver City, N. Mex., and points within 50 miles thereof. NOTE: Applicant states that tacking with existing authority not feasible or practical. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 106398 (Sub-No. 488), filed July 27, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 741451. Applicant's representatives: Irvin Tull (same address as applicant), and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501,

Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, buildings complete, knocked down, buildings in sections, and building panels and component parts; and* (2) *metal siding, roof, wall, floor, tile, and roof drainage systems and accessories* used in the erection thereof, from Milwaukee, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the above sought authority can be tacked with Sub 45 of Whitehouse Trucking, Inc. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 106497 (Sub-No. 46), filed July 27, 1970. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution system and antipollution system parts*, from points in Tulsa County, Okla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* of antipollution system and antipollution system parts, from points in the United States (except Alaska and Hawaii) to points in Tulsa County, Okla. NOTE: Applicant states that tacking is feasible with its sub 4 where "size or weight" commodities are involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Forth Worth, Tex.

No. MC 106497 (Sub-No. 47), filed July 27, 1970. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and hydraulic hammers*, from Denver, Colo., to points in the United States (except Hawaii). 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., or Denver, Colo.

No. MC 106497 (Sub-No. 48), filed August 7, 1970. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Joplin, Mo. 64801. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and A. N. Jacobs (same address as above). 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 special equipment, and *commodities* which do not require special handling or 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 special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Oregon and Washington, on the one hand, and, on the other, points in Wyoming. NOTE: Applicant proposes to tack with its Subs Nos. 4 and 35 through Wyoming. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Denver, Colo.

No. MC 106904 (Sub-No. 16), filed August 4, 1970. Applicant: TOPEKA MOTOR FREIGHT INC., 4490 Lower Silver Lake Road, Topeka, Kans. 66618. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in those parts of Kansas and Nebraska on and east of U.S. Highway 81, and on and south of Interstate Highway 80 and on and north of U.S. Highway 24, as off-route points in connection with applicant's existing regular routes operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 107002 (Sub-No. 394) (amendment) filed June 29, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, amended and republished as amended, this issue. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth, Post Office Box 1123, Jackson, Miss. 39205, and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, from Louisville, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee, and Texas; and (2) formaldehyde, in bulk, in tank vehicles, from Crossett, Ark., to Louisville, Miss., on return. 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. The purpose of this republication is to broaden the scope of authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107295 (Sub-No. 419), filed July 29, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that if possible duplications are discovered later, they will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107515 (Sub-No. 703), filed August 5, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest 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: *Fruit or fruit peel*, drained, candied, crystallized, glazed, or stuffed, from Plant City, Fla., to points in Georgia, North Carolina, South Carolina, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Louisiana, Arkansas, Texas, Oklahoma, Missouri, West Virginia, Maryland, Delaware, District of Columbia, New Jersey, New York, Massachusetts, Pennsylvania, Connecticut, Rhode Island, Minnesota, Nebraska, Iowa, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 108449 (Sub-No. 315), filed August 3, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Wallace A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by wholesale, retail, and chain grocery and food business houses, from the plantsite and storage facilities of Armour-Dial, Inc., located in Chicago, Ill., the Chicago, Ill., commercial zone and Aurora Township, Kane, Ill., to points in Wisconsin, Minnesota, and the Upper Peninsula of Mich. NOTE: Applicant states that joinder could be made at Minneapolis and St. Paul, Minn., to serve the points of Fargo and Grand Forks, N. Dak., and Sioux Falls, S. Dak., on shipments of canned goods, soap, and washing compounds. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 110420 (Sub-No. 618), filed August 4, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from North Chicago, Ill., to points in Wisconsin, Michigan, Tennessee, Indiana, Louisiana, Minnesota, Missouri, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicated 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 Milwaukee, Wis.

No. MC 111238 (Sub-No. 10) (Correction), filed July 23, 1970, published in the FEDERAL REGISTER issue of August 20, 1970, corrected and republished in part as corrected this issue. Applicant: DOLLISON TRUCK LINES, INC., 1000 Pennsylvania Avenue, Charleston, W. Va. 25302. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Washington, D.C. 20036. NOTE: The purpose of this partial republication is to show the correct Docket number as MC 111238 (Sub-No. 10) in lieu of MC 111328 as shown in the previous publication. The rest of the application remains the same.

No. MC 111320 (Sub-No. 54), filed June 26, 1970. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., 2001 Barlow Road, Post Office Box 668, Hudson, Ohio 44236. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, road rollers, and drump trucks, and parts, attachments, and accessories for the above-described*, from the plantsites, warehouses, and storage areas of Caterpillar Tractor located at Aurora, Joliet, Mossville, Decature, Morton, and Peoria, Ill., and points in Peoria, Tazewell, and Woodford Counties, Ill., to points in Michigan, Ohio, West Virginia, Maryland, Pennsylvania, Delaware, New York, New Jersey, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112582 (Sub-No. 33), filed August 6, 1970. Applicant: T. M. ZIMMERMAN COMPANY, a corporation, Post Office Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with controlled refrigeration, from Lake City, Pa., to points in Maryland, New Jersey, New York, and the District of Columbia, and *returned shipments* of the above commodities from the indicated destinations above to Lake City, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112750 (Sub-No. 275), filed July 27, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions; (1) between Mobile, Ala., on the one hand, and on the other, points in George, Greene, and Wayne Counties, Miss.; and (2) between Fremont, Ohio, and Farmington, Mich., under contract with banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 111729 and Subs thereunder. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112822 (Sub-No. 165), filed July 22, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (1) from Mitchell, Scottsbluff, Gering, and Bayard, Nebr., and points within 5 miles of each, to points in Arkansas, Missouri, New Mexico, Oklahoma, and Texas; (2) from Goodland, Kans., and points within 5 miles thereof, to points in Arkansas, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; (3) From Worland, Wyo., and points within 5 miles thereof, to points in Arkansas, Missouri, Colorado, New Mexico, Texas, and Nebraska; (4) from Torrington, Wyo., and points within 5 miles thereof, to points in Arkansas, Iowa, New Mexico, Missouri, Texas, and Colorado; (5) from Hardin, Mont., and points within 5 miles thereof, to points in Arkansas, Colorado, Missouri, and Texas; and (6) from Delta, Colo., and points within 5 miles thereof, to points in Arizona, California, Kansas, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that there are tacking possibilities, but has no present intention to tack the requested authority. 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. Applicant further states it is now authorized in Subs 28 and 98 to transport sugar from all of the origins named in part (1) of the application, either directly or by tacking. Duplicating authority is not sought, and the purpose of this application is to obtain direct authority from the origins specified in part (1) of the application, thereby eliminating the gateways of Garden City, Kans., Kansas City, Mo., and Swink, Colo., through which operations to those States are now being performed by tacking existing operating rights. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113158 (Sub-No. 14), filed July 15, 1970. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representatives: James W. Patterson and V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from Lee Center, N.Y., to Camp Hill, Harrisburg, Philadelphia, Scranton, and Wilkes Barre, Pa.; Baltimore and Landover, Md.; 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 Philadelphia, Pa., New York, N.Y., or Albany, N.Y.

