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Agencies in this issue—



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Volume 82

# UNITED STATES STATUTES AT LARGE

[90th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1968, reorganization plans, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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# List of CFR Parts Affected

**The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.**

**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.**

# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### Standards for Grades of Concentrated Tomato Products [1]

The following U.S. Standards for Grades of concentrated tomato products are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624):

Canned Tomato Puree (Tomato Pulp) (7 CFR 52.5081–52.5091).
Tomato Paste (7 CFR 52.5041–52.5051).

*Statement of justification for issuing correcting amendments.* The U.S. Standards for Grades of Canned Tomato Puree (Tomato Pulp) and for Tomato Paste were amended on February 25, 1970, for the purpose of changing the method of expressing the degree of concentration from "salt free solids" to "natural tomato soluble solids" in order to conform to recent similar changes in the standards of identity for these products recently promulgated by the Food and Drug Administration of the U.S. Department of Health, Education, and Welfare. These changes also necessitated slight compensating changes in numerous mathematical values in each of these standards. Such compensating changes were made in the revisions of February 25, 1970.

Subsequent to the publication of the amended USDA grade standards the Department has become aware of the issuance of a new set of tables by the National Canners Association, which provide a quick means of converting salt free solids values to natural tomato soluble solids values.

Because of different mathematical procedures used in correcting for temperatures and in rounding figures the NCA tables give a slightly different value for the lower limit of medium concentration for canned tomato puree—0.1 percent higher than the same value in the USDA standards. A similar variation occurs—0.8 percent higher—at the lower limit of extra heavy concentration for tomato paste.

While there is good justification for either method of computation, both are used in the business and scientific communities, including the U.S. Department of Agriculture. Because of the occasional slight variation in conversion values, however, it is considered appropriate to amend the two U.S. grade standards to change the two controversial values to those given in the aforementioned National Canners Association tables. Other considerations were:

(1) The NCA tables have been given wide distribution here and abroad. Such tables are relied on heavily by packers, merchandisers, and users of tomato products.

(2) The variations are very small. Manufacture and trading may be done equally well on either value, and neither value is in conflict with the Food and Drug standards of identity. The existence of two different conversion values, however small, would cause considerable confusion.

The amendments are as follows:

In Subpart—U.S. Standards for Grades of Canned Tomato Puree, § 52.5082(b) is revised to read:

**§ 52.5082 Concentration.**

* * * * *

(b) The following designations of concentration may be used in connection with these standards for the applicable natural tomato soluble solids group:

| Natural Tomato Soluble Solids | |
|---|---|
| Extra heavy concentration. | 15.0 percent or more, but less than 24.0 percent. |
| Heavy concentration.. | 11.3 percent or more, but less than 15.0 percent. |
| Medium concentration. | 10.2 percent or more, but less than 11.3 percent. |
| Light concentration.. | 8.00 percent or more, but less than 10.2 percent. |

In Subpart—U.S. Standards for Grades of Tomato Paste, § 52.5042 is revised to read:

**§ 52.5042 Concentration.**

The degree of concentration is not considered a factor of quality for the purposes of these standards but the following designations of concentration may be used in connection with these standards for the applicable natural tomato soluble solids group:

| Natural Tomato Soluble Solids | |
|---|---|
| Extra heavy concentration. | 39.3 percent or more. |
| Heavy concentration.. | 32.0 percent or more, but less than 39.3 percent. |
| Medium concentration. | 28.0 percent or more, but lesss than 32.0 percent. |
| Light concentration.. | 24.0 percent or more, but less than 28.0 percent. |

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making or postpone the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1000–1011), in that:

(1) The two small changes made are in accord with sound and widely recognized mathematical procedure.

(2) The processing industry affected by the amended grade standards is familiar with the revised Food and Drug Standards of Identity, having initiated the action for the revisions made in the Food and Drug Standards of Identity;

(3) Additional time will not be needed for the industry to make preparations for compliance with these standards; and

(4) In order to prevent confusion in trading it is in the interest of the public and the industry that these amendments be made effective at the earliest possible date.

Accordingly, the amendments to the U.S. Standards for Grades of Canned Tomato Puree (Tomato Pulp), and Tomato Paste set forth herein shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 202–208, 60 Stat. 1087, as amended, 7 U.S.C. 1621–1627)

Dated: March 30, 1970.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 70-4018; Filed, Apr. 1, 1970; 8:49 a.m.]

### Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

### PART 729—PEANUTS

### Subpart—1970 Crop of Peanuts; Acreage Allotments and Marketing Quotas

VALENCIA SHORT SUPPLY DETERMINATION

*Basis and purpose.* The provisions of § 729.106 are issued under section 358(c)(2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)(2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the 5-year period 1965–69, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1970–71 marketing year will be insufficient to meet the estimated demand for cleaning and shelling

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice of the proposed determination with respect to Valencia type peanuts under section 358(c)(2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 13, 1970 (35 F.R. 2994). The recommendations received in response to such notice were considered and adopted to the extent permitted by the act. In order that peanut farmers may be notified as soon as possible of any increases of farm allotment for the 1970 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective upon filing of this document with the Director, Office of the Federal Register.

**§ 729.106 Additional allotments for Valencia type peanuts of the 1970 crop.**

(a) *Determination of short supply.* The term "Valencia type peanuts" means the type of peanuts as defined in § 729.7 (c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1969 and Subsequent Crops (33 F.R. 18351, 18981). It is hereby determined that the supply of Valencia type peanuts for the 1970–71 marketing year (Aug. 1, 1970, through July 31, 1971) determined in accordance with section 358(c)(2) of the act will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1970 crop.* The State allotments for peanuts of the 1970 crop for States which produced Valencia type peanuts during any one or more of the years 1967, 1968, and 1969 shall be increased in the aggregate by 2,901 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1970 crop.* The aggregate of State allotment increases in the amount of 2,901 acres established under paragraph (b) of this section, less a national reserve of one-fourth of 1 percent (7 acres), is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1967, 1968, and 1969. For this purpose, the term "farm allotment" means the allotment before any increase from released acreage or any additional allotment for the farm under section 358(c)(2) of the act in the 3 base years. The national reserve of 7 acres shall be used by the Deputy Administrator to adjust the State allotments of States receiving increases under this section where incomplete or inaccurate data was used in apportioning such increases. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

| State | 1947 harvested acreage of peanuts | 1967–69 acreage harvested Valencia peanuts [1] | 1970 increase in basic State allotment for Valencia type peanuts | 1970 previous State allotment [2] | 1970 revised State allotment |
|---|---|---|---|---|---|
| | | | *Acres* | | |
| Alabama | 463,000 | 32 | 16 | 216,946.9 | 216,962.9 |
| Arizona | | | | 762.0 | 762.0 |
| Arkansas | 8,000 | | | 4,188.0 | 4,188.0 |
| California | | | | 931.0 | 931.0 |
| Florida | 105,000 | 102 | 52 | 55,483.3 | 55,535.3 |
| Georgia | 1,124,000 | 47 | 24 | 529,720.1 | 529,744.1 |
| Louisiana | 4,000 | | | 1,947.0 | 1,947.0 |
| Mississippi | 13,000 | 4 | 2 | 7,499.0 | 7,501.0 |
| Missouri | | | | 247.0 | 247.0 |
| New Mexico | 14,000 | 5,016 | 2,569 | 5,764.2 | 8,333.2 |
| North Carolina | 292,000 | | | 167,975.0 | 167,975.0 |
| Oklahoma | 325,000 | | | 138,427.0 | 138,427.0 |
| South Carolina | 26,000 | 16 | 8 | 13,901.0 | 13,909.0 |
| Tennessee | 5,000 | 7 | 4 | 3,610.0 | 3,618.0 |
| Texas | 836,000 | 428 | 219 | 357,669.5 | 357,888.5 |
| Virginia | 162,000 | | | 104,929.0 | 104,929.0 |
| Reserve [3] | | | 7 | | 7.0 |
| U.S. total | 3,377,000 | 5,652 | 2,901 | 1,610,000.0 | 1,612,901.0 |

[1] Less increase in State allotment for Valencia short supply.
[2] Includes acreage apportioned to each State from the national new farm reserve.
[3] Reserve for correcting or adjusting State allotments in error because of incomplete or inaccurate data.

(d) *No credit for future allotments.* The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Secs. 358(c)(2), 375, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358(c)(2), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on March 27, 1970.

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

[F.R. Doc. 70-4019; Filed, Apr. 1, 1970; 8:49 a.m.]

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

[Grapefruit Reg. 68, Amdt. 3]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905, 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

*Order.* In § 905.514 (Grapefruit Reg. 68, 34 F.R. 14380, 18449, 19809) the provisions of (a)(1)(v) are amended to read as follows:

**§ 905.514 Grapefruit Regulation 68.**

(a) * * *

(1) * * *

(v) Any seedless grapefruit, other than pink seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, or any pink seedless grapefruit which are smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

* * * * *

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

Dated: March 27, 1970, to become effective March 30, 1970.

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

[F.R. Doc. 70-3983; Filed, Apr. 1, 1970; 8:46 a.m.]

[Orange Reg. 65, Amdt. 2]

## PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

### Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

*Order.* In § 905.521 (Orange Reg. 65; 35 F.R. 72; 35 F.R. 1043), the provisions of paragraphs (a)(2)(v), (vi), (vii), and (viii) are amended to read as follows:

§ 905.521 Orange Regulation 65.

(a) * * *

(2) * * *

(v) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2;

(vi) Any Temple oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(vii) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(viii) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

* * * * *

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

Dated, March 27, 1970, to become effective March 30, 1970.

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

[F.R. Doc. 70-3984; Filed, Apr. 1, 1970; 8:46 a.m.]

[Navel Orange Reg. 203]

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

### Limitation of Handling

§ 907.503 Navel Orange Regulation 203.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 31, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 3, 1970, through April 9, 1970, are hereby fixed as follows:

(i) District 1: 711,000 cartons.

(ii) District 2: 189,000 cartons.

(iii) District 3: Unlimited movement.

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

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

Dated: April 1, 1970.

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

[F.R. Doc. 70-4107; Filed, Apr. 1, 1970; 12:02 p.m.]

[Valencia Orange Reg. 306]

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

### Limitation of Handling

§ 908.606 Valencia Orange Regulation 306.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 31, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 3, 1970, through April 9, 1970, are hereby fixed as follows:

(i) District 1: 11,556 cartons;

(ii) District 2: 1,512 cartons;

(iii) District 3: 125,000 cartons.

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

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

Dated: April 1, 1970.

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

[F.R. Doc. 70-4108; Filed, Apr. 1, 1970; 12:02 p.m.]

[Valencia Orange Reg. 307]

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

### Limitation of Handling

**§ 908.607 Valencia Orange Regulation 307.**

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

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, making the provisions hereof effective as hereinafter set forth. The committee held an open meeting after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 24, 1970.

(b) *Order.* (1) During the period April 3, 1970, through January 31, 1971, no handler shall handle any Valencia oranges, grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter.

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

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

Dated: March 31, 1970.

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

[F.R. Doc. 70-4063; Filed, Apr. 1, 1970; 8:49 a.m.]

[Grapefruit Reg. 10, Amdt. 5]

## PART 944—FRUIT; IMPORT REGULATIONS

### Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898, 11135, 14383) are hereby amended to read as follows:

**§ 944.106 Grapefruit Regulation 10.**

(a) On and after March 30, 1970, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3 15/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.);

(3) Seedless grapefruit other than pink seedless grapefruit shall be not smaller than 3 9/16 inches in diameter, and pink seedless grapefruit shall be not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making

procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 68 (§ 905.514); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated, March 27, 1970, to become effective March 30, 1970.

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

[F.R. Doc. 70-3982; Filed, Apr. 1, 1970; 8:46 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

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

1. In § 76.2, in paragraph (e)(18) relating to the State of Texas, subdivision (i) is amended to read:

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

2. In § 76.2, in paragraph (e)(19) relating to the State of Virginia, subdivision (i) relating to City of Virginia Beach County, and subdivision (ix) relating to Nansemond and Isle of Wight Counties are deleted.

