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Part I

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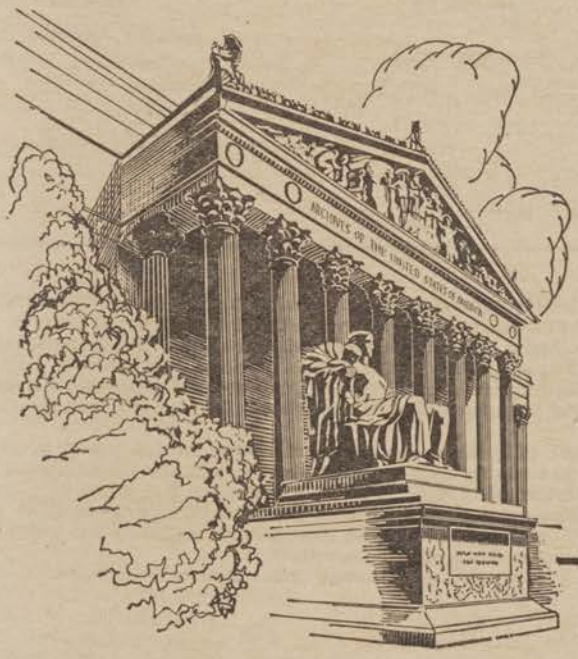

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

MISCELLANEOUS AMENDMENTS

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), sections 301.85 (a), 301.85–3, and 301.85–4 of the Notice of Quarantine No. 85 (7 CFR 301.85(a), 301.85–3, and 301.85–4) relating to the golden nematode quarantine are hereby revised to read as follows:

§ 301.85 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary of Agriculture has determined, after public hearing, that it is necessary to quarantine the State of New York in order to prevent the spread of the golden nematode (*Heterodera rostochiensis*), a dangerous pest of potatoes and certain other plants, not heretofore widely prevalent or distributed within and throughout the United States. Therefore, under the authority of said provisions, the Secretary hereby continues to quarantine the State of New York, with respect to the interstate movement from the quarantined State of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement, and gives notice of said quarantine and regulations.

* * * * *

§ 301.85–3 Conditions governing the interstate movement of regulated articles from quarantined States.[2]

(a) Any regulated articles except soil samples for processing, testing, or analysis may be moved interstate from any quarantined State under the following conditions:

(1) From any regulated area, with a certificate or permit issued and attached in accordance with §§ 301.85–4 and 301.85–7 if moved into or through any point outside of the regulated areas; or

(2) From any regulated area, without a certificate or permit, if moved:

(i) Under the provisions of § 301.85–2b which exempt certain articles from certificate and permit requirements; or

(ii) From any regulated area in any quarantined State to any contiguous regulated area; or

(iii) Through or reshipped from any regulated area if the articles originated outside of the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(3) From any area outside the regulated areas, without a certificate or permit, if:

(i) The regulated articles are exempt under the provisions of § 301.85–2b; or

(ii) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

(b) Unless specifically authorized by the Director in emergency situations, soil samples for processing, testing, or analysis may be moved interstate from any regulated area only to laboratories approved[3] by the Director and so listed by him in a supplemental regulation.[4] A certificate or permit will not be required to be attached to such soil samples except in those situations where the Director has authorized such movement only with a certificate or permit issued and attached in accordance with §§ 301.85–4 and 301.85–7. A certificate or permit will not be required to be attached to soil samples originating in areas outside of a regulated area if the point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles, and if the movement is not made through any regulated area.

§ 301.85–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles (except soil samples for processing, testing, or analysis) by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles, and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Have been treated to destroy infestation in accordance with the treatment manual; or

(3) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles (except soil samples for processing, testing, or analysis), not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when upon evalution of the circumstances involved in each specific case he determines that such movement will not result in the spread of the golden nematode and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles (except soil samples for processing, testing, or analysis) to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles, and certificates or permits to allow the movement of soil samples for processing, testing, or analysis in emergency situations, may be issued by the Director under such conditions as may be prescribed in each specific case by the Director.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use by the latter for subsequent shipments (except for soil samples for processing, testing, or analysis) provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may use the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has made appropriate determinations as specified in paragraph (a) of this section with respect to such articles. Any such person may use the limited permit forms, or reproductions of such forms, for interstate movement of regulated articles to specified destinations authorized by the inspector in accordance with paragraph (b) of this section. Any such person may use the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Director if he determines that the holder

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

[3] Pamphlets containing provisions for laboratory approval may be obtained from the Director, Plant Protection Division, ARS, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

[4] For list of approved laboratories, see PPD 639.

thereof has not complied with any condition for the use of such document imposed by this subpart.

* * * * *

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485)

Section 301.85(a) of this revision shall become effective upon publication in the FEDERAL REGISTER when it shall supersede that portion of the Notice of Quarantine effective July 31, 1969. Sections 301.85–3 and 301.85–4 of this revision shall become effective July 1, 1970, when they shall supersede those sections of the regulations effective July 31, 1969.

This revision deletes the State of Delaware from the quarantine because of golden nematode. Statistically designed surveys following eradication treatments indicate the infestations were eliminated. The revision also requires that soil samples for processing, testing, or analysis be moved from regulated areas only to approved laboratories. These samples may be moved without certificates or permits attached.

The revision of § 301.85(a) relieves certain restrictions presently imposed; therefore, this section should be made effective promptly in order to accomplish its purpose in the public interest.

The revision of §§ 301.85–3 and 301.85–4 will become effective July 1, 1970, in accordance with the Notice of Proposed Rule Making in connection with soil samples published in the FEDERAL REGISTER on November 7, 1969 (34 F.R. 18042).

The revision of 301.85–4(f) merely clarifies the long-standing administrative interpretation of said provision by expressly stating the power of the Director to withdraw certificates or permits.

Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this document are unnecessary and impracticable, and good cause is found for making portions of this document effective less than 30 days after its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of March.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70–3229; Filed, Mar. 17, 1970; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

REGULATED AREAS

Under the authority of § 301.85–2 of the golden nematode quarantine regulations (7 CFR 301.85–2, 34 F.R. 12491), a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.85–2a, as follows:

§ 301.85–2a Regulated areas.

The civil divisions, parts of civil divisions, and premises described below, and all highways abutting thereon, in the quarantined State are designated as golden nematode regulated areas within the meaning of the provisions of this subpart:

NEW YORK

Nassau County. The entire county.
Steuben County. The towns of Prattsburg and Wheeler.
Suffolk County. The entire county.
Yates County. The town of Italy.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.85–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER when it shall supersede 7 CFR 301.85–2a, effective July 31, 1969.

The purpose of this revision is to delete the areas in the State of Delaware from the regulation. Statistically designed followup surveys failed to reveal any infestations after eradication treatments were applied, and the State of Delaware was deleted from the golden nematode quarantine.

This document relieves restrictions presently imposed. Therefore, it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, it is found under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are unnecessary and impracticable, and good cause is found for making the regulation effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 12th day of March 1970.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[F.R. Doc. 70–3231; Filed, Mar. 17, 1970; 8:46 a.m.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Golden Nematode

EXEMPTIONS

Under the authority of § 301.85–2 of the Golden Nematode Quarantine regulations (7 CFR 301.85–2, 34 F.R. 12491), a supplemental regulation exempting certain articles from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.85–2b as set forth below. The Director of the Plant Protection Division has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.85–2b Exempted articles.[1]

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (4) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs:

(1) Small grains, if harvested in bulk or directly into approved containers, and if the small grains and containers thereof have not come into contact with the soil; or, if they have been cleaned to meet State seed sales requirements.

(2) Soybeans (other than for seed), if harvested in bulk or directly into approved containers, and if the soybeans and containers thereof have not come into contact with the soil.

(3) Unshucked ear corn, if harvested in bulk or directly into approved containers, and if the corn and containers thereof have not come into contact with the soil.

(4) Used farm tools, if cleaned free of soil.

(b) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in subparagraphs (1) through (3) of this paragraph and have not been exposed to infestation after cleaning or other handling as prescribed in said subparagraphs: *Provided,* That this exemption shall not apply to any class of regulated articles specified by an inspector in a written notification to the owner or person in possession of the premises that the movement of such articles from such premises under this exemption would involve a hazard of spread of the golden nematode:

(1) Irish potatoes (other than for seed), if graded at an approved grader[2] or washed free of soil, and packaged in approved containers: *Provided,* However, potatoes from noninfested fields may be shipped to Puerto Rico in new burlap bags.

(2) Root crops (other than Irish potatoes and sugar beets), if moved in approved containers.

(3) Hay, straw, fodder, and plant litter, if moved in approved containers.

(c) Containers of the following types are approved for the purposes of this section:

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines and other provisions of this subpart.

[2] Any grader is eligible for approval under this subpart if the operator thereof enters a compliance agreement (as defined in § 301.85–1(b)), and the grader is equipped with a suitable chain or perforated belt which, in the judgment of the inspector, will remove soil from the potatoes. Information as to approved graders may be obtained from an inspector.

(1) New paper bags; and consumer packages of any material except cloth or burlap.

(2) Crates, pallet boxes, trucks, and boxcars, if free of soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.85–2)

This supplemental regulation shall become effective July 1, 1970, when it shall supersede the list of exempted articles in § 301.85–2b which become effective July 31, 1969.

The purpose of this revision is to delete from the list of exempted articles soil samples of any size if collected and shipped to a U.S. Army Corps of Engineers soil laboratory located within the conterminous United States. Effective July 1, 1970, soil samples for processing, testing, or analysis may be moved interstate from any regulated area without certificate or permit attached to all laboratories approved by the Director and so listed by him.

Done at Hyattsville, Md., this 12th day of March 1970.

D. R. SHEPHERD,
Director,
Plant Protection Division.

[F.R. Doc. 70–3230; Filed, Mar. 17, 1970; 8:46 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 813.7, Amdt. 1]

PART 813—ALLOTMENT OF SUGAR QUOTAS, DOMESTIC BEET SUGAR AREA

1970

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act," for the purpose of amending Sugar Regulation 813.7 (35 F.R. 169) which established allotments of the sugar quota for the domestic beet sugar area for the calendar year 1970.

This amendment is necessary to substitute more up to date estimates for estimated data on 1969 crop sugar production, 1969 sugar marketings, and January 1, 1970, sugar inventories on the basis of data which have become a part of the official records of the Department and to establish allotments equal to 80 percent of the Domestic Beet Sugar Area Quota on the basis of such revised data.

Findings heretofore made by the Secretary (35 F.R. 169) include the provision that this order shall be revised without further notice or hearing, for the purposes stated above.

Allotments set forth herein are established on the basis of and consistent with the findings previously made by the Secretary.

In accordance with paragraph (6) of the findings and conclusions set forth in S.R. 813.7 (35 F.R. 169) and pursuant to paragraph (e) of such regulation, paragraph (4) of such findings and conclusions is amended as follows:

(4) The determination of allotments in finding (3), are set forth in the following table. They are based on more up to date data of estimates for 1969 crop processings, 1969 sugar marketings and January 1, 1970, inventories which data shall be used pending availability and substitution of revised estimates or final data for such estimates and as applied to the Domestic Beet Sugar Area quota of 3,215,667 short tons, raw value. Allotments of the 1970 quota as established by this order are 80 percent of the allotments as shown in column (12).

Processors	Estimated processings of sugar from 1969-crop beets		Average marketings within the quota 1965–69		Base allotments		Jan. 1, effective inventories hundredweights, refined			Adjustments to base allotments [2]		Allotments, short tons, raw value (col. 6 + or −)
	Hundredweight refined	Percent of total	Hundredweight refined	Percent of total	Percent of total (col. 2 × 0.75 + col. 4 0.25)	Short tons, raw value (col. 5 × quota) [1]	1970 estimated	1965–69 adjusted average to col. 7 total	Inventory imbalances (col. 7–col. 8)	Hundredweight refined	Short tons, raw value	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Amalgamated Sugar Co., The	8,680,000	13.7622	7,320,162	13.0602	13.5867	429,695	8,275,259	7,380,093	+895,166	+30,289	+2,102	431,797
American Crystal Sugar Co	9,100,000	14.4281	7,185,126	12.8193	14.0259	443,585	7,788,078	6,481,855	+1,306,223	+164,509	+8,801	452,386
Buckeye Sugars, Inc.[3]												25,000
Great Western Sugar Co	14,000,000	22.1971	13,370,798	23.8554	22.6117	715,121	11,774,539	12,945,320	−1,170,781	−75,226	−4,025	711,096
Holly Sugar Corp.[4]	8,944,031	14.1808	9,383,681	16.7418	14.8210	468,731	7,414,412	9,316,430	−1,902,018	−122,211	−6,538	462,193
Layton Sugar Co.[4]	332,397	.5270	340,033	.6067	.5469	17,296	318,733	365,497	−46,764	−3,005	−160	17,136
Maine Sugar Industries, Inc.[3]												28,054
Michigan Sugar Co	2,400,000	3.8052	1,925,477	3.4353	3.7127	117,418	2,030,679	1,829,195	+201,484	+4,641	+248	117,666
Monitor Sugar Co	1,040,000	1.6489	937,277	1.6722	1.6547	52,332	739,084	863,546	−124,462	−7,997	−428	51,904
Spreckels Sugar Co	9,000,000	14.2695	7,440,116	13.2742	14.0207	443,420	6,233,794	5,884,819	+348,975	0	0	443,420
Union Sugar Division, Consolidated Foods Corp.	2,750,000	4.3601	2,393,484	4.2703	4.3377	137,185	2,264,150	2,092,318	+171,832	0	0	137,185
Utah-Idaho Sugar Co	6,825,000	10.8211	5,753,238	10.2646	10.6820	337,830	5,859,852	5,539,507	+320,345	0	0	337,830
Total	63,071,428	100.0000	56,049,392	100.0000	100.0000	3,162,613	52,698,580	52,698,580	±3,244,025	±208,439	±11,151	3,215,667

[1] Column (5) × quota less allotments of 28,054 tons for Maine Sugar Industries, Inc., and 25,000 tons for Buckeye Sugars, Inc.

[2] Plus (+) adjustments in col. 10 = (extent (+) quantities in col. 9 exceeds 10 percent of col. 8) × (25 percent). Minus (−) adjustments in col. 10 = total of (+) adjustments in col. 10, prorated to processors on the basis of minus (−) quantities in col. 9. Plus (+) and minus (−) adjustments in col. 11 = (col. 10 adjustments) × (0.0535).

[3] These processors not included in the basic allotment method computations. A minimum special allotment of 25,000 tons is established for Buckeye Sugars, Inc., so as to permit marketings of sugar as is necessary for the reasonably efficient operation of its factory. The allotment established for Maine Sugar Industries, Inc., is based on its respective effective inventory on Jan. 1, 1970, of 358,204 tons, plus 15 percent of its estimated 1970 crop beet sugar production. Estimated 1970 crop sugar production is based on 37,042 acres planted for Maine Sugar Industries, Inc.

[4] Prior to the application of the alternative measure of "processings", 1969-crop processings were 8,900,000 cwts. for Holly Sugar Corp. and 325,000 cwts. for Layton Sugar Co., and Jan. 1, 1970, effective inventories were 7,370,381 cwts. for Holly Sugar Corp. and 311,336 cwts. for Layton Sugar Co.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act and in accordance with paragraph (e) of § 813.7 of this chapter, paragraph (a) of § 813.7 is amended to read as follows:

§ 813.7 Allotment of the 1970 sugar quota for the Domestic Beet Area.

(a) *Allotments.* For the period January 1, 1970, until the date allotments of the entire 1970 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, 80 percent of the 1970 quota for the Domestic Beet Sugar Area is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Short tons, raw value	Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The.	345,438	6,456,785
American Crystal Sugar Co.	361,909	6,764,654
Buckeye Sugars, Inc.	20,000	373,832
Great Western Sugar Co., The.	568,877	10,633,215
Holly Sugar Corp.	369,754	6,911,290
Layton Sugar Co.	13,709	256,243
Maine Sugar Industries, Inc.	22,443	419,495
Michigan Sugar Co.	94,133	1,759,495
Monitor Sugar Division, Robert Gage Coal Co.	41,523	776,131
Spreckels Sugar Co., Division of American Sugar Co.	354,736	6,630,579
Union Sugar Division, Consolidated Foods Corp.	109,748	2,051,364
Utah-Idaho Sugar Co.	270,264	5,051,664
Subtotal	2,572,534	48,084,747
Unallotted	643,133	12,021,178
Total	3,215,667	60,105,925

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153)

Effective date. Allotments established in this order differ from those currently in effect as established in S.R. 813.7 (35 F.R. 169). To afford adequate opportunity for processors to plan and to market sugar in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently this amendment shall be effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 11, 1970.

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

[F.R. Doc. 70-3163; Filed, Mar. 17, 1970; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in paragraph (e) (4) relating to the State of Illinois, subdivision (iii) relating to Shelby County is amended to read:

(e) * * *

(4) *Illinois.* * * *

(iii) That portion of Shelby County comprised of Oconee Township.

* * * * *

2. In § 76.2, in paragraph (e) (13) relating to the State of North Carolina, subdivision (iv) relating to Robeson County is amended to read:

(e) * * *

(13) *North Carolina.* * * *

(iv) That portion of Robeson County bounded by a line beginning at the junction of State Highway 41 and Secondary Road 1002; thence, following Secondary Road 1002 in a southerly direction to Secondary Road 2104; thence, following Secondary Road 2104 in a southeasterly direction to Secondary Road 2100; thence, following Secondary Road 2100 in a southwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a southeasterly direction to Secondary Road 2121; thence, following Secondary Road 2121 in a southwesterly direction to Secondary Road 2116; thence, following Secondary Road 2116 in a northwesterly direction to Secondary Road 2123; thence, following Secondary Road 2123 in a westerly direction to U.S. Highway 74; thence, following U.S. Highway 74 in a northwesterly direction to Secondary Road 2207; thence, following Secondary Road 2207 in a northwesterly direction to Secondary Road 2208; thence, following Secondary Road 2208 in a northwesterly direction to Interstate Highway 95; thence, following Interstate Highway 95 in a northeasterly direction to State Highway 211; thence, following State Highway 211 in a southeasterly direction to State Highway 41; thence, following State Highway 41 in a northeasterly direction to its junction with Secondary Road 1002.

* * * * *

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

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

The amendments quarantine a portion of Robeson County in North Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such county.

The amendments also exclude portions of Shelby County in Illinois from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order 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 amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of March 1970.

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

[F.R. Doc. 70-3232; Filed, March 17, 1970; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In §276.2 paragraph (e) is amended and paragraphs (f) and (g) are reissued to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the States of Arizona, Arkansas, Georgia, Illinois, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, and Virginia, and the Commonwealth of Puerto Rico, and the nature and extent of outbreaks of this disease,

the following areas are quarantined because of said disease:

(1) *Arizona.* (i) That portion of Maricopa County bounded by a line beginning at the junction of Yuma Road and Perryville Road; thence, following Perryville Road in a southerly direction to its junction with Baseline Road and the Gila and Salt River Base Line; thence, following the Gila and Salt River Base Line in an easterly direction to the southeastern corner of sec. 31, of T. 1 N., R. 1 W.; thence, following the eastern boundaries of secs. 31, 30, and 19, of T. 1 N., R. 1 W. in a northerly direction to Reams Road; thence, following Reams Road in a northerly direction to Yuma Road; thence, following Yuma Road in a westerly direction to its junction with Perryville Road.

(ii) That portion of Maricopa County bounded by a line beginning at the junction of Southern Avenue and 35th Avenue; thence, following 35th Avenue in a southerly direction to Estrella Drive; thence, following Estrella Drive in a westerly direction to 75th Avenue; thence, following 75th Avenue in a northerly direction to Southern Avenue; thence, following Southern Avenue in an easterly direction to its junction with 35th Avenue.

(2) *Arkansas.* That portion of Crawford County bounded by a line beginning at the junction of U.S. Highway 59 and the Crawford-Washington County line; thence, following the Crawford-Washington County line in an easterly direction to the Crawford-Madison County line; thence, following the Crawford-Madison County line in an easterly direction to the Crawford-Franklin County line; thence, following the Crawford-Franklin County line in a generally southwesterly direction to Interstate Highway 40; thence, following Interstate Highway 40 in a southwesterly direction to State Highway 59; thence, following State Highway 59 in a northwesterly direction to its junction with the Crawford-Washington County line.

(3) *Georgia.* Newton and Walton Counties.

(4) *Illinois.* (i) That portion of Greene County comprised of Linder, Rabicon, Rockbridge, and Wrights Townships.

(ii) That portion of Montgomery County comprised of Audobon Township.

(iii) That portion of Shelby County comprised of Big Springs, Oak Grove, and Oconee Townships.

(5) *Kansas.* (i) That portion of Harvey County comprised of Macon Township (T. 23 S., R. 1 W.).

(ii) That portion of Sedgwick County bounded by a line beginning at the junction of State Highway 96 and Federal Aid Secondary Highway 695; thence, following State Highway 96 in a generally southeasterly direction to Interstate Highway 235; thence, following Interstate Highway 235 in a southwesterly direction to U.S. Highway 54; thence, following U.S. Highway 54 in a southwesterly direction to Federal Aid Secondary Highway 695; thence, following Federal Aid Secondary Highway 695 in a northerly direction to its junction with State Highway 96.

(6) *Maryland.* The adjacent portions of Wicomico and Worcester Counties bounded by a line beginning at the junction of U.S. Highway 50 and State Highway 12 (at the city of Salisbury); thence, following U.S. Highway 50 in an easterly direction to U.S. Highway 113; thence, following U.S. Highway 113 in a southwesterly direction to State Highway 12 (at the city of Snow Hill); thence, following State Highway 12 in a northwesterly direction to its junction with U.S. Highway 50.

(7) *Massachusetts.* Bristol and Middlesex Counties.

(8) *Minnesota.* The adjacent portions of Kandiyohi and Chippewa Counties bounded by a line beginning at the junction of State Highway 40 and County State Aid Highway 5; thence, following County State Aid Highway 5 in a southerly direction to the Kandiyohi-Renville County line; thence, following the Kandiyohi-Renville County line in a westerly direction to County State Aid Highway 2; thence, following County State Aid Highway 2 in a northerly direction to State Highway 40; thence, following State Highway 40 in an easterly direction to its junction with County State Aid Highway 5.

(9) *Mississippi.* (i) That portion of Calhoun County bounded by a line beginning at the junction of the Calhoun-Yalobusha County line and State Highway 32; thence, following State Highway 32 in a generally southeasterly direction to State Highway 9; thence, following State Highway 9 in a southerly direction to the Skuna River; thence, following the northern bank of the Skuna River in a southwesterly direction to the Calhoun-Yalobusha County line; thence, following the Calhoun-Yalobusha County line in a northerly direction to its junction with State Highway 32.

(ii) The adjacent portions of Madison and Hinds Counties bounded by a line beginning at the junction of U.S. Highway 49 and State Road 22; thence, following State Road 22 in a generally easterly direction to State Road 463; thence, following State Road 463 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a southwesterly direction to the Hinds-Madison County Line Road; thence, following the Hinds-Madison County Line Road in a westerly direction to U.S. Highway 49; thence, following U.S. Highway 49 in a northerly direction to its junction with State Road 22.

(iii) That portion of Monroe County bounded by a line beginning at the junction of U.S. Highway 278 and the Monroe-Lamar County line (Mississippi-Alabama State line); thence, following the Monroe-Lowndes County line in a southwesterly direction to the Monroe-Lowndes County line; thence, following the Monroe-Lowndes County line in a westerly direction to the Buttahatchie River; thence, following the north bank of the Buttahatchie River in a southwesterly direction to the Tombigbee River; thence, following the east bank of the Tombigbee River in a northerly direction to U.S. Highway 278; thence, following U.S. Highway 278 in a southeasterly direction to its junction with the Monroe-Lamar County line (Mississippi-Alabama State line).

(iv) The adjacent portions of Monroe and Lee Counties bounded by a line beginning at the junction of U.S. Highway 278 and the Tombigbee River; thence, following the west bank of the Tombigbee River in a northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to State Highway 371; thence, following State Highway 371 in a northerly direction to the Monroe-Itawamba County line; thence, following the Monroe-Itawamba County line in a westerly direction to the Itawamba-Lee County line; thence, following the Itawamba-Lee County line in a northerly direction to U.S. Highway 78; thence, following U.S. Highway 78 in a westerly direction to U.S. Highway 45; thence, following U.S. Highway 45 in a southerly direction to State Highway 45W; thence, following State Highway 45W in a southwesterly direction to the Lee-Chickasaw County line; thence, following the Lee-Chickasaw County line in an easterly direction to the Lee-Monroe County line; thence, following the Lee-Monroe County line in a southerly direction to State Highway 41; thence, following State Highway 41 in an easterly direction to U.S. Highway 278; thence, following U.S. Highway 278 in a southeasterly direction to its junction with the Tombigbee River.

(v) That portion of Rankin County beginning at the junction of the Pearl River and the Black Top County Road (south of the Ross Barnett Reservoir) known locally as Scenic Drive Road; thence, following Scenic Drive Road in a southeasterly direction to State Highway 471; thence, following State Highway 471 in a northerly direction to Pelohotchie Creek; thence, following the south bank of Pelohotchie Creek in a generally southeasterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a southwesterly direction to the Gulde-Shilo County Road; thence, following the Gulde-Shilo County Road in a southeasterly direction to Shilo; thence, following the Shilo-Micro Wave Station County Road in a southwesterly direction to Micro Wave Station; thence, following the Micro Wave Station-Johns County Road in a southeasterly direction to State Highway 18; thence, following State Highway 18 in a northwesterly direction to Tumbaloo Creek; thence, following the north bank of Tumbaloo Creek in a northwesterly direction to Richland Creek; thence, following the north bank of Richland Creek in a northwesterly direction to State Highway 468; thence, following State Highway 468 in a northerly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a westerly direction to the Pearl River; thence, following the east bank of the Pearl River in a northeasterly direction to its junction with the Scenic Drive Road (south of Ross Barnett Reservoir).

(10) *Missouri.* The adjacent portions of Dunklin and Stoddard Counties bounded by a line beginning at the junction of State Highway U and the Missouri-Arkansas State line; thence, following State Highway U in an easterly direction to State Highway 25; thence, following State Highway 25 in a southerly direction to U.S. Highway 62; thence, following U.S. Highway 62 in a westerly direction to State Highway 53; thence, following State Highway 53 in a southeasterly direction to State Highway B; thence, following State Highway B in a westerly direction to State Highway BB; thence, following State Highway BB in a westerly direction to the Missouri-Arkansas State line; thence, following the Missouri-Arkansas State line in a generally northerly direction to its junction with State Highway U.

(11) *New Jersey.* That portion of Gloucester County comprised of Deptford Township.