No. MC 114457 (Sub-No. 89), filed July 24, 1970. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from St. James, Madelia, and Butterfield, Minn., to points in Connecticut, Delaware, Indiana, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, 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 Chicago, Ill., or Minneapolis, Minn.

No. MC 114533 (Sub-No. 216), filed August 5, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens*, used in pathological testing, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, and Missouri. NOTE: Applicant presently holds contract carrier authority under its permit No. MC 128616, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114552 (Sub-No. 47), filed August 4, 1970. Applicant: SENN TRUCKING COMPANY, a corporation, Post Office Box 333, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, hardboard, particleboard, and accessories* used in the installation thereof, from points in Camden County, N.J., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 114789 (Sub-No. 28), filed May 18, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representatives: M. James Levitus (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk and those requiring special equipment because of size or weight); (a) from the plantsites and other facilities of Minnesota Mining & Manufacturing Co. at St. Paul, Minn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia; and (b) from the plantsites and other facilities of Minnesota Mining & Manufacturing Co. at Bristol, Pa.; Freehold, N.J.; Middleway, W. Va.; and Newark, N.J., to the plantsites and other facilities of Minnesota Mining & Manufacturing Co. at St. Paul, Minn., under contract with 3M Co. NOTE: Applicant presently holds common carrier authority under its certificate No. MC 117940 Sub 3 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 115524 (Sub-No. 14), filed August 3, 1970. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING COMPANY, 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Wayne C. Wolf, Suite 820, Simms Building, 400 Gold Avenue SW., Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resin, synthetic or natural, and wax emulsion* in shipper-owned containers, between points in Texas, Arkansas, and New Mexico; (2) *particle board*, from points in New Mexico to points in Arizona, Arkansas, Colorado, Kansas, Missouri, Oklahoma, Texas, and Utah; (3) *feed*, animal or poultry, from points in Texas and New Mexico, to points in Colorado and Arizona; under contract with Duke City Lumber Co., Inc.; Mexwood Products, Inc.; Vit-A-Way Feeds, Inc.; Ralston Purina Co.; and Lamkins Triple "F" Feeds. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque or Santa Fe, N. Mex.

No. MC 115840 (Sub-No. 60), filed August 5, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001, and C. E. Wesley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles;* and (2) *heat exchangers and equalizers* for air, gas, or liquids; *equipment* for heating, cooling, conditioning, humidifying, dehumidifying, of air, gas, or liquids, from points in Harrison County, Miss., to points in Louisiana, Mississippi, Alabama, Georgia, Florida, and Texas. NOTE: Applicant states it intends to tack with its presently held authorities. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., New Orleans, La., or Jackson, Miss.

No. MC 116273 (Sub-No. 128), filed August 5, 1970. Applicant: D & L TRANSPORT, INC., 2800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry commodities*, in bulk, in a coordinated rail-motor service, from the flexi-flo rail-motor interchange terminal facilities on the lines of the Penn-Central Transportation Co. located at Detroit, Mich. (exclusives of team tracks or other public facilities), to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, and Ohio, restricted to shipments having a prior movement by rail. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 116273 (Sub-No. 129), filed August 10, 1970. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude coal tar*, in bulk, in tank vehicles, from the plantsite and storage facilities of Bethlehem Steel Corp., located in Porter County, Ind., to Cicero, Ill. 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 territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117165 (Sub-No. 32), filed July 31, 1970. Applicant: C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. 48880. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Particle board, hardboard, plywood, building board, insulating fiberboard, laminated wallboards, and parts, materials, and accessories* thereto, from Franklin Park, Ill., and Chicago, Ill., to points in that part of Pennsylvania on and west of U.S. Highway 219; points in that part of Virginia on and south of U.S. Highway 460 and on and east of U.S. Highway 301 and to points in North Carolina, South Carolina, Georgia, Texas, New Mexico, Arizona, Utah, Idaho, South Dakota, Nebraska, Minnesota, Montana, Wyoming, North Dakota, Iowa, and Wisconsin; and (2) *plywood, hardboard, particle board, and material and supplies* used in the installation thereof, from Chicago, Ill., to points in Illinois, Iowa, Kansas, Kentucky (except Louisville, Covington, Owensboro, and Fort Knox, Ky.), Missouri (except Hannibal, Mo.), Minnesota, Nebraska, North Dakota, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 117589 (Sub-No. 15), filed July 27, 1970. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, Wash. 98139. Applicant's representative: George R. LaBissoniere, 15625 Maplewild SW., Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (a) from Portland, Oreg., and points in Washington, to points in Colorado, Utah, and Idaho; and (b) from points in Colorado to points in Oregon, Washington, Idaho, and Montana. 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 does not specify a location.

No. MC 117676 (Sub-No. 4), filed August 3, 1970. Applicant: HERMS TRUCKING, INC., 58–64 Ward Avenue, Trenton, N.J. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal*, pressed fireplace logs and lighter fluid, from Trenton, N.J., to points in Delaware, Maryland, Pennsylvania, and New York; (2) *bananas*, from Wilmington, Del.; Baltimore, Md.; New York, N.Y.; and port Newark and Weehawken, N.J.; to Harrisburg, Pa.; and Rosenhayn, N.J.; and (3) *bananas*, from Wilmington, Del., to Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117883 (Sub-No. 141), filed August 5, 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: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Logansport, Ind., to points in Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and/or storage facilities utilized by Wilson-Sinclair Co.; and (2) *frozen meat*, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the cold storage facilities utilized by Wilson-Sinclair at Lafayette, Ind., and destined to the above-specified destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119669 (Sub-No. 11), filed August 5, 1970. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Columbus, Ind., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Delaware, Virginia, North Carolina, South Carolina, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119732 (Sub-No. 9), filed July 27, 1970. Applicant: PLAINFIELD TRUCKING, INC., Plainfield, Wis. 54966. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, and agricultural chemicals*, such as but not limited to insecticides, herbicides, fungicides, pesticides, and rodenticides when shipped with fertilizer or fertilizer materials; (1) from the plantsite and warehouse facilities of Swift Agricultural Chemicals Corp. at Dubuque, Iowa, to points in Wisconsin; and (2) from the plant and warehouse of Swift Agricultural Chemicals Corp. at Almond, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, and Wisconsin, under a continuing contract or contracts with Swift Agricultural Chemicals Corp., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 123622 (Sub-No. 2), filed August 6, 1970. Applicant: THOMPSON TRANSPORT CO., INC., 1060 West Woodside, McPherson, Kans. 67460. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined petroleum products*, in bulk, in tank trucks, from Diamond-Shamrock Pipeline Terminal at or near Turpin, Okla., to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Topeka, Kans.