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

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

The amendments exclude Upshur County, Tex.; and portions of City of Virginia Beach, Isle of Wight, and Nansemond Counties 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 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 excluded areas.

The amendments relieve certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, 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 27th day of March 1970.

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

[F.R. Doc. 70-3986; Filed, Apr. 1, 1970; 8:46 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

### PART 2—RULES OF PRACTICE

### PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

#### Implementation of the National Environmental Policy Act of 1969

The National Environmental Policy Act of 1969, Public Law 91–190, authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies for the protection of the environment set forth in that Act. It also requires, among other things, Federal agencies to include in recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on specified environmental considerations.

The Atomic Energy Commission has adopted the statement of general policy, in the form of an Appendix D to Part 50, set forth below, indicating the manner in which the Commission will exercise its responsibilities under the National Environmental Policy Act of 1969 with respect to licensing of power reactors and fuel reprocessing plants pending (1) the development of more detailed procedures, in consultation with the Council on Environmental Quality established by title II of that Act, (2) the development of arrangements between the Commission and other Federal agencies that may be designated as having jurisdiction by law or special expertise in environmental matters, and (3) the enactment of such legislation as may be proposed by the Commission in compliance with section 103 of that Act.

A conforming amendment to 10 CFR Part 2 has also been adopted.

Pursuant to the National Environmental Policy Act of 1969 and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2 and 50, are published as a document subject to codification, to be effective upon publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the amendments to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given to such submissions with the view to possible further amendments. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. The fourth sentence in section III (c)(7) of Appendix A of 10 CFR Part 2 is deleted.

2. A statement of general policy is appended to 10 CFR Part 50 to read as follows:

APPENDIX D—STATEMENT OF GENERAL POLICY: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91–190)

On January 1, 1970, the National Environmental Policy Act of 1969 (Public Law 91–190) became effective. The stated purposes of that Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

Section 101(b) of that Act provides that, in order to carry out the policy set forth in the Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources toward certain stated ends.

In section 102 of the National Environmental Policy Act of 1969, the Congress authorizes and directs that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance

with the policies set forth in the Act. All agencies of the Federal Government are required, among other things, to include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on certain specified environmental considerations. Prior to making the detailed statement, the responsible Federal official is required to consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

Section 103 of that Act provides that all agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in the Act.

Pending (1) the development of more detailed procedures, in consultation with the Council on Environmental Quality established by title II of that Act, (2) the development of arrangements between the Commission and other Federal agencies that may be designated as having jurisdiction by law or special expertise in environmental matters, and (3) the enactment of such legislation as may be proposed by the Commission in compliance with section 103 of the Act, and consistent with the public interest in avoiding unreasonable delay in meeting the growing national need for electric power, the Commission will exercise its responsibilities under the Act as follows with respect to the licensing of power reactors and fuel reprocessing plants:

1. Applications for permits to construct and licenses to operate power reactors and fuel reprocessing plants will be transmitted by the Commission to Federal agencies which have jurisdiction by law or special expertise with respect to the environmental impact involved, with a request for comments, to the extent appropriate, on the following environmental considerations:

(a) The environmental impact of the proposed action,

(b) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(c) Alternatives to the proposed action,

(d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

2. After obtaining the comments from those Federal agencies, the Commission's Director of Regulation or his designee will prepare a detailed statement on the environmental considerations specified in the preceding paragraph. Copies of the detailed statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, will be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5 of the United States Code, and will accompany the application through the Commission's review processes. In preparing the detailed statement, the Director of Regulation or his designee may rely, in whole or in part, on, and may incorporate by reference, the comments and views of those Federal, State, and local agencies, as well as the regulatory staff's radiological safety evaluation. The detailed statement will be limited to the environmental effects of the facility that is subject to the licensing action involved.

3. With respect to those proceedings which take place in the immediate and near future, it is recognized that the detailed statements may not be as complete as they will be after there has been an opportunity to develop appropriate working arrangements between the Commission and other Federal agencies having jurisdiction by law or special expertise in these matters. With respect to the operation of power reactors, it is expected that in most cases the detailed statement will be prepared only in connection with the first licensing action that authorizes full-power operation of the facility.

4. The filing of the detailed statement described in paragraphs 2 and 3 shall in no way be construed as extending the licensing or regulatory jurisdiction of the Commission to making independent determinations on matters other than those specified in Part 50 of its regulations for construction permit or operating license applications.

5. The Commission will incorporate in construction permits and operating licenses for power reactors and fuel reprocessing plants a condition to the effect that the licensee shall observe such Federal and State standards and requirements for the protection of the environment, including standards and requirements for the control of the thermal effects of the release of liquid effluents from the facility to the environment, as are validly imposed pursuant to authority established under Federal and State law and as are determined by the Commission to be applicable to the facility that is subject to the licensing action involved. This condition will not apply to radiological effects since radiological effects are dealt with in other provisions of the construction permit and operating license.

6. Determinations made by cognizant Federal or State bodies of nonobservance of the standards and requirements encompassed by the condition described in paragraph 5 will be deemed proper for consideration in Commission licensing proceedings. However, said condition shall in no way be construed as extending the jurisdiction of this agency to making an independent review of (a) standards or requirements validly imposed pursuant to authority established under Federal and State law or (b) equipment or measures proposed by the applicant to meet standards or requirements validly imposed pursuant to authority established under Federal and State law.

Nothing in this appendix should be construed as affecting (a) the manner in which the Commission obtains advice from other agencies, Federal and State, with respect to the control of radiation effects, or (b) the other, and separate, provisions of the construction permit and operating license which deal with radiological effects. Procedures and measures similar to those described in the preceding paragraphs of this appendix will be followed in proceedings other than those involving power reactors and fuel reprocessing plants when the Commission determines that the proposed action is one significantly affecting the quality of the human environment.

(Sec. 102, 83 Stat. 853)

Dated at Germantown, Md., this 31st day of March 1970.

For the Atomic Energy Commission.

F. T. Hobbs,
*Acting Secretary.*

[F.R. Doc. 70-4084; Filed, Apr. 1, 1970; 8:50 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER B—PROCEDURAL RULES

[Docket No. 10032; Amdt. 13-8]

## PART 13—ENFORCEMENT PROCEDURES

### Elimination of Formal Hearings in Certain FAA Certificate Proceedings

The purpose of these amendments to Part 13 of the Federal Aviation Regulations is to eliminate the FAA formal hearings in certificate proceedings taken by the Administrator pursuant to section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429).

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 69-54) issued on December 17, 1969, and published in the FEDERAL REGISTER on December 23, 1969 (34 F.R. 20064).

Eleven public comments were received on the notice. Several commentators supported the proposal. Several commentators opposed the proposal on the grounds that it would deprive the certificate holder of an opportunity for one of two formal hearings or an opportunity for discovery (in the first hearing) of the FAA's case against him. However, as stated in the notice, the legislative history of the Federal Aviation Act of 1958 indicates that Congress, when enacting section 609 of the Act, contemplated only one adversary hearing in the CAB (now the NTSB). Furthermore, as stated in the notice, according to a report prepared by staff members of the Administrative Conference of the United States, the two-trial feature of the certificate action process dissipated a respectable amount of governmental energy. As also stated in the notice, the expectation of the FAA, when it provided a formal hearing in 1962, that in most cases appeals to the CAB would be taken on the record of the proceedings before the FAA Hearing Officer, was not fulfilled. Thus, the FAA formal hearing is not required by law, it has been wasteful of time and money, and hearings before NTSB Hearing Examiners have generally been de novo.

Other comments received in opposition to the proposal displayed lack of understanding of the nature of the proposal. Thus, it was asserted that the burden of proof would be shifted to the certificate holder. However, this does not result from these amendments. It was also asserted that the proposal would result in "punishment before trial". However, except in emergency cases the effectiveness of the order of the Administrator is stayed if the certificate holder appeals to the NTSB. It was also asserted that the proposed action would result in a hearing before a "biased" panel. As

stated in the notice, although the FAA and the NTSB are both within the Department of Transportation, the NTSB is independent of both the Secretary of Transportation and the Administrator when reviewing certificate actions under section 609 of the Federal Aviation Act. Still another assertion was that extra expense will be incurred by the United States and certificate holders for transporting NTSB Hearing Examiners and their staffs to the site of the hearings. On the contrary, as indicated by the notice, government expenses will be reduced as a result of the elimination of one formal hearing. Both the FAA Hearing Officers and the NTSB Hearing Examiners are based in Washington, D.C., and must travel to the site of the hearing. Thus, no increase in travel expense will result, and there will be no increase in expense to the certificate holder from elimination of one step in the enforcement process.

As indicated in the notice, another recent notice of proposed rule making also involved Part 13 (Notice 69-37 issued on Aug. 28, 1969, and published in the FEDERAL REGISTER on Sept. 5, 1969; 34 F.R. 14079). Notice 69-37 was implemented by a final rule issued on January 6, 1970, and published in the FEDERAL REGISTER on February 5, 1970 (35 F.R. 2578). Amendment 13-7 provided procedures for suspending or revoking a Certificate of Aircraft Registration for any cause that renders the aircraft ineligible for registration. That amendment extended to such cases an opportunity for a formal hearing before an FAA Hearing Officer. There is no appeal in such a case to the NTSB, since the Federal Aviation Act of 1958 provides the appeal only in certificate actions under title VI of the Act. The rulemaking action now taken reflects the change made by Amendment 13-7.

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations is amended, effective May 1, 1970, as follows:

1. By amending paragraph (c) of § 13.19 to read as follows:

§ 13.19 Certificate action.

* * * * *

(c) Before issuing an order under paragraph (b) of this section, the General Counsel, the Regional Counsel concerned, or the Aeronautical Center Counsel (as to matters under title V of the Act) advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked. The holder may, by checking the appropriate box on the form that is sent to him with the notice of proposed certificate action, elect to—

(1) Admit the charges and surrender his certificate;

(2) Answer the charges in writing;

(3) Request an opportunity to be heard in an informal conference with the FAA counsel; or

(4) Request a formal hearing if the charges concern a matter under title V of the Act.

Except as provided in § 13.35(b), unless the holder returns the form and, where required, an answer or motion, with a postmark of not later than 15 days after the date he received the notice, the order of the Administrator is issued as proposed. If the holder has requested an informal conference with the FAA counsel and the charges concern a matter under title V of the Act, he may after that conference also request a formal hearing in writing with a postmark of not later than 10 days after the close of the conference. After considering any information submitted by the holder, the General Counsel, the Regional Counsel concerned, or the Aeronautical Center Counsel (as to matters under title V of the Act) issues the order of the Administrator, except that if the holder has made a valid request for a formal hearing on a matter under title V of the Act initially or after an informal conference, Subpart D of this part governs further proceedings.

* * * * *

2. By amending the title of Subpart D to read as follows:

**Subpart D—Rules of Practice for Hearings in FAA Certificate of Aircraft Registration Proceedings**

3. By amending the last sentence in paragraph (b) of § 13.35 to read as follows:

§ 13.35 Request for hearing.

* * * * *

(b) * * * If he does not do so, the General Counsel or the Aeronautical Center Counsel issues the order of the Administrator.

§ 13.67 [Amended]

4. By striking out paragraph (a) of § 13.67.

5. By amending the first sentence in paragraph (c) of § 13.67 to read as follows: "If the final order of the Hearing Officer makes a decision on the merits, it contains a statement of his findings and conclusions on all material issues of fact and law."

6. By striking out paragraph (e) of § 13.67.

(Secs. 313(a), 601, 609, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1429); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(1) of the regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on March 25, 1970.

J. H. SHAFFER,
*Administrator.*

[F.R. Doc. 70-3991; Filed, Apr. 1, 1970; 8:46 a.m.]

SUBCHAPTER C—AIRCRAFT

[Docket No. 70-EA-21; Amdt. 39-959]

## PART 39—AIRWORTHINESS DIRECTIVES

### Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend airworthiness directive 69-15-11 applicable to Fairchild Hiller FH-1100 type rotorcraft.