(12) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145, north of the New York State Thruway, and west of State Highway 30.

(13) *North Carolina.* (i) That portion of Duplin County bounded by a line beginning at the junction of State Highway 24 and the Duplin-Onslow County line; thence, following the Duplin-Onslow County line in a southwesterly direction to State Road 1715; thence, following State Road 1715 in a southwesterly direction to State Highway 50; thence, following State Highway 50 in a northwesterly direction to the Northeast Cape Fear River; thence, following the east bank of the Northeast Cape Fear River in a northwesterly direction to State Highway 24; thence, following State Highway 24 in a generally easterly direction to its junction with the Duplin-Onslow County line.

(ii) That portion of Lenoir County bounded by a line beginning at the junction of State Road 1121 and the Lenoir-Duplin County line; thence, following State Road 1121 in a southeasterly direction to State Road 1120; thence, following State Road 1120 in a northeasterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a southerly direction to the Lenoir-Jones County line; thence, following the Lenoir-Jones County line in a southwesterly direction to the Lenoir-Duplin County line; thence, following the Lenoir-Duplin County line in a northerly direction to its junction with State Road 1121.

(iii) That portion of Lenoir County bounded by a line beginning at the junction of Secondary Roads 1807 and 1804; thence, following Secondary Road 1804 in a southwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a northwesterly direction to U.S. Highway Bypass 70, 258; thence, following U.S. Highway Bypass 70, 258 in a northwesterly direction to U.S. Highway Business 70, 258; thence, following U.S. Highway Business 70, 258 in an easterly direction to State Highway 11; thence, following State Highway 11 in a northeasterly direction to Secondary Road 1807; thence, following Secondary Road 1807 in an easterly direction to its junction with Secondary Road 1804.

(iv) That portion of Robeson County bounded by a line beginning at the junction of State Highway 41 and Secondary Road 1002; thence, following Secondary Road 1002 in a southerly direction to Secondary Road 2104; thence, following Secondary Road 2104 in a southeasterly direction to Secondary Road 2100; thence, following Secondary Road 2100 in a southwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a southeasterly direction to Secondary Road 2121; thence, following Secondary Road 2121 in a southwesterly direction to Secondary Road 2116; thence, following Secondary Road 2116 in a northwesterly direction to Secondary Road 2123; thence, following Secondary Road 2123 in a westerly direction to U.S. Highway 74; thence, following U.S. Highway 74 in a northwesterly direction to Secondary Road 2207; thence, following Secondary Road 2207 in a northwesterly direction to Secondary Road 2289; thence, following Secondary Road 2289 in a northerly direction to U.S. Highway 74; thence, following U.S. Highway 74 in an easterly direction to State Highway 41; thence, following State Highway 41 in a generally northeasterly direction to its junction with Secondary Road 1002.

(v) The adjacent portions of Wayne and Lenoir Counties bounded by a line beginning at the junction of Secondary Roads 1731 and 1733; thence, following Secondary Road 1733 in a southeasterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a southeasterly direction to Secondary Road 1311; thence, following Secondary Road 1311 in a southwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a southerly direction to the north bank of the Neuse River; thence, following the north bank of the Neuse River in a westerly direction to Secondary Road 1731; thence, following Secondary Road 1731 in a generally northerly direction to its junction with Secondary Road 1733.

(14) *Oklahoma*—(i) *Comanche County.* (ii) The adjacent portions of Mayes and Rogers Counties bounded by a line beginning at the junction of State Highway 28 and Rock Creek, thence, following the west bank of Rock Creek in a southeasterly direction to Markham Ferry Reservoir; thence, following the west bank of Markham Ferry Reservoir in a southerly direction to the Grand River; thence, following the west bank of the Grand River in a southwesterly direction to State Highway 33; thence, following State Highway 33 in a westerly direction to Interstate Highway 44; thence, following Interstate Highway 44 in a northeasterly direction to State Highway 28; thence, following State Highway 28 in an easterly direction to its junction with the west bank of Rock Creek.

(iii) The adjacent portions of Seminole and Pottawatomie Counties bounded by a line beginning at the junction of U.S. Highway 270 and State Highway 56; thence, following State Highway 56 in a generally southwesterly direction to State Highways 99, 3; thence, following State Highways 99, 3, in a generally westerly direction to State Highway 39; thence, following State Highway 39 in a westerly direction to State Highway 59; thence, following State Highway 59 in a northerly direction to U.S. Highway 177; thence, following U.S. Highway 177 in a northerly direction to U.S. Highway 270; thence, following U.S. Highway 270 in a southeasterly direction to its junction with State Highway 56.

(iv) That portion of Stephens County bounded by a line beginning at the junction of U.S. Highway 81 and the Stephens-Grady County line, thence, following U.S. Highway 81 in a southerly direction to State Highway 7; thence, following State Highway 7 in a westerly direction to the Stephens-Comanche County line; thence, following the Stephens-Comanche County line in a generally northerly direction to the Stephens-Grady County line; thence, following the Stephens-Grady County line in an easterly direction to its junction with U.S. Highway 81.

(15) *Rhode Island.* The entire State.

(16) *South Carolina.* That portion of Kershaw County bounded by a line beginning at the junction of U.S. Highway 601 and the west bank of the Wateree River; thence, following U.S. Highway 601 in a generally southerly direction to Gillies Ditch; thence, following the north bank of Gillies Ditch in a southeasterly direction to the west bank of the Wateree River; thence, following the west bank of the Wateree River in a generally northwesterly direction to its junction with U.S. Highway 601.

(17) *Tennessee.* That portion of Dyer County bounded by a line beginning at the junction of State Highway 77 and the Dyer-Gibson County line; thence, following the Dyer-Gibson County line in a generally southerly direction to the Dyer-Crockett County line; thence, following the Dyer-Crockett County line in a southwesterly direction to the Dyer-Lauderdale County line; thence, following the Dyer-Lauderdale County line in a northwesterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a generally northeasterly direction to State Highway 77; thence, following State Highway 77 in an easterly direction to its junction with the Dyer-Gibson County line.

(18) *Texas.* (i) Dallas, Falls, Fayette, Henderson, Lee, and Upshur Counties.

(ii) The adjacent portions of Bosque and McLennan Counties bounded by a line beginning at the junction of State Highway 6 and Farm to Market Road 219; thence, following Farm to Market Road 219 in a northeasterly direction to Farm to Market Road 708; thence, following Farm to Market Road 708 in a generally southeasterly direction to Farm to Market Road 56; thence, following Farm to Market Road 56 in a northeasterly direction to Farm to Market Road 2114; thence, following Farm to Market Road 2114 in a generally southeasterly direction to Brazos River;

thence, following the west bank of the Brazos River in a generally southerly direction to the Bosque-McLennan County line; thence, following the Bosque-McLennan County line in a southwesterly direction to Farm to Market Road 2490; thence, following Farm to Market Road 2490 in a southeasterly direction to Farm to Market Road 1637; thence, following Farm to Market Road 1637 in a northwesterly direction to Farm to Market Road 185; thence, following Farm to Market Road 185 in a generally southwesterly direction to the McLennan-Coryell County line; thence, fcllowing the McLennan-Coryell County line in a northwesterly direction to the Bosque-Coryell County line; thence, following the Bosque-Coryell County line in a northwesterly direction to Farm to Market Road 217; thence, following Farm to Market Road 217 in a northeasterly direction to Farm to Market Road 2602; thence, following Farm to Market Road 2602 in a generally northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to its junction with Farm to Market Road 219.

(iii) That portion of Brown County bounded by a line beginning at the junction of Brown-Coleman County line and the Jim Ned Creek; thence, following the west bank of the Jim Ned Creek in a southeasterly direction to Farm to Market Road 585; thence, following Farm to Market Road 585 in a southeasterly direction to Farm to Market Road 2492; thence, following Farm to Market Road 2492 in a southeasterly direction to State Highway 279; thence, following State Highway 279 in a southeasterly direction to Farm to Market Road 2524; thence, following Farm to Market Road 2524 in a southeasterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a southwesterly direction to Farm to Market Road 1176; thence, following Farm to Market Road 1176 in a southwesterly direction to the Brown-Coleman County line; thence, following the Brown-Coleman County line in a northerly direction to its junction with the Jim Ned Creek.

(iv) The adjacent parts of Comanche, Erath, and Hamilton Counties bounded by a line beginning at the junction of Farm to Market Road 1702 and State Highway 6 in Erath County; thence, following State Highway 6 in a southeasterly direction to its junction with U.S. Highway 281; thence, following U.S. Highway 281 and State Highway 6 in a southeasterly direction to the town of Hico in Hamilton County; thence, following U.S. Highway 281 in a southwesterly direction to the west bank of the Leon River; thence, following the west bank of the Leon River in a generally southeasterly direction to State Highway 22; thence, following State Highway 22 in a southwesterly direction to State Highway 36; thence, following State Highway 36 in a northwesterly direction to the Hamilton-Comanche County line; thence, following the Hamilton-Comanche County line in a southwesterly direction to the Comanche-Mills County line; thence, following the Comanche-Mills County line in a northwesterly direction to State Highway 16; thence, following State Highway 16 in a northwesterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a northeasterly direction to the Comanche-Erath County line; thence, following the Comanche-Erath County line in a southeasterly direction to Farm to Market Road 1702; thence, following Farm to Market Road 1702 in a northerly direction to its junction with State Highway 6.

(v) That portion of El Paso County bounded by a line beginning at the junction of U.S. Highway 54 with the New Mexico-Texas State line; thence, following U.S. Highway 54 in a southwesterly direction to the north bank of the Rio Grande River; thence, following the north bank of the Rio Grande River in a generally northwesterly direction to the New Mexico-Texas State line; thence, following the New Mexico-Texas State line in a generally northerly direction to the northwest corner of El Paso County; thence, following the New Mexico-Texas State line in an easterly direction to its junction with U.S. Highway 54.

(vi) That portion of Harris County bounded by a line beginning at the junction of Interstate Highway 10 and the Harris-Fort Bend County line; thence, following Interstate Highway 10 in an easterly direction to the Harris-Chambers County line; thence, following the Harris-Chambers County line in a northwesterly direction to the Harris-Liberty County line; thence, following the Harris-Liberty County line in a northwesterly direction to the Harris-Montgomery County line; thence, following the Harris-Montgomery County line in a generally southwesterly direction to the Harris-Waller County line; thence, following the Harris-Waller County line in a northwesterly direction to the northwest corner of Harris County and continuing along this line in a southeasterly direction to the Harris-Fort Bend County line; thence, following the Harris-Fort Bend County line in a southeasterly direction to its junction with Interstate Highway 10.

(vii) That portion of Jones County bounded by a line beginning at the junction of Farm to Market Roads 1636 and 1226; thence, following Farm to Market Road 1226 in a generally southerly direction to U.S. Highway 83; thence, following U.S. Highway 83 in a southeasterly direction to Farm to Market Road 605; thence, following Farm to Market Road 605 in a westerly direction to Farm to Market Road 707; thence, following Farm to Market Road 707 in a northwesterly direction to Farm to Market Road 1812; thence, following Farm to Market Road 1812 in a southwesterly direction to Farm to Market Road 126; thence, following Farm to Market Road 126 in a northwesterly direction to U.S. Highway 83; thence, following U.S. Highway 83 in a southeasterly direction to Farm to Market Road 1636; thence, following Farm to Market Road 1636 in a generally easterly direction to its junction with Farm to Market Road 1226.

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

(ix) The adjacent portions of Limestone, Navarro, and Freestone Counties bounded by a line beginning at the junction of the Limestone-Freestone County line and U.S. Highway 84; thence, following U.S. Highway 84 in a southwesterly direction to Farm to Market Road 2310; thence, following Farm to Market Road 2310 in a northwesterly direction to Federal Aid Secondary Road 73; thence, following Federal Aid Secondary Road 73 in a northeasterly direction to Federal Aid Secondary Road 171; thence, following Federal Aid Secondary Road 171 in a northwesterly direction to Pin Oak Creek; thence, following the south bank of Pin Oak Creek in a generally northeasterly direction to Richland Creek; thence, following the south bank of Richland Creek in a southeasterly direction to U.S. Highway 75; thence, following U.S. Highway 75 in a southeasterly direction to Farm to Market Road 80; thence, following Farm to Market Road 80 in a southerly direction to U.S. Highway 84; thence, following U.S. Highway 84 in a northwesterly direction to its junction with the Limestone-Freestone County line.

(x) That portion of Lubbock County bounded by a line beginning at the junction of Farm to Market Road 400 and U.S. Highway 82; thence, following U.S. Highway 82 in a southwesterly direction to State Highway 289; thence, following State Highway 289 in a southwesterly direction to U.S. Highway 84; thence, following U.S. Highway 84 in a southeasterly direction to Farm to Market Road 400; thence, following Farm to Market Road 400 in a northerly direction to its junction with U.S. Highway 82.

(xi) That portion of Smith County bounded by a line beginning at the junction of State Highway 31 and the Smith-Henderson County line; thence, following State Highway 31 in a northeasterly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to the Smith-Cherokee County line; thence, following the Smith-Cherokee County line in a westerly direction to the Smith-Henderson County line; thence, following the Smith-Henderson County line in a northerly direction to its junction with State Highway 31.

(xii) That portion of Tom Green County bounded by a line beginning at

the junction of U.S. Highway 67 and the Tom Green-Runnels County line; thence, following U.S. Highway 67 in a southwesterly direction to State Highway 306; thence, following State Highway 306 in a southerly direction to U.S. Highway 87; thence, following U.S. Highway 87 in a generally easterly direction to Farm to Market Road 2334; thence, following Farm to Market Road 2334 in a northerly direction to Secondary Road 380; thence, following Secondary Road 380 in an easterly direction to Secondary Road 1692; thence, following Secondary Road 1692 in a northerly direction to the Tom Green-Runnels County line; thence, following the Tom Green-Runnels County line in a westerly direction to its junction with U.S. Highway 67.

(xiii) That portion of Waller County bounded by a line beginning at the junction of State Highway 159 and U.S. Highway 290; thence, following U.S. Highway 290 in a southeasterly direction to the Waller-Harris County line; thence, following the Waller-Harris County line in a southeasterly direction to the Waller-Fort Bend County line; thence, following the Waller-Fort Bend County line in a southwesterly direction to the Brazos River; thence, following the east bank of the Brazos River in a generally northerly direction to State Highway 159; thence, following State Highway 159 in a northeasterly direction to its junction with U.S. Highway 290.

(19) *Virginia.* (i) That portion of City of Virginia Beach County comprised of Lynnhaven Borough.

(ii) That portion of Augusta County bounded by a line beginning at the junction of U.S. Highways 250 and 340; thence, following U.S. Highway 250 in a southeasterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a southwesterly direction to Secondary Highway 634; thence, following Secondary Highway 634 in a northerly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northerly direction to U.S. Highway 340; thence, following U.S. Highway 340 in a northeasterly direction to its junction with U.S. Highway 250.

(iii) That portion of Goochland County bounded by a line beginning at the junction of Interstate Highway 64 and the Goochland-Henrico County line; thence, following the Goochland-Henrico County line in a southerly direction to Primary Highway 6; thence, following Primary Highway 6 in a northwesterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a northerly direction to Secondary Highway 641; thence, following Secondary Highway 641 in a northwesterly direction to Secondary Highway 654; thence, following Secondary Highway 654 in a northeasterly direction to Interstate Highway 64; thence, following Interstate Highway 64 in a southeasterly direction to its junction with the Goochland-Henrico County line.

(iv) That portion of Goochland County bounded by a line beginning at the junction of Secondary Highway 609 and Secondary Highway 615; thence, following Secondary Highway 615 in a southerly direction to Interstate Highway 6; thence, following Interstate Highway 6 in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 609; thence, following Secondary Highway 609 in a southeasterly direction to its junction with Secondary Highway 615.

(v) That portion of Isle of Wight County bounded by a line beginning at the junction of U.S. Highway 258 and Secondary Highway 704; thence, following Secondary Highway 704 in an easterly direction to Secondary Highway 669; thence, following Secondary Highway 669 in a southeasterly direction to Secondary Highway 665; thence, following Secondary Highway 665 in a southwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northwesterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a southwesterly direction to Secondary Highway 654; thence, following Secondary Highway 654 in a northwesterly direction to Secondary Highway 692; thence, following Secondary Highway 692 in a southwesterly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a northwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to its junction with Secondary Highway 704.

(vi) That portion of Isle of Wight County bounded by a line beginning at the junction of U.S. Highway 258 and Secondary Highway 652; thence, following U.S. Highway 258 in a southwesterly direction to Secondary Highway 645; thence, following Secondary Highway 645 in a northwesterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a northwesterly direction to Secondary Highway 620; thence, following Secondary Highway 620 in a northeasterly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a southeasterly direction to its junction with U.S. Highway 258.

(vii) The adjacent portions of Isle of Wight and Surry Counties bounded by a line beginning at the junction of Secondary Highways 617 and 626; thence, following Secondary Highway 626 in a southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683; thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a northwesterly direction to Secondary Highway 622; thence, following Secondary Highway 622 in a northwesterly direction to Secondary Highway 617; thence, following Secondary Highway 617 in a northeasterly direction to its junction with Secondary Highway 626.

(viii) That portion of Nansemond County bounded by a line beginning at the junction of U.S. Highway 58 and Virginia Secondary Highway 647; thence, following Virginia Secondary Highway 647 in a southeasterly direction to Virginia Secondary Highway 643; thence, following Virginia Secondary Highway 643 in a southwesterly direction to Virginia Secondary Highway 616; thence, following Virginia Secondary Highway 616 in a westerly direction to Virginia Secondary Highway 612; thence, following Virginia Secondary Highway 612 in a northwesterly direction to Virginia Primary Highway 189; thence, following Virginia Primary Highway 189 in a northeasterly direction to U.S. Highway 58; thence, following U.S. Highway 58 in a northeasterly direction to its junction with Virginia Secondary Highway 647.

(ix) The adjacent portions of Nansemond and Isle of Wight Counties bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Nansemond River; thence, following the west bank of the Nansemond River in a southwesterly direction to the north bank of Western Branch; thence, following the north bank of Western Branch in a northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a northeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southeasterly direction to Primary Highway 32, 10; thence, following Primary Highway 32, 10 in a southerly direction to the Nansemond-Isle of Wight County line; thence, following the Nansemond-Isle of Wight County line in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Nansemond River.

(x) That portion of Southampton County bounded by a line beginning at the junction of State Primary Highway 35 and State Secondary Highway 658; thence, following State Secondary Highway 658 in a southerly direction to State Secondary Highway 675; thence, following State Secondary Highway 675 in a northeasterly direction to State Secondary Highway 731; thence, following State Secondary Highway 731 in a southeasterly direction to the Swamp Creek; thence, following the south bank of the Swamp Creek in a northeasterly direction to the Nottaway River; thence, following the west bank of the Nottoway River in a southeasterly direction to State Secondary Highway 671; thence, following State Secondary Highway 671 in a southwesterly direction to State Secondary Highway 681; thence, following State Secondary Highway 681 in a southerly direction to State Secondary Highway 672; thence, following State Secondary Highway 672 in a generally westerly direction to State Secondary Highway 673; thence, following State Secondary Highway 673 in a northwesterly direction to State Secondary Highway 671; thence, following State Secondary Highway 671 in a southwesterly direction to State

Secondary Highway 665; thence, following State Secondary Highway 665 in a northwesterly direction to State Secondary Highway 668; thence, following State Secondary Highway 668 in a northwesterly direction to State Secondary Highway 669; thence, following State Secondary Highway 669 in a northeasterly direction to State Secondary Highway 658; thence, following State Secondary Highway 658 in a northeasterly direction to State Secondary Highway 696; thence, following State Secondary Highway 696 in a southeasterly direction to State Primary Highway 35; thence, following State Primary Highway 35 in a northeasterly direction to its junction with State Secondary Highway 658.

(xi) The adjacent portions of Surry and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 612 and 611; thence, following Secondary Highway 611 in a southeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a generally southerly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a southwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northerly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a northwesterly direction to U.S. Highway 40; thence, following U.S. Highway 40 in a northeasterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a southeasterly direction to Secondary Highway 612; thence, following Secondary Highway 612 in a northeasterly direction to its junction with Secondary Highway 611.

(20) *The Commonwealth of Puerto Rico.* The entire Commonwealth.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

California.	Florida.
Connecticut.	Michigan.
Delaware.	New Mexico.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog-cholera-free States:

Alaska.	Utah.
Idaho.	Vermont.
Montana.	Washington.
Nevada.	West Virginia.
North Dakota.	Wisconsin.
Oregon.	Wyoming.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1284, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments of § 76.2 shall become effective upon issuance.

The amendments quarantine a portion of Southampton County in Virginia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the area quarantined.

The amendments also exclude a portion of Nash County, N. C. from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area. However, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded area.

The provisions also include without substantive amendments the texts of § 76.2 (f) and (g) which continue in effect. In this respect, the provisions do not change the rights or duties of any person.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order 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 amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of March 1970.

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

[F.R. Doc. 70-3233; Filed, Mar. 17, 1970; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion in paragraph (e) is amended by adding thereto the name of the State of Iowa.

2. In § 76.2, a new paragraph (e)(21) relating to the State of Iowa is added to read:

(e) * * *

(21) *Iowa.* The adjacent portions of Madison and Warren Counties comprised of all of Lee Township in Madison County and the adjacent portion of Linn Township in Warren County lying west of Interstate Highway 35.

3. In § 76.2, in paragraph (e)(19) relating to the State of Virginia, subdivision (viii) relating to Nansemond 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 amendments shall become effective upon issuance.

The amendments quarantine portions of Madison and Warren Counties in Iowa because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

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

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order 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 amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of March 1970.

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

[F.R. Doc. 70-3262; Filed, Mar. 17, 1970; 8:49 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 70—SPECIAL NUCLEAR MATERIAL

Criticality Monitoring Requirements

Section 70.24 of the Atomic Energy Commission's regulation "Special Nuclear Material," 10 CFR Part 70, provides that a licensee who is authorized to possess in excess of 500 grams of contained U^{235}, 300 grams of plutonium, or 300 grams of U^{233} shall maintain a radiation monitoring system which will energize clearly audible alarm signals in the event a condition of accidental criticality occurs which generates radiation levels of 300 rems per hour 1 foot from the source of the condition.

Section 70.24, when originally published, was concerned primarily with the handling of unirradiated fuel in facilities where the fuel is handled unshielded. It is common practice at production and utilization facilities handling irradiated fuels to store such materials in water-filled storage basins that provide both cooling and shielding. Where special nuclear material is handled in such pools, protection of personnel, as required by § 70.24, is provided by monitoring systems in the work areas.

Section 70.24 could be construed, however, as requiring additional monitoring of each individual unit of material beneath the water shielding. This could require an extensive underwater monitoring system without significant increase in the protection of personnel over that provided by the already existing systems.

The Commission is amending § 70.24 by adding a note thereto which will clarify that underwater monitoring is not required by § 70.24 when special nuclear material is handled and stored beneath water shielding.

Because this amendment relates solely to clarification and is intended to provide relief from, rather than to impose, restrictions under regulations currently in effect, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendment effective upon publication in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 70, is published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER.

Section 70.24 of 10 CFR Part 70 is amended by adding the following note thereto:

NOTE: Subparagraph 70.24(a)(1) is not intended to require underwater monitoring when special nuclear material is handled and stored beneath water shielding.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 12th day of March 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 70-3242; Filed, Mar. 17, 1970; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-159]

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

Alteration of Transition Area

On page 631 of the FEDERAL REGISTER for January 17, 1970, the Federal Aviation Administration published a proposed rule which would alter the Franklin, Va., transition area.

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. April 30, 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 February 27, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Franklin, Va., transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36°41'50" N., 76°54'15" W. of John Beverly Rose Field-Franklin Municipal Airport; and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east.

[F.R. Doc. 70-3216; Filed, Mar. 17, 1970; 8:45 a.m.]

[Airspace Docket No. 69-EA-158]

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

Alteration of Transition Area

On page 630 of the FEDERAL REGISTER for January 17, 1970, the Federal Aviation Administration promulgated a proposed rule which would alter the Hopewell, Va., Transition Area.

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. April 30, 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 February 27, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hopewell, Va., transition area in its entirety and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°18'20" N., 77°13'10" W., of Hopewell Airport and within 1.5 miles each side of the Hopewell VORTAC 253° radial extending from the 5-mile radius area to the VORTAC excluding the portion that coincides with the Richmond, Va., transition area.

[F.R. Doc. 70-3217; Filed, Mar. 17, 1970; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1221—NASA OFFICIAL SEAL, INSIGNIA, OFFICIAL ASTRONAUT BADGES, AND FLAGS

1. Part 1221 revised in its entirety as follows:

Sec.
1221.100 Scope.
1221.101 Establishment of the NASA Seal.
1221.102 Establishment of the NASA Insignia.
1221.103 Establishment of Official NASA Astronaut Badges.
1221.104 Policy.
1221.105 The Official NASA Flag.
1221.106 Administrator's Deputy Administrator's, and Associate Administrator's Flags.
1221.107 Compliance and enforcement.
1221.108 Illustration of the NASA Seal.
1221.109 Illustration of the NASA Insignia.

AUTHORITY: The provisions of this Part 1221 issued pursuant to 42 U.S.C. 2472(a) and 2473(b)(1).

§ 1221.100 Scope.

This part sets forth the policy governing the use of the official NASA Seal, the NASA Insignia, official NASA Astronaut Badges, and the NASA Flags.

§ 1221.101 Establishment of the NASA Seal.

The official NASA Seal, as illustrated in § 1221.108, was established by Executive Order 10849 (24 F.R. 9559), November 27, 1959, as amended by Executive

Order 10942 (24 F.R. 4419), May 22, 1961. The NASA Seal, established by the President, is the Official Seal of the Agency and symbolizes the achievements and goals of NASA and the United States in aeronautical and space activities.

§ 1221.102 Establishment of the NASA Insignia.

(a) The NASA Insignia, as illustrated in § 1221.109, was designed by the Army Institute of Heraldry, and approved by the Commission on Fine Arts and the NASA Administrator. It symbolizes NASA's role in aeronautics and space, and is to be used in matters of a general and less formal nature than those reserved for the NASA Seal. Any change to the description of the NASA Insignia requires the written approval of the Administrator, the Army Institute of Heraldry, and the Commission on Fine Arts.

(b) The NASA Insignia as described in paragraph (a) of this section and the NASA Astronaut Badges as described in § 1221.103 are the only official insignia authorized for use in representing NASA or any of its programs.

(c) Prior to the use of any other insignia, the proposed insignia and its use must be approved in writing by the Administrator and submitted to the Army Institute of Heraldry and the Commission on Fine Arts for approval. If approved, the insignia and use of such insignia must be prescribed in this Part 1221.