No. MC 123639 (Sub-No. 129), filed July 23, 1970. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: Lanny N. Fauss, 1428 West Adams Street, Millard, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766; (1) from Norfolk, Nebr., on the one hand, and, on the other, points in Iowa, Kansas, Michigan (except Detroit), Wisconsin, Illinois (except Chicago), Kentucky, Colorado (except Denver), Indiana, Missouri, South Dakota, and Minnesota, restricted to traffic originating at the plantsite of National Foods, Inc., and/or its subsidiary Midwestern Beef, Inc., at Norfolk, Nebr.; and (2) from points in Iowa, Kansas, Michigan, Wisconsin, Illinois (except Chicago), Kentucky, Colorado (except Denver), Indiana, Missouri, South Dakota, and Minnesota to Norfolk, Nebr., restricted to traffic originating at the named destinations and destined to the plant and storage facilities of National Foods, Inc., and Midwestern Beef, Inc., at Norfolk, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123674 (Sub-No. 4), filed August 5, 1970. Applicant: ARCTIC STORAGE OF UTICA, INC., Truck Route 5A, Yorkville, N.Y. 13495. Applicant's representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, N.Y. 13501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged frozen foods*, from Whitestown (Oneida County), N.Y., to Edwardsville, Lansford, Lehighton, Hazelton, Mc Adoo, Shenandoah, Tamaqua, and Wilkes-Barre, Pa., under contract with Victory Markets, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Utica, Syracuse, Albany, or New York, N.Y.

No. MC 124069 (Sub-No. 10), filed July 23, 1970. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Buffalo, N.Y. 14218. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Rochester and Rome, N.Y., to points in Pennsylvania, and *refused, rejected, and returned shipments* in the reverse direction. 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 Buffalo or Rochester, N.Y.

No. MC 124070 (Sub-No. 17), filed August 6, 1970. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. 46323. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in pneumatic tank equipment, from the plantsite or facilities of Olin Corp. at or near Joliet, Ill., to points in Wisconsin, Indiana, Ohio, and the Lower Peninsula of Michigan, restricted to traffic originating at the plantsite or facilities of Olin Corp. at or near Joliet, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124111 (Sub-No. 27), filed August 10, 1970. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297 Sandusky, Ohio 44870. Applicant's representative: Earl J. Thomas, Thomas Building, 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 points in Ohio on and north of U.S. Highway 30S to points in the Lower Peninsula of Michigan, and points in Pennsylvania on and west of U.S. Highway 219, and to Buffalo, Jamestown,

Olean, Rochester, and Syracuse, 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 Columbus, Ohio, or Washington, D.C.

No. MC 124309 (Sub-No. 4), filed August 6, 1970. Applicant: ALPHIE F. BOUSLEY, Route 3, Box 60, Armstrong Creek, Wis. 54103. 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) *Lumber, including veneer*, from Goodman, Wis.; (2) *lumber*, from Mohawk, Mich.; and (3) *veneer*, from Mellen, Wis., to points in Alabama, Arkansas, Florida, Idaho, Kansas, Louisiana, Missouri, Mississippi, Montana, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming. *Returned shipments of the above-named commodities and materials, equipment, and supplies* used in their processing and distribution (except in bulk), from the above-named destination points and points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, and Ohio to Goodman and Mellen, Wis., and Mohawk, Mich., under contract with Universal Oil Products Co., Goodman Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124964 (Sub-No. 10), filed August 5, 1970. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Post Office Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, drinks, concentrates*, not frozen, and *equipment, materials, and supplies*, used or useful in the manufacture and sale of juices, drinks and concentrates; (2) *fruit salads* in mixed loads with the commodities in (1) above, between the facilities of Doric Foods, Corp. at Mount Dora, Fla., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and the District of Columbia, under continuing contract or contracts with Doric Foods Corp., Mount Dora, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Miami, Fla.

No. MC 125948 (Sub-No. 1), filed July 29, 1970. Applicant: LEE CLYDE COOK, doing business as LEE C. COOK, 347 East Fifth Street, Emporium, Pa. 15834. Applicant's representative: Charles J. McKelvey, 433 Market Street, Williamsport, Pa. 17701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and sawmill products*, between points in New Hampshire, Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Virginia, North Carolina, Maryland, New Jersey, Massachusetts, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Emporium, Pa.

No. MC 126038 (Sub-No. 4), filed July 27, 1970. Applicant: PENINSULA PRODUCTS, INC., 47 Northeast Middle Field Road, Portland, Oreg. Applicant's representative: Seymour L. Coblens, 510 Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shakes and shingles* from points in Washington and Oregon to points in California; and (2) *grocery products* (nonperishable canned-goods, packaged bulk commodities, dried and dehydrated fruits, vegetables and beans) from points in California and Oregon to Seattle, Wash., with drop-offs at Oregon points while en route to Seattle, Wash., under contract with International Paper Co. and J. C. Wright Sales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126118 (Sub-No. 11), filed August 4, 1970. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route 8, Johnson City, Tenn. 37601. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages;* (a) from Latrobe, Pa., to points in Tennessee and Kentucky; and (b) from Perry, Ga., to Johnson City and Knoxville, Tenn.; and Bristol and Norton, Va.; and (2) *bananas*, from Charleston, S.C., to Johnson City, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 126898 (Sub-No. 1), filed July 22, 1970. Applicant: ASHLEY GARDNER TRUCKING CO., INC., Industrial Avenue, Charleston Heights, S.C. 29405. Applicant's representative: Kirby Gardner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding, roofing, and roofing materials*, from the plantsite of Bird & Son and the plantsite of Humble Oil & Refining Co., at or near Charleston, S.C., to points in Georgia, and those in North Carolina on and east of U.S. Highway 1. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C., Charlotte, N.C., or Washington, D.C.

No. MC 128312 (Sub-No. 3), filed July 8, 1970. Applicant: SIDNEY SCHWARTZ, doing business as SCHWARTZ TRUCKING COMPANY, 1355 East 18th Street, Brooklyn, N.Y. 11230. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radios, televisions, hi-fi equipment, video tape recorder, business machines, and parts*, between Moonachie, N.J., on the one hand, and, on the other, piers in Newark and Elizabeth, N.J., and points in the New York, N.Y., commercial zone, under contract with Sony Corp. of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128593 (Sub-No. 1), filed July 28, 1970. Applicant: ROBERT TRINSKI, doing business as ARROW MARINE TRANSPORT, 32 North Pistakee Lake Road, Fox Lake, Ill. 60020. Applicant's representative: Paul J. Maton, 10 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, between points in Illinois, Wisconsin, Indiana, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128761 (Sub-No. 3), filed August 5, 1970. Applicant: RICHARD M. GODFREY, 1358 East 6400 South, Salt Lake City, Utah 84121. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, flavored or phosphated*, in cans, between the plantsite of Shasta Beverages in Salt Lake County, Utah, on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nevada, Wyoming, and Oregon, under contract with Shasta Beverages. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129228 (Sub-No. 1), filed August 6, 1970. Applicant: McCABE'S EXPRESS & TRUCKING CO., LTD., 134 Garfield Avenue, Jersey City, N.J. 07305. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, lamps, equipment, materials, and supplies* used or useful in the manufacture and sale of lighting fixtures and lamps, between Jersey City and Kearney, N.J., on the one hand, and, on the other, points in the United States on and east of the Mississippi River, including Texas, Minnesota, and Louisiana, under contract with Lightolier, Inc., of Jersey City, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 129267 (Sub-No. 3), filed August 3, 1970. Applicant: H & S TRANSFER COMPANY, INC., 1001 Fenwick