The Fairchild Hiller Corp. has modified the P/N 19E49-3B engine-to-transmission drive shaft for the Model FH-1100 rotorcraft. The modification consists of end-to-end reversal of the ball spline assembly and sermetel coating of the engine end four pack diaphram assembly. The modified drive shaft, identified as P/N 19E49-3C, is subject to the same inspection requirements imposed on P/N 19E49-3B per Airworthiness Directive 69-15-11.

In view of the fact that the original airworthiness directive was premised upon experience involving failures of the subject drive shaft, which required expeditious adoption of the airworthiness directive, it is found that the same degree of aviation safety and public interest is involved in adopting this amendment. Thus, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending Airworthiness Directive 69-15-11 as follows: Insert the word, letters and figures "and P/N 19E49-3C" after the letters and figures "P/N 19E49-3B" wherever they appear, and insert the word "either" in lieu of "like" wherever the latter appears.

This amendment is effective April 1, 1970.

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

Issued in Jamaica, N.Y., on March 9, 1970.

WAYNE HENDERSHOT,
*Deputy Director, Eastern Region.*

[F.R. Doc. 70-3992; Filed, Apr. 1, 1970; 8:46 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 70-WA-11]

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

## PART 73—SPECIAL USE AIRSPACE

## PART 75—ESTABLISHMENT OF JET ROUTES

### Extension of Effective Dates

The purpose of these amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations is to extend the effective dates of specified airspace dockets from April 2, 1970, to April 30, 1970. This action is taken because of the recent disruption of postal service.

Since these amendments are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary and good cause exists for making these amendments effective upon less than 30 days notice.

In consideration of the foregoing, the effective dates of the following airspace dockets, by number, are extended from April 2, 1970, to April 30, 1970:

69-EA-30 (34 F.R. 20419, 35 F.R. 1221).
69-EA-22 (35 F.R. 2769).
69-AL-5 (35 F.R. 622).
69-CE-96 (35 F.R. 1103).
69-SO-104 (35 F.R. 1103).
69-SO-71 (35 F.R. 1221).
69-AL-7 (35 F.R. 2583).
69-WA-35 (35 F.R. 2584).
69-SO-99 (35 F.R. 2726, 4291).
69-SO-96 (35 F.R. 2819).
69-EA-152 (35 F.R. 3109, 4291).
69-WE-82 (35 F.R. 943).
69-WE-57 (35 F.R. 1221).
69-WE-83 (35 F.R. 2517).
69-WE-60 (35 F.R. 3155).
69-WE-87 (35 F.R. 3156, 4116).
70-WE-4 (35 F.R. 3155).

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

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

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 70-4062; Filed, Apr. 1, 1970; 8:49 a.m.]

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[Airspace Docket No. 69-WA-48]

## PART 73—SPECIAL USE AIRSPACE

### Designation of Prohibited Area

On December 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19471) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a prohibited area over the George Washington Mansion at Mount Vernon, Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association questioned the proposal on the bases that it could create a precedent that would lead other historical organizations to request prohibited areas. Also, the prohibited area would offer an undue restriction to transient VFR traffic in the vicinity of Mount Vernon.

Although the designation of the prohibited area could lead to requests from other similar organizations, it does not follow that the requests would be granted. Each prohibited area is established based on its own merit only after much detailed study with respect to its need and its effect upon the needs of the flying public. Considering the unique character of the George Washington Mansion, it is not likely that prohibited areas would be established at other historic sites.

The proposed prohibited area would offer some restriction to aircraft operating VFR in the vicinity of Mount Vernon. The greatest restriction to VFR traffic would be the portion which would extend over the Potomac River. VFR traffic, particularly helicopters, fly over the river en route to and from helipads at Quantico, Fort Belvoir, Anacostia, Andrews AFB and the Pentagon. However, the river is approximately 6,200 feet wide at Mount Vernon. The prohibited area would extend approximately 2,000 feet over the river. Therefore, most of the river could be used for guidance during low visibility conditions and, at the same time, provide a route which would be least objectionable from a noise abatement standpoint.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 30, 1970, as hereinafter set forth.

Section 73.90 is added as follows:

P-66 MOUNT VERNON, VA.

Boundaries.
That airspace within a 0.5-mile radius of lat. 38°42'28" N., long. 77°05'11" W.
Designated altitudes. Surface to but not including 1,500 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D.C.

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

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

H. B. HELSTROM,
*Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 70-4061; Filed, Apr. 1, 1970; 8:49 a.m.]

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 10244; Special Federal Aviation Regulation 25]

## PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

### High Density Traffic Airports; Reduction of IFR Operations Per Hour

The purpose of this Special Federal Aviation Regulation is to reduce the number of IFR operations allocated under § 93.123 of the Federal Aviation Regulations to air carriers and foreign air carriers, except air taxis, operating to and from the John F. Kennedy, LaGuardia, Newark, and O'Hare Airports.

The unauthorized absenteeism of air traffic controllers since March 25, 1970, has caused a reduction in the capacity of the ATC system. This reduction in capacity has hampered the ability of the New York and Chicago Air Traffic Centers to handle traffic to and from the John F. Kennedy, LaGuardia, Newark, and O'Hare Airports.

Under these circumstances, I find that it is necessary, without further delay, to reduce by 50 percent the number of IFR operations allocated under § 93.123 of the Federal Aviation Regulations for United States and foreign air carriers (except air taxis) operating to or from the John F. Kennedy, LaGuardia, Newark, and O'Hare Airports. In the event that circumstances require or permit a change in the number of operations allocated for those airports this rule will be amended accordingly.

Since the Airline Scheduling Committees were established to adjust air carrier and foreign air carrier operations and to bring such operations within the hourly allocations specified in § 93.123 of the FARs, and since the Scheduling Committees have established a reservation center to coordinate their activities in this connection, that center is the appropriate vehicle to notify the airlines of the changes that will be necessary in their individual schedules for operations at these airports.

I find that this rule must be issued without further public notice and procedures. Moreover, I find that issuance of this regulation with a 30-day effective date would be impracticable. However, in order to provide immediate and actual notice to all airlines affected by this regulation, the Airline Scheduling Committees' Reservation Center has been served with a copy of this regulation and directed to immediately notify all affected airlines of the reductions in the movements reserved in their name which will be necessary for compliance with this regulation.

In consideration of the foregoing, the following Special Federal Aviation Regulation is hereby adopted to become effective March 29, 1970, at 1200 hours, e.s.t.:

Notwithstanding the provisions of § 93.123 (a) and (b)(2) of the Federal Aviation Regulations, the hourly number of allocated IFR operations that may be reserved by United States or foreign air carriers, except air taxis, is as follows:

(a) John F. Kennedy Airport—35 operations, except that between 5 p.m. and 8 p.m., 40 operations are allocated.
(b) LaGuardia Airport—24 operations.
(c) Newark Airport—20 operations.
(d) O'Hare Airport—58 operations.

This Special Federal Aviation Regulation shall continue in effect until terminated by the Administrator.

(Secs. 103, 307 (a), (b), (c), 313(a), 601, Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), (c), 1354(a), 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b), Part 1 of the Regulations of the Office of the Secretary (49 CFR 1.4(b))

Issued in Washington, D.C., on March 28, 1970.

G. S. MOORE,
*Acting Administrator.*

[F.R. Doc. 70-3979; Filed, Apr. 1, 1970; 8:45 a.m.]

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[Reg. Docket No. 10163; Amdt. 693]

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Amendments

*Correction*

In F.R. Doc. 70-3004 appearing at page 4815 in the issue of Friday, March 20, 1970, the following changes should be made:

1. In the line immediately following the second table on page 4831 the figures "24' ", "27' ", and "18' " should read "24", "27L", and "18", respectively.

2. In the line immediately following the last table on page 4831 the figures

"24' " and "18' " should read "24" and "18", respectively.

3. In the third table on page 4834 the designation "N" in the sixth line under "Missed approach" should read "NE".

4. In the third table on page 4835 the abbreviation "TDX" in the last line under "Missed approach" should read "TDZ" and the figure "140°" in the line immediately following the table should read "149°".

5. In the third table on page 4841 the figure "118' " in the first line under "Missed approach" should reach "1186".

# Title 20—EMPLOYEES' BENEFITS

## Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

## PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

## Subpart K—Employment, Wages, Self-Employment, Self-Employment Income

MAXIMUM SELF-EMPLOYMENT INCOME, MEMBERS OF CERTAIN RELIGIOUS GROUPS OPPOSED TO INSURANCE

Subpart K of Regulations No. 4 (20 CFR 404.1001 et seq.) is amended as follows:

1. Section 404.1068 is amended by revising paragraphs (b)(1) and (c) to read as follows:

**§ 404.1068 Self-employment income.**

* * * * *

(b) *Maximum self-employment income.* (1) The maximum self-employment income of an individual for any taxable year (whether a period of 12 months or less) is the excess of—

(i) For taxable years ending before 1955, $3,600,

(ii) For taxable years ending after 1954 and before 1959, $4,200,

(iii) For taxable years ending after 1958 and before 1966, $4,800,

(iv) For taxable years ending after 1965 and before 1968, $6,600,

(v) For taxable years ending after 1967, $7,800,

over the amount of any wages (as defined in section 209 of the Act) paid to such individual in such taxable year. For example, if during the taxable year ending in 1968 no such wages are paid and the individual has $8,000 of net earnings from self-employment, he has $7,800 of self-employment income for such taxable year. If, in addition to having $8,000 of net earnings from self-employment, such individual is paid $1,000 of such wages, he has only $6,800 of self-employment income for the taxable year.

* * * * *

(c) *Minimum net earnings from self-employment.* Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may have less than $400 of self-employment income. This could occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of the wages paid to the individual during that taxable year exceed $7,800 ($3,600 for taxable years ending before 1955, $4,200 for taxable years ending after 1954 and before 1959, $4,800 for taxable years ending after 1958 and before 1966, or $6,600 for taxable years ending after 1965 and before 1968). For example, if an individual has net earnings from self-employment of $1,000 for 1968, and also is paid wages of $7,500 during that taxable year, his self-employment income for that taxable year is $300.

* * * * *

2. Section 404.1070 is amended by revising paragraph (f) to read as follows:

**§ 404.1070 Trade or business.**

* * * * *

(f) *Members of certain religious faiths.* The performance of service by an individual to whom § 404.1086 applies during any taxable year for which he is granted a tax exemption, pursuant to section 1402(h) of the Internal Revenue Code of 1954, does not constitute a trade or business within the meaning of section 211(c) of the Act during such taxable year.

* * * * *

3. Section 404.1086 is added to read as follows:

**§ 404.1086 Members of certain religious groups opposed to insurance.**

(a) *In general.* An individual—

(1) Who is a member of a recognized religious sect or division thereof and

(2) Who is an adherent of established tenets or teachings of such sect or division and by reason thereof is conscientiously opposed to acceptance of the benefits of any private or public insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Act),

may file an application with the Internal Revenue Service for exemption from the tax imposed by section 1401 of the Internal Revenue Code of 1954. The form of insurance to which section 1402(h) of the Internal Revenue Code of 1954 and this section refer does not include liability insurance of a kind that provides only for the protection of other persons, or property of other persons, who may be injured or damaged by or on property belonging to, or by an action of, an individual who otherwise meets the requirements of this section. An application for exemption under section 1402(h) of the Internal Revenue Code of 1954 and this section shall be made in the manner provided in paragraph (b) of this section and within the time specified in paragraph (c) of this section.

(b) *Application for exemption.* The application for exemption shall be filed on Form 4029 which may be obtained from any Internal Revenue Service office. Form 4029 shall be filed in duplicate with the Internal Revenue Service official or office designated on the form. The filing of a return by an individual to whom paragraph (a) of this section applies showing no self-employment income or self-employment tax shall not be construed as an application for exemption referred to in paragraph (a) of this section.