§ 1221.103 Establishment of Official NASA Astronaut Badges.

A separate and unique badge shall be designed in connection with or in commemoration of each manned flight mission for the particular astronauts involved. Each such badge shall be approved by the Administrator or his designee and shall be officially identified by its title, such as the "Apollo 8 Badge," etc. Collectively these badges will comprise the official NASA Astronaut Badges. The policy concerning the use of the NASA Astronaut Badges is set forth in § 1221.104(d).

§ 1221.104 Policy.

(a) The official NASA Seal, the NASA Insignia, the official NASA Astronaut Badges and the NASA Flags, as prescribed in this part, shall be used exclusively to represent NASA and its programs. Such use shall be governed by the policies set forth in this section and in § 1221.105. Their misuse shall be subject to the penalties authorized by statute, as set forth in paragraph (f) of this section.

(b) *The NASA Seal.* The use of the NASA Seal is restricted to the following:

(1) NASA award certificates and medals.

(2) Security credentials and employee identification cards.

(3) NASA letterhead stationery.

(4) Administrator's documents: the seal may be used on documents such as interagency or intergovernmental agreements and special reports to the President and Congress, and on other documents, at the discretion of the Administrator.

(5) Plaques: the design of the NASA Seal may be incorporated in plaques for display in Agency auditoriums, presentation rooms, lobbies, offices of senior officials, and on the fronts of buildings occupied by NASA (see paragraph (e) of this section).

(6) The NASA Flag, and the Administrator's, Deputy Administrator's, and Associate Administrator's Flags, which incorporate the design of the NASA Seal.

(7) Official films prepared by or for NASA, which are determined to warrant such identification by the Assistant Administrator for Public Affairs, or his designee.

(8) Official NASA prestige publications which represent the achievements or mission of NASA as a whole.

(9) Official publications (or documents) involving participation by another Government agency for which the other Government agency has authorized the use of its seal.

Use of the NASA Seal for any other purposes than those prescribed in this paragraph (b) of this section is prohibited, except that the Executive Secretary may authorize, on a case-by-case basis, the use of the NASA Seal for other purposes than those covered by paragraph (b) of this section when in his judgment such use would be appropriate.

(c) *The NASA Insignia.* The NASA Insignia is authorized for use on the following:

(1) *Official NASA Articles.* (i) Wearing apparel and personal property items used by NASA employees in performance of their official duties.

(ii) Required uniforms of contractor employees when performing official guard or fire protection duties within NASA installations or at other assigned NASA duty stations, and on any required contractor-owned vehicles used exclusively in the performance of these official duties, when authorized by NASA contracting officers.

(iii) Aircraft, automobiles, trucks, and similar vehicles owned by, leased to, or contractor-furnished to NASA, or produced for NASA by contractors, but excluding NASA-owned vehicles used and operated by contractors.

(iv) Equipment and facilities owned by, leased to, or contractor-furnished to NASA, such as machinery, major tools, ground handling equipment, office and shop furnishings (if appropriate), and similar items of a permanent nature, including those produced for NASA by contractors.

(v) Official NASA pamphlets, manuals, handbooks, bulletins, general reports, posters, signs, charts, and items of a similar nature for general use, other than those covered in paragraph (b) (8) and (9) of this section.

(vi) Honorary service pins or other official means of recognizing service or meritorious acts other than those described in paragraph (b)(1) of this section.

(vii) Briefcases or dispatch cases issued by NASA.

(viii) Certificates (NASA Forms 699A and 699B) covering authority for NASA and contractor security personnel to carry firearms.

(ix) NASA occupied buildings when the use of the NASA Insignia is more appropriate than use of the NASA Seal.

(2) *Personal Articles—NASA Employees.* (i) Business calling cards of NASA employees may carry the imprint of the NASA Insignia.

(ii) Limited usage on automobiles. If determined appropriate by the cognizant installation official, it is acceptable to place a NASA Insignia sticker on personal automobiles where such identification will facilitate entry or control of such vehicles at NASA installations or parking areas.

(iii) Personal items used in connection with officially recognized NASA employees' recreation association activities.

(iv) Items for sale to NASA employees only through NASA employees' nonappropriated fund activities.

Use of the NASA Insignia for any other purposes than those prescribed in this paragraph (c) is prohibited, except that the Associate Administrator for Organization and Management (or his designee) may authorize, on a case-by-case basis, the use of the NASA Insignia for other purposes than those covered by paragraph (c) of this section when in his judgment such use would be appropriate.

(d) *NASA Astronaut Badges.* (1) Official Astronaut Badges will be restricted to use by the astronauts, and to such other uses as the Administrator (or his designee) may specifically approve.

(2) Specific approval is given for the following uses:

(i) Use of exact reproductions of a badge in the form of a patch made of cloth or other material, a decal, or a gummed sticker, on articles of wearing apparel and personal property items; and

(ii) Use of exact renderings of a badge on a coin, medal, plaque, or other commemorative souvenirs.

(3) The manufacture and sale or free distribution of badges for the uses approved or that may be approved under subparagraphs (1) and (2) of this paragraph (d) are authorized.

(4) Portrayal of an exact reproduction of a badge in conjunction with the advertising of any product or service may be approved on a case-by-case basis.

(5) The manufacture, sale, or use of any colorable imitation of the design of an official Astronaut Badge will not ordinarily be approved.

(e) *Custody of NASA Seal.* The Executive Secretary shall be responsible for custody of the NASA impression Seal and custody of NASA replica (plaques) seals.

(f) *Violations—(1) NASA Seal.* Any person who uses the official NASA Seal in a manner other than as authorized in this part shall be subject to the provisions of 18 U.S.C. 1017, which provides as follows:

GOVERNMENT SEALS WRONGFULLY USED AND INSTRUMENTS WRONGFULLY SEALED

Whoever fraudulently or wrongfully affixes or impresses the seal of any department

or agency of the United States, to or upon any certificate, instrument, commission, document, or paper or with knowledge of its fraudulent character, with wrongful or fraudulent intent, uses, buys, procures, sells, or transfers to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more $5,000 or imprisoned not more than 5 years, or both. (June 25, 1948, ch. 645, 62 Stat. 753.)

(2) *NASA Insignia and Astronaut Badges.* Any person who uses the NASA Insignia or official NASA Astronaut Badges in a manner other than as authorized in this part shall be subject to the provisions of 18 U.S.C. 701 which provides as follows:

OFFICIAL BADGES, IDENTIFICATION CARDS, OTHER INSIGNIA

Whoever manufactures, sells, or possesses any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by an officer or employee thereof, or any colorable imitation thereof, or photographs, prints, or in any other manner makes or executes any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof, except as authorized under regulations made pursuant to law, shall be fined not more than $250 or imprisoned not more than 6 months or both. (June 25, 1948, ch. 645 62 Stat. 731.)

§ 1221.105 The Official NASA Flag.

(a) *Establishment.* The official NASA Flag was created by the Administrator in January 1960. The NASA Flag is 4 feet 4 inches by 5 feet 6 inches in size with a 30-inch diameter NASA Seal incorporated in the center of a blue field, and with a yellow fringe. (Reference: Army QMG Dwg. 5–1–269, rev. Sept. 14, 1960.)

(b) *Policy.* (1) The NASA Flag is authorized for use as follows:

(i) On or in front of NASA installation buildings.

(ii) At NASA ceremonies.

(iii) At conferences (including display in NASA conference rooms).

(iv) At governmental or public appearances of NASA executives.

(v) In private offices of senior officials.

(vi) As otherwise authorized by the Administrator or his designee.

(2) The NASA Flag must always be displayed with the U.S. Flag. When the U.S. Flag and the NASA Flag are displayed on a speaker's platform in an auditorium, the U.S. Flag must occupy the position of honor and be placed at the NASA representative's right as he faces the audience, with the NASA Flag at his left.

§ 1221.106 Administrator's, Deputy Administrator's, and Associate Administrator's Flags.

Concurrently with the establishment of the official NASA Flag in January 1960, the Administrator also established NASA Flags to represent the Administrator, Deputy Administrator, and Associate Administrator. Each of these flags conforms to the basic design of the official NASA Flag except that:

(a) The size of the flags is 3 feet by 4 feet;

(b) The Administrator's Flag has four stars;

(c) The Deputy Administrator's Flag has three stars; and

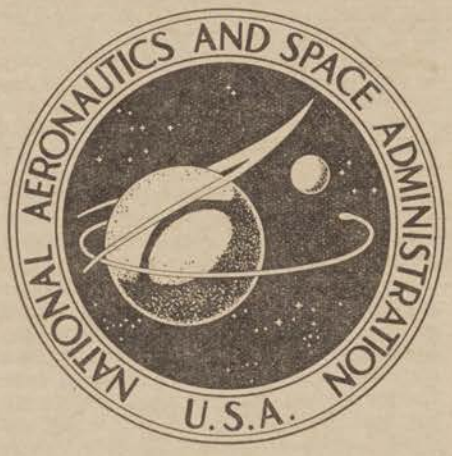
(d) The Associate Administrator's Flag has two stars.

These flags shall be displayed with the U.S. Flag in the respective offices but may be temporarily removed for use at the discretion of the incumbent.

§ 1221.107 Compliance and enforcement.

In order to ensure adherence to the authorized uses of the NASA Seal, the NASA Insignia, official NASA Astronaut Badges, and the NASA Flags as provided herein, a report of each suspected violation of this Part 1221 (including the use of unauthorized NASA insignias), or of questionable usages of the NASA Seal, the Insignia, official NASA Astronaut Badges, or the NASA Flags shall be submitted to the Director of Inspections in accordance with NMI 1960.1.

§ 1221.108 Illustration of the NASA Seal.



§ 1221.109 Illustration of the NASA Insignia.

Effective date: The provisions of this Part 1221 are effective upon publication in the FEDERAL REGISTER.

W. PAINE,
Administrator.

[F.R. Doc. 70-3183; Filed, Mar. 17, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Combinations of Nutritive and Nonnutritive Sweeteners in "Diet Beverages"

In the FEDERAL REGISTER of January 9, 1970 (35 F.R. 362), the Commissioner of Food and Drugs proposed an expansion of § 3.72 *Combinations of nutritive and nonnutritive sweeteners in "diet beverages"* to provide for continued use of lithographed returnable soft drink bottles under specified conditions (§ 3.72 was proposed November 25, 1969 (34 F.R. 18820), and adopted January 29, 1970 (35 F.R. 1162)). In response to the January 9 proposal, six comments were received.

All persons filing comments supported the proposal to permit continued use of present stocks of returnable lithographed bottles bearing statements indicating that the beverages contain cyclamates and declarations such as "sugar free," "less than 1 calorie per bottle," and "less than 2 calories per bottle."

Most of those filing comments objected to the provision that would limit to 1 year the period for continued use of such bottles. Instead they requested a period of 5 years. In support of their position they claimed that: (1) The average life of returnable bottles is 5 years, (2) it would be impossible for the glass industry to provide all bottlers with complete replacement within 1 year, and (3) the inventories of returnable bottles constitute a major part of the capital investment of small bottlers who would be bankrupted if forced to absorb such loss in a single year. The Commissioner concludes that the bottlers should be permitted to use these returnable bottles until October 1, 1972.

The Paperboard Packaging Council and others suggested that the designation "six-pack cartons" be changed to "multi-pack cartons," since diet beverages are packaged in carriers holding four, six, or eight bottles. This suggestion is adopted.

Those opposing the proposed requirement that "cartons must be so constructed as to be high enough to cover all the labeling appearing on the shoulder or necks of the bottles as they would normally be held for sale at retail" claimed it would take weeks, and probably months, to design such cartons and to modify present carton manufacturing equipment before the cartons could be produced. Most bottlers do not have equipment to pack bottles automatically in such high cartons. Of more importance, bottlers do not have equipment to automatically remove empty bottles from cartons for washing and sanitizing, and lack room for removing the empty bottles by hand. Present equipment would

tear the cartons and jam equipment with pieces of paperboard, thus causing inadequate washing and sanitizing of the bottles.

Regarding the proposed alternative use of individually applied neckbands or sticker labels, objectors claimed the cost of applying and removing neckbands would be prohibitive. If not removed, the neckbands, like paperboard from torn cartons, would jam equipment, causing bottles to be inadequately washed and sanitized.

Furthermore, the opinion was expressed that merely hiding the contradictory statements on bottles would not end consumer confusion as to which information is correct. The National Soft Drinks Association and others expressed the opinion that confusion could best be ended by prominently placing on regular cartons the correct information together with a notice that any contradictory declarations on the bottles are not correct and should be ignored. The Commissioner concludes that this proposal is feasible and appears likely to minimize confusion.

It was also suggested that provision be made for continued use of the returnable bottles in vending machines bearing prominent labeling identical with that to be required on cartons. In such machines the bottles are usually so placed that only the cap is visible to prospective purchasers. The Commissioner concludes that continued use of the lithographed bottles in vending machines should be permitted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 201(s), 403, 409, 701(a), 52 Stat. 1047–48, as amended, 1055, 72 Stat. 1784–89, as amended; 21 U.S.C. 321(s), 343, 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 3.72 is amended by adding thereto a new paragraph, as follows:

§ 3.72 Combinations of nutritive and nonnutritive sweeteners in "diet beverages."

* * * * *

(e) Bottlers of diet drinks have on hand large stocks of returnable lithographed bottles bearing statements indicating that the beverages contain cyclamates and/or declarations such as "sugar free," "less than 1 calorie per bottle," or "less than 2 calories per bottle" which bottles were formerly used for artificially sweetened beverages containing cyclamates. Because it will take months for bottlers to replace these with new, properly labeled returnable bottles, the Food and Drug Administration will not object to continued use of these bottles within the period ending October 1, 1972, under the following conditions:

(1) The bottles when filled with beverages made with combinations of nutritive and nonnutritive sweeteners may be marketed only:

(i) In multiunit cartons labeled prominently on each principal display panel with the information set forth in paragraphs (c) and (d) of this section and with a prominent, forthright notice that any information on bottles which is contrary to that on the cartons should be disregarded because it is incorrect. To assure adequate prominence and conspicuousness, the following statements should stand out in marked contrast with other labeling: The statement of caloric content and carbohydrate content per fluid ounce, the statement required by paragraph (d) (3) or (4) of this section as applicable, and the notice to disregard any information on bottles which is contrary to that on the cartons. These statements may be made to stand out by means such as setting them forth in boxes, printing in bold capitals on lines separated from other printed labeling, using colors that contrast with those used for other label statements, or other similar means.

(ii) In vending machines bearing durable labeling which includes all the information required to appear on cartons set forth with the same degree of prominence.

(2) In addition, the bottles must bear caps labeled prominently with the word "New," the words "Contains Sugar" or "Contains Carbohydrates," and accurate statements of the caloric content and carbohydrate content per fluid ounce.

(Secs. 201(s), 403, 409, 701(a), 52 Stat. 1047–48, as amended, 1055, 72 Stat. 1784–89, as amended; 21 U.S.C. 321(s), 343, 348, 371(a))

Dated: March 10, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-3243; Filed, Mar. 17, 1970; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7033]

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

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1969 and Estimated Tax for Taxable Year 1970

Section 819 of the Internal Revenue Code of 1954 provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business. Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b)(2)). Accordingly, it is hereby determined that for purposes of computing the 1969 income tax for foreign corporations carrying on a life insurance business a percentage of 15.5 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1969 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1970 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1970 and payments of installments thereof by such corporation a percentage of 15.5 (the percentage applicable for 1969) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1970 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1968, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code (Public Law 89–554, 80 Stat. 383), or subject to the effective date limitation of subsection (d) of such section.

[SEAL] JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

MARCH 13, 1970.

[F.R. Doc. 70-3239; Filed, Mar. 17, 1970; 8:47 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7034]

PART 143—TEMPORARY EXCISE TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Government Officials on Leave of Absence

The following regulations relate to the application of section 4941 of the Internal Revenue Code of 1954, as added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 500) to a "government official" as defined in section 4946(c), as added by that Act (83 Stat. 516).

The regulations set forth herein are temporary and are designed to explain for the period prior to the issuance of final regulations, or the withdrawal or modification of these temporary regulations the application of the taxes imposed on self-dealing imposed under section 4941 of the Internal Revenue Code of 1954 to "government officials" who are on leave of absence without pay.

In order to provide such temporary regulations under section 4946(c) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 143.4 Government officials on leave of absence.

(a) *In general.* Section 4941(a) imposes certain taxes on each act of self-dealing between a "disqualified person" and a private foundation. Section 4946(a)(1)(I) includes in the term "disqualified person" a "government official" as defined in section 4946(c).

(b) *Government officials on leave of absence.* For purposes of section 4941, an individual who is otherwise described in section 4946(c) who was on leave of absence without pay on December 31, 1969, from his position or office pursuant to a commitment entered into on or before such date to engage in certain activities for which he will be paid by one or more private foundations, will not be treated as holding such position or office for any continuous period after December 31, 1969, and prior to January 1, 1971, during which such individual remains on leave of absence to engage in the same activities for which he will be paid by such foundations. For purposes of the preceding sentence a commitment will be considered entered into on or before December 31, 1969, if on or before such date, the amount and nature of the payments to be made and the name of the individual receiving such payments have been entered on the records of the payor, or have been otherwise adequately evidenced, or the notice of the payment to be received has been communicated to the payee orally or in writing.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

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

Approved: March 13, 1970.

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

[F.R. Doc. 70-3240; Filed, Mar. 17, 1970; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 231—GRAZING

Grazing Fees

Correction

In F.R. Doc. 70-3032 appearing on page 4399 in the issue for Thursday, March 12, 1970, in the third line from the bottom in § 231.5(a)(4), the word "bill" should read "bid".

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Ch. 31

RELEASE OF AND REPAYMENT FOR TRAINING SUPPLIES

In § 21.243(c), subparagraph (5) is amended to read as follows:

§ 21.243 Release of and repayment for training supplies.

* * * * *

(c) Whether or not the veteran is found to be at fault, he will not be required to repay the Veterans Administration for supplies furnished him at Veterans Administration expense when:

* * * * *

(5) The value of the supplies is less than $25; or

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: March 11, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-3214; Filed, Mar. 17, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70-266]

PART 0—COMMISSION ORGANIZATION

Delegation of Authority to Chief, Broadcast Bureau

Order. 1. The Commission has under consideration § 74.931(a) of its rules, dealing with instructional television fixed (ITFS) stations and their transmission of instructional and cultural material in visual form with an associated aural channel.

2. In cases where waivers of this section are requested to permit operation by an instructional television fixed station of its aural transmitter to transmit music accompanied by slides, films, or other visual transmissions, and the operation for which such waivers are requested does not exceed 10 hours per week, it appears that it would make for more efficient administration if the authority to grant such waivers were delegated to the Chief, Broadcast Bureau.

3. *Accordingly, it is ordered,* That effective March 20, 1970, paragraph (11) of § 0.281 of the Commission's rules and regulations, which presently delegates similar authority to the Chief, Broadcast Bureau, in connection with noncommercial educational television broadcast stations, is amended to include delegation of authority to grant waivers with regard to instructional television fixed stations. The amended paragraph reads as follows:

§ 0.281 Authority delegated.

* * * * *

(11) To act on requests for waiver of § 73.651(c) or § 74.931(a) of this chapter, where operation under such requests will not exceed 10 hours per week, to permit operation by a noncommercial educational television broadcast station or an instructional television fixed station of their aural transmitters to transmit music accompanied by slides, films, or other visual transmissions.

4. Since the amendment relates to internal Commission practice the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) need not be observed. Authority for the action taken in this Order appears in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 11, 1970.

Released: March 13, 1970.

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

[F.R. Doc. 70-3264; Filed, Mar. 17, 1970; 8:49 a.m.]

[Docket No. 18346; FCC 70-265]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Licensing of ITFS Response Stations

In the matter of amendment of Part 74, Subpart I of the Commission rules and regulations governing instructional television fixed stations, to provide for the licensing of ITFS response stations in the band 2686-2690 Mc/s.

Second report and order. 1. On February 23, 1968, the Leland Stanford Junior University (Stanford) filed a petition (RM-1259) requesting that the Commission amend its rules so as to provide for the use of low-powered, voice modulated radio transmitters in the upper 4 Mc/s of the Instructional Television Fixed Station band 2500-2690 Mc/s. On October 4, 1968, a notice of proposed rule making in this matter was released, and on July 15, 1969, the first report and order was released. The order and rules adopted authorized the use of low-power response stations using voice transmissions at remote classrooms, so that the students might communicate with the instructor during classroom periods.

Stanford had requested that voice transmissions be authorized, and suggested the future use of data transmissions on these channels. Because of the lack of specific information in connection with the use of data transmissions for this service, particularly as to the bandwidth requirements for the contemplated data transmissions, the Commission on July 15, 1969, also issued a further notice of proposed rule making. Comments were to be filed by August 26, 1969, and reply comments by September 8, 1969. In paragraph 2 of the further notice the commission asked for additional comments and information as to the need for and forms of data transmissions such as push button servicing signals, response evaluation systems and computer assisted instructional systems, as well as methods of use in the instructional service. It was requested that information be supplied as to the types of modulation to be used and the ability to confine these emmissions within the 125 Mc/s response channel in accordance with § 74.939(f) of the rules.

2. The Commission received comments or reply comments from the following: Micro-Link Systems of Varian Associates (Micro-Link); Stanford University (Stanford); the University of Michigan (Michigan); International Business Machines Corp. (IBM); and the National Association of Educational Broadcasters (NAEB). Michigan in its brief comments merely asked that the response station be authorized to use data transmissions such as computer-assisted instruction in addition to voice, but not limited to voice, and not be limited to any particular type of transmission. It was stated that various types of transmissions would greatly enhance the use of the ITFS as a teaching/instructional service. NAEB, in its reply comments, states that current developments in high level instructional technology cast doubts on the value of response transmissions limited only to voice response and asks that it not be limited to current systems, but that the rules be constructed in such a way that new systems can be accommodated. NAEB also suggests that the Commission be willing to authorize experimental programs to explore future uses or techniques for this service, and that these further uses be limited only to ITFS licensees.

3. Stanford in its comments states that it is convinced that the ability to provide two-way verbal exchange between remote students and their instructors in conjunction with live broadcasts will be a major factor in the success of televised instruction. It further states that it is not in a position at the present time to make specific proposals as to additional types of transmissions. It suggests that the Commission establish a favorable climate for experimentation with various forms of modulation within the established audio channel bandwidths already allocated for response stations. This was treated in the preceding paragraph.

4. The Commission does not intend to discourage any legitimate program of experimentation and does in fact encourage such programs. We will certainly entertain experimental/developmental applications by responsible parties that set forth a program looking forward to expanded uses and technical developments for this service, if they show a reasonable chance of furthering the state of the art.

5. IBM also supports the proposal to permit the transmission of data type transmissions on response channels, and goes into considerable detail as to possible uses and types of data transmissions, along with suggested changes in the rules to permit these transmissions. It points out that although many school systems use data processing techniques for administrative tasks, many also use these techniques to perform such teacher tasks as test scoring and preparation of reports and attendance records. It is said that many of these schools are seeking ways of adopting these techniques to the teaching process itself, and that IBM is currently involved in the research and development of ways to use data processing technology in the teaching process. It is concluded that there are many ways in which television and data processing techniques can be combined to aid in the educational process. Therefore IBM feels that there is a need for the answer-back channels to be used for data signals as well as voice. It suggests that the scoring signals could be stored at the classroom as the students reply to the testing and instruction process, and that when the instructor wishes the results, the command signals to trigger the transmission of these signals could be sent on the video carrier during the vertical retrace time. IBM further states that data signals at the rate used for ITFS response systems applications require no more bandwidth than voice signals, and the adoption of the proposed amendment would not require any changes in the specifications of the authorized answer-back channels, nor the allocation of any additional frequencies.

6. In view of the above, it appears that there is a need for the use of data type transmissions on the talk-back channels, and that the use of data and voice signals over these circuits would be a distinct advantage in the instruction process. Therefore, we will amend the rules to permit the transmission of data signals as well as voice signals on these channels. It should be pointed out that the same requirements as to bandwidth and undesired emmissions outside the channel will apply as are now required of voice transmissions.

7. *Accordingly, it is ordered*, That effective April 17, 1970, and pursuant to authority contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, Subpart I of Part 74 of the Commissions Rules is amended to read as set forth below.

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

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

Adopted: March 11, 1970.

Released: March 13, 1970.

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

Part 74, Subpart I of the Commission's rules is amended in the following respects:

1. In § 74.901, the definition for "ITFS response station" is amended to read as follows:

§ 74.901 Definitions.

* * * * *

ITFS response station. A fixed station operated at an authorized location to provide communication by voice and/or data signals to an associated instructional television fixed station.

* * * * *

2. Section 74.939(a) is amended to read as follows:

§ 74.939 Special rules governing ITFS response stations.

(a) An ITFS response station is authorized to provide communication by voice and/or data signals with its associated instructional television fixed station for use in instructional or computer-assisted communications. Other communications concerning the technical operation of the system may be carried on when necessary.

* * * * *

[F.R. Doc. 70-3263; Filed, Mar. 17, 1970; 8:49 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show a change in the headnote of paragraph (c) and that the position of Deputy Assistant Secretary for Renewal and Housing Management is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (c) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(c) *Office of the Assistant Secretary for Renewal and Housing Management.* * * *

(8) Deputy Assistant Secretary for Renewal and Housing Management.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 70-3343; Filed, Mar. 17, 1970; 10:36 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO-368-A2]

MILK IN THE OREGON-WASHINGTON MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Oregon-Washington marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 7th 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.), and 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 agreement and to the order as amended were formulated, was conducted at Klamath Falls, Oreg., on January 29, 1970, pursuant to notices thereof which were issued on January 21, 1970, and January 22, 1970 (35 F.R. 1018 and 35 F.R. 1019).

The material issues on the record of the hearing relate to:

1. Deletion of Klamath County, Oreg., from the marketing area; or

2. Providing a location differential at plants in California.

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. Klamath County, Oreg., should not be deleted from the Oregon-Washington marketing area.

There are two handlers who operate plants which are located in Klamath Falls in Klamath County. These plants furnish most of the fluid milk which is distributed in the county. At least one other regulated handler whose plant is in Oregon is distributing milk in Klamath County at the present time. This handler has a relatively substantial distribution in Klamath County on a regular basis.

There is one plant located at Weed, Calif., which disposes of milk in Klamath County, Oreg. The route disposition of this handler in Klamath County, while it is a relatively small percentage of the total sales in the county, represents approximately 30 percent of the total Class I disposition of the Weed plant. This is sufficient to make the Weed plant a pool plant subject to full regulation under the order. The handler who operates the Weed plant is the proponent of the proposal to delete Klamath County from the marketing area or, in the alternative, to establish a location differential applicable at Weed.