Street, Augusta, Ga. Applicant's representative: Paul F. Sullivan, Suite 701, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Lincoln, Burke, Richmond, McDuffie, Emanuel, Glascock, Screven, Taliaferro, Warren, and Wilkes Counties, Ga.; and Allendale, Barnwell, Hampton, and McCormick Counties, S.C., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond to points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority will be tacked at points in Burke and Richmond Counties, Ga., and Aiken County, S.C., to serve the other counties here sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 129613 (Sub-No. 7), filed August 6, 1970. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., Newport, Ky., Cumberland, Md., and Latrobe, Pa., to Harrisonburg, Va., under contract with Harrisonburg Candy & Fruit Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129870 (Sub-No. 4), filed August 5, 1970. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and William R. Connole, 1000 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, (1) from Boston, Hopkinton, and Tewksbury, Mass., to Bridgeport, Greenwich, Hartford, and New Haven, Conn.; Portland, Maine; Boston, Hyannis, Lowell, and Springfield, Mass.; and Concord, Manchester, and Nashua, N.H.; (2) from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, Queens, Nassau, and Suffolk Counties, N.Y., and Portland, Maine; and (3) from points in Kings and Richmond Counties, N.Y., to points in Connecticut, Massachusetts, Rhode Island, and Portland, Maine, under contract with New England LNG Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133123 (Sub-No. 3), filed July 31, 1970. Applicant: RUJAC TRUCKING CORP., 1133 Sixth Avenue, Room 3210, New York, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods*, from Elizabethport, N.J., to East Hanover, N.J., under contract with Matsushita Electric Corp. of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133566 (Sub-No. 4), filed August 4, 1970. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, Ind. 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the cold storage facilities of or utilized by Wilson-Sinclair Co., at Lafayette, Ind., to points in Kentucky, Michigan, and Ohio, restricted to traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134095 (Sub-No. 2), filed August 5, 1970. Applicant: MATERIALS SUPPLY, INC., 13627 Bellevue-Redmond Road, Bellevue, Wash. 98004. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, from Buxton, Oreg., to Bellevue, Seattle, and Tacoma, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134153 (Sub-No. 1), filed July 21, 1970. Applicant: JOSEPH O. DICKERSON, JR. AND JOSEPH O. DICKERSON, SR., a partnership, doing business as D & D TRANSPORTATION COMPANY, 1415 Park Boulevard, Camden, N.J. 08103. Applicant's representative: Robert D. Stair, 71 Knox Boulevard, Marlton, N.J. 08053. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel products*, in containers, from Camden, N.J., and points in the Philadelphia, Pa., commercial zone, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, under contract with Bayou Ltd., at Pennsauken, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Camden, N.J., or Philadelphia, Pa.

No. MC 134211 (Sub-No. 1), filed August 3, 1970. Applicant: CRAIG HENDERSON, doing business as C.H. TRANSPORT, Route 1, Box 11, Walton, W. Va. 25286. Applicant's representative: Craig Henderson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic or metal pipe fittings;* and (2) *materials and supplies* used in the manufacture of same; (1) from Glenville, W. Va., to points in Illinois, Indiana, Kentucky, North Carolina, Ohio, Pennsylvania, Virginia, and points in Tennessee on and east of U.S. Highway 431; and (2) from Chicago, Ill., Akron, Conneaut, and Marietta, Ohio; and Monaca, Pa., to Glenville, W. Va., under contract with Four D Manufacturing Co. NOTE: If a hearing is deemed necessary applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 134280 (Sub-No. 1), filed July 24, 1970. Applicant: YOUNG'S EXPRESS, INC., 122 West West Street, Baltimore, Md. 21230. Applicant's representative: Charles McD. Gillan, Jr., 113 Montrose Avenue, Baltimore, Md. 21228. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses (except commodities in bulk, in tank vehicles), *seasonings or spices, advertising matter, forms, racks, signs, and store displays, and commodities* used in the manufacture, sale, or distribution of meats and packinghouse products as described above, between Baltimore, Md., on the one hand, and, on the other, New Haven, Conn., Boston, Mass., points in New Jersey, New York, N.Y., Philadelphia, Pa., and Providence, R.I., restricted to a transportation service to be performed under a continuing contract or contracts, with H. G. Parks, Inc., of Baltimore, Md., in shipper-owned semitrailers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 134389 (Sub-No. 2) (Correction), filed July 15, 1970, published in the FEDERAL REGISTER issue of August 5, 1970, corrected in part, and republished as corrected, this issue. 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. NOTE: The purpose of this republication is to reflect the correct sections as A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in lieu of sections A and B as shown in previous publication. The rest of the application remains the same.

No. MC 134585 (Sub-No. 1), filed July 17, 1970. Applicant: NORRIS N. PINKERTON, doing business as PINKERTON TRUCKING CO., Copeland, Idaho 83822. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clover, grass, and alfalfa pellets and cubes*, from points in Boundary County, Idaho, to points in Washington and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 134614 (Sub-No. 2), filed July 20, 1970. Applicant: SELLAND AUTO TRANSPORT, 6715 Corson Avenue South, Seattle, Wash. 98108. Applicant's representative: Clyde H. MacIver, 3712 Seattle First National Bank Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles*

and light-duty trucks, between points in Washington and Oregon. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 134629 (Sub-No. 2), filed August 6, 1970. Applicant: P.H.D. TRUCKING SERVICE, INC., 1500 North Main Street, Spanish Fork, Utah 84660. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead-silver concentrates*, from Darwin, Calif., to Tooele, Utah, under contract with West Hill Exploration, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134676 (Sub-No. 2), filed August 5, 1970. Applicant: H. H. MOORE, JR., Post Office Box 477, Appomattox, Va. 24522. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk* and/or *ice cream mix*, in bulk in stainless steel insulated tank trailers, from Greenville, Tenn., to Norfolk, Newport News, Portsmouth, and Richmond, Va. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134721 (Sub-No. 1), filed July 27, 1970. Applicant: GEORGE M. DZIAK, doing business as DZIAK PRODUCE CO., West 1201 Ide, Spokane, Wash. 99201. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from points in Los Angeles County, Calif., to ports of entry on the international boundary line between the United States and Canada near Patterson, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash.