(c) *Time limitation for filing application for exemption*—(1) *General rule.* Except as provided in subparagraph (2) of this paragraph an individual to whom paragraph (a) of this section applies—

(i) Who has no self-employment income (determined without regard to section 211(c)(6) of the Act and this section) for any taxable year ending before December 31, 1967, and

(ii) Who desires to be exempt from the payment of the self-employment tax under section 1401 of the Internal Revenue Code of 1954 for any taxable year ending on or after December 31, 1967,

must file the application for exemption on or before the due date of the income tax return, including any extension thereof (see sections 6072 and 6081 of the Internal Revenue Code of 1954), for the first taxable year ending on or after December 31, 1967, for which he has self-employment income (determined without regard to section 211(c)(6) of the Act and this section).

(2) *Exception to general rule.* If an individual to whom subparagraph (1) of this paragraph applies—

(i) Is notified in writing by the Internal Revenue Service that he has not filed the application for exemption on or before the date specified in such subparagraph (1) of this paragraph, and

(ii) Files the application for exemption on or before the last day of the third calendar month following the calendar month in which he is so notified,

such application shall be considered a timely filed application for exemption.

(d) *Approval of application for exemption*—(1) *In general.* The filing of an application for exemption on Form 4029 by an individual to whom paragraph (a) of this section applies does not constitute an exemption from the payment of the tax on self-employment income. An individual who files such an application is exempt from the payment of the tax only if the application is approved by the official or office with whom the application is required to be filed (see paragraph (b) of this section).

(2) *Findings by the Secretary.* Regardless of whether all other conditions

have been met, an application for exemption on Form 4029 will not be approved unless the Secretary finds with respect to the religious sect or division thereof of which the individual filing the application is a member—

(i) That the sect or division thereof has the established tenets or teachings by reason of which the individual applicant is conscientiously opposed to the benefits of insurance of the type referred to in section 1402(h) of the Internal Revenue Code of 1954 (see paragraph (a) of this section);

(ii) That it is the practice, and has been for a period of time which the Secretary deems to be substantial, for members of such sect or division thereof to make provisions for their dependent members which, in the judgment of the Secretary, is reasonable in view of the general level of living of the members of the sect or division thereof; and

(iii) That the sect or division thereof has been in existence continuously since December 31, 1950.

In addition, an application for exemption on Form 4029 will not be approved if any benefit or other payment referred to in § 404.381 became payable (or, but for section 203, relating to reduction of insurance benefits, or 222(b), relating to reduction of insurance benefits on account of refusal to accept rehabilitation services, of the Act would have been payable) at or before the time of the filing of the application for exemption. Any determination required to be made pursuant to the preceding sentence will be made by the Secretary.

(e) *Period for which exemption is effective*—(1) *General rule.* An application for exemption shall be in effect (if approved as provided in paragraph (d) of this section) for all taxable years beginning after December 31, 1950, except as otherwise provided in subparagraph (2) of this paragraph.

(2) *Exceptions.* An application for exemption referred to in subparagraph (1) of this paragraph shall not be effective for any taxable year which—

(i) Begins (*a*) before the taxable year in which the individual filing the application first met the requirements of subparagraphs (1) and (2) of paragraph (a) of this section, or (*b*) before the time as of which the Secretary finds that the sect or division thereof of which the individual is a member met the requirements of subdivisions (i) and (ii) of paragraph (d)(2) of this section); or

(ii) Ends (*a*) after the time at which the individual filing the application ceases to meet the requirements of subparagraphs (1) and (2) of paragraph (a) of this section, or (*b*) after the time as of which the Secretary finds that the sect or division thereof of which the individual is a member ceases to meet the requirements of subdivisions (i) and (ii) of paragraph (d)(2) of this section).

4. *Effective date.* These amendments shall be effective upon publication in the FEDERAL REGISTER.

Dated: March 4, 1970.

ROBERT M. BALL,
*Commissioner of Social Security.*

Approved: March 30, 1970.

ROBERT H. FINCH,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 70-3999; Filed, Apr. 1, 1970; 8:47 a.m.]

# Title 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7035]

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

### Definition of Government Official

The following regulations relate to the definition of the term "government official" as used in section 4946(c)(5) of the Internal Revenue Code of 1954, as added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 517).

The regulations set forth herein are temporary and are designed to clarify for the period prior to the issuance of final regulations or the withdrawal or modification of these temporary regulations the application of the taxes on self-dealing imposed under section 4941 of the Internal Revenue Code of 1954, to persons in the employ of the government of a State, possession of the United States, or political subdivision or other area of the foregoing, or of the District of Columbia, as described in section 4946(c)(5).

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

**§ 143.3 Self-dealing; definition of government official.**

(a) *In general.* Section 4941 of the Internal Revenue Code of 1954 imposes certain taxes on acts of "self-dealing" between a "disqualified person" and a private foundation. Section 4946(a)(1)(I) provides that for purposes of section 4941 the term "disqualified person" includes a Government official. Subsection (c)(5) of section 4946 defines the term "government official" for purposes of section 4941 to include an individual who, at the time of an act of self-dealing (as defined in section 4941(d)) holds "an elective or appointive public office in the executive, legislative, or judicial branch of the government of a State, possession of the United States, or political subdivision or other area of any of the foregoing, or of the District of Columbia, held by an individual receiving gross compensation at an annual rate of $15,000 or more".

(b) *Public office defined.* In defining the term "public office" for purposes of section 4946(c)(5), such term must be distinguished from mere public employment. Although holding a public office is one form of public employment, not every position in the employ of a State or other governmental subdivision as described in section 4946(c)(5), constitutes a "public office". Although a determination whether a public employee holds a public office depends on the facts and circumstances of the case, the essential element is whether a significant part of the activities of a public employee is the independent performance of policy-making functions. In applying these rules, several factors may be considered as indications that a position in the executive, legislative, or judicial branch of the government of a State, possession of the United States, or political subdivision or other area of any of the foregoing, or of the District of Columbia, constitutes a "public office" for purposes of section 4946(c)(5). Among such factors to be considered in addition to that set forth above, are that the office is created by the Congress, a State constitution, or the State legislature, or by a municipality or other governmental body pursuant to authority conferred by the Congress, State constitution, or State legislature, and the powers conferred on the office and the duties to be discharged by such office are defined either directly or indirectly by the Congress, State constitution, or State legislature, or through legislative authority.

(c) *Illustrations.* The following are illustrations of positions of public employment which do not involve policy-making functions within the meaning of paragraph (b) of this section and which are thus not a "public office" for purposes of section 4946(c)(5):

(1) The chancellor, president, provost, dean, and other officers of a State university, who are appointed, elected, or otherwise hired by a State Board of Regents or equivalent public body and who are subject to the direction and supervision of such body;

(2) Professors, instructors, and other members of the faculty of a State educational institution, who are appointed, elected, or otherwise hired by the officers of the institution or by the State Board of Regents or equivalent public body;

(3) The superintendent of Public Schools and other public school officials who are appointed, elected, or otherwise hired by a Board of Education or equivalent public body and who are subject to the direction and supervision of such body;

(4) Public school teachers, who are appointed, elected, or otherwise hired by the superintendent of Public Schools or by a Board of Education or equivalent public body;

(5) Physicians, nurses, and other professional persons associated with public hospitals and State boards of health who are appointed, elected, or otherwise hired by the governing board or officers of such hospitals or agencies; and

(6) Members of police and fire departments, except for those department heads who, under the facts and circumstances of the case, independently perform policy-making functions as a significant part of their activities.

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 27, 1970.

EDWIN S. COHEN,
*Assistant Secretary of the Treasury.*

[F.R. Doc. 70-3988; Filed, April 1, 1970; 8:46 a.m.]

# Title 42—PUBLIC HEALTH

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

### SUBCHAPTER D—GRANTS

### PART 52—GRANTS FOR RESEARCH PROJECTS

### Miscellaneous Amendments

The following amendments to Part 52 (1) add a paragraph relating to grants for solid waste disposal projects, (2) define the term "principal investigator," (3) add a new section relating to civil rights, (4) amend § 52.15 by adding an additional ground for termination of awards by the Secretary, (5) add a new section relating to publication and copyright of the results of research projects awarded under Part 52, and (6) make certain other changes described more fully below.

Notice of proposed rule making, public rule making procedures and delay in effective date have been omitted as unnecessary in the issuance of the following amendments which relate solely to grants for research projects. These amendments shall be effective upon date of publication in the FEDERAL REGISTER.

Part 52 of Title 42 CFR is hereby amended as follows:

1. Subpart C of the Table of Contents is amended by renumbering items 52.23 and 52.24 and adding two new items, as follows:

Subpart C—Grant Conditions—Obligations of Grantee

* * * * *

Sec.
52.22 Inventions and discoveries.
52.23 Publications and copyright.
52.24 Records, reports, inspections.
52.25 Nondiscrimination.
52.26 Other conditions.

2. The issuing authority for Part 52 which appears immediately after "52.45 Final Settlement" in the Table of Contents is revised to read as follows:

AUTHORITY: The provisions of this Part 52 issued under secs. 215, 58 Stat. 690, as amended, 301, 81 Stat. 504; 42 U.S.C. 216, 1857g. Secs. 301, 58 Stat. 691, as amended; 303, 70 Stat. 929; 304, 81 Stat. 534; 396, 79 Stat. 1063; 103, 81 Stat. 486; 204, 79 Stat. 998; 42 U.S.C. 241, 242a, 242b, 280b-6, 1857b, 3253. Reorganization Plan No. 3 of 1966, 31 F.R. 8855, 80 Stat. 1610; 3 CFR 1966 Comp.; Reorganization Orders and Delegations of Mar. 13, Apr. 1, 1968 (33 F.R. 4894, 5426) and Jan. 17, 1969 (34 F.R. 1279).

3. Section 52.2 is amended by adding after paragraph (b) the following new paragraph (c):

**§ 52.2 Definitions.**

* * * * *

(c) "Principal investigator" means a single individual designated by the grantee in the grant application and approved by the Secretary, who is responsible for the scientific and technical direction of the project.

4. Section 52.10 is revised by amending the citations contained in paragraph (b), deleting paragraph (d) and substituting a new paragraph (d) relating to grants for solid waste disposal projects, and making other minor changes, as follows:

**§ 52.10 Nature and purpose of research project grant.**

A research project grant is the award by the Secretary of funds to an institution, organization or other person, hereinafter called the "grantee," to assist in meeting the costs of conducting for the benefit of the public health an identified activity or program, hereinafter termed the "project," that is intended and designed to establish, discover, develop, elucidate or confirm information or the underlying mechanisms relating to:

(a) The cause, diagnosis, treatment, control or prevention of the physical or mental diseases, injuries, or impairments of man as authorized by sections 301, 303 and related provisions of the Public Health Service Act, as amended (42 U.S.C. 241, 242a);

(b) The causes, effects, extent, prevention, and control of water pollution or air pollution as authorized by section 301 of the Public Health Service Act, as amended (42 U.S.C. 241) and section 103 of the Clean Air Act, as amended (42 U.S.C. 1857b);

(c) The development, utilization, quality, organization and financing of services, facilities and resources of hospitals, facilities for long term care, or other medical facilities (including facilities for the mentally retarded), agencies, institutions or organizations or relating to development of new methods or improvement of existing methods of organization, delivery or financing of health services as authorized by section 304 of the Public Health Service Act, as amended (42 U.S.C. 242b);

(d) The operation, financing, development, and application of new and improved methods of solid waste disposal (including devices and facilities therefor) as authorized under section 204 of the Solid Waste Disposal Act, as amended (42 U.S.C. 3253);

(e) Medical library science and related activities and for the development and/or dissemination of new knowledge, techniques, systems, and equipment for processing, storing, retrieving, and distributing information pertaining to sciences related to health, as authorized by section 396 of the Public Health Service Act (42 U.S.C. 280b-6).

5. Section 52.12 is amended by deleting the words "eligible for" from the first sentence and substituting in lieu thereof the word "desiring"; by deleting the word "adequately" from the second sentence; and by adding the words "the name and qualifications of the principal investigator and" after the words "research project" in the second sentence. As thus amended, § 52.12 shall read as follows:

**§ 52.12 Application for grant.**

Any person desiring a grant award under § 52.11 may file application therefor with the Secretary on such forms as he may prescribe. Such application shall set forth the nature, duration, purpose, and plan of the research project, the name and qualifications of the principal investigator and the qualifications of the principal staff members to be responsible for the project, the total facilities and resources that will be available, a justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require. The application shall be executed by an individual authorized to act for the institution or other applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

6. Paragraph (b) of § 52.15 is revised by adding an additional ground for termination of a research project grant as follows:

**§ 52.15 Termination.**

* * * * *

(b) *Termination by Secretary.* Any grant award may be revoked or terminated by the Secretary in whole or in part at any time within the project period whenever in his judgment he determines that the grantee has failed in a material respect to comply with the regulations of this part. The grantee shall be promptly notified in writing of any such determination and given the reasons therefor.