It is his contention that being required to pay the full order Class I price on all his sales places him at a serious competitive disadvantage with respect to the 70 percent of his fluid distribution which is made in the State of California. In California he competes with plants located at Redding, Sacramento, and Oakland, Calif. The price the latter plants are required to pay by California law is less than the Federal order price.

If Klamath County were deleted from the marketing area, the Weed plant would cease to be subject to regulation under the Federal order since its sales in the marketing area are confined to that county. The price at such plant would then be the applicable price fixed by the State of California.

At the original promulgation hearing proponents of the inclusion of Klamath County in the marketing area stated that its inclusion was necessary to prevent the Klamath Falls plants from being at a serious competitive disadvantage relative to the Weed plant because the California Class I price was below the Oregon Class I price.

Klamath County is an integral part of the Oregon-Washington marketing area. As noted above, in addition to the two Klamath Falls plants, at least one other regulated handler whose plant is in Oregon distributes milk in Klamath County. At least one of the two plants in Klamath Falls has regular route distribution in other portions of the Oregon-Washington marketing area. The milk associated with the Klamath Falls plants has always been a part of the overall supply for the area of Western Oregon encompassed by the Oregon-Washington marketing area.

Prior to the promulgation of the Federal milk order, Klamath County was a part of the Oregon State marketing area No. 1 which encompassed all of that part of Oregon which is now included within the Oregon-Washington marketing area. The producers who supply the Klamath Falls plants have held quotas under the Oregon base plan operated by the State Department of Agriculture and their milk has been pooled by the State with that of all other producers holding quotas under such base plan. In anticipation of the issuance of the Federal order some of these producers purchased additional quotas under the Oregon base plan.

Klamath County and the immediately adjacent area produce more milk than is consumed locally. The milk not needed by the two local plants forms a part of the reserve supply for western Oregon. Such milk is regularly moved to plants at Eugene and Medford, Oreg., for Class I use. This milk is directed to the Medford and Eugene plants by the State of Oregon under the supply-management provision of the State Milk Act. The milk is sometimes moved by transfer from the local plants and sometimes by diversion from producers' farms at the direction of the cooperative association of which they are members. If Klamath County were deleted from the marketing area, the milk could no longer be received at Medford and Eugene except as other source milk, and the dairy farmers supplying such milk would no longer be producers under the Federal order.

Questions were raised as to whether Klamath County would continue to be subject to State regulation and whether the producers supplying the plants in Klamath County would continue to be pooled by the State if the County were deleted from the Federal marketing area. The chief of the Milk Stabilization Division of the Oregon Department of Agriculture testified that if Klamath County were deleted from the Federal order marketing area, the pricing provisions of the State Milk Act, which are now in abeyance, would automatically become effective with respect to milk received by Klamath County handlers from Oregon producers. He added, however, that the State could not compute a pool for the Klamath County handlers without amendment of the State Milk Act. He further noted that the State would have no authority to enforce its producer prices on milk purchased by Klamath County handlers from those producers who reside in California.

He further testified that the milk of producers supplying Klamath County handlers could not be pooled with the milk of other Oregon producers under the present regulation which was amended when the Federal marketing order became effective. He expressed considerable doubt that the State regulation could be amended to provide for

pooling of such milk with that of the milk of other producers in Oregon.

In view of the relatively low Class I utilization of the Klamath County plants, compared to that of the remaining milk pooled under the order, particularly if the bulk sales of Class I milk to Medford and Eugene were no longer available, the result would be a very substantial lowering of returns to the producers supplying Klamath County plants. This would be true even if the State were able to enforce its minimum price regulations in the absence of a Federal order.

The chief of the Milk Stabilization Division further testified that the elimination of Klamath County from the marketing area would seriously interfere with the State's supply-management program. As noted above, at the present time the excess production in the Klamath County area is moved to the plants at Eugene and Medford for fluid use. If Klamath County were deleted from the marketing area, this milk would no longer be available for this purpose and it would be necessary to move milk "upstream" from the metropolitan area about Portland to furnish the fluid requirements of Eugene and Medford.

Thus, to eliminate Klamath County from the marketing area not only would adversely affect the returns to the producers supplying the plants located therein, but also would have a disruptive effect on the orderly marketing of milk in western Oregon.

2. A location differential should be made applicable at plants located in California.

All the distribution of the Weed plant, other than that in Klamath County, Oreg., is made in Siskiyou County, Calif., which is outside the boundaries of the Oregon-Washington marketing area. As noted above the Weed plant competes here with plants located in Redding, Sacramento, and Oakland, Calif. No estimates are available as to the volume of milk disposed of in Siskiyou County by the other California plants.

It is the contention of the Weed handler that, if Klamath County is not deleted from the marketing area, the order must be amended to provide a location adjustment to the Class I price applicable at his plant at Weed. Otherwise his competitive situation in California, where the great majority of his sales are made, is untenable.

The minimum prices which California plants are required to pay are fixed by the State of California. At the present time the applicable price in Siskiyou County, Calif., is $6.19 per hundredweight. This is a fixed price which can be changed only by an amendment of the State regulation. It does not fluctuate with the value of manufacturing grade milk as does the Class I price in the Federal order. The latter price is determined by adding $1.95 to the basic formula price which is the average price paid during the preceding month by manufacturing plants in Minnesota and Wisconsin. Currently, there is a floor of $4.33 under the basic formula price. Thus the minimum Class I price which could apply under the Oregon-Washington order is $6.28. Because of the fluctuation in manufacturing prices the order Class I price can vary from month to month whenever the manufacturing milk price exceeds the floor. In January the order Class I price was $6.58.

It was the testimony of the Weed handler that prices paid by his competitors in California were substantially lower than the $6.19 applicable in Siskiyou County, since these plants were located in lower priced zones. However, the chief of the Bureau of Milk Stabilization for the State of California testified that any California regulated plant selling milk in Siskiyou County would be required to pay for such milk the price applicable in Siskiyou County rather than the price applicable at the location of the plant of origin. Thus, any milk sold in Siskiyou County by California handlers is priced at $6.19 per hundredweight.

One of the purposes of location differentials is to adjust the Class I and uniform prices to reflect the cost of moving milk from distant points to a central market. They also serve to maintain proper intermarket price relationships and to prevent a dislocation of supplies between markets. When the Oregon-Washington marketing order was issued, no location differentials were provided at plant locations in California. The hearing record indicated no need for them. The plant at Weed was, and still is, the only California plant disposing of milk in the marketing area. At the time of the hearing it was expected that the prices paid by the Federal order for Oregon would be in fairly close alignment with the prices fixed by the State of California for Siskiyou County.

Northern California is sparsely populated and has a rugged mountainous terrain. The only milk processing plant in northern California close to the Oregon-Washington marketing area is the plant at Weed in Siskiyou County. Weed is approximately 75 miles from either Klamath Falls or Medford, the principal population centers in southern Oregon.

The proponent stated that a location differential of approximately 27 cents would be necessary to bring him complete competitive equity at the Weed location. This differential, which was predicated on the $6.58 Class I price prevailing in January, is excessive.

A location differential of 15 cents at Weed or at any other point in northern California would cover the cost of moving milk from Weed or a simiar point to either Klamath Falls or Medford. On an annual average, it would also result in a Class I price at Weed that would be in reasonable alignment with the Class I price fixed for Siskiyou County by the State of California.

Although the plant at Weed is the only California plant disposing of milk in the marketing area at the present time, provision should be made for location differentials at other points in California in anticipation of the possibility that other California plants might begin the disposition of milk in the marketing area. One California plant is believed to be disposing of milk at the present time in Curry County, Oreg., in the southwestern corner of the State. Curry County is not a part of the present marketing area.

Presently, the location differentials in the order are based on the distance that plants are located from the county courthouse in Portland, Oreg., the principal population center in the northern part of the marketing area. At plants located more than 100 miles from such courthouse the applicable differential is 15 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles.

In the case of California plants, however, milk would not be moved to Portland. It would be more likely to move to Medford or Klamath Falls, the principal population centers of southern Oregon. Hence, location differentials applicable at California plants should be based on the distance from these points. The rate per mile should be the same as that provided in the present order.

Accordingly, the order should be amended to provide that at any plant located in California, the Class I price should be reduced 15 cents, plus an additional 1.5 cents for each 10 miles or fraction thereof that the plant is more than 110 miles distant from the county court house in Medford or Klamath Falls, Oreg., whichever is the nearer.

As at all other plants at which location differentials apply, the uniform price for base milk should be reduced to reflect the value of the milk at the plant to which delivered. The reasons for adjusting the uniform price to producers at the same rate that is applied to Class I milk are set forth in the findings of the decision of the Assistant Secretary on the original Oregon-Washington order dated October 24, 1969 (34 F.R. 17684). Said findings appearing on page 17699 of the decision are adopted as if set forth in full herein.

Since the order currently provides that the producer location differential shall be the same as the differential applied to Class I milk, no amendment in that respect is necessary.

Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusions were filed by the Chief of the Milk Stabilization Division, State Department of Agriculture, State of Oregon. This brief, 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 are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is 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 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 Oregon-Washington marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

§ 1124.52 [Amended]

a. In the introductory text of paragraph (a) the words, "or in the State of California", are deleted.

b. In paragraph (a)(2) the reference to "subparagraph (1)" is changed to "subparagraphs (1) and (3)", and

c. A new subparagraph (3) is added to paragraph (a) to read as follows:

(3) For any plant located in the State of California, such price shall be reduced 15 cents, plus an additional 1½ cents for each 10 miles or fraction thereof that such plant is more than 110 miles from the county courthouse in either Klamath Falls or Medford, Oreg., whichever is nearer, by the shortest hard-surfaced highway distance as determined by the market administrator; and

Signed at Washington, D.C., on March 13, 1970.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 70-3228; Filed, Mar. 17, 1970; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 66]

[CGFR 70-27]

GEORGETOWN, S.C., AS PORT OF DOCUMENTATION

Proposed Revocation of Designation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Georgetown, S.C., as a port of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Charleston, S.C., such documentation activities as have been performed at Georgetown.

2. Accordingly, notice is given that, under authority contained in sec. 1, 63 Stat. 545, sec. 2, 23 Stat. 118, sec. 1, 43 Stat. 947, sec. 6(b), 80 Stat. 937; 14 U.S.C. 633, 46 U.S.C. 2, 46 U.S.C. 18, 49 U.S.C. 1655(b); 49 CFR 1.4(a)(2), it is proposed to:

(a) Revoke the designation of Georgetown, S.C., as a port of documentation by deleting that port from the list of ports of documentation contained in 46 CFR 66.05-1.

(b) Transfer the documentation records at Georgetown to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Charleston, S.C.; and

(c) Make Charleston the home port of all vessels now having Georgetown as home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C., as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before April 20, 1970, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 8234, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C., both before and after the closing date April 20, 1970. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the Executive Secretary, Merchant Marine Council, Room 8234, Coast Guard Headquarters, Washington, D.C. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that they may become part of the record.

Dated: March 11, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 70-3265; Filed, Mar. 17, 1970; 8:49 a.m.]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 70-WE-9-AD]

GENERAL DYNAMICS CORP. MODEL 340 AND 440 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to all General Dynamics Corp. Model 340 and 440 Series airplanes including those modified in accordance with STC SA4-1100 or STC SA1096WE. There have been fatigue cracks of the main landing gear axle on General Dynamics Model 340 and 440 airplanes that resulted in failure of the axle and loss of a MLG wheel assembly. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections and rework or replacement as specified in accordance with General Dynamics Service Bulletin 32-3 dated October 31, 1969, or an equivalent FAA-approved inspection and rework procedure.

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 Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, Post Office Box 92007, World Way Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER 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 Airworthiness 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:

GENERAL DYNAMICS. Applies to all Model 340 and 440 Series airplanes including those modified in accordance with STC SA4–1100 or STC SA1096WE.

Compliance required as indicated.

To detect cracks and prevent failure of the main landing gear axle:

Within the next 150 hours time in service after the effective date of this AD, unless already accomplished within the last 850 hours time in service, visually inspect 828039 MLG Piston/Axle Assemblies with 10,000 or more hours time in service for crack indications in the fillet radius area between the axle and the outboard face of both brake attachment flanges, by dye penetrant inspection procedures, in accordance with Part I of General Dynamics 640(340D) Service Bulletin No. 32–3, dated October 31, 1969, or later FAA-approved revision, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(a) If no cracks are found, repeat the inspection procedure of Part I of S.B. 32–3 at intervals not to exceed 1,000 hours time in service from the last inspection. This 1,000-hour inspection interval may be discontinued when the area identified above has been reworked in accordance with paragraphs C, D, and E of Part II of S.B. 32–3, or later FAA-approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region. Subsequent to the accumulation of 2,000 hours time in service after this rework, and prior to 2,500 hours time in service after rework, perform a visual inspection for cracks as described above. If no cracks are found as a result of this inspection, further inspections are not required by this AD. If cracks are found, accomplish (b), below.

(b) If cracks are found as a result of any of the inspections outlined above, accomplish the following before further flight:

(1) Rework the cracked area in accordance with all of the provisions of Part II of S.B. 32–3, or later FAA-approved revision, or an equivalent rework approved by the Chief, Aircraft Engineering Division, FAA Western Region, provided axle wall thickness remaining after rework is a minimum of 0.30 inch. After rework, repeat the inspection procedure of Part I of S.B. 32–3, or later FAA-approved revisions, at intervals not to exceed 2,500 hours time in service from the last inspection.

(2) If cracks are found which require removal of material that would leave a minimum axle wall thickness of less than 0.30 inch, the axle must be replaced.

NOTE: The holder of STC SA4–1100, Allison Division of General Motors Corp., has determined that Part II of General Dynamics Service Bulletin 32–3 is applicable to all aircraft modified in accordance with STC SA4–1100.

Issued in Los Angeles, Calif., on March 9, 1970.

LEE E. WARREN,
Acting Director, Western Region,

[F.R. Doc. 70–3219; Filed, Mar. 17, 1970; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 10187]

HAWKER SIDDELEY "HERON" MODEL DH.114 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Hawker Siddeley "Heron" Model DH.114 airplanes. There have been reports of cracking occurring in the nose landing gear locking lever and jack attachment lever. This condition could result in failure of these levers. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require periodic inspection of the landing gear locking lever and jack attachment lever for cracks, replacement of levers found to be cracked, and eventual replacement of both levers with new levers made of an improved material.

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 April 17, 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, and 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:

HAWKER SIDDELEY. Applies to "Heron" Model DH.114 series 2 airplanes which have not incorporated HSA Modification 1093.

Compliance is required as indicated.

To prevent failure of the nose landing gear locking lever and jack attachment lever, accomplish the following:

(a) Within the next 150 hours time in service after the effective date of this AD unless already accomplished within the last 150 hours time in service, and thereafter at intervals not to exceed 300 hours time in service since the last inspection, visually inspect the nose landing gear locking lever (P/N 4UN.41A) and jack attachment lever (P/N 4UN.323A) for cracks.

(b) If cracks are found during the inspections required by paragraph (a), before further flight, either replace the cracked lever with a serviceable lever of the same part number or comply with paragraph (c).

(c) Unless already accomplished in accordance with paragraph (b), on or before August 1, 1970, replace the nose landing gear locking lever (P/N 4UN.41A) and jack attachment lever (P/N 4UN.323A) with HSA Modification 1093 levers in accordance with Hawker Siddeley Aviation Ltd., Technical News Sheet Heron (114) No. U.13 dated December 8, 1969, or an FAA-approved equivalent.

(d) The inspections required by paragraph (a) may be discontinued following compliance with paragraph (c).

(e) Upon request by the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, FAA Europe, Africa, and Middle East Region may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

Issued in Washington, D.C., on March 11, 1970.

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

[F.R. Doc. 70–3220; Filed, Mar. 17, 1970; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70–SW–6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Hot Springs, Ark., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (35 F.R. 2054), the Hot Springs, Ark., control zone is amended to read:

HOT SPRINGS, ARK.

Within a 9-mile radius of Memorial Field (lat. 34°28'40" N., long. 93°05'45" W.), and within 3 miles each side of the 248° bearing from the Hot Springs RBN extending from the 9-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established

in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (35 F.R. 2134), the Hot Springs, Ark., transition area is amended to read:

HOT SPRINGS, ARK.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Memorial Field (lat. 34°28'40" N., long. 93°05'45" W.), and within 3.5 miles each side of the 248° bearing from the Hot Springs RBN extending from the 15-mile radius area to 11.5 miles west of the RBN.

U.S. Standard for Terminal Instrument Procedures (TERPs) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPs updates the criteria for instrument approach procedures in order to meet the safety requirements of modern-day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPs. The existing instrument approach procedures to Memorial Field, Hot Springs, Ark., have been conformed to TERPs. Therefore, the proposed alterations are required to conform the controlled airspace to current criteria.

The control zone would continue to be designated part-time although effective hours are not specified in the proposed description. This does not indicate an intent at this time to change the effective hours; however, the provision which is substituted for the effective hours allows for changes when minor variations in time of designation are required; e.g., changes in control tower hours of operation due to changes from standard time to daylight saving time and vice versa.

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

Issued in Fort Worth, Tex., on March 6, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-3218; Filed, Mar. 17, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

CANADIAN OVERLAND IMPORTS, DISTRICTS I–IV

Applications for Allocations

A proposed revision of section 23 of Oil Import Regulation 1 (Revision 5) was published for comment in the FEDERAL REGISTER for March 11, 1970 (35 F.R. 4335) relating to the making of allocations of Canadian overland imports into Districts I–IV for the period March 1, 1970 through June 30, 1970. No decision has been made with respect to the proposed regulations. However, because there will be only a very short period of time between the last day (March 20, 1970) fixed for comment on the proposed revision and March 30, 1970, the day upon which restrictions upon such imports become effective, all persons in Districts I–IV who have facilities for processing Canadian overland imports or pipeline facilities using crude oil as fuel and who desire to obtain allocation of such imports are advised to file an application by letter or telegram on or before March 25, 1970 with the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240.

As used in this notice, the term "Canadian overland imports" means crude oil and unfinished oils (1) which are entered for consumption or withdrawn from warehouse for consumption in Districts I–IV, (2) which, if crude oil, was produced in Canada, and, if unfinished oils, were processed from crude oil or natural gas produced in Canada, and (3) which were or are transported into the United States by pipeline, rail, or other means of overland transportation.

An application for an allocation should contain the following information, certified by an officer of the applicant:

(1) The nature of the applicant's facility or facilities.

(2) The location or locations of the facility or facilities.

(3) The average barrels daily of Canadian overland imports processed or consumed in the applicant's facility or facilities during the period October 1, 1968, through September 30, 1969.

(4) The operating capacity, as of January 1, 1969, expressed in average barrels per calendar day of the facility or facilities in which Canadian imports will be processed.

An officer of an applicant should also certify in the application that, if an allocation of Canadian overland imports is made to the applicant, the applicant will process or consume all such imports in his facility or facilities before July 31, 1970.

If, upon evaluation and review of the comments received concerning the proposed revision of section 23, additional information is required in an application, then the additional information will be accepted as a modification of an application that has been filed on or before March 25, 1970.

J. J. SIMMONS III,
Administrator,
Oil Import Administration.

[F.R. Doc. 70-3355; Filed, Mar. 17, 1970; 11:42 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

QUINTON A. ROESSER

Notice of Granting of Relief

Notice is hereby given that Quinton A. Roesser, 1320 Leichester Road, Richmond, Va., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 20, 1960, in Hustings Court of the city of Richmond, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Quinton A. Roesser because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Roesser to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Quinton A. Roesser's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Quinton A. Roesser be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of March, 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 70-3234; Filed, Mar. 17, 1970; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plats of Survey

1. Plat of survey of the lands described below will be officially filed in the Land Office, Anchorage, Alaska effective at 10 a.m., April 1, 1970.

COPPER RIVER MERIDIAN

T. 1 S., R. 2 E.,
Sec. 25, all;
Sec. 26, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, lots 1–9, NW¼NE¼, NW¼NW¼, W½SW¼SW¼.

Containing 2,850.81 acres.

2. The lands are situated on a high plateau between the Copper and Tonsina Rivers. The soil is mostly sandy loam covered by moderate to dense willow brush, interspersed with dense stands of spruce and birch. Scattered low spots of swampy muck occur as well as permafrost in mossy burned-over areas.

The old Edgerton Highway extends from the vicinity of the southeast township corner, northeasterly through secs. 36, 25, and 26. The Edgerton Cutoff Highway extends from the old highway near the township corner, southwesterly through secs. 35 and 36.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,
Manager, Anchorage Land Office.

[F.R. Doc. 70-3245; Filed, Mar. 17, 1970; 8:47 a.m.]

[OR 5763]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 10, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5763, for the withdrawal of public land described below. Said land is to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, nor the disposal of materials under the act of July 31, 1947, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964.

This proposal for the Coon Creek Tie Road (Road No. 1987C) will provide a means by which the Secretary of Agriculture can grant easements for road rights-of-way to private parties.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

COON CREEK TIE ROAD

T. 20 S., R. 10 W.,
Sec. 12, lot 9.

A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of the Coon Creek Tie Road (No. 1987C).

The area described contains about 4 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-3246; Filed, Mar. 17, 1970; 8:47 a.m.]

[OR 5773]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MARCH 10, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5773, for the withdrawal of public land described below. Said land is to be withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, nor the disposal of materials under the act of July 31, 1947, and reserved for use of the Department of Agriculture for the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964.

This proposal for the Burns-Izee Road (Road No. 1911) will provide a means by which the Secretary of Agriculture can grant easements for road rights-of-way to private parties.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

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

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

The land involved in the application is:

WILLAMETTE MERIDIAN

BURNS-IZEE ROAD

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

A strip of land 200 feet in width, being 100 feet in width on both sides of the centerline of the Burns-Izee Road (No. 1911).

The area described contains about 49 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-3247; Filed, Mar. 17, 1970; 8:47 a.m.]

[Wyoming 18618]

WYOMING

Notice of Public Sale

MARCH 9, 1970.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421-1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., local time on Thursday, April 23, 1970, at the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo. 82001. The land is described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 109 W.,
Sec. 30, lot 4, SE¼SW¼, W½W½SW¼SE¼, NE¼NW¼SW¼SE¼, and W½NW¼NE¼SW¼SE¼.

The area described contains 94.70 acres. The appraised value of the tract is $48,600 and the estimated publication costs to be assessed are $25.

The land will be sold subject to all valid existing rights and rights-of-way of record. A reservation will be made to the United States for rights-of-way for ditches or canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States.

Bids may be made by a principal or his agent, either at the sale, or by mail. An agent must be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Land Office, Bureau of Land Management, 2120 Capitol Avenue, Cheyenne, Wyo. 82001, prior to 2 p.m., on Thursday, April 23, 1970. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashiers' checks, payable to the Bureau of Land Management, for the full amount of the bid plus estimated publication costs ($25). The envelopes must be marked in the lower left-hand corner: "Public Sale Bid, Sale W-18618, April 23, 1970".

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specific increments. After oral bids, if any are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before noon of the day following the sale.

If no bids are received for the sale tract on Thursday, April 23, 1970, the tract will be reoffered on the first Wednesday of subsequent months at 2 p.m., beginning May 6, 1970.

Any adverse claimants to the above-described land should file their claims, or objections, with the undersigned before the time designated for sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Post Office Box 1828, Cheyenne, Wyo.

A. L. SIMPSON,
Manager, Land Office.

[F.R. Doc. 70-3213; Filed, Mar. 17, 1970; 8:45 a.m.]

[Wyoming 17259]

WYOMING

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

MARCH 11, 1970.

Notice of Bureau of Land Management, U.S. Department of the Interior application, Serial No. Wyoming 17259, for the withdrawal of certain vacant public land from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, pursuant to the authority of Executive Order 10355, was published in F.R. Doc. 69-1507 on pages 1776 and 1777 of the issue for Thursday, February 6, 1969, and amended to permit leasing under the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682a) in F.R. Doc. 69-14995 on page 19826 of the December 18, 1969 issue. The subject notice is hereby further amended to permit sale of the land proposed for withdrawal, under the said Small Tract Act cited above.

A. L. SIMPSON,
Acting State Director.

[F.R. Doc. 70-3237; Filed, Mar. 17, 1970; 8:46 a.m.]

National Park Service

CAPE COD NATIONAL SEASHORE

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Cape Cod National Seashore, proposes to issue a concession permit to Charles W. Silva authorizing him to provide concession facilities and services for the public at Herring Cove, Cape Cod National Seashore for a period of 4 years, 9 months, from April 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit.

However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass. 02663, for information as to the requirements of the proposed permit.

Dated: February 9, 1970.

LESLIE P. ARNBERGER,
Superintendent,
Cap Code National Seashore.

[F.R. Doc. 70-3211; Filed, Mar. 17, 1970; 8:45 a.m.]

GRAND CANYON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Canyon National Park, proposes to issue a concession permit to Riordans, Inc., doing business as Northern Arizona Gas Service, Inc., authorizing them to provide liquefied petroleum gas service for the public at Grand Canyon National Park, for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligation under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit. However, under the Act cited above, the Superintendent, Grand Canyon National Park, is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Post Office Box 129, Grand Canyon National Park, for information as to the requirements of the proposed permit.

Dated: March 10, 1970.

ROBERT R. LOVEGREN,
Superintendent.

[F.R. Doc. 70-3212; Filed, Mar. 17, 1970; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING ASSISTANCE REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Housing Assistance, Region III, during the absence of the Assistant Regional Administrator for Housing Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Housing Assistance unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Assistant Regional Administrator for Housing Assistance.
2. Director, Technical Services Division.
3. Director, Production Division.

(Delegation of authority effective May 4, 1962 (27 F.R. 4319, May 4, 1962); Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 18th day of March, 1969.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 70-3241; Filed, Mar. 17, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Notice 68-RD-5]

RUNWAY TOUCHDOWN ZONE MARKING

Notice of Proposed Selection

The Federal Aviation Administration is considering adopting a selection order for Runway Touchdown Zone Marking. A selection order is the method used by the Federal Aviation Administration for selecting new systems, equipment, facilities or devices for incorporation in the National Airspace System in order to insure proper operation and compatibility between elements of the common civil-military system of air traffic control and air navigation facilities. A notice of proposed selection is issued, as a matter of policy, in those instances where invitation of public comments is considered to be in the public interest. It is not a notice of proposed rule making or other rule-making action.

Interested persons are invited to submit such written data and comments as they may desire. Communications should identify the notice number and be submitted in duplicate to: Director, Systems Research and Development Service, Attention: RD-54, Federal Aviation Administration, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590, on or before May 18, 1970. All comments submitted will be available for examination, both before or after the closing date for comments, in Room 720, 800 Independence Avenue SW., Washington, D.C.