No. MC 134776 (Sub-No. 1), filed August 6, 1970. Applicant: MILTON TRUCKING, INC., Rural Delivery 2, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gym mats, materials, and supplies* (except in bulk), between the facilities of Reslite Co., Northumberland (Northumberland County), Pa., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Iowa, Missouri, Michigan, Wisconsin, Minnesota, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Virginia, North Carolina, South Carolina, Georgia, Florida, and West Virginia, under contract with Reslite Co., of Northumberland, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 134801, filed July 27, 1970, Applicant: ZELVERT CAUGHERN, Star Route, Heavener, Okla. 74939. Applicant's representative: James E. Hamilton, Post Office Box 608, Poteau, Okla. 74953. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, dry, dressed, green, or rough, from Heavener, Okla., to Dallas, and Amarillo, Tex.; Little Rock, Ark.; and points in Arkansas west of U.S. Highways 167 and 65; Kansas City, Joplin, Springfield, and St. Louis, Mo.; and Wichita, Kans., under contract with Burett Lumber Co., Heavener, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla., or Little Rock, Ark.

No. MC 134812, filed July 28, 1970. Applicant: GEORGE BOYERS, 530 St. George Street, La Prairie, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bricks and tiles* on pallets, transported in vehicles equipped with a mechanical hoist, from ports of entry on the international boundary line between the United States and Canada located at or near Trout River and Champlain, N.Y., and Highgate Springs and Derby Line, Vt., to points in New York and Vermont, and *rejected and damaged shipments and empty pallets*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 134814, filed July 23, 1970. Applicant: CONSTELLATION FREIGHT AGENCY, INC., 136-25 Springfield Boulevard, Jamaica, N.Y. 11413. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radios, television, hi-fi equipment, tape recorders, and parts and materials thereof*, between Moonachie, N.J., and New York, N.Y., restricted to transportation originating at or destined to the Moonachie, N.J., facility of Sony Corp. of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134815 (Sub-No. 2), filed August 5, 1970. Applicant: DEWELL WILLIAM HOSKINS, doing business as HOSKINS TRUCK SERVICE, Post Office Box 66, Malvern, Ark. 72104. 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: *Aluminum scrap*, from plantsite of Reynolds Metals Co. located at Gum Springs, Ark., to Russellville, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 134831 (Sub-No. 1), filed July 30, 1970. Applicant: JAMES ENTERPRISES, INC., International Drive, Route 4, Statesville, N.C. 28677. Applicant's representative: Robert R. Williams, Jr., Post Office Box 7316, 4 South Pack Square, Asheville, N.C. 28807. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal, fish and poultry feed, insecticides, fungicides, and animal medicines*, from Charlotte, N.C., to points in South Carolina, under contract with Ralston Purina Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C., or Columbia, S.C.

No. MC 134832, filed July 29, 1970. Applicant: ROY L. COLLINS, JR., Post Office Box 70, Sellersville, Pa. 18960. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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), from the warehouse of Collins, Inc., Sellersville (Bucks County), Pa., to points in that part of Pennsylvania east of the western boundaries of Lancaster, Dauphin, Schuylkill, Luzerne, Wyoming, and Susquehanna Counties, and points in New Jersey. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C

No. MC 134833, filed August 3, 1970. Applicant: PRICE TRUCKING CORP., 260 Mystic Street, Buffalo, N.Y. Applicant's representative: Robert D. Gunderman, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint circulars, and news paper supplements*, when transported in the same vehicle with news print circulars, from the plantsites of Greater Buffalo Press in Buffalo and Dunkirk, N.Y.; Wilkes-Barre, Pa.; Lufkin, Tex.; and Sylacauga, Ala.; to points in the United States, under a continuing contract or contracts with Greater Buffalo Press. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134835, filed August 4, 1970. Applicant: WINSTON CARRIERS, INC., Post Office Box 347, Double Springs, Ala. 35553. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., 705 McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and mobile homes, in initial movements, *campers, recreational vehicles, modular buildings, and buildings*, in sections, moving on undercarriages; (1) from points in Winston and Marion Counties,

Ala.; Franklin County, N.C.; Natchitoches and Rapides Parishes, La.; Newton County, Ind.; McDonald County, Mo.; Montour County, Pa.; Crittenden County, Ark.; Mayes County, Okla.; and McLennan County, Tex.; to points in the United States; and (2) *returned, rejected, defective, repossessed, repurchased, and damaged commodities* as described above, on return. Restrictions: (1) The above authority is restricted to the transportation of traffic moving under a continuing contract with Winston Industries, Inc., its divisions or subsidiaries; and (2) the above authority is restricted to the transportation of traffic moving from the plantsites of Winston Industries, Inc., at the origins in (1) above and destined to the plantsites of Winston Industries, Inc., its divisions or subsidiaries at destination points in above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 134836, filed August 3, 1970. Applicant: I. C. KING TRUCKING, INC., Rural Route 1, Converse, Ind. 46919. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and materials and supplies* used in the manufacturing thereof, between the plantsite of Syndicate Sales, Inc., Kokomo, Ind. on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Washington, Nevada, Oregon, Utah, California, Idaho, Montana, Wyoming, Arizona, New Mexico, North Dakota, South Dakota, and Nebraska). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 134838, filed August 5, 1970. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2567 Plant Atkinson Road NW., Post Office Box 39236, Bolton Station, Atlanta, Ga. 30318. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, crossarms, ties, floor and paving blocks, and lumber* (except plywood and veneer), wooden, between Atlanta, Augusta, and Macon, Ga., and Chattanooga, Tenn., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134841, filed August 5, 1970. Applicant: SES CORPORATION, 3247 South Kedzie Avenue, Chicago, Ill. 60623. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages* (except in bulk), from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Alabama, Georgia, Minnesota, New York, Tennessee, Virginia, Florida, North Carolina, South Carolina, Oklahoma, and the District of Columbia; (2) *used barrels*, from Chicago, Ill., to points in Kentucky and Indiana; (3) *alcoholic beverages*, from points in Kentucky, Ohio, New York, Indiana, and Virginia, to Chicago, Ill.; and (4) *empty containers and packing materials* for alcoholic beverages, from points in Indiana, Pennsylvania, and Rhode Island, to Chicago, Ill., under contract with Consolidated Distilled Products, Inc., and restricted to traffic originating at and destined to the facilities of Consolidated Distilled Products, Inc., Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134842, filed August 5, 1970. Applicant: JONES OIL COMPANY, a corporation, 400 First Street, Box 19, Kennett, Mo. 63857. Applicant's representative: Wm. S. Jones (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from West Memphis, Ark., to Kennett, Malden, Hayti, and Campbell, Mo., under contract with Sun Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134843, filed August 3, 1970. Applicants: RAYMOND L. SMITH AND EDWARD S. SMITH, a partnership, doing business as SHELLY SMITH & SONS, 350 Ashland Road, Mansfield, Ohio 44905. Applicant's representatives: Taylor C. Burneson and Joe F. Asher, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, or repossessed vehicles* (except mobile homes and house trailers), *and replacement vehicles* when transported to points of pickup of wrecked, damaged, or disabled vehicles (except mobile homes and house trailers) between points in Richland, Crawford, Ashland, and Huron Counties, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Missouri, New York, Pennsylvania, and Wisconsin, service to be rendered by use of wrecker equipment only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134844, filed August 3, 1970. Applicant: JON LARRYMORE SWANSON, doing business as SWANSON DELIVERY SERVICE, 1302 East Fourth Street, Mishawaka, Ind. 46544. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toilet preparations, advertising, and promotional products*, from Mishawaka, Ind., to points in Elkhart, Fulton, Kosciusko, La Porte, Marshall, Stark, and St. Joseph Counties, Ind., under a continuing contract or contracts with Avon Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