* * * * *

**§§ 52.24, 52.26 [Redesignated]**

7. Part 52 is amended by renumbering §§ 52.23 and 52.24 as §§ 52.24 and 52.26, respectively.

8. As renumbered pursuant to amendment 7, above, Part 52 is amended by adding after § 52.22 the following new § 52.23 relating to publications of the results of a research project grant awarded under Part 52:

§ 52.23 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a research project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

9. As renumbered pursuant to amendment 7, above, Part 52 is amended by adding after § 52.24, the following new § 52.25:

§ 52.25 Nondiscrimination.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such act which provides that no person in the United States shall, on account of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Regulations implementing Title VI have been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80) and apply with respect to research project grants awarded under this part.

10. The second sentence of paragraph (a) of former § 52.23, renumbered § 52.24 pursuant to amendment 7, above, is deleted and the following new language substituted in lieu thereof:

§ 52.24 Records, reports, inspections.

(a) * * * Such records shall be retained, as follows:

(1) Records may be destroyed 3 years after the end of the budget period if audit by or on behalf of the Department of Health, Education, and Welfare has occurred by that time.

(2) If audit by or on behalf of the Department of Health, Education, and Welfare has not occurred by that time, the records must be retained until audit or until 5 years following the end of the budget period, whichever is earlier.

(3) In all cases an overriding requirement exists to retain records until resolution of any audit questions relating to individual grants.

* * * * *

§ 52.33 [Amended]

11. Paragraph (d) of § 52.33 is amended by deleting the citation "Executive Order 11114 of June 22, 1963 (28 F.R. 6485)" contained in the third sentence and inserting in lieu thereof the citation "Executive Order 11246 of September 24, 1965, as amended (30 F.R. 12319)."

(Sec. 215, 58 Stat. 690, as amended, 42 U.S.C. 216)

Dated: February 2, 1970.

CHARLES C. EDWARDS,
*Commissioner of Food and Drugs.*

CHARLES C. JOHNSON, Jr.,
*Administrator, Environmental Health Service.*

JOSEPH T. ENGLISH,
*Administrator, Health Services and Mental Health Administration.*

ROBERT Q. MARSTON,
*Director, National Institutes of Health.*

MARY E. SWITZER,
*Administrator, Social and Rehabilitation Service.*

Approved: March 26, 1970.

ROBERT H. FINCH,
*Secretary.*

[F.R. Doc. 70-3998; Filed, Apr. 1, 1970; 8:47 a.m.]

# Title 50—WILDLIFE AND FISHERIES

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

## PART 33—SPORT FISHING

### Horicon National Wildlife Refuge, Wis.

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

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

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from May 15, 1970, through September 15, 1970, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1970.

ROBERT G. PERSONIUS,
*Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.*

MARCH 26, 1970.

[F.R. Doc. 70-4008; Filed, Apr. 1, 1970; 8:48 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### [ 7 CFR Parts 1007, 1103 ]

[Docket Nos. AO-366-A2, AO-346-A6-RO1]

## MILK IN GEORGIA AND MISSISSIPPI MARKETING AREAS

### Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Georgia and Mississippi market areas. The hearing was held, 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 (7 CFR Part 900), at Atlanta, Ga., on January 15, 1970, pursuant to notice thereof issued on December 23, 1969 (34 F.R. 20349), and December 31, 1969 (35 F.R. 231). With respect to the Mississippi market, this hearing constituted a reopening of the hearing held at Memphis, Tenn., on February 19–21, April 23–24, and May 21–24, 1968, pursuant to notice thereof issued February 6, 1968 (33 F.R. 2785).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on March 5, 1970 (35 F.R. 4295; F.R. Doc. 70-2882), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under Issue No. 3, "Treatment of reconstituted skim milk in filled milk", the 16th paragraph is revised.

2. Under Issue No. 3, a paragraph is added immediately preceding the heading, "Producer-handler disposition."

3. Under Issue No. 5, "Classification of reconstituted buttermilk under the Georgia order," a paragraph is added following the last paragraph thereof.

The material issues on the record relate to:

1. Interstate commerce;
2. Classification of filled milk;
3. Treatment of reconstituted skim milk in fluid milk products, including filled milk, disposed of by regulated handlers, partially regulated handlers and producer-handlers;
4. Definition of filled milk for order purposes;
5. In the Georgia order, the reclassification of buttermilk made from reconstituted skim milk;
6. Conforming changes in order provisions; and
7. Whether an emergency exists which would warrant omission of a recommended decision.

#### 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. *Interstate commerce.* Filled milk, if disposed of in either the Georgia or Mississippi marketing areas, would directly burden, obstruct or affect interstate commerce in milk and milk products. It has previously been determined (at the time of the promulgation of each order) that all milk marketed in each marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products. Filled milk is in content substantially a product of milk and competes for the same sales outlets as milk. It follows, therefore, that the marketing of the milk ingredients in filled milk in either the Georgia or the Mississippi markets would burden, obstruct or affect interstate commerce in milk and milk products. This would be equally true whether the marketing of filled milk were by a fully regulated plant, or by a plant not fully regulated, since both would compete for similar outlets in the market.

Manufactured milk products may be used in the production of filled milk. Manufactured milk products move in interstate commerce and compete in the national market, regardless of where the milk is produced. Therefore, manufactured milk products, if used in the production of filled milk for disposition in either the Georgia or Mississippi markets, would likewise burden, obstruct or affect interstate commerce in milk and its products. In this connection, a person who testified on behalf of Country Lad Foods, Inc., a recently organized company in Georgia which has not yet begun operations, testified that his company was constructing a plant from which it expects to begin distribution of filled milk in the Georgia market within the next few weeks. He stated that his company intends to produce filled milk entirely from nonfat dry milk solids and that it has arranged for a supply of nonfat dry milk solids from Land O'Lakes Creameries which has it headquarters in Minneapolis, Minn.

The sale of filled milk across State lines is prohibited by the Federal Filled Milk Act. Nevertheless, intrastate commerce in filled milk would burden, obstruct, and affect interstate commerce in milk and milk products regulated under the Georgia and Mississippi marketing orders. This decision relates to the appropriate classification and pricing of milk and milk products under the Agricultural Marketing Agreement Act of 1937, as amended, when such milk products are used in filled milk or in reconstituted fluid milk products.

2. *Classification of filled milk.* Skim milk disposed of for fluid consumption in filled milk should be Class I under both orders.

Filled milk is a combination of skim milk and vegetable fat or oil in about the same proportions as the skim milk and milk fat in whole milk. Hence, well over 90 percent of the product is skim milk. In most filled milk, the skim milk portion is fresh fluid skim milk separated from whole milk. Some filled milk contains reconstituted fluid skim milk prepared from a concentrated product such as nonfat dry milk. As noted above, Country Lad Foods, which plans to begin the distribution of filled milk in Georgia, will depend on nonfat dry milk for the entire supply of the milk ingredients of the filled milk which it plans to market. Whether made from vegetable fat and fresh or reconstituted skim milk or any combination of the two, the resulting product resembles whole milk in appearance.

At the present time, no filled milk is distributed in either the Georgia or the Mississippi marketing areas. However, an official of the Georgia State Department of Agriculture testified that, in addition to Country Lad Foods, several regulated handlers had submitted filled milk cartons to his Department for approval, apparently in anticipation of beginning distribution of the product in the Georgia marketing area.

In those regulated markets where filled milk is distributed, it moves in the same channels as whole milk. It is distributed by the same handlers in the course of their regular business through the same outlets and in the same types of containers.

As a result of amendments to all but two of the other existing milk orders (Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa) based on a hearing held in Memphis, Tenn., on February 19–22, April 23–24 and May 21–24, 1968, filled milk has been classified as Class I. Action is pending on the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa marketing orders.

Even with Class I classification, regulated handlers disposing of filled milk make a substantial savings in cost by substituting vegetable fat or oil for butterfat. One witness stated that this savings would amount to about 18 cents per gallon in the Georgia marketing area. Another witness estimated the savings would amount to between 16 and 18 cents per gallon in the Mississippi marketing area. This is the main incentive for the marketing of filled milk. While the differences in cost between vegetable fat and butterfat is not an issue at this hearing, it is relevant to

the extent that it explains the profit motivation for marketing the product even though the skim milk content is priced as Class I milk.

Filled milk marketed in simulation of milk is already classified as Class I in any regulated marketing area where it is distributed. As stated in the decision of October 13, 1969, dealing with filled milk in Memphis, Tenn., and certain other marketing areas (34 F.R. 16881) of which official notice is taken, "The specific language of the Act with respect to classification is that each order shall contain terms '* * * classifying milk in accordance with the form in which or the purpose for which it is used * * *'. In applying the language of the Act we here consider the form and purpose of use for both filled milk and the milk ingredient content of the filled milk.

"The form of filled milk and the purpose for which it is used are the same as the form and purpose of use of whole milk. Filled milk, just as whole milk, is disposed of in fluid form. It is marketed by handlers in the same types of packages and in the same trade channels as the whole milk they market, and is mainly intended as a beverage substitute for milk.

"Similarly, the fluid skim milk content of the filled milk is in the same form as skim milk in whole milk and serves the same purpose, providing in each case the main body of the product thereby making it a milk beverage. The addition of the nonmilk ingredients, principally vegetable fat or oil and stabilizers, does not alter the basis for Class I classification. The addition of nonmilk ingredients in fluid milk products is not a new development. The addition of vegetable fat does not involve an essentially different consideration from that for other Class I fluid milk products to which a flavoring ingredient, such as chocolate (which also contains nonmilk fat) has been added.

"For purpose of illustration, a product within the "fluid milk product" category containing a nonmilk additive is chocolate milk. The additive is not considered as changing the form of this product so that it is no longer a fluid milk product. For the purposes of classification, the flavoring material has never been regarded as significant in determining the form of the product or as a basis for altering its classification.

"The same reasoning applies in the case of filled milk—that the additives do not change significantly the form or the purpose of use and therefore do not constitute a basis for classification other than in Class I.

"The product "filled milk" therefore should be classified, for the purpose of pricing under the orders, in the same manner as whole milk. As in the case of other fluid milk products containing some nonmilk ingredients, the classification would apply only to the milk ingredients in the product."

Handlers regulated under the Georgia order opposed the Class I classification of the skim milk used in filled milk. They reiterated the position taken at the Memphis hearing that a separate classification midway between the Class I and surplus classifications should be established for filled milk. The reasons for denying a separate classification for milk used in filled milk are fully set forth in the decision of October 13, 1969. The findings made thereon are equally applicable to the Georgia and Mississippi orders.

Country Lad Foods also opposed the Class I classification of its filled milk on the grounds that the product which it would distribute would be produced from nonfat dry milk solids rather than from fresh skim milk from producer milk. In view of the preceding findings and conclusions, the proposals that the skim milk portion of filled milk should be priced other than as Class I are denied.

Since we are dealing, in these markets also, with a product, filled milk, which is clearly marketed for the same use as whole milk, is composed principally of milk products, is made in the semblance of whole milk, and is, in fact, designed as a substitute for whole milk, returns to dairy farmers should be the same for the corresponding milk components of the two products. This recognizes that the appropriate Class I price level serves to assure an adequate but not excessive milk supply. Therefore, the skim milk (or butterfat) in both products and in other fluid milk products, should make proportionate contributions to this objective. This is accomplished by the classification of all such products as Class I milk.

While, as noted above, handlers generally opposed the Class I classification of filled milk, they recognized the need for uniformity of treatment of the product. A witness for the handlers stated that no regulation or restraint should be applied to their marketing of such product that is not applied to all other parties processing and distributing the same product in this market.