The text of the proposed Selection Order is as follows:

1. *Purpose.* This order provides for the incorporation of an improved runway touchdown zone marking pattern in the National Airspace System.

2. *Requirement.* The runway marking configuration presently used in the United States provides landing zone marking for the first 2,000 feet of all weather runways. The marking has provided adequate visual guidance for many years but is not satisfactory for large jet aircraft operating in visibility conditions below Category I, the touchdown zone lighting for such operations being 3,000 feet in length. Thus a requirement exists for an improved touchdown zone marking configuration more suitable for large jet aircraft operations and for increased guidance and approach safety for all aircraft in all visibility conditions.

3. *Selection decision.* The Runway Touchdown Zone Marking is responsive to the above requirement and is hereby selected for incorporation in the National Airspace System pursuant to section 312(C) of the Federal Aviation Act.

4. *Description.* The touchdown zone marking configuration consists of groups of rectangular markings to outline the touchdown zone and to provide distance coded information by means of the "3-3-2-2-1-1" marking pattern. The markings are 75 feet long by 6 feet wide symmetrically disposed about the runway centerline with the lateral spacing between the inner sides of the rectangles being 72 feet. Groups of rectangular markings begin 500 feet from threshold and are spaced on 500 foot intervals up to 3,000 feet from threshold. Any pair of markings that would extend to a point 1,000 feet or less from the midpoint of runway is subject to elimination. (Evaluation will be made on an individual basis in such cases.) This marking is augmented by fixed distance markers consisting of a pair of rectangular markers to provide an aiming point for landing. The markers are 150 feet long by 30 feet wide symmetrically disposed about the runway centerline and begin 1,000 feet from threshold. The lateral spacing between the inner sides of the markers is 72 feet. All markings are white. The attached Figure 1 shows a typical 3,000-foot configuration.

5. *Initial implementation criteria.* The Runway Touchdown Zone Marking shall be installed on both ends of all weather runways. Fixed distance marking shall be installed on the approach end of all runways 5,000 feet or longer, used for turbojet aircraft operations. For operations not involving turbojet aircraft, the 1,000-foot fixed distance marking may be omitted, leaving two groups of three stripes at the 1,000-foot point. Generally, this new configuration shall be applied and the old marking obliterated as repainting is necessary.

6. *Directed action.* Subject to applicable rule making, programing, and budgetary procedures, action shall be taken by the elements of the Federal Aviation Administration concerned to implement this selection in accordance with the foregoing implementation criteria or such modifications thereof as may be

hereinafter approved by or on behalf of the Administrator.

This notice is issued under sections 307(b) and 312(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(b) and 1353(c)).

Issued in Washington, D.C., on March 11, 1970.

JOHN A. WEBER,
Director, Systems Research and Development Service.

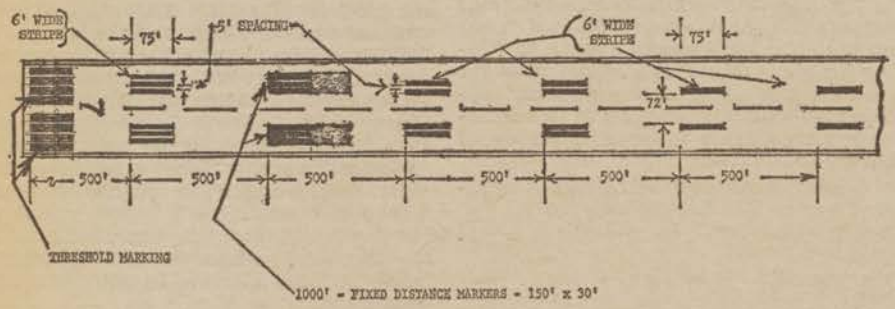


FIGURE 1.—Typical 3,000-Foot Touchdown Zone Marking and 1,000-Foot Fixed-Distance Markers. Not to Scale.

[F.R. Doc. 70-3215; Filed, Mar. 17, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 70-3-60]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority March 12, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the joint conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 23, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates:

R-24 Commodity Item No. 7107—Daily Newspapers, 70 cents per kg., minimum weight 100 kgs. Between New York and London.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-24, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-3248; Filed, Mar. 17, 1970; 8:47 a.m.]

[1] Additional rates were also agreed for application from New York to other European points beyond London at differentials based on distance and ranging generally between 2 and 15 cents.

FEDERAL MARITIME COMMISSION

[Docket No. 70-13]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Petition for Declaratory Order

On January 23, 1970, the North Atlantic French Atlantic Freight Conference (the Conference) filed a petition for a declaratory order stating that the manner in which American Export Isbrandtsen Lines (AEIL) had withdrawn from the Conference was unauthorized by, and constituted a breach of, the Conference agreement and was at that time ineffectual. On February 5, 1970, AEIL replied, maintaining that its manner of withdrawal was authorized by the Conference agreement and that it was at that time free to operate as a nonconference carrier pursuant to an independent tariff.

The following appear to be the undisputed facts with respect to the withdrawal of AEIL from the Conference:

1. Article II of the Conference agreement (Agreement No. 7770) provides in relevant part:

> Any Member may withdraw without penalty from the Conference, effective not less than 90 days after giving written notice to the Conference office, which shall promptly advise the other Members: *Provided, however,* That the retention of security for the payment of outstanding obligations hereunder shall not be considered as a penalty. Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

2. On December 8, 1969, AEIL advised the Conference that it would resign from membership therein, effective January 20, 1970.

3. On the following day, the Conference Chairman advised AEIL that the resignation could not be effective on such date since he interpreted the above quoted provision of the Conference agreement as requiring not less than 90 days' written notice prior to the effective date of termination of Conference membership.

4. On or about December 19, 1969, AEIL filed with the Commission its Tariff No. 1, FMC 106, effective January 20, 1970, which provided independent rates for transportation in the trade covered by the Conference agreement.

The resolution of the problem of the lawfulness of the manner of AEIL's resignation from the Conference depends upon the proper interpretation of the provision in Article II of the Conference agreement which allows a member to withdraw from the Conference without penalty upon 90 days notice. The Conference contends that this provision prohibits withdrawal on less than 90 days notice. AEIL maintains that it permits withdrawal on less than 90 days notice subject to the payment of such penalties as may be provided in the agreement for such withdrawal. The question presented appears to be solely a matter of law involving an examination of the provision of section 15, Shipping Act, 1916, that "any member may withdraw from [Conference] membership upon reasonable notice without penalty for such withdrawal" and the requirement of our General Order 9 (46 CFR 523) that "any party may withdraw from the Conference without penalty by giving at least 30 days written notice of intention to withdraw from the Conference * * *" to determine if the Conference's interpretation is lawful.

Under section 5(d) of the Administrative Procedure Act (5 U.S.C. 554(e)) we are given broad discretion whether to issue a declaratory order to terminate a controversy or to remove uncertainty. We find that the petition and reply set forth a true controversy and that the uncertainty as to the proper interpretation of the provision in Article II of the Conference agreement relating to withdrawal requires that we entertain the petition and issue a declaratory order.

Since there appear to be no material issues of fact in dispute, this proceeding will be limited to the filing of affidavits of fact and memoranda of law, with provision for the taking of evidence only if it appears that an honest dispute exists as to any pertinent facts.

Now, therefore, it is ordered, That pursuant to section 5(d) of the Administrative Procedure Act (5 U.S.C. 554(e)) and Rule 5(h) of the Commission's rules of

practice and procedure (46 CFR 502.69), a proceeding be instituted to determine whether under the provisions of section 15 of the Shipping Act, 1916, and General Order 9 (46 CFR 523.2(f)) relating to withdrawal from a conference without penalty, the North Atlantic French Atlantic Freight Conference may lawfully prevent American Export Isbrandtsen Lines from withdrawing from the Conference and operating an independent service in the trade served by the Conference until the passage of 90 days from the date of resignation.

It is further ordered, That this proceeding shall be limited to the filing of simultaneous affidavits of fact and memoranda of law by the North Atlantic French Atlantic Freight Conference, American Export Isbrandtsen Lines and Hearing Counsel. Should any party feel that an evidentiary hearing is required, any request for such hearing must be accompanied with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Request for evidentiary hearing shall be filed on or before March 23, 1970. Affidavits of fact and memoranda of law shall be filed, unless otherwise ordered by the Commission, on or before April 3, 1970. An original and 15 copies of affidavits of fact and memoranda of law are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto.

It is further ordered, That this order be published in the FEDERAL REGISTER and served upon the parties to this proceeding.

Persons other than the present parties to this proceeding who desire to become parties shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR § 502.72) of the Commission's rules of practice and procedure no later than March 23, 1970.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-3249; Filed, Mar. 17, 1970; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

HAMILTON NATIONAL ASSOCIATES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Hamilton National Associates, Inc., Chattanooga, Tenn., for approval of acquisition of 80 percent or more of the voting shares of Citizens Bank of White Pine, White Pine, Tenn.

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 Hamilton National Associates, Inc., Chattanooga, Tenn., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Citizens Bank of White Pine, White Pine, Tenn.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks of the State of Tennessee and requested his views and recommendation thereon. The Superintendent responded that no objection to the proposed transaction would be made by his office.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 24, 1969 (34 F.R. 17315), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] March 12, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-3238; Filed, Mar. 17, 1970; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations, Temporary Reg. F-66]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding involving electric service rates of the Union Electric Company (Docket No. E-7525).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 12, 1970.

ROBERT L. KUNZIG, *Administrator of General Services.*

[F.R. Doc. 70-3244; Filed, Mar. 17, 1970; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4844]

CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Issuance and Sale of Common Stock at Competitive Bidding

MARCH 12, 1970.

Notice is hereby given that Central and South West Corp. ("Central"), 800 Delaware Avenue, Wilmington, Del. 19899, a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Central proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, 1 million shares of its authorized and unissued common stock, par value $7 per share, at a price to be determined by the competitive bidding.

The net proceeds from the sale of the common stock, estimated to aggregate approximately $40 million, will be used in part for payment of its short-term notes anticipated to be outstanding in the amount of $12 million at the date of the proposed sale of common stock. Central also intends to apply, subject to subsequent approval by this Commission, substantially all of the balance of the net proceeds of the proposed sale of common stock to the purchase, at the par value,

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statement of Governors Robertson and Maisel also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin and Governors Mitchell, Daane, Brimmer, and Sherrill. Voting against this action: Governors Robertson and Maisel. Chairman Burns was not a member of the Board on the date of the Board's decision.

from time to time primarily during 1970 and 1971 of additional shares of the common stock of its subsidiaries, Central Power and Light Co., Southwestern Electric Power Co., Public Service Company of Oklahoma, and West Texas Utilities Co. Any remainder of such net proceeds will be used by Central for its general corporate purposes. The proposed construction expenditures of the subsidiary companies for 1970 and 1971 are presently estimated at $127,600,000 and $134,700,000, respectively.

The fees and expenses to be incurred by Central in connection with the proposed transaction are estimated at $73,000, including accountants' fees of $7,500 and fees of counsel of $21,350. The fees and expenses of counsel for the underwriters are estimated at $10,800 and are to be paid by the successful bidders.

Notice is further given that any interested person may, not later than April 8, 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 (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-3236; Filed, Mar. 17, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP68-20]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Motion To Amend Rate Settlement Orders

MARCH 13, 1970.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) on March 11, 1970, filed a motion requesting the Commission to amend its orders issued on April 28, 1969, and October 29, 1969, in the above-captioned proceeding by effectuating a modification of the settlement agreement approved by those orders.

The proposed modification of the settlement agreement would: (1) Relieve Michigan Wisconsin from the obligation to reduce the present level of rates to reflect the reduction and the scheduled elimination of the Federal income tax surcharge; (2) continue Michigan Wisconsin's right to track supplier rate increases but extend the present provision to include supplier increases which may become effective prior to November 1, 1971, in lieu of November 1, 1970; and (3) extend the moratorium on a general rate increase from November 1, 1970, to November 1, 1971.

Copies of the filing were served on all parties to this proceeding, each of Michigan Wisconsin's customers, and interested State commissions and municipalities.

Protests, objections, or comments may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure, on or before March 24, 1970.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-3282; Filed, Mar. 16, 1970; 12:04 p.m.]

[Docket No. RI70-1184 etc.]

SHELL OIL CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 13, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 6, 1970.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1184..	Shell Oil Co., 50 West 50th Street, New York, N.Y. 11020.	378	2	Natural Gas Pipeline Co. of America (Nile Field, Willacy County, Tex.) (RR. District No. 4).	$12,097	1-19-70	[3] 2-19-70	7-19-70	[5] 16.0	[3] [4] 17.8668	
RI70-1185..	Union Producing Co.,[6] 900 Southwest Tower, Houston, Tex. 77002.	269	2	Natural Gas Pipeline Co. of America (Cavasso Creek Field, Aransas County, Tex.) (RR. District No. 4).	5,420	1-19-70	[3] 2-19-70	7-19-70	16.06	[3] [4] 17.8668	RI70-596.
	....do[6] [7]	270	2	United Gas Pipe Line Co.[7] (Pettus (Vicksburg 2,900) Field, Bee County, Tex.) (RR. District No. 2).	3,684	1-19-70	[3] 2-19-70	7-19-70	[9] 16.0595	[4] [9] 17.0632	RI70-596.
RI70-1186..	Gulf Oil Corp. (Operator) et al.	193	[10] 1-23	Transwestern Pipeline Co. (Waha and Worsham Fields, Pecos and Reeves Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	[11] 355	1-19-70	[3] 2-19-70	[12] Accepted	[13] 16.78	[4] [14] 18.0788	RI70-808.
RI70-1187..	Phillips Petroleum Co....	279	[15] 17	El Paso Natural Gas Co. (Hogsback Field, Sublette County, Wyo.).	23,404	1-19-70	[3] 2-19-70	7-19-70	15.6148	[15] [17] [18] 18.7775	RI70-266.
RI70-1188..	Pan American Petroleum Corp. (Operator) et al.	363	[19] 28	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	540	1-21-70	[3] 2-21-70	7-21-70	13.0	[3] [17] 14.0	
RI70-1189..	General Petroleum Corp. et al.	5	2	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	220	1-22-70	[20] 2-22-70	7-22-70	13.0	[3] [17] 14.0	
		6	4		750	1-23-70	[20] 2-23-70	7-23-70	13.0	[3] [17] 14.0	

[1] The stated effective date is the effective date requested by Respondent.
[2] Increase to contractually provided for initial rate plus applicable tax reimbursement.
[4] Pressure base is 14.65 p.s.i.a.
[5] Permanently certificated initial rate.
[6] Name changed to Pennzoil Producing Co. effective Jan. 1, 1970.
[7] Union Producing and United are both subsidiaries of Pennzoil United, Inc.
[8] Periodic rate increase.
[9] Subject to a downward B.t.u. adjustment.
[10] Corrects filing of Nov. 14, 1969, which was suspended in Docket No. RI70-808 until May 15, 1970.
[11] Increase in dollar amount over dollar amount reported for previous filing of Nov. 14, 1969.
[12] Accepted for filing subject to the existing rate suspension proceeding in Docket No. RI70-808.
[13] New gas-well gas only.
[14] Increase to contract rate.
[15] Applicable to Tip Top Unit only. Respondent collecting 18.7775 cents effective subject to refund in Docket No. RI70-266 for gas from Hogsback and Dry Piney Units.
[16] "Fractured" rate. Contract provides for a rate of 19.5 cents plus applicable tax reimbursement.
[17] Pressure base is 15.025 p.s.i.a.
[18] Includes 1 cent payment by buyer for gas delivered at 860 p.s.i.g.
[19] Applicable to acreage added by Supplement No. 27.
[20] The stated effective date is the first day after expiration of the statutory notice.
[21] Increased rate applicable to sales of gas under Supplements Nos. 57 and 58 to Rate Schedule No. 2, only.

Phillips Petroleum Co. (Phillips) requests that its proposed rate increase be permitted to become effective as of January 19, 1970. General Petroleum Corp. et al. (General Petroleum), requests a retroactive effective date of January 1, 1969, for its proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Phillips and General Petroleum's rate filings and such requests are denied.

Phillips' proposed rate increase includes partial reimbursement of a severance tax enacted in 1969 by the State of Wyoming. Phillips' proposed increase reflects a double amount of contractually entitled tax reimbursement to provide reimbursement for taxes applicable to past production back to January 1, 1968. Since Phillips' rate increase reflects not only tax reimbursement but also a periodic escalation it should be suspended for 5 months upon expiration of the statutory notice.

After the amount of tax reimbursement applicable to past production has been recovered, Phillips shall file an appropriate rate decrease under its FPC Gas Rate Schedule No. 279 to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. Phillips will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

Gulf Oil Corp. (Operator) et al. (Gulf), has filed a corrected rate increase for a sale of gas to Transwestern Pipeline Co. in the Permian Basin Area of Texas. Gulf inadvertently included volumes for new gas well gas with old gas well gas at the old gas well gas price in the previous filing. The corrected filing does not change the proposed rate of 18.0788 cents but because the underlying rate for the new gas well gas is different than the price for old gas well gas, the dollar amount is increased by $355. In this situation, we conclude that the corrected notice of change should be accepted for filing subject to the existing suspension proceeding of the previous rate increase in Docket No. RI70-808.

All of the producers' proposed increased rates and charges exceed the applicable price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-3321; Filed, Mar. 17, 1970; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 13, 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. 41918—*Asphalt and related articles to points in western trunkline territory.* Filed by Trans-Continental Freight Bureau, agent (No. 460), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil and petroleum wax tailings, in tank carloads, as described in the application, from Billings, East Billings, Great Falls, and Laurel, Mont., to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 62 to Trans-Continental Freight Bureau, agent, tariff ICC 1785.

FSA No. 41919—*Lumber and forest products between points in eastern Canada and southern territory.* Filed by O. W. South, Jr., agent, for interested rail carriers. Rates on lumber and forest products, in carloads, as described in the application, between points in eastern Canada, on the one hand, and points in southern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariffs—Supplement 157 to Southern Freight Association, agent, tariff ICC 1249, and Canadian Freight Association tariff ICC 317.

By the Commission.

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

[F.R. Doc 70-3256; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 9]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 13, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11))

and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2986 (Deviation No. 6), I & S-McDANIEL, INC., Post Office Box 491, Vincennes, Ind. 47591, filed March 3, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Cincinnati, Ohio, over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Paoli, Ind., over Indiana Highway 56 to Salem, Ind., thence over Indiana Highway 135 to Brownstown, Ind., thence over U.S. Highway 50 to Cincinnati, Ohio; (2) from junction Indiana Highways 45 and 56 over Indiana Highway 56 to junction Indiana Highway 37, thence over Indiana Highway 37 to Indianapolis, Ind.; and (3) from Odon, Ind., over Indiana Highway 58 to Bedford, Ind., thence over U.S. Highway 50 to Brownstown, Ind., and return over the same routes.

No. MC 3379 (Deviation No. 13), SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio 44301, filed February 16, 1970, amended March 3, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Deerfield, Ohio, over U.S. Highway 224 to New Castle, Pa., thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Duncansville, Pa., thence over U.S. Highway 220 to Bedford, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over U.S. Highway 224 to Deerfield, Ohio, thence over Alternate Ohio Highway 14 (formerly Ohio Highway 14) to junction Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 88 to Pittsburgh, Pa., thence over U.S. Highway 30 to Breezewood, Pa., and return over the same route.

No. MC 52110 (Deviation No. 3), BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312, filed March 4, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 63 and Iowa Highway 149 near Ottumwa, Iowa, over U.S. Highway 63 to junction U.S. Highway 40 near Columbia, Mo., thence over U.S. Highway 40 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Des Moines, Iowa, over Iowa Highway 163 to Oskaloosa, Iowa, thence over U.S. Highway 63 to junction Iowa Highway 149, thence over Iowa Highway 149 to junction Iowa Highway 78, thence over Iowa Highway 78 to junction Iowa Highway 1, thence over Iowa Highway 1, to junction Iowa Highway 2, thence over Iowa Highway 2 to junction Iowa Highway 114, thence over Iowa Highway 114 to the Iowa-Missouri State line, thence over Missouri Highway 81 to Kahoka, Mo., thence over U.S. Highway 136 to junction U.S. Highway 61; and (2) from St. Louis, Mo., over U.S. Highway 61 to junction U.S. Highway 218, thence over U.S. Highway 218 to Waterloo, Iowa, thence over U.S. Highway 63 to Rochester, Minn., thence over U.S. Highway 52 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to St. Paul, Minn., and return over the same routes.

No. MC 75320 (Deviation No. 30), CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801, filed February 10, 1970, amended March 2, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Meridian, Miss., over U.S. Highway 80 to junction Interstate Highway 85 near Montgomery, Ala., thence over Interstate Highway 85 to Atlanta, Ga. (traversing a portion of U.S. Highway 29 between La Grange and Atlanta, Ga., where Interstate Highway 85 is not completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Birmingham, Ala., over U.S. Highway 78 to Atlanta, Ga.; (2) from Birmingham, Ala., over U.S. Highway 11 to Tuscaloosa, Ala., thence over U.S. Highway 82 to Columbus, Miss.; and (3) from Columbus, Miss., over U.S. Highway 45 via Meridian, Miss., to Mobile, Ala., and return over the same routes.

No. MC 69116 (Deviation No. 38), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606, filed March 6, 1970. Carrier's representative: Jack Goodman and Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 21 and Ohio Highway 82 over Ohio Highway 82 to junction Ohio Highways 8 and 82, thence over Ohio Highway 82 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 206, thence over U.S. Highway 206 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction New Jersey Highway 18, thence over New Jersey Highway 18 to junction U.S. Highway 1 (near Edison, N.J.); (2) from junction U.S. Highway 21 and Ohio Highway 82 over the route described in (1) to junction Ohio Highway 7 and Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to Newark, N.J.; (3) from junction U.S. Highway 21 and Ohio Highway 82 over the route described in (1) to junction Ohio Highway 7 and Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y.; (4) from junction Ohio Highway 8 and Ohio Highway 82 over Ohio Highway 82 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 206, thence over U.S. Highway 206 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction New Jersey Highway 18, thence over New Jersey Highway 18 to junction U.S. Highway 1 (near Edison, N.J.);

(5) From junction Ohio Highways 8 and 82, over the route described in (4) to junction Ohio Highway 7 and Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to Newark, N.J.; (6) from junction Ohio Highways 8 and 82 over the route described in (4) to junction Ohio Highway 7 and Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y.; and (7) from junction U.S. Highway 21 and Ohio Highway 82 over Ohio Highway 82 to junction U.S. Highway 20, thence over U.S. Highway 20 to Toledo, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to Cleveland, Ohio, thence over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Buffalo, N.Y., thence over New York Highway 33 to Rochester, N.Y., thence over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31–B to junction New York Highway 5, thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9 to New

York, N.Y. (also from Albany over U.S. Highway 9–W and bridge or ferry to New York); (2) from Chicago, Ill., over U.S. Highway 20 to Toledo, Ohio, thence over Ohio Highway 2 to Sandusky, Ohio, thence over U.S. Highway 6 to Cleveland, Ohio, thence to New York as specified above;

(3) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 231 (formerly Indiana Highway 8), thence over U.S. Highway 231 to Crown Point, Ind., thence over U.S. Highway 231 (formerly Indiana Highway 53) to Remington, Ind., thence over U.S. Highway 24 to Wolcott, Ind., thence over U.S. Highway 231 to Montmorenci, Ind., thence over U.S. Highway 52 to Indianapolis, Ind., thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22), thence over unnumbered highway via Moon Run and Crafton, Pa., to Pittsburgh, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 1 to Boston, Mass.; (4) from Chicago, Ill., to Harrisburg, Pa., as specified above, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22) near Walbort, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Clinton, N.J., thence over unnumbered highway (formerly U.S. Highway 22) via Annandale and Lebanon, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28 (formerly U.S. Highway 22), thence over New Jersey Highway 28 to junction U.S. Highway 202 (formerly U.S. Highway 22), thence over U.S. Highway 202 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence as specified above to Boston, Mass.;

(5) From Huntington, Ind., over U.S. Highway 224 to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence to Philadelphia, Pa., as specified above; (6) from Erie, Pa., over U.S. Highway 19 to Meadville, Pa., thence over U.S. Highway 322 to Franklin, Pa., thence over Pennsylvania Highway 8 to Butler, Pa.; (7) from Westfield, N.Y., over New York Highway 17 to Jamestown, N.Y., thence over New York Highway 60 to Frewsburg, N.Y., thence over U.S. Highway 62 to Franklin, Pa.; (8) from Cleveland, Ohio, over U.S. Highway 21 to junction U.S. Highway 224; (9) from Washington, D.C., over U.S. Highway 1 to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York, N.Y.; and (10) from Indianapolis, Ind., over U.S. Highway 40 to junction Ohio Highway 440 near Clayton, Ohio, thence over Ohio Highway 440 via Englewood, Vandalia, Phoneton, and Donnelsville, Ohio, to Sugar Grove, Ohio, thence over U.S. Highway 40 via Springfield and Lafayette, Ohio, to Columbus, Ohio, thence over U.S. Highway 23 to Delaware, Ohio, thence over U.S. Highway 42 via Medina, Ohio, to Cleveland, Ohio (also from Indianapolis over U.S. Highway 52 to Cincinnati, Ohio, thence over U.S. Highway 42 to junction unnumbered highway (formerly U.S. Highway 25), south of Gano, Ohio, thence over unnumbered highway via West Chester, Maud, Monroe, Franklin, Miamisburg, and West Carrollton, Ohio, to junction U.S. Highway 25 near Moraine City, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, thence over Ohio Highway 444 via Riverside, Wright View, and Fairborn, Ohio, to junction unnumbered highway (formerly Ohio Highway 4), thence over unnumbered highway via Enon, Ohio, to Springfield, Ohio, also from Dayton, Ohio, over Ohio Highway 49 to junction U.S. Highway 40, thence to Cleveland as specified above; also from Indianapolis, Ohio, as specified above, thence over U.S. Highway 42 to Delaware, Ohio, thence to Cleveland as specified above; and also from Indianapolis, Ind., to Medina, Ohio, as specified above, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland), and return over the same routes.

By the Commission.