MOTOR CARRIERS OF PASSENGERS

No. MC 2395 (Sub-No. 4), filed July 31, 1970. Applicant: DELAWARE BUS COMPANY, a corporation, 1609 Delaware Avenue, Wilmington, Del. 19806. Applicant's representative: Frank O'Donnell, Ninth and Market Streets, Wilmington, Del. 19899. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, in round trip service, beginning and ending at Chester, Pa., and extending to Delaware Park at or near Stanton, Del., with no pickup nor discharge of passengers en route, restricted seasonally to the authorized racing season at Delaware Racing Association (Delaware Park). NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 61802 (Sub-No. 2), filed August 5, 1970. Applicant: THE COLONIAL TRANSIT COMPANY, INCORPORATED, 310 Charlotte Street, Fredericksburg, Va. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. 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 charter operations; (1) from points in Carolina, Culpeper, Fauquier, Louisa, and Westmoreland Counties, Va.; that part of Essex County, Va., on the west of Virginia Secondary Highway 631 and that part of Prince William County, Va., west of Interstate Highway 95 and on and south and west of Virginia Highway 234 to points in Delaware, New Jersey, Pennsylvania, New York, West Virginia, North Carolina, South Carolina, Tennessee, Ohio, Connecticut, Maryland, Virginia, and the District of Columbia, and return; and (2) from points in Orange, Spotsylvania, Stafford, and King George Counties, Va., to points in Delaware, New Jersey, Pennsylvania, New York, West Virginia, North Carolina, South Carolina, Tennessee, Ohio, and Connecticut, and return; restricted to traffic originating in the territory indicated above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 109802 (Sub-No. 29), filed July 20, 1970. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Bernard F. Flynn, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express*, in the same vehicle with passengers; (1) Applicant proposes to extend its presently certificated service from the junction of U.S. Highway 46 and Passaic Avenue, in the Borough of Fairfield, thence along Passaic Avenue to its junction with Eagle Rock Avenue, traversing the Borough of Fairfield, the Borough of West Caldwell, and the Borough of Roseland, thence over Eagle

Rock Avenue to its junction with Ridgedale Avenue in the township of East Hanover, N.J., thence over Ridgedale Avenue in East Hanover, N.J., and Florham Park Borough, N.J., to Madison, N.J., thence over Central Avenue to Madison center, and thence accordance with local traffic routings, and thence over Green Village Road through the town of Madison, N.J., to its junction with the Shunpike in Chatham Township, N.J., and thence from there to Green Village Road, and thence over Green Village Road through Hickory Tree to Green Village, N.J., and return over said route to the place of beginning, the junction of Passaic Avenue and U.S. Highway 46, picking up and dropping off passengers and their baggage going to or coming from the Borough of Manhattan, New York, N.Y.

(2) Between the junction of Passaic Avenue and the junction of Clinton Road, in the Borough of West Caldwell, to the junction of Clinton Road and U.S. Highway 46, in the Borough of Fairfield, N.J., and Park Avenue and Cedar Knoll Road to its junction with Interstate Highway 287 and thence over Interstate Highway 287 to the junction at New Jersey Highway 10 and Interstate Highway 287, where it thence connects with applicant's presently certificated routes to and from New York, N.Y. (This route traverses Madison and Florham Park Boroughs, and the township of Hanover, N.J.) as alternate operating routes serving points on said routes in connection with the entire route herein described; and (3) for operating convenience, applicant proposes permission to utilize Rockaway Road from its junction with Ridgedale Avenue and Eagle Rock Avenue, in the township of East Hanover, N.J., to its junction with U.S. Highways 46 and 80, in Parsippany-Troy Hills Township, N.J. Restriction: No service in the picking up or dropping off of passengers will be performed at the junction of Bloomfield Avenue and Passaic Avenue, or within ½ mile thereof, nor at the junction of Ridgedale Avenue and New Jersey Highway 10, or within ½ mile thereof. NOTE: Applicant holds contract authority under MC 129969 Sub 1. If a hearing is deemed necessary, applicant requests it be held at Madison, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130123, filed July 30, 1970. Applicant: DALE FREDERICK HOLMGRAIN, doing business as HOLMGRAIN'S PERSONAL TOURS, Rural Route 2, Box 721, East Moline, Ill. 61244. For a license (BMC 5) to engage in operations as a *broker* at East Moline, Ill., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in special and charter operations, in recreational and educational tours, beginning and ending at East Moline and Rock Island, Ill. and extending to points in the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 134837, filed August 3, 1970. Applicant: OXFORD DISPATCH, INC., 10 Daniels Street, Arlington, Mass. Applicant's representative: Stanley S. Labovitz, 340 Main Street, Worcester, Mass. 01608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Outdoor aluminum products, picnic tables, beach balls, urethane, indoor and outdoor steel products, and inbound raw material* used in the manufacture of said products, between the plant and warehouse facilities at Grafton and Worcester and Rochdale, Mass., and points in Massachusetts, New York, Pennsylvania, New Jersey, Maine, Maryland, New Hampshire, Connecticut, Illinois, Virginia, Vermont, Rhode Island, and Washington, D.C., under contract with Prest Wheel, Inc.

MOTOR CARRIER OF PASSENGERS

No. MC 134542 (Sub-No. 4), filed August 3, 1970. Applicant: QUICKLIVICK, INC., 708 C Street, Staunton, Va. 24401. Applicant's representative: John R. Sims, Jr., Suite 605, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Rockbridge and Alleghany Counties Va., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin, and return.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11227; Filed, Aug. 26, 1970; 8:45 a.m.]