To apply a Class I classification to filled milk under the Georgia and Mississippi orders will maintain handlers regulated under these and other orders on similar classification terms in competing for sales of such product.

3. *Treatment of reconstituted skim milk in filled milk.* As noted above, filled milk may be made by combining "reconstituted skim milk" with vegetable fat and other minor ingredients. "Reconstituted skim milk" commonly is made from nonfat dry milk to which water is added to return it essentially to a form and consistency similar to fresh skim milk. The potential for disruptive influence on the market for producer milk is very serious because disposition of a product for a Class I use which is priced in a surplus price class undermines the classified pricing system.

Reconstituted skim milk in fluid milk products disposed of for fluid consumption should be treated as Class I milk.

As was found in the decision of October 13, 1969, filled milk made from reconstituted skim milk, from a market standpoint, is essentially similar to filled milk made from fresh skim milk. It has the same material components, is in the same form and is intended for the same primary purpose to be used as a substitute for milk. Reconstituted products compete in the same market channels and for the same wholesale and retail outlets as filled milk made from fresh skim milk. It is a competitor of whole milk at the consumer level. As previously noted, one person stating his intention to distribute filled milk in the Georgia market, intends to use reconstituted skim milk in his product.

Reconstituted milk in filled milk and in all other fluid milk products should be classified and priced on the same basis as all other fluid milk products to achieve uniformity of pricing of milk for similar uses. Uniformity of pricing could not be achieved if some handlers had a lower cost by substituting a surplus class product (usually nonfat dry milk) for a Class I, or fluid, use.

Nonfat dry milk is an important product outlet for the daily and seasonal surpluses in many of the regulated fluid milk markets. Consequently, it not only may be derived from milk of manufacturing quality but often will be readily available from graded milk which is surplus to the fluid milk requirements of other regulated markets. Whatever the source, it is priced at the manufacturing milk price level—the lowest price for any use of milk.

The objectives of classified pricing are uniformity of pricing according to form or use and providing an adequate return to producers for the fluid milk market. Therefore, the widespread disposition of filled milk made from reconstituted skim milk, if the skim milk were not subject to some equalizing payment, could lead to total defeat of such objectives. Certainly, the classification and pricing plan should protect the Class I market from the potential effects of competition with products produced from the market's own surplus or similar products produced elsewhere at a manufacturing price when used in filled milk. Federal milk orders for some time have contained specific provisions dealing with disposition by a regulated handler of other fluid milk products which have been reconstituted from nonfat milk products. Except in the case of reconstituted buttermilk in the Georgia market, which will be discussed below, these reconstituted fluid milk products have been classified as Class I. The problem of proper classification and charge for such use of nonfluid milk products to produce products for Class I disposition was dealt with in the decision issued June 19, 1964 (29 F.R. 9002), official notice of which is taken. The decision applied to orders in 76 marketing areas.

The findings and conclusions which relate to this subject appearing at 29 F.R. 9010 were as follows: "Certain milk by its very nature must be treated as surplus when received at market pool plants regulated by a Federal order and, therefore, it must be assigned a surplus value. One such source is milk received at a regulated plant, in either bulk or packaged form, from a producer-handler (under any Federal order). Another source is milk produced by the reconstitution to fluid form of manufactured dairy products, such as fluid skim milk made by the

addition of water to nonfat dry milk. Still another source is milk of manufacturing grade (non-Grade A milk) which is not eligible for disposition for fluid consumption in the market. As to milk from these sources, a payment into the producer-settlement fund at the difference between the Class I and surplus prices must be required of the receiving handler when such milk is allocated to Class I, following 'down-allocation' to the extent it can be absorbed in lower priced uses.

"A surplus value likewise is properly assigned to reconstituted milk (for instance, the result of combining nonfat dry milk or condensed milk with water). The products used in such reconstitution process are made from milk which always carries a manufacturing, or surplus, value. Producer milk used to produce such products is priced as surplus under each of these Federal orders. Since the milk used to produce these products is originally priced as surplus milk, payment into the producer-settlement fund at the difference between the Class I and surplus price is necessary to insure competitive equity with producer milk when reconstituted milk is used in Class I. No recognition should be given to processing costs involved in the manufacture of the products derived from unregulated milk and used in reconstitution since similar costs are incurred in processing producer milk into such products."

The method of treating reconstituted products described in the 1964 decision is appropriately applicable to reconstituted skim milk used in fluid milk products, including filled milk that may be disposed of in the Georgia or Mississippi marketing areas. The nonfluid milk products which would be so utilized would be derived from milk having a surplus value and should be assigned to surplus uses of the handler to the extent possible. To the extent that such reconstituted product cannot be assigned to a surplus use class it must be considered as used in Class I. Payment to the producer-settlement fund at the difference between the Class I price and the surplus price is necessary, not only to assure competitive equity among handlers, but also to insure the integrity of the classified pricing system as a means of assuring reasonable prices to producers.

Uniform treatment of reconstituted skim milk in fluid milk products should apply to the several types of handler operations. One handler may reconstitute skim milk from nonfluid milk products in his own regulated plant while another may purchase from other handlers filled milk containing reconstituted skim milk. The third type of operation is the distribution of reconstituted products in the marketing area from a plant which is not fully regulated.

The allocation provisions of the orders already assign skim milk reconstituted in a fully regulated plant first to the surplus use and then any remainder to Class I. The one exception to this instance is the case of reconstituted buttermilk in the Georgia market. For the quantity assigned to Class I disposition a charge of the Class I price less the surplus price applies. In the case of interplant transfers (including transfers between order markets) the orders already provide for the classification of the fluid milk product transferred. The quantity so classified as Class I would be subject to the charge at the transferor plant, except in some cases in a handler pool market.

Provisions are needed to treat receipts of filled milk at a regulated plant if the receipt is from an unregulated source and contains reconstituted skim milk. The receipt should be assigned in sequence first to the surplus class and then to the next higher price classes. The receiving handler should be charged the Class I price less the surplus price for any quantity of skim milk or butterfat assigned to Class I utilization. In no event should such adjusted Class I price be less than the Class II price regardless of the location of the plant of origin. This method will extend the uniform application at the same rate of charge as applies in the case of a handler making reconstituted product in his own plant.

Should filled milk containing reconstituted skim milk be received from a plant regulated under an individual handler pool, it would present a situation similar to receipt from an unregulated source. This could happen because the individual handler pool orders price only the Class I usage assignable to receipts of producer milk at the handler pool plant. Should the Class I disposition of the plant exceed producer milk received there, a possibility if reconstituted product is used for filled milk, then this Class I usage is not priced.

In such a situation, the receipt at a market order pool plant from a handler pool plant should be treated the same as a receipt from an unregulated plant. The receipt of the reconstituted filled milk would be allocated first to the surplus class and any remainder would then be allocated to a higher class. The receiving handler would be obligated for any such receipt assigned to Class I at the Class I price adjusted to the location from which received less the surplus price.

Another possibility is the disposition by an individual handler pool plant of the reconstituted product on routes in either the Georgia or the Mississippi marketing areas. Should this happen, the operator of the handler pool plant should be obligated to pay the difference between the Class I and surplus prices on such disposition in the marketing area to the extent that such disposition is not assigned to producer milk at his pool plant. The payment should be made into the producer-settlement fund of the Georgia or the Mississippi market if the milk were sold there. The Class I price used for this purpose would be the order price of the Georgia or Mississippi market where the disposition is made adjusted to the location of the individual handler plant. In no event should such adjusted Class I price be less than the Class II price regardless of the location of the plant of origin. Such payment is necessary to apply the same treatment to reconstituted filled milk sales by the pool plant under the individual handler pool plant as is applied to a plant regulated under either the Georgia or Mississippi marketing orders.

Partially regulated distributing plants likewise may dispose of reconstituted fluid milk products including filled milk in the marketing area. The term, "partially regulated distributing plant", applies to a plant which has route disposition of fluid milk products in the marketing area too small to qualify as a pool plant or which otherwise does no meet the pool requirements of either order. On the basis described in the record, the plant of Country Lad Foods, Inc., would fall in the categor;" of a partially regulated distributing plant as defined in the Georgia order.

Both the Georgia and Mississippi orders contain specific pricing provisions which apply to such plants for the purpose of achieving a reasonable competitive parity between these plants and fully regulated handlers. These provisions should be modified with respect to Class I products containing reconstituted skim milk disposed of in the marketing area.

Under both orders, certain options are provided the operators of partially regulated distributing plants. One such option allows such a handler to offset his disposition in the marketing area by purchases of Class I milk from a plant fully regulated under any Federal order.

The second alternative allows such a handler to make payment into the producer-settlement fund with respect to his Class I disposition in the marketing area at a rate per hundredweight equal to the Class I price less the uniform price. The partially regulated handler is given credit for any quantity for Class I milk purchased from a plant fully regulated under a Federal order.

Under a third option the value of such handler's milk utilization is computed in the same manner as for a pool plant. The handler then has the choice of paying this sum to the Grade A dairy farmers supplying his plant or dividing the sum between payments to such farmers and payments to the producer-settlement fund.

The options now provided in the orders are designed to apply to a partially regulated handler whose disposition in the marketing area is primarily milk received from dairy farmers. If such disposition is wholly or largely filled milk made from reconstituted skim milk, the payment now required (Class I price minus uniform price) would not be equitable in relation to the requirement upon pool handlers that they pay the Class I price less the surplus price for such Class I disposition. In addition, the fully regulated plants are subject to the Class I price less surplus price obligation on all Class I disposition of reconstituted skim milk whether in filled milk or in other Class I disposition. This same charge should apply to partially regulated plants with respect to the disposition in the marketing area of any fluid milk product containing reconstituted skim milk. Such treatment is necessary to make the obligation for disposition of reconstituted product comparable to the

obligation upon a pool handler for the same kind of utilization.

As noted above, the operator of a plant which would be a partially regulated plant contemplates beginning the disposition of filled milk made with reconstituted skim milk in the Georgia marketing area.

Partially regulated handlers, at the present time, are disposing of fluid milk products in the Mississippi marketing area which are made in part from reconstituted skim milk. Provision should be made for a handler operating a partially regulated distributing plant to pay into the producer-settlement fund at the Class I price less surplus price with respect to the quantity of reconstituted skim milk in Class I products disposed of in the marketing area if he chooses the option which requires payment only on disposition in the marketing area. This charge is similar to that required if he chooses to pay his producers the fixed amount he would owe as a regulated handler.

Each partially regulated handler disposing of filled milk or other fluid milk products containing reconstituted skim milk in either the Georgia or the Mississippi marketing area must maintain adequate records of his receipts and utilization in order to permit verification by the market administrator of his sources and disposition with respect to such reconstituted milk. Further, unless such a handler furnishes proof to the contrary, his disposition of fluid milk products in the marketing area should be treated as a disposition of a reconstituted product. Unless a partially regulated handler were required to prove that his disposition in the marketing area is not reconstituted he could gain substantial advantage because he could avoid the higher return of payment needed on conversion of a surplus product to Class I use. For this reason, the burden of proof that the fluid milk product was not made with reconstituted milk should be on the handler.

Any obligation incurred by a partially regulated handler as a result of disposition of reconstituted fluid products into either the Georgia or Mississippi market should be paid into the producer-settlement fund of the market where the product is disposed. This is the only practical disposition of the funds so collected. The distribution of such money among producers as a part of the uniform price results in an equitable disposition of the proceeds without advantage to any particular group. The money would assist in obtaining an adequate supply of high quality milk for the market. It is an administratively feasible plan which contributes to orderly marketing.

One Georgia regulated handler testified that he had been advised that Class I classification of filled milk made from reconstituted skim milk might be in violation of section 608c(5)(G) of the Act. This statement was not elaborated, however.

The same point was raised by certain handlers in their exceptions to the recommended decision filed following the Memphis hearing. Their arguments were fully answered in the decision of October 13, 1969, dealing with this matter and the same answer applies here.