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

[F.R. Doc. 70-3252; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 25]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 13, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 97382 (Sub-No. 3) (Republication), filed February 2, 1968, and published in the FEDERAL REGISTER issue of February 21, 1968, under State Docket No. 50002, and republished this issue. Applicant: STERLING TRANSIT COMPANY, INC., 833 South Maple Avenue, Montebello, Calif. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Applicant has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within the single State of California. An order of the Commission, Operating Rights Board, dated March 3, 1970, and served March 6, 1970, finds; that upon full compliance with the requirements of the Act and the rules and regulations of the Commission thereunder, a certificate of registration shall be issued to applicant, unless otherwise ordered, which certificate of registration shall (1) correspond in scope to the rights in certificate of public convenience and necessity granted in Decision No. 59844, as extended by certificate of public convenience and necessity granted in Decision No. 76439, dated November 18, 1969, by the Public Utilities Commission of the State of California; and (2) embrace and supersede the certificate of registration issued in No. MC-97382 (Sub-No. 2), supported by certificate of public convenience and necessity granted in Decision No. 59844, dated March 29, 1960, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting the commodities from, to, or between the points, over the routes, or within the territory, and in the manner described and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended. In order to facilitate the handling of this republication only that portion of the authority granted by the said order (shown under Area Part I(1)(*b*)) will be published in the FEDERAL REGISTER in lieu of the entire appendix, as follows: Part I * * * transportation, as a highway common carrier, of general commodities between the points and over the routes described below:

Area 1. Between the San Francisco territory as described in Part II below, the Los Angeles territory as described in Part III below, the San Diego area as described in Part IV below (such descriptions shall apply to all further reference to said territories and area), and Sacramento, via any and all highways including the right to serve all points and places on and along and within 10 miles laterally of the following routes: (*b*) Junction State Highway No. 65 with U.S. Highway No. 99 (Interstate 5); north to junction State Highway No. 65 and State Highway No. 198; easterly along State Highway No. 198 to junction with State Highway No. 69; northerly along State Highway No. 69 to junction State Highway No. 63; westerly and southerly via State Highway No. 63 to Viscalia; thence westerly along State Highway No. 198 to junction with U.S. Highway No. 99 (Interstate 5). The previous publication in

the FEDERAL REGISTER of the State authority sought is somewhat more limited than that authorized by the State Commission and that because it is possible that interested parties, who have relied upon the notice of the application as published in the FEDERAL RERISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the appendix to this order, a notice of the additional authority granted by this order will be published in the FEDERAL REGISTER issuance of a certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading with this Commission to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116077 (Sub-No. 273) (Republication) filed August 21, 1969, published in the FEDERAL REGISTER issue of September 25, 1969, and republished, this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. By application filed August 21, 1969, Robertson Tank Lines, Inc., of Houston, Tex., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of sodium silicate, in bulk, from Pineville, La., to points in Alabama, Georgia, Mississippi, and Tennessee (except Kingsport, Tenn.). A supplemental order of the Commission, Operating Rights Board, dated February 16, 1970, and served March 4, 1970, which modifies its previous order of January 20, 1970, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of sodium silicate, in bulk, from Pineville, La., to points in Alabama, Georgia, Missouri, and Tennessee (except Kingsport, Tenn., and points in commercial zone); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116165 (Sub-No. 14) (Republication), filed August 7, 1969, published in the FEDERAL REGISTER issue of September 25, 1969, and republished this issue. Applicant: MURRAY HILL LIMOUSINE SERVICE, LTD., a corporation, 1380 Barre Street, Montreal, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. By application filed August 7, 1969, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle; (1) over regular routes, of passengers and their baggage in the same vehicle with passengers; (a) between the port of entry on the United States-Canada boundary line at or near north Troy, Vt., and Jay Peak, Vt., from the port of entry on the United States-Canada boundary line at or near North Troy, Vt., over Vermont Highway 101 and 242 to Jay Peak, Vt., and return over the same route, serving all intermediate points; and (b) between the port of entry on the United-States Canada boundary line at or near Highgate Springs, Vt., and Madonna Mountain, Vt., from the port of entry on the United States-Canada boundary line at or near Highgate Springs, Vt., over U.S. Highway 7 and Interstate Highway 89 to St. Albans, Vt., thence over Vermont Highway 104 to Jeffersonville, Vt., thence over Vermont Highway 108 to Madonna Mountain, Vt., and return over the same routes, serving all intermediate points; and (2) over irregular routes, of passengers and their baggage in the same vehicle with passengers, in special operations (special tours or special party rights), to points on the above-mentioned routes, restricted to traffic originating in the Province of Quebec, Canada, moving through the designated ports of entry, and return from the points on above-designated routes through the designated ports of entry to Province of Quebec, Canada, during the skiing season from and including October to and including April; An order of the Commission, Operating Right Board, dated February 6, 1970, and served February 19, 1970, finds that the present and future public convenience and necessity require operation by applicant; (1) in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *passengers and their baggage* in the same vehicle with passengers;

(a) Between the port of entry on the international boundary line between the United States and Canada on Vermont Highway 105A near North Troy, Vt., and Jay Peak Ski Area, Vt., from said port of entry over Vermont Highway 105A to North Troy, Vt., thence over Vermont Highway 101 to junction Vermont Highway 242, and thence over Vermont Highway 242 to Jay Peak Ski Area, and return over the same route, serving all intermediate points; and (b) between the port of entry on the international boundary line between the United States and Canada on Interstate Highway 89 near Highgate Springs, Vt., and Madonna Mountain Ski Area, Vt., from said port of entry over U.S. Highway 7 to St. Albans, Vt., thence over Vermont Highway 108 to Madonna Mountain Ski Area, Vt., and return over the same route, serving all intermediate points; and (2) in foreign commerce only, as a *common carrier* by motor vehicle, over irregular routes, of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between the ports of entry described in (1) above, on the one hand, and on the other, points on the routes described in (1) above, during the period extending from October 1 through April 30, both inclusive, of each year; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129080 (Sub-No. 1) (Republication), filed October 15, 1969, published in the FEDERAL REGISTER issue of November 6, 1969, and republished this issue. Applicant: CHARLES CORBISHLEY, doing business as; QUICKWAY, 99 Union Road, Spring Valley, N.Y. 10977. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. By application filed October 18, 1969, the above-named applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) dresses on hangers, and such commodities as are dealt in or used by chain grocery or department stores, from Paramus and Mahwah, N.J., to Burlington, Vt.; Plattsburgh and Albany, N.Y.; and Westchester and Sunbury, Pa.; and (2) surplus and damaged merchandise, from Burlington, Vt.; Plattsburgh and Albany, N.Y.; and Westchester and Sunbury, Pa.; to Paramus and Mahwah, N.J. An order of the Commission, Operating Rights Board, dated February 24, 1970, and served March 6, 1970, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) dresses on hangers; and (2) such commodities as are dealt in or used by chain grocery or department stores, from Paramus and Mahwah, N.J., to points in Albany and Clinton Counties, N.Y.; and Chester and Northumberland Counties, Pa.; and Chittenden County, Vt.; and surplus and damaged merchandise on return, under a continuing contract with Grand Union Co., East Paterson, N.J.; will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform

such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That an appropriate permit should be issued, subject to the condition described in the next succeeding paragraph in this order. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth the precise manner in which it has been so prejudiced.

No. MC 133243 (Sub-No. 2) (Republication), filed July 22, 1969, published in the FEDERAL REGISTER issue of August 21, 1969, and republished, this issue. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 73 State Street, Albany, N.Y. 12207. By application filed July 22, 1969, Gosselin Express Ltd., of Thetford Mines, Quebec, Canada, seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of snowmobiles; (1) from ports of entry on the international boundary line between the United States and Canada located in New York and Michigan to points in Wisconsin and Pennsylvania, under contract with Sno-Jet, Inc., of Thetford Mines, Quebec, Canada; and (2) from ports of entry on the international boundary line between the United States and Canada, located in New York, Michigan, and Maine, to points in New York, Michigan, Minnesota, Wisconsin, Pennsylvania, and Maine, under a continuing contract with Lionel Enterprises, Inc., of Princeville, Quebec, Canada. Through inadvertance the publication in the FEDERAL REGISTER however, failed to note the ports of entry along the international boundary in Maine as points of origin. A report and order of the Commission, Review Board No. 2, decided February 19, 1970, and served February 25, 1970, finds; that operation by applicant, in foreign commerce only, as a contract carrier by motor vehicle, over irregular routes, of snowmobiles; (1) from ports of entry on the international boundary line between the United States and Canada in New York and Michigan to points in Wisconsin and Pennsylvania, under a continuing contract or contracts with Sno-Jet, Inc., of Thetford Mines, Quebec, Canada; and (2) from ports of entry on the international boundary line between the United States and Canada in New York, Michigan, and Maine, to points in New York, Michigan, Minnesota, Wisconsin, Pennsylvania, and Maine, under continuing contract or contracts with Lionel Enterprises, Inc., of Princeville, Quebec, Canada, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a permit authorizing such operations should be granted after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of a notice of the authority herein granted, providing that no petitions to reopen, or other appropriate pleading, raising issues with respect to the ports of entry on the international boundary line in Maine as origin points in (2) above, are received during such period.

No. MC 133714 (Sub-No. 1) (Republication), filed September 12, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and republished this issue. Applicant: WILLIAM G. MOELLER AND ROBERT E. MOELLER, a partnership, doing business as MOELLER BROS. TOWING, 539 Lewelling Boulevard, San Leandro, Calif. 94579. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. By application filed September 12, 1969, the above-named applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the wrecked, disabled, and inoperative motor vehicles, trucks, buses, and trailers, except mobile homes or house trailers designed to be drawn by passenger vehicles and replacements thereof, in towaway service by wrecker equipment only, between points in Santa Clara, San Mateo, Contra Costa, and Alameda Counties, Calif., and the city and county of San Francisco, Calif., on the one hand, and, on the other, points in Nevada and Oregon. An order of the Commission, Operating Rights Board dated February 16, 1970, and served March 2, 1970, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) wrecked and disabled motor vehicles (except trailers designed to be drawn by passenger automobiles); and (2) replacement motor vehicles for wrecked and disabled motor vehicles (except trailers designed to be drawn by passenger automobiles) by the use of wrecker equipment only, between points in Santa Clara, San Mateo, Contra Costa, San Francisco, and Alameda Counties, Calif., and San Francisco, Calif., on the one hand, and, on the other, points in Nevada and Oregon; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 133818 (Republication), filed June 16, 1969, published in the FEDERAL REGISTER issue of July 17, 1969, and republished this issue. Applicant: CLEMANS BROTHERS, INC., Box 46 North Walnut Street, Marysville, Ohio 43040. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. By application filed June 16, 1969, Clemans Bros., Inc., of Marysville, Ohio, seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (a) of bus bar systems, bus bar systems trolleys, electric cutouts, electric switchboards (other than telephone), electric switches, electric breakers, junction boxes, plastic circuit breaker bases, cable terminals, wire, and other similar electrical equipment: (1) Between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, the warehouse and plant facilities of I.T.E. Imperial Corp. at Atlanta and Tucker, Ga., Chicago, Ill., Bellmawr, N.J., and Philadelphia, Pa.; and (2) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, points in Ohio, restricted to shipments having a prior or subsequent movement in railroad piggyback service; (b) paint, in containers, from Chicago, Ill., to Bellefontaine and Marysville, Ohio; (c) insulating materials from Lafayette, Ind., to Bellefontaine, Marysville, and Urbana, Ohio; and (d) porcelain insulators from Trenton, N.J., to Bellefontaine, Marysville, and Urbana, Ohio, restricted to shipments moving under a continuing contract with I.T.E. Imperial Corp. A Report and Order of the Commission, Review Board No. 3, dated February 13, 1970, and served February 25, 1970, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, (1) of electrical equipment, except telephone switchboards, (A) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, the warehouse and plant facilities of I.T.E. Imperial Corp. at Atlanta and Tucker, Ga., Chicago, Ill., Bellmawr, N.J., and Philadelphia, Pa., and (B) between Bellefontaine, Marysville, and Urbana, Ohio, on the one hand, and, on the other, points in Ohio, restricted to the transportation of shipments having a prior or subsequent movement in trailer-on-flatcar service;

(2) Of paint, in containers, from Chicago, Ill., to Bellefontaine, Marysville, and Urbana, Ohio; (3) of insulating materials from Lafayette, Ind., to Bellefontaine, Marysville, and Urbana, Ohio;

and (4) of porcelain insulators from Trenton, N.J., to Bellefontaine, Marysville, and Urbana, Ohio, under a continuing contract or contracts with I.T.E. Imperial Corp., of Philadelphia, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service, and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 117842 (Sub-No. 1) (Notice of Filing of Petition To Add Additional Shipper), filed February 26, 1970. Petitioner: INTERSTATE DISTRIBUTING COMPANY, 8311 Durango Street SW., Tacoma, Wash. 98499. Petitioner's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Petitioner holds a permit in No. MC 117842 (Sub-No. 1) authorizing the transportation of such merchandise as is dealt in by wholesale and retail grocery establishments, except frozen foods and foods in vehicles equipped with mechanical refrigeration, from all points in California to Aberdeen, Chehalis, and Tacoma, Wash., under continuing contract with West Coast Grocery Co. of Tacoma, Wash. By the instant petition, petitioner seeks to add an additional shipper, Mother's Cake & Cookies Co. of San Francisco, Calif. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10777. Authority sought for control by NATIONAL CITY LINES, INC., 700 Security Life Building, Denver, Colo. 80202, of JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, Janesville, Wis. 53545. Applicants' attorneys: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103, and Adolph Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Operating rights sought to be controlled: *Automobiles, trucks, chassis and buses,* in initial movements, in truckaway and driveaway service, as a *contract carrier,* over irregular routes, from Janesville, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wissonsin; from Janesville, Wis., to points in Ohio, with restriction; *tractors* (not including farm tractors and crawler or track type tractors), in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in Montana, Nebraska, North Dakota, and South Dakota; *automobiles, trucks, tractors* (not including farm tractors or crawler or track type tractors), *chassis, and buses,* in secondary movements, in truckaway or driveaway service, between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michgian, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin;

Unfinished automobiles, trucks, and chassis, in initial movements, in truckaway and driveaway service, from Janesville, Wis., to points in the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin; *unfinished automobiles, trucks and chassis,* in secondary movements, in truckaway and driveaway service, between points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, and Wisconsin; *automobile parts,* from Janesville Wis., to points in Illinois, Indiana, and Iowa; *vehicle bodies, automobile parts* when accompanying vehicles with which to be used, and *automobile show paraphernalia and displays* (except display vehicles), betwen points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin; *automobiles, trucks, chassis, buses, and tractors* (not including farm tractors and crawler or track type tractors), in initial movements, in truckaway and driveway service, from Janesville, Wis., to points in Colorado, Idaho, Kansas, Wyoming, and the Lower Peninsula of Michigan, with restriction; and *automobiles, trucks, tractors* (not including farm tractors and crawler or track type tractors), *chassis, and buses,* in secondary movements, in truckaway and driveaway service, and *vehicle bodies, automobile parts* when accompanying vehicles with which to be used, and *automobile show paraphernalia and displays,* between points in Colorado, Idaho, Kansas, Wyoming, and the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan with restriction.

NATIONAL CITY LINES, INC., holds no authority from this Commission. However, it controls (1) CAR CARRIERS, INC., 13101 South Torrence Avenue, Chicago, Ill. 60633, which is authorized to operate as a *common carrier* in Illinois, Missouri, Michigan, Indiana, Wisconsin, Iowa, Minnesota, Alabama, Ohio, North Dakota, South Dakota, Nebraska, Kansas, Tennessee, Arkansas, Pennsylvania, Virginia, West Virginia, and Mississippi; (2) T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408, which is authorized to operate as a *common carrier* in Texas, Oklahoma, New Mexico, New Jersey, Arizona, California, Tennessee, Kansas, Massachusetts, Rhode Island, Connecticut, Arkansas, Kentucky, Maryland, Ohio, Georgia, Missouri, Virginia, Illinois, Indiana, Pennsylvania, New York, Alabama, and West Virginia, Oregon, Washington, Colorado, Wyoming, Utah, Idaho, Nebraska, and Michigan; (3) C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. 48910, which is authorized to operate as a *common carrier* in Michigan, Kentucky, Ohio, Tennessee, Illinois, Indiana, Iowa, Texas, Rhode Island, Virginia, Utah, Missouri, Wisconsin, Minnesota, New Jersey, New York, Pennsylvania, West Virginia, Arkansas, Maryland, Alabama, Florida, Georgia, and the District of Columbia; (4) DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652, which is authorized to operate as a *common carrier* in all points in the United States (except Hawaii); (5) AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, Mich. 48501, which is authorized to operate as a *common carrier* in Michigan, Nebraska, Alabama, Illinois, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky; and (6) UNION STREET RAILWAY COMPANY, 935 Purchase Street, New Bedford, Mass. 02740, which is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10778. Authority sought for purchase by RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705, of the operating rights of ORVAL A. ZIMMERMAN AND NETTIE M. ZIMMERMAN, doing business as PARMA LUMBER CO.—PARMA TRANSFER CO., Parma, Idaho 83660. Applicants' attorney: Raymond D. Givens, Post Office Box 964, Boise, Idaho 83701. Operating rights sought to be transferred: *General commodities,* except classes A and B explosives, as a *common carrier,* over irregular routes, between Parma, Idaho, and points in Idaho within 10 miles thereof, on the one hand, and, on the other, points in Baker and Malheur Counties, Oreg., within 100 miles of Parma, with restriction. Vendee is authorized to operate as a *common carrier* in Oregon, Idaho, Colorado, Montana, Arizona, California, New Mexico, Utah, Nevada, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10779. Authority sought for purchase by CENTURY MOTOR FREIGHT, INC., 3245 Fourth Street SE., Minneapolis, Minn. 55414, of the operating rights and property of NORTH SHORE FREIGHT LINES, INC., 202 South 26th Avenue West, Duluth, Minn. 55806, and for acquisition by STEVE BONELLO, 721 Parkview Terrace, Minneapolis, Minn., of control of such rights and property through the purchase. Applicants' attorney: Julius F. Bonello, 3245 Fourth Street SE., Minneapolis, Minn. 55414. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over a regular route, between Duluth, Minn., and Pigeon River, Minn., serving all intermediate points; and the off-route points of Grand Portage, Lax Lake, Finland, Sawbill Trail, Caribou Lake, Beaver Bay, Little Marais, Lutsen, and Cascade, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota and Wisconsin. Application has not been filed for temporary authority under section 210(a)b.

By the Commission.

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

[F.R. Doc. 70–3253; Filed, Mar. 17, 1970; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 13, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsesquent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (not given) received in the Commission March 5, 1970. Applicant: DONALD L. KERBS AND NEAL J. LOVIN, doing business as C and R TRUCK LINE, 703 North Fifth Street, Salina, Kans. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Salina and Sylvan Grove, Kans., serving all intermediate points and also serving the off-route points of Wilson, Westfall, Juniata, Glendale, Hedville, Denmark, and the pipeline terminal or pumping station of Natural Gas Pipeline of America, located approximately 1 mile north and 1 mile west of the Sylvan Grove Interchange; from Salina, Kans., west over U.S. Interstate Highway I–70 to the Wilson Interchange, thence north over Kansas Highway 232 to the Wilson Reservoir Damsite, thence east over an unnumbered county road approximately 4 miles to its intersection with another unnumbered county road to Sylvan Grove, Kans., and return over the same route. The above-described authority to be tacked with existing authority, also between Tescott, Kans. and the pipeline terminal or pumping station of Northern Natural Gas Co., located approximately 1 mile east and 3 miles north of Tescott, Kans.; from Tescott, Kans., east over Kansas Highway No. 18 approximately 1 mile and thence north over an unnumbered county road to said location, and return over the same route. The above-described authority to be tacked with existing authority, also between the Wilson Reservoir Damsite and points and places within a 5-mile radius thereof. The above-described authority to be tacked with existing authority, also, between Salina and Chapman, Kans., serving all intermediate points and the off-route points of Niles, Talmage, Moonlight, and Detroit; from Salina, Kans., east over U.S. Interstate Highway I–70 to the Chapman Interchange, thence south over Kansas Highway 206 approximately 1½ miles to Chapman, thence west over unnumbered county road to Kansas Highway 43, and thence over said Kansas Highway 43 to Enterprise, Kans., and return over the same route. The above-described authority to be tacked with existing authority. Both intrastate and interstate authority sought.

HEARING: Monday, April 20, 1970, at Topeka, Kans., State Corporation Commission, Fourth Floor, State Office Building. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the Kansas State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

State Docket No. 11105–A, filed February 19, 1970. Applicant: D. L. THOMPSON, Ramona, S. Dak. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, between Sioux Falls, S. Dak., on the one hand, and, on the other, Ramona, S. Dak.; from Sioux Falls over U.S. Highway 77 to junction South Dakota Highway 34, thence over South Dakota Highway 34 to junction South Dakota Highway 19 near Madison, thence over South Dakota Highway 34 to junction unnumbered highway, and thence over unnumbered South Dakota highways to Ramona, and return over the same route. Alternate route: From Sioux Falls over South Dakota Highway 38 to junction South Dakota Highway 19, thence over South Dakota Highway 19 to junction South Dakota Highway 34 near Madison, thence over South Dakota Highway 34 to junction unnumbered highway, and thence over unnumbered South Dakota highways to Ramona, and return over the same route, serving Rutland, Nunda, and Sinai, S. Dak. Both intrastate and interstate authority sought. NOTE: The purpose of this application is to amend applicant's certificate 812–A to include Unityville, Ephiphany, and Canova, S. Dak., as off-route points.

HEARING: Thursday, March 19, 1970, at 1 p.m. central standard time, City Hall, Canova, Miner County, S. Dak. Requests for procedural information, including the time for filing protests concerning this application, should be addressed to the South Dakota Public Utilities Commission, Pierre, S. Dak. 57501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 70067–CCB filed February 19, 1970. Applicant: ORLANDO TRANSIT COMPANY, a Florida Corporation, 46 Weber Avenue, Orlando, Fla. Applicant's representative: John G. Baker, 1001 Citizens National Bank Building, Orlando, Fla. Certificate of public convenience and necessity sought to operate a passenger service as follows: *Passengers and their baggage, and freight* not to exceed 50 pounds in the same vehicle with passengers: *Route 1.* Downtown Orlando, south on Interstate No. 4 to turnoff at State Road No. 535 and on to Buena Vista, a municipal corporation, and to Walt Disney World Preview Center. Return over the same route. *Route 2.* On completion of proposed road from Winter Garden south on said so-called "Service Road" to employees parking lot at Walt Disney World. *Route 3.* On completion of Walt Disney World and opening to public—from downtown Orlando south on Interstate No. 4 to turnoff at State Road No. 530 to Walt Disney World Entrance. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 70–3251; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 42]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 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 11722 (Sub-No. 19 TA), filed March 4, 1970. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, Wash. 98953. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal cans, crowns, and ends*, in cartons, bags, tubes, unitized (bulk) or palletized, from Daly City (San Mateo County), Calif., to Eugene, Salem, and Portland, Oreg., and Vancouver, Chehalis, Tacoma, Seattle, Everett, Yakima, Wenatchee, and Spokane, Wash., for 180 days. Supporting shipper: Crown Cork & Seal Co., Inc., Post Office Box 34030, San Francisco, Calif. 94134. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

No. MC 133562 (Sub-No. 1 TA), filed March 4, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors; steel door frames; steel window frames; and elevator cars; and accessories*, from plantsite and warehouse facilities of Williamsburg Steel Products Co., Brooklyn, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, for 180 days. Supporting shipper: Williamsburg Steel Products Co., Brooklyn, N.Y. 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 127274 (Sub-No. 21 TA), filed March 3, 1970. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite and warehouse facilities of American Home Foods, Division of American Home Products Corp., at or near La Porte, Ind., to Bowling Green, East Bernstadt, Greenville, Horse Cave, Lawrenceburg, Lexington, Louisville, Brooksville, London, Mayfield, and Somerset, Ky., for 180 days. Supporting shipper: American Home Foods Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 128732 (Sub-No. 8 TA), filed March 2, 1970. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 2639 South Soto Street, Los Angeles, Calif. 90023. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract 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 to *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite, warehouse, and storage facilities of Sioux-Preme Packing Co., Sioux Center, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming under continuing contract with Sioux-Preme Packing Co., Sioux Center, Iowa, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Sioux Center, Iowa. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129071 (Sub-No. 7 TA), filed March 4, 1970. Applicant: WHITEHALL TRANSPORT, INC., Post Office Box 387, Whitehall, Wis. 54773. Applicant's representative: Anthony Gruszka (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Whey, powdered and/or dried milk solids*, not to exceed 35 percent corn flour and/or other ingredients, from New York, N.Y., Newark, N.J., and Charleston, S.C., to Red Wing, Minn., and Hager City, Wis., for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 134366 TA, filed February 26, 1970. Applicant: CAHOON FARMS TRUCKING, INC., Lummisville Road, Wolcott, N.Y. 14590. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: I(A) *Frozen prepared apples and frozen prepared cherries*, in containers, on pallets, from Wolcott and North Rose, N.Y., to the plant and/or warehouse sites and/or facilities of Mrs. Smith's Pie Co., at or near; Pottstown, Morgantown, and York, Pa.; Landover and Baltimore, Md., and Portsmouth, Va.; *rejected, returned, and refused shipments* of the same commodities in the reverse direction; (B) *pallets and empty containers*, from Pottstown, and Morgantown, Pa.; to Wolcott and North Rose, N.Y.; (C) *empty containers and lids*, from Baltimore, Md., to Wolcott and North Rose, N.Y.; all under continuing contracts with Cahoon Farms, Inc., of Wolcott, N.Y., only. II. *Frozen foods and bakery products*, from Pottstown, Pa., to points in Alleghany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Jefferson, Lewis, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y.; all under continuing contracts with Mrs. Smith's Pie Co. of Pottstown, Pa., only, for 180 days. Supporting shippers: Mrs. Smith's Pie Co., Charlotte and Water Streets, Pottstown, Pa.; Cahoon Farms, Wolcott, N.Y. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 134368 (Sub-No. 1 TA), filed March 4, 1970. Applicant: NATIONAL RENTAL SERVICE OF OSHKOSH, INC., Post Office Box 1247, Wittman Field, Oshkosh, Wis. 54901. Applicant's representative: Harry G. Zingler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A or B explosives) having a prior or subsequent air movement, between Wittman Field, Wis., on the one hand, and on the other, and points in Dodge, Marquette, Waushara, Waupaca, Outagamie, Calumet, Winnebago, Green Lake, and Fond du Lac Counties, Wis., for 150 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134376 TA, filed March 4, 1970. Applicant: McKEE'S TRANSPORT LIMITED, 674 Lougheed Highway at Alderson Avenue, Coquitlam, New Westminster, British Columbia, Canada. Applicant's representative: R. W. Reid (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood particle board, etc., and related building products*, between Washington and Oregon on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, at or near Blaine and Sumas, Wash., for 180 days. Supporting shipper: Northcoast Forest Products Ltd., 5512 Coring Avenue, North Burnaby, British Columbia, Canada. Send protests to: E. J.

Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

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

[F.R. Doc. 70-3254; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 43]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12, 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 41792 (Sub-No. 16 TA), filed March 2, 1970. Applicant: HOLDCROFT TRANSPORTATION COMPANY, 3232 Highway 75 North, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. 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 to the *Descriptions Case*, from the plantsite and storage facilities utilized by Sioux Preme Packing Co., at or near Sioux Center, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the said plantsite and storage facilities, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office Box 177, Sioux Center, Iowa 51250. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 100623 (Sub-No. 27TA), filed March 2, 1970. Applicant: HOURLY MESSENGERS, INC., doing business as H-M PACKAGE DELIVERY SERVICE, 20th Street and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: Harry Brooks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics, toiletries, cosmetic and toilet accessories, home products, and related advertising and display material*, from the facilities of Avon Products, Inc., Newark, Del.; to points in New Jersey, Maryland, Virginia, the District of Columbia, Delaware, and Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Perry, Schuylkill, and York Counties, Pa., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 250 pounds from the consignor to one consignee at one location on any one (1) day, for 180 days. Supporting shipper: Avon Products, Inc., Newark, Del. 19711. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133562 (Sub-No. 1 TA), file March 6, 1970. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, Iowa 51334. Applicant's representative: Merle L. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of John Morrell & Co., Estherville, Iowa, to points in New Jersey, New York, and Pennsylvania, for 150 days. Supporting shipper: John Morrell & Co., Estherville, Iowa 51334. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133574 (Sub-No. 2 TA), filed March 6, 1970. Applicant: TERRILL TRUCKING COMPANY, 1016 Geneseo Street, Storm Lake, Iowa 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, from Denison, Iowa, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: World Wide Meats, Inc., Box 234, Denison, Iowa 51442. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 134260 (Sub-No. 1 TA), filed March 2, 1970. Applicant: MISSOURI VALLEY EASTERN EXPRESS, INC., 4440 Buckingham Street, Box 7078, Omaha, Nebr. 68107. Applicant's representative: Charles J. Kimball, 605 South 14 Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract 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 to the *Descriptions Case*, from the plantsite and storage facilities utilized by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Vermont, Wisconsin, and the District of Columbia, restricted to traffic originating at the named plantsite and storage facilities, for 180 days. Supporting shipper: Sioux-Preme Packing Co., Post Office 177, Sioux Center, Iowa 51250 (I. R. Walsh). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134272 (Sub-No. 1 TA), filed March 3, 1970. Applicant: DAY & ROSS, LTD., Hartland, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potatoes*, from ports of entry on the international boundary between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, District of Columbia, Ohio, North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Michigan, Wisconsin, Maryland, and Louisiana, for 180 days. Supporting shipper: McCain Foods, Ltd., Florenceville, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 134305 TA (Correction), filed February 2, 1970, published FEDERAL REGISTER, issues of February 11, and February 25, 1970, and republished as corrected this issue. Applicant: HARRY E. HAMM, doing business as HAMM TRUCKING, Rural Route No. 1, Erie, Ill. 61250. Applicant's representative: Albert A. Andrin, 39 South La Salle Street, Chicago, Ill. 60603. NOTE: The purpose of this correction is to show the correct name and address of the supporting shipper: The Erie Casein Co., Erie, Ill. 61250. The rest of the notice remains as previously published.

No. MC 134335 (Sub-No. 1 TA), filed March 2, 1970. Applicant: ALL FREIGHT, INC., 3200 West 65th Street, Cleveland, Ohio 44114. Applicant's representative: George S. Maxwell, 955 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned*

animal food, from Bedford, Ohio, to Indianapolis and Evansville, Ind.; Chicago, Ill.; Muskegon, Jackson, Plymouth, Detroit, Flint, Lansing, Saginaw, Bay City, and Grand Rapids, Mich.; Huntington, Parkersburg, and Clarksburg, W. Va.; Knoxville, Tenn.; Johnstown, Pittsburgh, Murraysville, Oakdale, Belle Vernon, Kittanning, Scranton, Harrisburg, Wilkes-Barre, and York, Pa.; Covington, Ky.; Norwich, Buffalo, Olean, and Syracuse, N.Y.; Hagerstown, La Vale, and Cumberland, Md.; Richmond and Norfolk, Va., for 180 days. Supporting shipper: S. E. Mighton Co., 150 Northfield Road, Bedford, Ohio 44146. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 134379 TA, filed March 6, 1970. Applicant: ALLEN TRANSPORT CORPORATION, Route 4, Box 155C, Glen Allen, Va. 23060. Applicant's representative: A. G. Allen, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete manholes*, from plantsite of Virginia Precast Corp., Glen Allen, Va., to District of Columbia and points in Washington, St. Marys, Calvert, Anne Arundel, Frederick, Charles, Prince Georges, Montgomery, Howard, and Baltimore Counties, Md., for 150 days. Supporting shipper: Virginia Precast Corp., Route 4, Glen Allen, Va. 23060. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 134380 TA, filed March 6, 1970. Applicant: CLIFFORD A. WILLIAMSON, doing business as ROYALTY SERVICE CO., Post Office Box 89, Midland Park, N.J. 07432. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated duplicating, copying, and reproducing machines, and materials, supplies, accessories, and components* used in the operation and maintenance of such machines, between Paterson, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Rockland, Nassau, and Suffolk Counties, N.Y., and West Hartford, Conn., for the account of Royal Typewriter Co., Division Litton Business Systems, Inc., for 150 days. Supporting shipper: Royal Typewriter Co., Division Litton Business Systems, Inc., 150 New Park Avenue, Hartford, Conn. 06106. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 134381 TA, filed March 6, 1970. Applicant: W. W. HAIR, doing business as JIMMY'S AUTO STORAGE, 602 South Utah, Roswell, N. Mex. 88201. Applicant's representative: John F. Quinn, Post Office Drawer A, Santa Fe, N. Mex. 87501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, from points in New Mexico to points in Texas, as follows: North of U.S. Highway 80 to the intersection of U.S. Highway 80 with U.S. Highway 87; west of U.S. Highway 87 to the intersection of U.S. Highway 66; south of U.S. Highway 66, including south to U.S. Highway 66 to points in New Mexico, including Lubbock, Amarillo, El Paso, and Big Springs, Tex., for 180 days. NOTE: Applicant intends to interline with MC No. 3785. Supporting shippers: There are approximately 10 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: William R. Murdoch, District Supervisor, Interstate Commerce Commission, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 134386 TA (Correction), filed February 20, 1970, published FEDERAL REGISTER issue of March 3, 1970, under No. MC 129034 (Sub-No. 2 TA), and republished as corrected this issue. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: Jack Davis, IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial documents, business records, accounting and audit media, automated data processing media, and advertising materials* when moving in conjunction with other authorized commodities, between points in Lane, Clackamas, and Multnomah Counties, Oreg., on the one hand, and, on the other, points in Clark, Cowlitz, Lewis, Grays Harbor, Pierce, Thurston, King, Snohomish, Skagit, and Whatcom Counties, Wash., for 180 days. NOTE: The purpose of this republication is to correct the docket number as shown above, in lieu of No. MC 129034 (Sub-No. 2 TA), which was assigned in error. Supporting shippers: The Bank of California, 330 Southwest Sixth Avenue, Portland, Oreg. 97208; Columbia River Log Scaling & Grading Bureau, 2260 Oakmont Way, Post Office Box 1121, Eugene, Oreg. 97401; Mayflower Farms, Post Office Box 42165, Portland, Oreg. 97242; Nordstrom Best, Inc., Fourth Avenue at Pike Street, Seattle, Wash. 98101; Northwest Management Services, Inc., 2300 Eastlake Avenue East, Seattle, Wash. 98102; J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019; Plywood Marketing Associates, Box 1089, Vancouver, Wash. 98660; and United Data Processing, 1325 Southwest Custer Drive, Portland, Oreg. 97219. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

MOTOR CARRIER OF PASSENGERS

No. MC 134333 (Sub-No. 1 TA), filed March 6, 1970. Applicant: HAROLD FRANCIS CHAPMAN, 105 Russ Street, Snow Hill, Md. 21863. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Accomack and Northampton Counties, Va., the plant of P & L Processors, Inc., Stockton, Md., for 180 days. Supported by: P & L Processors, Inc., Stockton, Md. 21864, Samuel M. Quillin, president. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

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

[F.R. Doc. 70-3255; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 506]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 10, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71853. By order of March 6, 1970, the Motor Carrier Board approved the transfer to Dufour Brothers, Inc., Lakeville, Conn., of certificates No. MC–96318 and subs thereunder, issued to Yellow Coach Lines, Inc., Pittsfield, Mass., authorizing the transportation of: Passengers and their baggage, over specified regular routes, and in special operations, serving specified points and areas in Massachusetts, New York, Connecticut, and Vermont. Frank Daniels, attorney for transferor, 15 Court Square, Boston, Mass. 02108, William Ford, attorney for transferee, Lakeville, Conn. 06039.

No. MC–FC–71866. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Fritz Trucking, Inc., Clara City, Minn., of the operating rights in permits Nos. MC–118739 (Sub-No. 2) and MC–118739 (Sub-No. 4) issued April 11, 1963, and June 16, 1966, respectively, to Vernon Fritz, doing business as Fritz Trucking Service, Clara City, Minn., authorizing the transportation, over irregular routes, of such merchandise as is dealt in by wholesale and retail dry goods and variety store business houses, from Clara City, Minn., to points in Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wyoming, and Wisconsin, and returned shipments of such merchandise from points in the above States to Clara City, Minn., for a specified shipper. Donald L. Maland, 102

Parkway Drive, Montevideo, Minn. 56265, attorney for applicants.

No. MC–FC–71921. By order of March 6, 1970, the Motor Carrier Board approved the transfer to Carey of Boston, Inc., West Somerville, Mass., of certificate No. MC–96573 issued to Robie Cadillac Renting Co., a corporation, Cambridge, Mass., and acquired by A & A Limousine Renting, Inc., Somerville, Mass., pursuant to approval and consummation of No. MC–FC–71148 on December 27, 1969, authorizing the transportation of: Passengers and their baggage, in charter operations, limited to six passengers, beginning and ending at Boston, Mass., and points within 50 miles, and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York. Francis E. Barrett, Jr., attorney at law, 536 Granite Street, Braintree, Mass. 02184.

No. MC–FC–71957. By order of March 6, 1970, the Motor Carrier Board approved the transfer to Crawford Freight Lines, Inc., Aberdeen, S. Dak., of the operating rights in certificates Nos. MC–111963, MC–111963 (Sub-No. 2), and MC–111963 (Sub-No. 3) issued August 11, 1950, February 21, 1963, and June 7, 1965, respectively, to Edwin Voegele, doing business as Voegele Truck Line, Aberdeen, S. Dak., authorizing the transportation of general commodities, with usual exceptions, between Aberdeen, S. Dak., and the South Dakota-North Dakota State line, approximately 12 miles north of Eureka, S. Dak.; between junction South Dakota Highway 10 and unnumbered highway approximately 9 miles south of Longlake, S. Dak., and the South Dakota-North Dakota State line at South Dakota Highway 45; and between junction South Dakota Highways 10 and 45 east of Eureka, S. Dak., and junction South Dakota Highway 45 and unnumbered highway approximately 8 miles west of Longlake, S. Dak.; in each instance, service is authorized to and from all intermediate points except no service is authorized between Aberdeen, S. Dak., on the one hand, and, on the other, Leola, S. Dak.; general commodities, usual exceptions, between Leola, S. Dak., and Aberdeen, S. Dak., serving the intermediate point of Wetonka, S. Dak., and from Aberdeen, S. Dak., to Eureka, S. Dak., serving the intermediate point of Hosmer, S. Dak., and the off-route point of Hillsview, S. Dak., for purpose of joinder. James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104, attorney for applicants.

No. MC–FC–71958. By order of March 6, 1970, the Motor Carrier Board approved the transfer to Russell Transportation, Inc., Omaha, Nebr., of certificate No. MC–10445, issued January 31, 1950, to H. L. McCammon, doing business as Best Way Truck Line, Cameron, Mo., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between St. Joseph, Mo., and Cameron, Mo., over U.S. Highway 36, and return over the same route, with service authorized to and from the intermediate and off-route points of San Antonio, Highway Garage, McQuerry Station, McQuate Station, and Osborn, Mo. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–71963. By order of March 6, 1970, the Motor Carrier Board approved the transfer to V & A Trucking Corp., Brooklyn, N.Y., of the operating rights in certificate No. MC–63072 issued October 14, 1949, to Motor Transportation Corp., Brooklyn, N.Y., authorizing the transportation of candy and alcoholic and malt beverages between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 25 miles of City Hall, New York, N.Y., and alcoholic beverages from Hoboken, and Jersey City, N.J., to points in Westchester, Suffolk, and Nassau Counties, N.Y., within 25 miles of New York, N.Y. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3257; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 507]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 11, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71821. By order of March 9, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Lawrenceburg Trucking, Inc., Lawrenceburg, Ind., of certificate No. MC–20539 issued to Joseph Brunsman, Sunman, Ind., authorizing the transportation of: General commodities, with the usual exceptions, between Batesville, Ind., and Cincinnati, Ohio, and household goods, farm supplies and products, between the above-named points and a specified area of Kentucky and Ohio within 100 miles of Batesville, Ind. James E. Lesh, attorney at law, 3737 North Meridian Street, Indianapolis, Ind. 46208.

No. MC–FC–71865. By order of March 19, 1970, the Motor Carrier Board approved the transfer to Knox Truck Lines, Inc., Houston, Tex., of the certificate of registration in No. MC–120302 (Sub-No. 1) issued October 23, 1968, to Gene Lane, doing business as Texas Tank Transport (Fisher Dorsey, Mabel Dorsey, Independent Executrix, doing business as Texas Tank Transport, Successor in Interest), Houston, Tex., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Texas, corresponding in scope to the service authorized in certificate of convenience and necessity No. 8043, issued November 3, 1959, to Fisher Dorsey (Mabel Dorsey, Independent Executrix), by the Railroad Commission of Texas. Phillip Robinson, 904 Lavaca, Austin, Tex. 78701, attorney for applicants.

No. MC–FC–71956. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Weit Tours, Inc., Lansdowne, Pa., of the License in No. MC–12217 (Sub-No. 1) issued January 28, 1965, to Charles Weitz, doing business as Weit Tours & Travel Service, Aldan, Pa., authorizing as a broker at Aldan, Pa., in the transportation of passengers and their baggage, in special and charter operations, from Lansdale, Pa., and points in Pennsylvania within 25 miles of Lansdale, to points in the United States, including Alaska and Hawaii, and return. Francis V. Goggins, 60 East 42d Street, New York, N.Y. 10017, and Joseph R. Young, 17 South Avenue, Media, Pa. 19063, attorneys for applicants.

No. MC–FC–71961. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Diamond Cargo, Inc., Brooklyn, N.Y., of permit No. MC–129498 (Sub-No. 2), issued January 10, 1969, to Bernie's Express, Inc., New York, N.Y., authorizing the transportation of: Wearing apparel, and materials and supplies used in the manufacturing of wearing apparel, between Bridgeport, Conn., on the one hand, and, on the other, New York and Pelham Manor, N.Y. Bowes and Millner, Esq., 744 Broad Street, Newark, N.J. 07102, attorneys for applicants.

No. MC–FC–71967. By order of March 9, 1970, the Motor Carrier Board approved the transfer to B & F Transfer, Inc., Cedar Rapids, Iowa, of the certificate of registration in No. MC–99504 (Sub-No. 1) issued April 30, 1964, to Charles E. Faulkner, doing business as B & F Transfer Line, Cedar Rapids, Iowa, evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted by the Iowa State Commerce Commission in certificates Nos. 180 and 341 dated July 12, 1955. Maurice L. Nathanson, 510 Guaranty Building, Cedar Rapids, Iowa 52401, attorney for applicants.

No. MC–FC–71976. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Louis Kauffman and Vernon E. Kauffman, a partnership, doing business as Kauffman Bros., Parkesburg, Pa., that portion of the operating rights specified in certificate No. MC–11544 (Sub-No. 2), and all of the operating rights set forth in certificate No. MC–11544 (Sub-No. 5) issued March 19, 1958, and April 5, 1960, respectively, to D. S. Beiler and Raymond Beiler, a partnership, Dowingtown, Pa., authorizing the transportation of feed, from Linfield, Pa., to Baltimore, Md., and points in New Jersey, and Delaware within 50 miles of Linfield; lumber, from Port Newark, N.J., to Parker Ford, Pa.;

and fertilizer, from Downingtown, Pa., to points in Delaware, Maryland, and New Jersey, within 50 miles of Downingtown, Pa. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC–FC–71977. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Roman Nobbe Co., Inc., Batesville, Ind., of the operating rights in permit No. MC–124748 (Sub-No. 1) issued April 17, 1964, to Roman Nobbe, Batesville, Ind., authorizing the transportation of coal, from North Bend, Ohio, to points in Indiana on and south of U.S. Highway 36 extending from the Ohio-Indiana State line to Indianapolis, Ind., thence on and east of U.S. Highway 31 from Indianapolis, Ind., to the Indiana-Kentucky State line at Louisville, Ky. Malcolm C. Mallette, 111 Monument Circle—No. 1200, Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–71985. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Al Heller, Inc., Rockaway, N.J., of the operating rights in certificate No. MC–94418, issued October 13, 1941, to Abraham Heller, doing business as A & H Trucking Co., Rockaway, N.J., authorizing the transportation of women's and children's garments and returned materials used in the manufacture thereof from Long Branch, N.J., to New York, N.Y., and materials used in the manufacture of the above specified commodities from New York, N.Y., to Long Branch, N.J. David M. Sweetwood, 1180 Route 46, Parsippany-Troy Hills, N.J. 07054, attorney for applicants.

No. MC–FC–71987. By order of March 9, 1970, the Motor Carrier Board approved the transfer to Dudley Boat & Trailer Transportation, Inc., Auburn, Wash., of the operating rights in certificates Nos. MC–126266 (Sub-No. 1) and MC–126266 (Sub-No. 3) issued March 29, 1967, and September 13, 1968, respectively to Max L. Dudley, doing business as Dudley Boat & Trailer Transport, Auburn, Wash., authorizing the transportation of specified commodities from, to and between specified points and areas in Washington, Oregon, Arizona, California, and Nevada. Joseph O. Earp, registered practitioner, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104, representative for applicants.

No. MC–FC–71992. By order of March 9, 1970, the Motor Carrier Board approved the transfer to John M. Grierson, doing business as B & B Delivery Service, Toledo, Ohio, of the operating rights in certificate No. MC–119408, issued December 2, 1964, authorizing the transportation of eye glasses, frames, lenses, parts, and ophthalmic materials and supplies, and prescriptions and orders therefor, between Toledo, Ohio, on the hand, and, on the other, points in Monroe County, Mich. Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3258; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 508]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 25977. By order of March 10, 1970, the Motor Carrier Board approved the transfer to All Cargo Forwarders, Inc., Newark, N.J., of amended permit and order in No. FF–156, issued June 18, 1963, to Falcon Freight Forwarders, Inc., Secaucus, N.J., authorizing operations as a freight forwarder of commodities generally, between specified points in New York and New Jersey, on the one hand, and, on the other, specified points in New Jersey, Maryland, Pennsylvania, Delaware, and Washington, D.C. Thomas E. Durkin, 24 Branford Place, Newark, N.J. 07102, attorney for applicants.

No. MC–FC–71979. By order of March 11, 1970, the Motor Carrier Board approved the transfer to The Meriden Parcel-Gift Delivery Co., Inc., 155 Colony Street, Meriden, Conn. 06450, of the certificate of registration in No. MC–99448 (Sub-No. 2) issued May 12, 1964, to G. William Malerba, doing business as Meriden Parcel Gift Delivery, 155 Colony Street, Meriden, Conn. 06450, evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to authority granted in common carrier certificate No. C–957 dated January 10, 1949, issued by the Public Utilities Commission of Connecticut.

No. MC–FC–71986. By order of March 11, 1970, the Motor Carrier Board approved the transfer to Dor-O-Dee Trucking Service, Inc., Little Ferry, N.J., of the operating rights in certificate No. MC–2028 issued August 20, 1957, to Gray Fleet Trucking Co., Inc., Little Ferry, N.J., authorizing the transportation of heavy industrial chemicals and empty chemical containers used as the receptacles of heavy industrial chemicals, between New York, N.Y., on the one hand, and, on the other, New Brunswick, N.J., and points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic Counties, N.J., and those in Middlesex County, N.J., north of the Raritan River. James J. Farrell, registered practitioner, 206 North Boulevard, Belmar, N.J. 07719, and Morris Honig, attorney at law, 150 Broadway, New York, N.Y. 10038, representatives for applicants.

No. MC–FC–71990. By order of March 11, 1970, the Motor Carrier Board approved the transfer to James D. Cole, R. R. No. 2, Box 181, Brimfield, Ill. 61517, of certificate of registration No. MC–42708 (Sub-No. 2) issued April 10, 1964, to Morris J. Smith, doing business as Smith Trucking Service, Pawnee, Ill. 62558, authorizing the transportation of milk and general commodities within a 50-mile radius of Pawnee, Ill., and to transport such property to or from any point outside of such authorized area of operation for shipper or shippers within such area.

No. MC–FC–71991. By order of March 11, 1970, the Motor Carrier Board approved the transfer to R. H. Rediker Transport, Ltd., Post Office Box 30, Main Street, Beebe, Quebec, Canada, of the operating rights in certificate No. MC–115352 (Sub-No. 1), issued December 12, 1956, to Reginald H. Rediker, doing business as R. H. Rediker, Beebe, Quebec, Canada, authorizing the transportation of rough granite from and to specified points in Vermont.

No. MC–FC–72000. By order of March 10, 1970, the Motor Carrier Board approved the transfer to Agee Motor Freight, Inc., Chicago, Ill., of the operating rights in certificate No. MC–84219 issued August 15, 1969, to Abco Trucking Corp., Melrose, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Lowell, Dracut, Methuen, Lawrence, North Andover, Andover, North Reading, Reading, Stoneham, Medford, Somerville, Cambridge, and Boston, Mass. George C. O'Brien, 15 Court Square, Boston, Mass. 02108, attorney for transferor. Paul J. Maton, Suite No. 1149, 10 South La Salle Street, Chicago, Ill. 60603, attorney for transferee.

No. MC–FC–72016. By order of March 11, 1970, the Motor Carrier Board approved the transfer to James L. Cihak, Wagner, S. Dak., of the operating rights in certificate No. MC–101675, issued June 7, 1950, to Henry Ehresmann, Delmont, S. Dak. 57330, authorizing the transportation of livestock, grain, foods and seeds between Delmont, S. Dak., and points within 15 miles thereof, on the one hand, and, on the other, Sioux City, Iowa.

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3259; Filed, Mar. 17, 1970; 8:48 a.m.]

[Notice 509]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 13, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce

Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71876. By order of March 12, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Resil Corp., East Meadow, N.Y., of the operating rights in certificate No. MC–59223 issued October 31, 1942, to Eastern Transportation Co., Inc., Bronx, N.Y., authorizing the transportation of general commodities, except those of unusual value, dangerous explosives, livestock, household goods as defined by the Commission, commodities in bulk, refrigerators, refrigerating and air-conditioning equipment, electrical household appliances, and oil burners, between points in New York, New Jersey, and Connecticut within 35 miles of New York, N.Y., including New York, N.Y., and between New York, N.Y., on the one hand, and, on the other, points in Rockland, and Orange Counties, N.Y., and points in Morris, Mercer, Somerset, Middlesex, Monmouth, and Ocean Counties, N.J., exclusive of points within 35 miles of New York, N.Y.; and automobile license plates, between Auburn, N.Y., and New York, N.Y. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432, and William D. Traub, 10 East 40th Street, New York, N.Y. 10016, representatives for applicants.

No. MC–FC–72013. By order of March 12, 1970, the Motor Carrier Board approved the transfer to Zueck Transportation Co., a corporation, 110 M Street, Rock Springs, Wyo. 82901, of certificates of registration Nos. MC–54514 (Sub-No. 1) and MC–54514 (Sub-No. 2) issued November 7, 1966, and June 10, 1968, respectively, to Emil Zueck, doing business as Zueck Transportation Co., Rock Springs, Wyo. 82901, evidencing a right to engage in transportation in interstate commerce as described in State Certificate No. 44, as amended, issued by the Public Service Commission of Wyoming.

No. MC–FC–71997. By order of March 12, 1970, the Motor Carrier Board approved the transfer to J. Swanson's Motor Service, Inc., West Railroad Street, Cambridge, Ill. 61238, of the operating rights in certificate No. MC–17264 issued November 15, 1965, to Jennie V. Swanson, doing business as Swanson's Motor Service, West Railroad Street, Cambridge, Ill. 61238, authorizing the transportation of agricultural implements and parts, machinery and parts, advertising matter, and implement dealer supplies, between Rock Falls, East Moline, Rock Island, and Canton, Ill., on the one hand, and, on the other, Davenport and Bettendorf, Iowa.

No. MC–FC–71999. By order of March 12, 1970, the Motor Carrier Board approved the transfer to Carmella P. Sacco, doing business as Sacco's Trucking, 76 Turner Avenue, Pittsfield, Mass. 01201, of certificates Nos. MC–95147 and MC–95147 (Sub-No. 2) issued July 14, 1950 and October 2, 1953, respectively, to Domenico S. Sacco (Carolyn T. Sacco, Administratrix), doing business as Sacco's Trucking, 76 Turner Avenue, Pittsfield, Mass. 01201, authorizing the transportation of household goods between Pittsfield, Mass., on the one hand, and, on the other, points in New York; and between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Rhode Island, and Connecticut.

No. MC–FC–71899. By order of March 12, 1970, the Motor Carrier Board approved the transfer to Kusler's Central Distributing Co., a corporation, Pierre, S. Dak., of the operating rights in permit No. MC–133728 issued December 22, 1969, to the Torvik Distributing Co., a corporation, Pierre, S. Dak., authorizing the transportation of malt beverages, in containers, and supplies and materials used in the sale and distribution of malt beverages, from Minneapolis and St. Paul, Minn., Milwaukee, Wis., Omaha, Nebr., and St. Louis, Mo., to Winner, S. Dak. Thomas C. Adam, Box 160, Pierre, S. Dak. 57501, attorney for applicants.

No. MC–FC–71969. By order of March 12, 1970, the Motor Carrier Board approved the acquisition by Richard A. Etherson, of Knoxville, Tenn., and Joseph C. Spears, of Athens, Tenn., of control of Roger Q. Williams Tours, Inc., Knoxville, Tenn., which holds a license in No. MC–12520 (Sub-No. 2) authorizing operations at Knoxville, Tenn., as a broker of passengers and their baggage, in round-trip tours; (a) beginning and ending at Norris, Tenn., and points within 75 miles thereof, and extending to points in the United States (except Alaska and Hawaii); and (b) beginning and ending at points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and West Virginia, and at points in Kentucky, Virginia, and North Carolina, except those within 75 miles of Norris, Tenn., and extending to points in the United States (except Alaska and Hawaii). Wm. C. Wilson, Valley Fidelity Bank Building, Knoxville, Tenn. 37902, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3260; Filed, Mar. 17, 1970; 8:48 a.m.]