[Notice 138]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 21, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2228 (Sub-No. 60 TA), filed August 14, 1970. Applicant: MERCHANTS FAST MOTOR LINES, INC., Post Office Box 270, East U.S. Highway 80, Abilene, Tex. 79604. Applicant's representative: Laurence M. Cottingham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including classes A and B explosives* (except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving plantsite and facilities of the American Magnesium Co. approximately 5 miles west of Snyder, Tex., as an off-route point in connection with carrier's presently-authorized regular operations at Snyder, Tex., for 180 days. NOTE: Applicant intends to tack with MC 2228 and subs thereunder. Supporting shipper: American Magnesium Co., Route 1, Box 666, Snyder, Tex. 79549. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 2900 (Sub-No. 202 TA), filed August 14, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, Fla. 32203. Applicant's representative: S. E. Somers, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk classes A and B explosives, and those requiring special equipment, (a) from Charlotte, N.C., to Baxley, Ga., serving the Edwin I. Hatch Nuclear Plant as an intermediate point, (b) from Charlotte 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. Highways 25 and 1, thence over U.S. Highway 1 to Baxley, Ga., and return over the same route, for 180 days. NOTE: Applicant intends to tack with MC-2900 at Charlotte, N.C. and Baxley, Ga. Supporting shipper: William W. Ivie, Supervisor Traffic and Purchasing Services, Georgia Power Co., Post Office Box 4545, Atlanta, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, 400 West Bay Street, Box 35008, Jacksonville, Fla. 32202.

No. MC 15881 (Sub-No. 14 TA), filed August 13, 1970. Applicant: FERGUSON TRANSPORTATION CO., 445 East Seventh Street, Post Office Box 372, Bloomsburg, Pa. 17815. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ribbon*

and ribbon products, from Berwick, Ashley, and Laflin, Pa., to points in Indiana, Illinois, Michigan, and Kentucky. (2) *Lamps, components of lamps, and lamp shades*, from Berwick, Pa., to points in Iowa, Illinois, Indiana, Kentucky, and Michigan, for 180 days. Supporting shippers: Fulton Manufacturing Co., Inc., Berwick, Pa. 18603; Berwick Industries, Inc., Post Office Box 428, Berwick, Pa. 18603. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 103993 (Sub-No. 554 TA), filed August 14, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *materials, supplies and accessories for buildings;* (3) *wood products;* (4) *composition wood products*; (5) *laminated products*; (6) *parts and accessories for the commodities in* (3), (4), *and* (5), from the plant and warehouse sites of Marshall Erdman & Associates Inc., at Waunakee and Madison, Wis., to points in the United States (except Alaska and Hawaii); (7) *materials and supplies* used in the manufacture and supplies used in the manufacture and distribution of the above commodities (1), (2), (3), (4), (5), and (6), from Cleveland, Cincinnati, Columbus, Monroe and Coshocton, Ohio; Greenburg, Indianapolis, and East Chicago, Ind.; and from points in the United States (except Ohio, Indiana, Alaska, and Hawaii) to the plant and warehouse sites of Marshall Erdman & Associates, Inc., at Waunakee and Madison, Wis. Restricted to shipments originating from or destined to the plant and warehouse sites of Marshall Erdman & Associates Inc., at Waunakee and Madison, Wis., restricted against the transportation of commodities in bulk; and the authority in (7) restricted against the transportation of lumber, lumber products, and wood products from points in Washington, Oregon, Idaho, and Montana, for 180 days. Supporting shipper: Marshall Erdman & Associates, Inc., Madison, Wis. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 125918 (Sub-No. 7 TA), filed August 13, 1970. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building units*, from Primos, Pa., to points in Ocean County, N.J.; Ocean City, N.J.; and John F. Kennedy International Airport, N.Y.; under continuing contract with Building Units, Inc., Primos, Pa., for 150 days. Supporting shipper: Building Units, Inc., Oak Avenue and P.R.R., Primos, Pa. 19018. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 125918 (Sub-No. 8 TA), filed August 13, 1970. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. 08037. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Somerville, N.J., to points in Pennsylvania, under continuing contract with New Jersey Shale Brick & Tile Corp., for 180 days. Supporting shipper: New Jersey Shale Brick & Tile Corp., Hamilton Road off U.S. Route 206, Somerville, N.J. 08876. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 129615 (Sub-No. 3 TA), filed August 13, 1970. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, 164 Spear Street, San Francisco, Calif. 94105. Applicant's representative: B. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trucks* with special-built or modified bodies, in secondary movements, in drive-away service; (1) from points in the continental United States (except Alaska) to seaports in California, Oregon, and Washington, restricted to shipments having a subsequent movement to the State of Hawaii; (2) between points in Hawaii, restricted to shipments having a prior movement from out-of-State, for 180 days. Supporting shippers: Honolulu Ford Auto Center, 711 Ala Moana Boulevard, Honolulu, Hawaii 96813; Servco Pacific Inc., Post Office Box 2788, Honolulu, Hawaii, 96803; Hawaiian Equipment Co., Post Office Box 3677, Honolulu, Hawaii 96811; Hawaiian Motors, Ltd., 1075 South Beretania Street, Honolulu, Hawaii 96814; and Aloha Motors, Post Office Box 2281, Honolulu, Hawaii 96804. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 134200 (Sub-No. 1 TA), filed August 10, 1970. Applicant: BERNARD REZNICK, doing business as UNIVERSAL MAIL DELIVERY SERVICE, 3301 Leonis Boulevard, Los Angeles, Calif. 90058. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, for the account of Sav-On Freight Distributing Agency, between points in Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties, Calif., on traffic having a prior out-of-State movement. Restriction: The authority granted herein is restricted to transportation of individual shipments weighing 500 pounds or less, for 180 days. Supporting shipper: Sav-On Freight Distributing Agency, Post Office Box 54812, Los Angeles, Calif. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134848 TA, filed August 12, 1970. Applicant: NATIONWIDE EXPRESS, INC., 8315 Beechnut, Houston, Tex. 77036. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, bleaching, scouring, and washing products manufactured and/or shipped by the Clorox Co.*, from Houston, Tex. (and points in its commercial zone), to points in Louisiana, Mississippi, and points in that part of Arkansas south of U.S. Highway 40; and from Atlanta, Ga. (and points in its commercial zone), to points in Alabama, Mississippi; points in those parts of Kentucky and Tennessee west of U.S. Highway 431, excluding Nashville, Tenn., points in that part of Louisiana east of the Mississippi River; points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65; thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its commercial zone as defined by the Interstate Commerce Commission), for 180 days. Supporting shipper: The Clorox Co., 850 42d Avenue, Oakland, Calif. 94601. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, Tex. 77061.

No. MC 134849 TA, filed August 12, 1970. Applicant: SECURITY MOVING & STORAGE CO., 3110 North Stone Avenue, Post Office Box 452, Colorado Springs, Colo. 80901. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso and Teller Counties, Colo., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Lyon Van & Storage Co., Household Shipping Division, 1950 South Vermont Avenue, Los Angeles, Calif. 90007. Send protests to: District Supervisor Herbert

C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-11335; Filed, Aug. 26, 1970; 8:48 a.m.]