A witness for Country Lad Foods, Inc., stated that since it intends to produce its product entirely from nonfat dry milk produced outside the State of Georgia, such product should not be subject to any payment obligation under the Georgia order. He further stated that it would be necessary for the company to secure its requirements outside the State of Georgia since production of nonfat dry milk in the State of Georgia would be insufficient to meet its anticipated needs.

The origin of the nonfat dry milk which is used to produce reconstituted skim milk is not a matter of material consequence in determining whether skim milk which has been reconstituted should be subject to the aforesaid payment obligation under the order. Regardless of the source of the milk ingredients used in the product, it must be subject to such order obligation for the reasons set forth above. Also, it should not be overlooked that the payment applies only if the handler converts the nonfluid product to a fluid form and use. The payment is not required on nonfat dry milk, per se. It cannot be reasonably determined that nonfat dry milk remains as nonfat dry milk in the marketplace when it is sold in reconstituted form in semblance of whole fluid milk. Obviously, in the latter form it is seeking a higher valued outlet in competition with milk of producers than is possible in its original form as nonfat dry milk.

In its exceptions, Country Lad Foods, Inc., reiterated the arguments made on the record and in its brief filed following the hearing. These exceptions are denied for the reasons set forth above.

*Producer-handler disposition.* A producer-handler should lose his status as such and should become a pool handler if he disposes of any fluid milk products, including filled milk made from reconstituted skim milk. Also, in the case of the Mississippi order which denies producer-handler status to such a handler who receives milk from pool plants, the order should deny the producer-handler exemption if filled milk is received from a pool plant.

A producer-handler is not subject to the pricing and pooling provisions of either order. Filled milk is not being disposed of in either the Georgia or the Mississippi marketing area and in very few instances is being disposed of in any market by producer-handlers. However, reconstituted skim milk in filled milk has been marketed by at least one producer-handler in the Central Arizona market. This disposition represents a substantial part of his sales. This filled milk operation has had a disruptive influence on the stable and orderly marketing of milk in the Central Arizona market.

Similarly, a threat to uniformity of pricing could result in the Georgia or Mississippi market if a producer-handler were permitted to use reconstituted skim milk or unregulated milk in either filled milk or other fluid milk products without restriction. It is not practical for this purpose to distinguish between receipts of concentrated milk for reconstitution and fluid milk from an unregulated source. Either type of receipt could result in the same kind of advantage to a producer-handler compared to a regulated handler.

This type of limitation in the use of unregulated receipts does not interfere with the essential operation of a producer-handler in marketing his own skim milk production, but it is necessary to insure uniform pricing under the classified pricing plan should a producer-handler reconstitute fluid milk products or secure them from unregulated sources.

4. *Definition of filled milk for order purposes.* A definition of filled milk should be constructed which meets the specific needs of order regulation and for such purpose only.

Most filled milk is made to simulate whole milk. There are, however, many possible variations in the content of filled milk. Filled milk products within the beverage category may contain more or less vegetable fat than the normal fat content of whole milk. In order to cover all products which might be in this category, the order term "filled milk" should apply to products containing less than 6 percent nonmilk fat.

Filled milk, therefore, should be defined as:

"Any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring), resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil)."

Fluid products of the type described by the definition possibly could contain some milkfat as well as nonmilk fat. Such products also would be "filled milk" under this definition in order to assure the effectiveness of the proposed order provisions on filled milk.

This definition of filled milk is identical to the definition of "filled milk" which was incorporated in the other Federal milk orders as a result of the amendments issued following the Memphis hearing. Filled milk should also be included in the term "fluid milk products" as defined in the Georgia or Mississippi orders.

The term "filled milk," therefore, is not intended to include skim milk marketed in a form or for a purpose specifically excluded from the fluid milk product definition of either order. For example, "evaporated milk" is a use of skim milk not treated as a fluid milk product in either order. If a product containing skim milk and any amount of vegetable fat were marketed in the same form and manner as evaporated milk, it likewise would be excluded from the term "filled milk."

5. *Classification of reconstituted buttermilk under the Georgia order.* Order No. 7 regulating the handling of milk in the Georgia marketing area should be amended to specifically provide that buttermilk made from reconstituted skim milk be a Class I product. It was found in

the decision on the original Georgia order, issued January 15, 1969 (34 F.R. 960), that buttermilk made from reconstituted skim milk could be distributed in the Georgia market and that the nonfat solids used to reconstitute such buttermilk were not subject to inspection requirements by health authorities in the marketing area.

Since the order was originally issued, the regulations of the State governing the disposition of buttermilk from reconstituted skim milk have been revised. The State now requires that any product made from reconstituted skim milk must meet the same quality requirements as like products must meet when processed from Grade A fluid milk. It is further required that the handler, to reconstitute skim milk used in buttermilk, must receive permission to do so from the Commissioner of Agriculture of the State of Georgia. It was testified that such permission is granted only in cases of emergency when producer skim milk is not available to a handler.

As noted above, in every month since the order has been issued there have been substantial quantities of producer milk classified in Class II. Also, the volume of reconstituted buttermilk disposed of in the Georgia market has been negligible. In these circumstances there is no longer a justification for permitting a Class II classification of buttermilk made from reconstituted skim milk.

The handler who distributes buttermilk made from reconstituted skim milk, if priced as Class II, would enjoy a definite competitive advantage over other handlers whose buttermilk is produced from skim milk derived from producer milk. This advantage is similar to that which would be obtained by a handler selling filled milk made from reconstituted skim milk which was priced as Class II in competition with other handlers disposing of filled milk produced from producer skim milk which was classified and priced at the Class I price.

As in the case of filled milk, the advantage of purchasing the ingredients of buttermilk at a Class II price would jeopardize the objectives of classified pricing, which are to provide uniformity of pricing according to form or use and to provide an adequate supply of milk for the market.

Handlers regulated under the Georgia order excepted to the Class I classification of reconstituted buttermilk. Said exceptions are denied for the reasons set forth herein.

6. *Conforming changes in order provisions.* Order definitions serve among other things to identify the dairy farmers who are the producers for the market and to identify those handlers to be regulated. The amendments with respect to filled milk require several changes in these definitions. Presently, the provisions of both orders defining pool plants and producers serve to qualify for pooling the milk approved for fluid use and regularly supplied to the fluid market. These provisions should not result in pooling milk from unapproved and unneeded sources with milk of farmers regularly supplying and approved for the fluid market. Therefore, the determination of whether a distributing plant is qualified for pooling under either order should not be affected by its disposition of filled milk in the marketing area. Similarly, the inclusion of shipments of filled milk would not be a proper basis for classifying a plant as a pool supply plant. Appropriate changes to accomplish these objectives are needed as corollary amendments.

The definition of partially regulated plant in each order should also be modified to include a plant making disposition of filled milk on routes in the marketing area. This is accomplished by deleting the specification that fluid milk products disposed of in the marketing area be Grade A.

Throughout this decision, reference is made to the term "distributing plant" and to the term "partially regulated distributing plant". These terms have been used to describe plants from which filled milk may be distributed. Under the present orders, a distributing plant is a plant that by meeting performance standards may obtain pool plant status. A partially regulated distributing plant is defined under the nonpool plant provisions. In no event should such a plant become pooled without meeting the terms provided for distributing plants and pool plants. Where used in this decision, the two definitions, "partially regulated distributing plant" and "distributing plant," are treated as separate and individual definitions. The definition of "unregulated supply plant" should be modified to cover possible shipments of filled milk. While no monetary obligation is imposed on an unregulated supply plant, the term is used in both orders to identify sources of receipts of unregulated milk. The location of the unregulated supply plant is considered in establishing the obligation of the receiving plant.

Order provisions with respect to reports, records, and facilities and the market administrator's functions are modified to insert the term "filled milk" wherever needed to clarify the intention that the product is covered by the applicable order provisions. Additional reports are needed with respect to the quantities of disposition in the marketing area by pool plants and partially regulated distributing plants. These reports should show the quantity of Class I disposition separately for filled milk and other fluid milk products. In the case of partially regulated distributing plants, the report should show also the quantity of reconstituted skim milk in fluid milk products disposed of in the marketing area.

Throughout the classification and allocation provisions, filled milk would be treated, generally, in the same manner as other fluid milk products. Inventories of filled milk would be treated the same as inventories of whole milk. With respect to filled milk modified by the addition of nonfat milk solids, the same type of classification would apply as now applies under both orders to modified whole milk.

Should filled milk containing reconstituted skim milk be received from a handler pool plant or from an unregulated supply plant, such receipts would be allocated so as to properly apply the charges which prior findings and conclusions state should apply to transfers from such plants. These receipts would be allocated first to the surplus class and then in sequence to the higher priced classification. Receipts of packaged filled milk from an other order plant would be allocated in the same manner as other packaged fluid milk products from other order plants except filled milk containing reconstituted skim milk.

The provisions with respect to any plant which qualifies as a pool plant under more than one order should be modified to provide that the determination of which order applies will be based on the disposition of fluid milk products other than filled milk. These changes will coordinate these provisions with the modifications of pool plant provisions previously described.

In some order provisions, the words "skim milk and butterfat" are substituted for the word "milk" where this provides a more specific meaning. One instance is the provision contained in all orders referring to the termination of obligations.

7. *Emergency conditions.* Regulated handlers and proponent cooperative associations both urged that prompt action be taken, particularly with respect to the amendments to the Georgia order. It was suggested that it might be appropriate for the Secretary to find that an emergency exists which would warrant the omission of a recommended decision.

The record, however, does not afford a basis for omission of the recommended decision. Interested parties should be afforded the opportunity to review the recommended decision and file exceptions thereto.

Although neither order specifically refers to filled milk, the classification provisions of the Georgia order are so written that any filled milk disposed of in that market would fall within the Class I classification. This results from the fact that filled milk is not included among the products specified as a Class II use. Any product not specifically classified in the lower class automatically is a Class I item under the order. Thus, should filled milk be disposed of in the Georgia market before the issuance of the clarifying amendments recommended herein, it will be classified as Class I milk.

### Rulings on Proposed Findings and Conclusions

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

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders 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 agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, 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 agreements and the orders, 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, marketing agreements upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the orders regulating the handling of milk in the aforesaid specified marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered*, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1970 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, are approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on March 28, 1970.

RICHARD E. LYNG,
*Assistant Secretary.*

*Order[1] Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas.*

FINDINGS AND DETERMINATIONS

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 each of the aforesaid orders 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. The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby 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;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

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

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 5, 1970, and published in the FEDERAL REGISTER on March 10, 1970 (35 F.R. 4295; F.R. Doc. 70-2882), shall be and are the terms and provisions of this order, amending the orders and are set forth in full herein:

## PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. Sections 1007.7, 1007.8, 1007.9, and 1007.10 are revised to read as follows:

**§ 1007.7 Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, filled milk, flavored milk, flavored milk drinks, concentrated milk, cream and mixtures of cream, and milk or skim milk.

**§ 1007.8 Distributing plant.**

"Distributing plant" means a plant in which milk approved by a duly constituted health authority for fluid consumption or filled milk is processed or packaged and which has route disposition in the marketing area during the month.

**§ 1007.9 Supply plant.**

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted health authority for fluid consumption or filled milk is shipped during the month to a pool plant.

**§ 1007.10 Pool plant.**

"Pool plant" means a plant specified in paragraph (a) or (b) of this section that is neither an other order plant, a producer-handler plant, nor an exempt distributing plant.

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.16 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of it total Class I disposition, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted health authority for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1007.16 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of

August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted health authority or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

2. The introductory text and paragraph (a) of § 1007.11 are revised to read as follows:

**§ 1007.11 Nonpool plant.**

"Nonpool plant" means a plant (except a pool plant) which receives milk from dairy farmers or is a milk or filled milk manufacturing, processing or bottling plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act, unless such plant is qualified as a pool plant pursuant to § 1007.10 and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in this marketing area as route disposition and to pool plants qualified on the basis of route disposition in this marketing area than is disposed of from such plant in the marketing area regulated pursuant to the other order as route disposition and to plants qualified as fully regulated plants under such other order on the basis of route dispositions in its marketing area.