[No. 35215]

NEW MEXICO INTRASTATE FREIGHT RATES AND CHARGES, 1970

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 4th day of March 1970.

By petition filed January 5, 1970, the common carriers by railroad operating within the State of New Mexico aver that the State Corporation Commission of New Mexico has refused to authorize or to permit increases in rates and charges on freight moving in intrastate commerce corresponding to those authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 714, and they also seek the institution of an investigation with a view to further increasing the intrastate rates to the level authorized by this Commission's order entered November 17, 1969, in Ex Parte No. 262, Increased Freight Rates, 1969, not printed; and for good cause:

It is ordered, That, pursuant to section 13 of the Interstate Commerce Act, under which the instant petition is filed, an investigation be, and it is hereby, instituted into the matters and things presented in the petition; and that all common carriers by railroad operating within the State of New Mexico subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding.

It is further ordered, That all persons who intend actively to participate in this proceeding and to file and receive copies of pleadings, shall make known that fact by notifying the Commission in writing on or before March 30, 1970. Any interested persons who notify the Commission later than the aforesaid date of their desire to actively participate will be added to the service list in the instant docket for service of subsequent Commission releases herein, and the burden will be on such persons to notify other participants in writing of their desire to receive and exchange pleadings. Otherwise, any interested person desiring to participate may make his appearance at the hearing. Reply or rebuttal pleadings to the instant petition are not required and requests for permission to intervene in an investigation proceeding such as this one are unnecessary.

It is further ordered, That as soon as practicable after the date for indicating a desire to participate in the proceeding has past, the Secretary will serve a list of the names and addresses of all participants.

It is further ordered, That a copy of this order be served upon the respondents; that the State of New Mexico be notified of the proceeding by sending a copy of this order by certified mail to the Governor of New Mexico, Santa Fe, N. Mex., and a copy to the State Corporation Commission of New Mexico, Santa Fe, N. Mex.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70–3261; Filed, Mar. 17, 1970; 8:49 a.m.]

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FEDERAL REGISTER

VOLUME 35 • NUMBER 53

Wednesday, March 18, 1970 • Washington, D.C.

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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FEDERAL SEED ACT REGULATIONS

Rules of Practice; Proposed Amendment

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 201, 202]

FEDERAL SEED ACT REGULATIONS

Rules of Practice

Pursuant to the provisions of sections 402, 409, 410, and 413 of the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.), notice is hereby given that consideration is being given to amending the rules of practice under the Act (7 CFR 201.151 et seq.).

Public hearing will be held in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C., at 10 a.m., April 20, 1970. Interested persons are invited to attend this hearing and to offer comments or suggestions. The presiding officer shall be designated prior to the hearing by the Director, Grain Division, Consumer and Marketing Service. Comments in duplicate may be submitted by mail addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and will be considered if received on or before May 20, 1970. All written submissions will be available for public inspection at the office of the Hearing Clerk during regular business hours.

It is proposed to amend Part 201 of Title 7, Code of Federal Regulations, by deleting § 201.151 through 201.159 and § 201.231 and to promulgate a new Part 202 to read as follows:

PART 202—RULES OF PRACTICE UNDER THE FEDERAL SEED ACT

Subpart A—General

AUTHORITY: The provisions of this Part 202 issued under secs. 402, 409, 410, 413, 53 Stat. 1275, as amended; 7 U.S.C. 1592, 1599, 1601, 1603.

Subpart A—General

§ 202.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 202.2 Definitions.

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

(a) The term "Act" means the Federal Seed Act, approved August 9, 1939 (53 Stat. 1275, 7 U.S.C. 1551 et seq.) and any legislation amendatory thereof.

(b) The term "regulations" means the regulations promulgated pursuant to the Act (Part 201 of this chapter).

(c) The term "person" includes any individual, partnership, corporation, company, society, association, receiver, or trustee.

(d) "Moving paper" means any formal complaint and notice of hearing or other document by virtue of which a proceeding under the Act is instituted.

(e) The term "Hearing" means that part of a proceeding which involves the submission of evidence and means either an oral or written hearing.

(f) "Complainant" means the party upon whose moving paper the proceeding is instituted.

(g) "Respondent" means the party proceeded against.

(h) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead, including the Judicial Officer.

(i) "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

(j) "Examiner" means an Examiner in the Office of Hearing Examiners, U.S. Department of Agriculture.

(k) "Examiner's Report" means the Examiner's report to the Secretary with respect to proposed: (1) Findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, and (2) order.

(l) "Director" means the Director of the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, or any officer or employee of the Department to whom authority is delegated to act in his stead.

(m) "Decision and Order" includes the Secretary's findings, conclusions, order, and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions and orders submitted by the parties not theretofore ruled upon.

§ 202.3 Institution of proceedings.

Any person having information of any violation of the Act or of any of the regulations promulgated thereunder may file with the Director, an application requesting the institution of such proceedings as may be authorized under the Act. Such application shall be in writing, signed by or on behalf of the applicant, and shall contain a short and simple statement of the facts constituting the alleged violation and the name and address of the applicant and the party complained of. If, after investigation of the matters complained of in the application or after investigation made on his own motion, the Director has reason to believe that any person has violated or is violating any of the provisions of the Act or the regulations made and promulgated thereunder, he may institute such proceedings as may be authorized by the Act.

§ 202.4 Status of applicant.

The person filing an application shall not be a party to any proceeding which may be instituted under the Act, unless he be permitted by the Secretary or by the Examiner to intervene therein. The Director shall not be required to divulge the name of the applicant and such person will have no legal status in the

proceeding which may be instituted, except where allowed to intervene or as such person may be called as a witness. At any time after the institution of the proceeding, and before it has been submitted to the Secretary for final consideration, the Secretary or the Examiner may, upon petition in writing and upon good cause shown, permit any person to intervene.

Subpart B—Rules Applicable to Cease and Desist Proceedings

§ 202.10 Institution of proceedings; docket number.

(a) A cease and desist proceeding under section 409 of the Act (7 U.S.C. 1599) is instituted upon the issuance by the Director of a moving paper and the filing of such document with the Hearing Clerk.

(b) Each such proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk and thereafter the proceeding shall be referred to by such number.

§ 202.11 Moving paper.

§ 202.11–1 Filing and service.

If the Director has reason to believe that any person has violated or is violating any of the provisions of the Act or the regulations issued or promulgated thereunder, a moving paper may be filed with the Hearing Clerk, a copy of which shall be served upon each respondent as provided in § 202.27.

§ 202.11–2 Contents.

The moving paper shall set forth briefly the nature of the violation or violations, including allegations of fact which constitute a basis for the proceeding, and designate a time and place for a hearing in the matter which shall be at least 30 days after the date of the service of the moving paper upon the respondent.

§ 202.11–3 Amendments.

At any time prior to the close of the hearing, the moving paper may be amended; but, in case of an amendment adding new provisions, the hearing shall, on the request of the respondent, be adjourned for a period not exceeding 15 days.

§ 202.12 Answer.

§ 202.12–1 Filing and service.

The respondent shall file an answer to the allegations of the moving paper, with the Hearing Clerk, signed by the respondent or his attorney, within 20 days after service of the moving paper upon the respondent.

§ 202.12–2 Contents.

The answer shall (a) contain a concise statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the moving paper unless the respondent is without knowledge, in which case the answer shall so state; (b) state that the respondent admits all of the facts alleged in the moving paper; or (c) state that the respondent admits the jurisdictional allegations of the moving paper and neither admits nor denies the remaining allegations and consents to the issuance of a specified order without further procedure. The answer may contain an express waiver of hearing.

§ 202.12–3 Failure to file.

Failure to file an answer to, or plead specifically to, any allegation of the moving paper, except as provided in § 201.12–2(c) of this chapter shall constitute an admission of such allegation.

§ 202.13 Consent orders.

At any time after the institution of a proceeding, the respondent may file an answer or amended answer consenting to an order as set forth in § 202.12–2(c). Within 15 days after service of such an answer, the complainant shall file its recommendation. If the complainant recommends that the order consented to by respondent be issued, the Secretary may, in his discretion, enter such order which shall have the same force and effect as other orders issued hereunder and shall be served upon the parties in the manner provided in § 202.27.

§ 202.14 Examiners.

§ 202.14–1 Assignment.

No examiner shall be assigned to serve in any proceeding who (a) has any pecuniary interest in any matter or business involved in the proceeding, (b) is related within the third degree by blood or marriage to any party to the proceeding, or (c) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the moving paper or in the development of the evidence to be introduced therein.

§ 202.14–2 Disqualification of Examiner.

(a) Any party may, by motion made to the Examiner, request that the Examiner disqualify himself and withdraw from the proceeding. The Examiner may then either rule upon or certify the motion to the Secretary, but not both.

(b) An Examiner shall withdraw from any proceeding in which he deems himself disqualified for any reason.

§ 202.14–3 Conduct.

The Examiner shall conduct the proceeding in a fair and impartial manner, and save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

§ 202.14–4 Powers.

Subject to review by the Secretary as provided elsewhere in this part, the Examiner, in any proceeding assigned to him, shall have power to:

(a) Rule upon motions and requires;

(b) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(c) Administer oaths and affirmations and take affidavits;

(d) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, contracts, papers, and other documentary evidence;

(e) Summon and examine witnesses and receive evidence;

(f) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(g) Admit or exclude evidence;

(h) Hear oral argument on facts or law; and

(i) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

§ 202.14–5 Who may act in the absence of the Examiner.

In case of the absence of the Examiner or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, without abatement of the proceeding unless otherwise directed by the Secretary, be assigned to any other Examiner.

§ 202.15 Prehearing conferences.

In any proceeding in which it appears that such procedure will expedite the proceeding, the Examiner, at any time prior to the commencement of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of experts or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the Examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the Examiner may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The Examiner shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the Examiner shall submit a written summary for the record if any action is taken.

§ 202.16 Motions and requests.

§ 202.16–1 General.

All motions and requests shall be filed with the Hearing Clerk, unless made during the course of an oral hearing, in which case they may be stated orally and made a part of the transcript. The Examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the Hearing Clerk as hereinafter provided. The

Secretary will rule upon all motions and requests filed after that time.

§ 202.16–2 Motions entertained.

Any motion will be entertained except a motion to dismiss on the pleadings. All motions and requests concerning the sufficiency of the moving paper must be made within the time allowed for filing an answer.

§ 202.16–3 Contents.

All written motions and requests shall state the particular order, ruling, or action desired and the grounds therefor.

§ 202.16–4 Answers to motions and requests.

Within 15 days after service of any written motion or request, or within any longer period fixed by the Secretary or Examiner, the opposing party shall file an answer to the motion or request or shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless permitted by the Secretary or Examiner, the moving party shall have no right to reply to the answer.

§ 202.16–5 Certification to Secretary.

The submission or certification of any motion, request, objection or other question to the Secretary prior to the time when the Examiner's report is filed with the Hearing Clerk shall be in the discretion of the Examiner. The Examiner may either rule upon or certify the motion, request, objection, or other question, but not both.

§ 202.17 Procedure upon failure to request hearing or waiver of hearing.

§ 202.17–1 General.

Failure to request an oral hearing within the time allowed for the filing of the answer shall constitute a waiver of such hearing. Except as provided in § 202.18, upon such failure to request an oral hearing, or upon express waiver of such hearing, by the parties, the parties shall have a period of 20 days from the final date for filing the answer in which to file sworn statements or affidavits in support of their respective positions. Within a reasonable time thereafter, the Examiner shall issue his report which shall be served upon the parties in the manner provided in § 202.27: *Provided, however*, That if such sworn statements or affidavits raise any material issue of fact, the Examiner may afford the parties an opportunity to submit sworn statements or affidavits in reply or supplemental thereto or he may set the matter down for an oral hearing with respect to such material issues of fact. In the event the matter is set down for oral hearing, the rules in § 202.19 shall be applicable.

§ 202.17–2 Exceptions to Examiner's report.

Within 20 days after service of the Examiner's report, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk suggesting corrected findings of fact, conclusions, or order. A party may file a brief in support of any exceptions or objections which he may file. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument thereon before the Secretary in the manner provided in § 202.23; otherwise he shall be deemed to have waived such oral argument.

§ 202.17–3 Final order.

As soon as practicable after the expiration of the period for filing exceptions and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions filed by the parties. The order shall be served upon the parties in the manner provided in § 202.27.

§ 202.18 Procedure upon admission of facts.

§ 202.18–1 General.

The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving paper shall constitute a waiver of oral hearing. Upon such admission of facts, the Examiner, without further procedure or hearing, shall issue his report, in which he shall adopt as his proposed findings of fact the material facts alleged in the moving paper. The Examiner's report shall be served upon the parties in the manner provided in § 202.27.

§ 202.18–2 Exceptions to Examiner's report.

Within 10 days after service of the Examiner's report, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk suggesting corrected findings of fact, conclusions, or order. A party may file a brief in support of any exceptions or objections which he may file. A party, if he files exceptions, shall state in writing whether he desires to make an oral argument thereon before the Secretary in the manner provided in § 202.23; otherwise he shall be deemed to have waived such oral argument.

§ 202.18–3 Final order.

As soon as practicable after the expiration of the period for filing exceptions and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions filed by the parties. The decision and order shall be served upon the parties in the manner provided in § 202.27.

§ 202.19 Procedure upon request for an oral hearing.

§ 202.19–1 Time and place of hearing.

If and when the proceeding has reached the stage where an oral hearing is to be held, the Examiner, giving careful consideration to the convenience of the parties, shall set a time and place of hearing and shall file with the Hearing Clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing is made, the Examiner shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

§ 202.19–2 Appearances.

(a) *Representation.* The parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Secretary finds, after notice and opportunity for hearing, that a person, who is acting or has acted as counsel or representative for another person in any proceeding before the Secretary, is unfit to act as such representative or counsel, he will order that such person be precluded from acting as counsel or representative in any proceeding under the Act. The procedure in such case will be governed by the applicable provisions of this part.

(b) *Failure to appear.* If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election whether to present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the Examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Examiner's report and to file exceptions and make oral argument before the Secretary with respect thereto, in the manner provided in §§ 202.19–8 and 202.23.

§ 202.19–3 Order of proceeding.

Except as may be determined otherwise by the Examiner, the moving party shall proceed first at the hearing.

§ 202.19–4 Evidence.

(a) *General.* The testimony of witnesses at the hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, in the discretion of the Examiner, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The Examiner shall admit all relevant and material evidence, except evidence which is unduly repetitious.

(b) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, whereupon an automatic exception will follow if the objection is overruled by the Examiner. The transcript shall not include argument or debate thereon except as ordered by the Examiner. The ruling of the Examiner on any objection shall be a part of the transcript. Only objections made before the Examiner may be subsequently relied upon in the proceeding.

(c) *Depositions.* The deposition of any witness shall be admitted in the manner provided in and subject to the provisions of § 202.20.

(d) *Records of the Department.* A true copy of every written entry in the records of the Department made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(e) *Exhibits.* Except where the Examiner finds that the furnishing of copies is impracticable, copies of each exhibit, in addition to the original, shall be filed with the Examiner for the use of the other parties to the proceeding. A true copy of an exhibit may, in the discretion of the Examiner, be substituted for the original.

(f) *Official notice.* Official notice may be taken of the official publications of the Department and other Federal agencies, of such matters as are judicially noticed in the courts of the United States, and of any other matter of technical or scientific fact of established character: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the Examiner's report or otherwise, of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(g) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of an exhibit, it shall be inserted in the record in toto. In the event the Secretary decides that the Examiner's ruling in excluding the evidence was erroneous and prejudicial, the hearing shall be reopened to permit the taking of such evidence.

§ 202.19–5 Transcripts.

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the close of the hearing, the Examiner shall transmit to the Hearing Clerk an original and two copies of the transcript of testimony and the original and copies of exhibits introduced in evidence at the hearing. He shall attach to the original transcript of the evidence a certification stating that the transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of evidence.

(b) *Ordering copies.* Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders at the close of the hearing with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and the purchaser.

§ 202.19–6 Proposed findings of fact, conclusions, and order.

Within such time as the Examiner may prescribe, each party may file with the Hearing Clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party or parties in the manner provided in § 202.27.

§ 202.19–7 Examiner's report.

The Examiner, within a reasonable time after the termination of the period allowed to the parties for the filing of proposed findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare on the basis of the record and shall file with the Hearing Clerk, his report, a copy of which shall be served upon each of the parties in the manner provided in § 202.27.

§ 202.19–8 Exceptions; objections; requests for oral argument.

(a) Within 20 days after service of the Examiner's report, the parties may take exception to any matter set out in such report, and in such case shall file exceptions in writing with the Hearing Clerk, referring to the relevant pages of the transcript, and suggesting corrected findings of fact, conclusions, or order. Within the same period of time, each party shall file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Examiner at the hearing, as set out in § 202.19–4(b), upon which the party wishes to rely, referring where relevant, to the pages of the transcript. A party may file a brief in support of any exceptions or objections which he may file.

(b) A party, if he files exceptions or a statement of objections, shall state in writing, whether he desires to make an oral argument thereon before the Secretary; otherwise, he shall be deemed to have waived such oral argument.

§ 202.19–9 Final order.

As soon as practicable after the expiration of the period for filing exceptions, objections, and briefs, or, in case oral argument is had, as soon as practicable thereafter, the Secretary shall issue his final decision and order, including his ruling on any exceptions or objections filed by the parties. The decision and order shall be served upon the parties in the manner provided in § 202.27.

§ 202.20 Depositions.

(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the Examiner may, at any time after the filing of the moving paper, order, under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the Hearing Clerk and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(b) *Examiner's order for taking deposition.* If the Examiner is satisfied that good cause for taking the deposition is present, he may order its taking. The order shall be filed with the Hearing Clerk and shall be served upon the parties and shall state: (1) The time and place of examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer.* The deposition shall be made before the Examiner, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths. No deposition shall be made before an officer who is a relative (within the third degree by blood or marriage), employee, attorney, or counsel of any party or who is a relative (within the third degree by blood or marriage) or employee of any attorney or counsel for any party or who is financially interested in the result of the proceeding: *Provided, however,* That an officer who is an employee of the Department and is not a relative of any such party, attorney, or counsel may take depositions in any proceeding under the act.

(d) *Procedure on examination.* The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination and the officer shall propound such cross-interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the Examiner, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least 5 days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the

deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign, the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the Examiner finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered or certified mail to the Hearing Clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section, or in accord with the provisions of the Rules of Civil Procedure of the Courts of the United States, may be used in a proceeding under the act if the Examiner finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored but has been unable to procure the attendance of the witness by subpena; or (5) in any event, upon application and notice that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the Examiner, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any other portion, of the deposition.

§ 202.21 Subpenas.

(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the Examiner, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the Examiner upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a U.S. marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering or certifying and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpena by the U.S. marshal or his deputy; or, if served by an individual other than a U.S. marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or if service was by registered or certified mail, by an affidavit made by the person mailing the subpena that it was mailed as provided herein and by the signed return post office receipt: *Provided,* That where the subpena is issued on behalf of the Secretary, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.

§ 202.22 Fees of witnesses.

Witnesses summoned before the Examiner or the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taken the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 202.23 Argument before Secretary.

§ 202.23–1 Request for oral argument; waiver.

Unless a party has included in his exceptions or objections a request for oral argument or has filed a separate request for argument prior to the expiration of the last date for filing such exceptions or objections, he shall be deemed to have waived his right to such oral argument.

§ 202.23–2 Briefs.

The parties may, with the consent of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

§ 202.23–3 Scope of argument.

Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate argument on all the issues to be argued.

§ 202.24 Ex-parte discussion.

At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative or in an investigative capacity, or with any representative of such person: *Provided,* That the Secretary may discuss the merits of the case with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. Any memorandum or other communication addressed to the Secretary, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of, any party shall be regarded as argument made in the proceeding and shall be filed with the Hearing Clerk. A copy thereof shall be served upon the other party or parties in the manner provided in § 202.27, and opportunity will be given the other party or parties to file a reply thereto.

§ 202.25 Petitions for reopening hearing; for rehearing or reargument of proceeding; or for reconsideration of order.

§ 202.25–1 Petition requisite.

(a) *Filing: service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order, must be made by petition to the Secretary filed with the Hearing Clerk. A copy thereof shall be served upon the other party or parties in the manner provided in § 202.27. Every such petition must state specifically the grounds relied upon.

(b) *Petition to reopen hearing.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(c) *Petition to rehear or reargue proceeding, or to reconsider order.* A petition to rehear or reargue the proceeding or to reconsider the order shall be filed within 15 days after the date of the service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 202.25–2 Procedure for disposition of petitions.

Within 20 days following the service of any petition provided for in this § 202.25, the other party or parties to the proceeding shall file with the Hearing Clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce his decision whether to grant or to deny the petition. Unless the Secretary shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere herein, shall be followed. A person filing a petition under this section shall be regarded as the moving party or complainant, although he shall be referred to as the complainant or respondent, depending upon his designation in the original proceeding.

§ 202.26 Filing documents.

All documents or papers required or authorized to be filed, except as provided otherwise in the rules in this Part, shall be filed with the Hearing Clerk in triplicate: *Provided,* That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide copies for service upon all parties to the proceeding.

§ 202.27 Service.

Copies of all documents or papers, required or authorized by the rules in this Part to be served on any party to a proceeding, shall be served by the Hearing Examiner, Hearing Clerk, or by some other employee of the United States. Except as is provided otherwise by the rules in this Part, service shall be made either (a) by delivering a copy of the document or paper to the individual to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; (b) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (c) by registering or certifying and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office or place of business. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided,* That if the service is made by registered or certified mail, proof of service shall be made by the return post office receipt. The affidavit or post office receipt contemplated hereby shall be filed with the Hearing Clerk and the fact of filing thereof shall be noted in the record of the proceeding.

§ 202.28 Computation of time.

Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

§ 202.29 Extension of time.

The time for the filing of any document or paper required or authorized under the rules in this part to be filed may be extended by the Examiner (before the Examiner's report is filed), or by the Secretary (after the Examiner's report is filed), if request for such extension of time is made prior to or on the final date allowed for such filing, and if in the judgment of the Examiner or the Secretary, as the case may be, after notice to and consideration of the views of the other party, when practicable, there is good reason for the extension.

Subpart C—Rules Applicable to Other Proceedings

§ 202.40 Proceedings prior to reporting for criminal prosecution.

The Director shall, before any violation of this act is reported to any U.S. attorney for institution of a criminal proceeding, notify the person against whom such proceeding is contemplated that action is contemplated, inform him regarding the facts involved, and afford him an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding. Notice shall be served upon such person in the manner provided in §202.27. If the person desires to explain the transaction or otherwise to present his views, he shall file with the Director, within 20 days after the service of the notice, an answer, in duplicate, signed by him or by his attorney, or shall request, within the 20 days, an opportunity to express his views orally. The request shall be embodied in a writing signed by the person or by his attorney or agent. Such opportunity to present his views orally shall be afforded at a time and place to be designated by the Director and it shall be given within a time not to exceed 10 days after the date of the filing of the request therefor.

§ 202.41 Notice and hearing prior to promulgation of rules and regulations.

Prior to the promulgation of any rule or regulation contemplated by section 402 of the Act (7 U.S.C. 1592), notice shall be given by publication in the FEDERAL REGISTER of intention to promulgate such rule or regulation and of the time and place of a public hearing to be held with reference thereto. Such hearings shall be conducted by the Director or by such employee or employees of the Department of Agriculture as may be designated to preside thereat, except that hearings with respect to rules or regulations contemplated by section 402(b) of the Act relating to title III of the Act (Foreign Commerce), shall be conducted by the Secretary of the Treasury and the Secretary of Agriculture, acting jointly or separately, or by such employee or employees of the Department of Agriculture or the Department of the Treasury as may be designated to preside thereat. The presiding officer shall conduct the hearing in an orderly and informal manner, according to such procedure as he may announce at the commencement of the hearing. Any rule or regulation promulgated under section 402 of the Act shall become effective on the data fixed in the promulgation, which date shall be not less than 30 days after publication in the FEDERAL REGISTER. Any rule or regulation may be amended or revoked in the same manner as is provided for its promulgation.

§ 202.42 Publication of judgments and orders.

After judgment by a court, or the issuance of a cease and desist order, in any case or proceeding arising under this Act, notice thereof shall be given by publication in Service and Regulatory Announcements of the Department, or by issuing a press release containing any information pertinent to the issuance of the judgment by the court or to the issuance of the cease and desist order, or by such other media as the Administrator of the Consumer and Marketing Service may designate from time to time.

§ 202.43 Proceedings under section 302(a) to show cause why seed or screenings should be admitted into the United States.

When seed or screenings have been refused admission into the United States under the Act or the joint regulations promulgated thereunder, the consignee of such seed or screenings may submit a request to the Director for a hearing in which he may show cause, if any he have, why such seed or screenings should be admitted. Request for such hearing shall be embodied in a writing signed by the owner or consignee or by his attorney or agent. The Director shall thereupon fix, and notify the owner or consignee of, the time when and place at which the hearing will be held. The hearing shall be conducted in an orderly and informal manner by the Director or by a presiding officer duly designated by him, and it shall be governed by such rules of procedure as the presiding officer shall announce at the opening of the hearing. The determination as to whether the seed or screenings may be admitted into the United States shall be made by the Administrator of the Consumer and Marketing Service, within a reasonable time after the close of the hearing, and the consignee of the seed or screenings and the Secretary of the Treasury shall be duly notified as to such determination.

§ 202.44 Proceedings under section 305(b) to determine whether foreign alfalfa or red clover seed is not adapted for general agricultural use in the United States.

The public hearings which shall be held from time to time for the purpose of determining whether seed of alfalfa or red clover from any foreign country or region is not adapted for general agricultural use in the United States shall be conducted by the Director, or by a presiding officer duly designated by him. Such hearings shall be conducted in an orderly and informal manner in accordance with such procedure as the presiding officer shall announce at the opening of each hearing. The Administrator of the Consumer and Marketing Service shall, within a reasonable time after the close of the public hearing, make and publish his determination as to whether the said seed is adapted for general agricultural use in the United States. Publication of the determination shall be made in the FEDERAL REGISTER, and through such other media as the said Administrator may deem appropriate.

Done at Washington, D.C., this 11th day of March 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-3135; Filed, Mar. 17, 1970; 8:45 a.m.]