[Notice 139]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 24, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106674 (Sub-No. 74 TA), filed August 18, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, Ind. 46923. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, quick or hydrate, in bags, from the plantsites of Marblehead Lime Co. at Chicago and Thornton, Ill., to points in Indiana, for 150 days. Supporting shipper: Marblehead Lime Co., General Dynamics Corp., 3245 East 103d Street, Chicago, Ill. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107295 (Sub-No. 424 TA), filed August 13, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal siding, spouting, and gutters, and steel roofing, flooring, doors, windows, beams, channels, and lath*, used in the construction, repair, erection, or completion of buildings; and (2) of *accessories for the commodities* described in (1) above when moving therewith (except commodities in bulk), from the plantsite and warehouse site of Inland-Ryerson Construction Products Co., at Milwaukee, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Inland-Ryerson Construction Products Co., Box 393, Milwaukee, Wis. 53201. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112627 (Sub-No. 12 TA), filed August 19, 1970. Applicant: OWENS BROS., INC., Post Office Box 247, Dansville, N.Y. 14437. 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: *Wines and champagnes*, in containers, and *advertising matter*, from Hammondsport, N.Y., to points in Kentucky, Maine, Michigan, and Minnesota, for 180 days. Supporting shippers: The Taylor Wine Co., Inc., Hammondsport, N.Y. 14840; Donald M. Green, Sales Service Manager; Pleasant Valley Wine Co., Hammondsport, N.Y. 14840; Dorothy R. Beers, Sales Service Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard, West Syracuse, N.Y. 13202.

No. MC 118282 (Sub-No. 30 TA), filed August 19, 1970. Applicant: JOHNNY BROWN's, INC., 6801 Northwest 74th Avenue, Post Office Drawer 1030, Hialeah, Fla. 33011, Miami, Fla. 33166. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, floor covering and padding and materials and supplies and equipment used in the installation thereof*, from Wilburton, Okla., to points in Florida, for 180 days. Supporting shipper: Congoleum Industries, Inc., 195 Belgrove Drive, Kearny, N.J. 07032. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 124211 (Sub-No. 152 TA), filed August 18, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box H, 14th Avenue and 35th Street, Council Bluffs, Iowa 51501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from Glenwood, Iowa, to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, for 150 days. NOTE: Applicant intends to tack with MC-124211 Sub No. 37 to provide service from Omaha. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 126039 (Sub-No. 15 TA), filed August 17, 1970. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Robert L. Morgan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten aluminum*, from Chicago, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Apex Smelting Co., Inc., Division Amax Aluminum Co., Inc., 2537 West Taylor Street, Chicago, Ill. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 127587 (Sub-No. 6 TA), filed August 19, 1970. Applicant: MEXICANA REEFER SERVICES, LTD., 880 Malkin Avenue, Post Office Box 2733, Vancouver, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum*, scrap, from international boundary between the United States and Canada at or near Blaine and Sumas, Wash., to Mojave, Calif., for 180 days. Supporting shipper: Tellco Trading, Inc., 8150 Beverly Boulevard, Los Angeles, Calif. 90048. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 129352 (Sub-No. 5 TA), filed August 19, 1970. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Centralia, Wash., to points in California, for 180 days. Supporting shipper: Northwest Hardwoods, Inc., American Bank Building, Portland, Oreg. 97205. Send protests to: District Supervisor E. J. Casey, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134821 (Sub-No. 1 TA), filed August 13, 1970. Applicant: DONALD L. DROSTE, doing business as DON DROSTE TRUCKING, 1004 West Carroll Street, Portage, Wis. 53901. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal*

water control gates, metal sheets and pilings, metal cattle passes, metal guard rails, corrugated metal pipe and fittings, and commodities used in the installation of such articles; (1) from the plantsite of Armco Steel Corp. at or near Portage, Wis., to points in Illinois north of a line beginning at the Indiana State line and extending westward over U.S. Highway 24 to Peoria, thence over Illinois Highway 116 to its junction with U.S. Highway 34, and thence over U.S. Highway 34 to the Iowa State line, including points in the Chicago commercial zone as defined by the Commission, to points in Iowa on and east of U.S. Highway 63, to points in the Upper Peninsula of Michigan; and (2) between the plantsites of Armco Steel Corp at South Bend, Ind., Minneapolis, Minn., and at or near Portage, Wis., under a continuing contract or contracts with Armco Steel Corp., for 150 days. Supporting shipper: Armco Steel Corp., 1001 Grove Street, Middletown, Ohio. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, Wis. 52703.

No. MC 134830 TA (Correction) filed August 6, 1970, published in the FEDERAL REGISTER issue of August 15, 1970, and republished in part corrected, this issue. Applicant: BSX AIR EXPEDITORS, Post Office Box 8033, Charlotte, N.C. 28208. NOTE: The purpose of this partial republication is to show Elizabethtown, N.C., in lieu of Elizabethtown, N.Y. The rest of the application remains as previously published.

No. MC 134851 TA, filed August 13, 1970. Applicant: INTERBORO FREIGHTWAYS, INC., 108-22 Astoria Boulevard, East Elmhurst, N.Y. 11369. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except commodities in bulk; (1) between John F. Kennedy International Airport, Jamaica, Long Island, N.Y.; Laguardia Airport, Queens County, N.Y.; Newark Airport, Newark, N.J.; Suffolk County Air Force Base, Suffolk County, N.Y.; Islip Airport, Suffolk County, N.Y.; Westchester County Airport, Westchester County, N.Y.; Stuart Air Force Base, Orange County, N.Y.; and, (2) between the above-named airports on the one hand, and, on the other, Albany County Airport, Albany County, N.Y.; Greater Buffalo International Airport, Erie County, N.Y.; Rochester-Monroe County Airport, Monroe County, N.Y.; Clarence E. Hancock Airport, Onondaga County, N.Y.; Oneida County Airport, Oneida County, N.Y.; Watertown Municipal Airport, Jefferson County, N.Y.; Logan International Airport, Boston, Mass.; T. F. Green Airport, Providence, R.I.; Portland Municipal Airport, Portland, Maine; Dow Air Force Base, Bangor, Maine; for 150 days. Supporting shippers: There are approximately six statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11352; Filed, Aug 26, 1970; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 24, 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. 42036—*Chlorine from Charleston, Tenn.* Filed by O. W. South, Jr., agent (No. A6192), for and on behalf of the Southern Railway Co. Rates on chlorine, in tank carloads, as described in the application, from Charleston, Tenn., to Robertson, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 287 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 42037—*Chlorine from Memphis, Tenn.* Filed by O. W. South, Jr., agent (No. A6193), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Chattanooga and North Chattanooga, Tenn.

Grounds for relief—Rate relationship.

Tariff—Supplement 288 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 42038—*Grain products between points in Indiana and Illinois and points in southern territory.* Filed by O. W. South, Jr., agent (No. A6194), for and on behalf of the Louisville & Nashville Railroad Co. Rates on grain products, in carloads, as described in the application, between L&N points in Illinois and Indiana, on the one hand, and L&N points in southern territory, on the other.

Grounds for relief—Short-line distance formula, grouping, and operation through higher-rated territories.

Tariff—Supplement 176 to Southern Freight Association, agent, tariff ICC S-478.

By the Commission.

JOSEPH M. HARRINGTON,
Acting Secretary.

[F.R. Doc. 70-11353; Filed, Aug. 26, 1970; 8:50 a.m.]

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