* * * * *

3. A new § 1007.24, filled milk, is added to read as follows:

**§ 1007.24 Filled milk.**

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

4. The introductory text of § 1007.30 and paragraph (b) of this section are revised to read as follows:

**§ 1007.30 Reports of receipts and utilization.**

On or before the seventh day after the end of each month, each handler (except a handler pursuant to § 1007.13 (e) or (f)) shall report to the market administrator for such month with respect to each plant at which milk is received or at which filled milk is processed or packaged, reporting in detail and on forms prescribed by the market administrator:

* * * * *

(b) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement showing:

(1) The respective amounts of skim milk and butterfat in route disposition in the marketing area, showing separately the in-area route disposition of filled milk; and

(2) For a handler pursuant to § 1007.13(b), the amount of reconstituted skim milk in route disposition in the marketing area; and

* * * * *

5. In § 1007.33, paragraphs (b) and (c) are revised to read as follows:

**§ 1007.33 Records and facilities.**

* * * * *

(b) The weights and butterfat and other content of all milk and milk products (including filled milk) handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products (including filled milk) in inventory at the beginning and end of the month; and

* * * * *

6. In § 1007.41 paragraph (b) is revised to read as follows:

**§ 1007.41 Classes of utilization.**

* * * * *

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce frozen desserts (e.g., ice cream, ice cream mix), sour cream, sour cream products (e.g., dips), eggnog, yogurt, aerated cream products, butter, cheese (including cottage cheese), evaporated and condensed milk (plain or sweetened), nonfat dry milk, dry whole milk, dry whey, condensed or dry buttermilk, custards and puddings, and sterilized products in hermetically sealed glass or metal containers;

(2) Skim milk and butterfat in fluid milk products delivered in bulk form to and used at a commercial food processing establishment (other than a milk or filled milk plant) in the manufacture of bakery products, candy, or packaged food products (other than milk products and filled milk) for consumption off the premises;

(3) Skim milk and butterfat in fluid milk products disposed of by a handler for livestock feed;

(4) Skim milk and butterfat in fluid milk products dumped by a handler after notification to, and opportunity for verification by, the market administrator;

(5) Skim milk and butterfat in inventory of bulk fluid milk products at the end of the month;

(6) Skim milk represented by the nonfat solids added to a fluid milk product which is in excess of an equivalent volume of such product prior to the addition;

(7) Skim milk and butterfat, respectively, in shrinkage at each pool plant but not in excess of:

(i) Two percent of producer milk (except that received from a handler pursuant to § 1007.13(d));

(ii) Plus 1.5 percent of producer milk received from a handler pursuant to § 1007.13(d): *Provided*, That if the handler receiving such milk files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage pursuant to this subdivision shall be 2 percent;

(iii) Plus 1.5 percent of bulk fluid milk products (except cream) received from other pool plants;

(iv) Plus 1.5 percent of bulk fluid milk products received from other order plants exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(v) Plus 1.5 percent of bulk fluid milk products received from unregulated supply plants exclusive of the quantity for which Class II utilization is requested by the handler; and

(vi) Less 1.5 percent of bulk fluid milk products (except cream) transferred or diverted to other plants; and

(8) Skim milk and butterfat in shrinkage of other source milk assigned pursuant to § 1007.42(b)(2).

6a. In paragraph (b) of § 1007.42, the reference in subparagraphs (1) and (2) to § 1007.41(b)(8) should be changed to § 1007.41(b)(7).

7. In paragraph (a) of § 1007.45, subparagraphs (1), (2), (3), (5), (6), and (9), and the introductory text of subparagraph (10) are revised to read as follows:

**§ 1007.45 Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1007.41(b)(7);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products, except filled milk made from reconstituted skim milk, received from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such plant, whichever is less;

(3) Substract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5)(vi) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or the quantity associated with such receipts and classified as Class II pursuant to § 1007.41(b)(6) plus 2 percent of the remainder of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

* * * * *

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which appropriate health approval is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of fluid milk products from an exempt distributing plant;

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2) and (5)(v) of this paragraph:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk, the sum of the pounds of skim milk in producer milk, in receipts of fluid milk products from pool plants of other handlers, and in receipts of fluid milk products in bulk from other order plants that were not subtracted pursuant to subparagraph (5)(vi) of this paragraph; and

(ii) Receipts of fluid milk products in bulk from an other order plant that were not subtracted pursuant to subparagraph (5)(vi) of this paragraph, in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

* * * * *

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, excluding a quantity equal to the pounds of skim milk subtracted pursuant to subparagraphs (2), (5)(v), and (6)(i) of this paragraph;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from other order plants, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraphs (5)(vi) and (6)(ii) of this paragraph:

* * * * *

8. In § 1007.60 paragraphs (e) and (f) are revised to read as follows:

**§ 1007.60 Computation of the net pool obligation of each handler.**

* * * * *

(e) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1007.45(a)(5) and the corresponding step of § 1007.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1007.45(a)(5) (v) and (vi) and the corresponding step of § 1007.45(b) the Class I price shall be adjusted to the location of the transferor plant, but, in no event shall such adjustment result in a Class I price lower than the Class II price; and

(f) Add the value at the Class I price adjusted for location of the nearest nonpool plant(s), from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1007.45(a)(9) and the corresponding step of § 1007.45(b), but in no event shall such adjustment result in a Class I price lower than the Class II price.

9. In § 1007.62 subparagraph (1) of paragraph (a) and paragraph (b) are revised to read as follows:

**§ 1007.62 Obligation of handler operating a partially regulated distributing plant.**

* * * * *

(a) * * *

(1) The obligation that would have been computed pursuant to § 1007.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1007.60(f) and a credit in the amount specified in § 1007.74(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph. If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1007.30 a similar report for each nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1007.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk in the marketing area on routes;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the Act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Deduct from the remainder the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location or at the Class II price, whichever is higher, and add for the quantity of reconstituted skim milk subtracted pursuant to subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

10. A new § 1007.63 is added to read as follows:

**§ 1007.63 Obligation of handler operating an other order plant.**

Each handler who operates an other order plant that is regulated under an order providing for individual-handler pooling shall pay to the market administrator for the producer-settlement fund, on or before the 25th day after the end of the month, an amount computed as follows:

(a) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to the route disposition in each marketing area; and

(b) Compute the value of the quantity of reconstituted skim milk assigned in paragraph (a) of this section to route disposition in this marketing area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price, but in no event shall such adjustment result in Class I price lower than the Class II price.

11. Section 1007.73 is revised to read as follows:

**§ 1007.73 Producer-settlement fund.**

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1007.62, 1007.63, and 1007.74 and out of which he shall make all payments from such fund pursuant to § 1007.75: *Provided*, That the market administrator shall offset the payment due to a handler against payments due from such handler.

12. In § 1007.80, paragraphs (a) and (d) are revised to read as follows:

§ 1007.80 Termination of obligations.

* * * * *

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

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claims were received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

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## PART 1103—MILK IN THE MISSISSIPPI MARKETING AREA

1. Section 1103.8 is revised to read as follows:

§ 1103.8 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment whether owned or operated by one or more persons, constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received and/or processed or packaged: *Provided,* That a separate establishment or facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distributing depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

2. In § 1103.11, paragraphs (a) and (b) are revised to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products, except filled milk, is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the total route disposition of fluid milk products, except filled milk;

(b) A supply plant from which a volume of fluid milk products, except filled milk, not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk, except filled milk, not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition (not including filled milk): *Provided,* That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August; and

* * * * *

3. Section 1103.12 is revised to read as follows:

§ 1103.12 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month, but which is neither an other order plant nor a producer-handler plant.

4. Section 1103.14 is revised to read as follows:

§ 1103.14 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant at which no milk or other fluid milk products are received during the month except his own production and which has no receipts of nonfluid milk products which are used to reconstitute fluid milk products: *Provided,* That such person establishes that the maintenance, care and management of all resources necessary to produce the entire volume of fluid milk products handled and all facilities necessary for operations as a handler are each the personal enterprise and risk of such person.

5. Section 1103.18 is revised to read as follows:

§ 1103.18 Fluid milk product.

"Fluid milk product" means all the skim milk (including reconstituted skim milk and concentrated skim milk, other than bulk condensed) and butterfat in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, eggnog, yogurt, cream (sweet or sour) and any mixture in fluid form of cream and skim milk or milk (except aerated cream, frozen storage cream, ice cream, ice cream mixes, frozen ice milk, ice milk mixes, frozen dessert and mixes, sterilized products contained in hermetically sealed cans, and any product which contains 6 percent or more nonmilk fat (or oil)): *Provided,* That when any such milk product is fortified with nonfat milk solids the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unfortified product of the same nature and butterfat content.

6. A new § 1103.19a is added to read as follows:

§ 1103.19a Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent of nonmilk fat (or oil).

7. In § 1103.30, subparagraph (2) of paragraph (a) and paragraph (b) are revised to read as follows:

§ 1103.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(2) Utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the route of disposition of fluid milk products outside the marketing area and a statement showing separately in-area and outside area route disposition of filled milk;

* * * * *

(b) Each handler specified in § 1103.13 (b) who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of Grade A milk from dairy farmers shall be reported in lieu of those in producer milk; such report shall include a separate statement showing Class I disposition on routes in the marketing area of each of the following: skim milk and butterfat, respectively in fluid milk products and the quantity thereof which is reconstituted skim milk;

* * * * *

8. In § 1103.33, paragraphs (b) and (c) are revised to read as follows:

§ 1103.33 Records and facilities.

* * * * *

(b) The weights and tests for butterfat and other content of all milk and milk products (including filled milk) handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk and milk products (including filled milk) on hand at the beginning and end of each month; and

* * * * *

9. In § 1103.44, subparagraph (5) of paragraph (d) is revised to read as follows:

§ 1103.44 Transfers.

* * * * *

(d) * * *

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and skim milk and butterfat allocated to other classes shall be classified as Class II; and

* * * * *

10. In § 1103.46, subparagraphs (2), (2-a), (3), (4), (5), (6), (7), and the introductory text of subparagraph (8) preceding subdivision (i) of paragraph (a) are revised to read as follows:

§ 1103.46 Allocation of skim milk and butterfat classification.

* * * * *

(a) * * *

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (3)(v) of this paragraph, as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(2-a) Subtract from the remaining pounds of skim milk in Class I milk, the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established, and receipts of fluid milk products from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants; and

(v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor plant;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (3)(iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I milk (exclusive of Class I transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph; and

(c) (1) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to subparagraph (3)(v) of this paragraph, in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler; and

(iv) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (3)(iv) or (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be substracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Substract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not substracted pursuant to subparagraphs (3)(v) or (4)(iii) of this paragraph pursuant to the following procedure:

* * * * *

11. Section 1103.61 is revised to read as follows:

§ 1103.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as the operator of a plant specified in paragraphs (a), (b), and (c) of this section the provisions of this part shall not apply except as specified in paragraphs (d) and (e):

(a) A plant meeting the requirements of § 1103.11(a) which also meets the pooling requirements of another Federal order, and from which the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in such other Federal order marketing area than is disposed of as route dispositions in this marketing area; except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of such Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order;

(b) A plant meeting the requirements of § 1103.11(a) which also meets the

pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which, the Secretary determines a greater quantity of Class I milk, except filled milk, is disposed of during the month as route dispositions in this marketing area than is so disposed of in such other marketing area but which plant is nevertheless, fully regulated under such other Federal order; and

(c) A plant meeting the requirements of § 1103.11(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part except during the months of February through August if such plant retains automatic pooling status under this part.

(d) Each handler operating a plant described in paragraph (a), (b), or (c) of this section shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, report to the market administrator at such time and in such manner as the market administrator may require (in lieu of reports pursuant to §§ 1103.30 and 1103.31) and allow verification of such reports by the market administrator.

(e) Each handler operating a plant specified in paragraph (a) or (b) of this section, if such plant is subject to the classification and pricing provisions of another order which provides for individual handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in marketing areas regulated by two or more market pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order and subtract its value at the Class II price, but in no event shall such adjustment result in a Class I price lower than the Class II price.

12. In § 1103.62, paragraphs (a) (1) (i) and (b) are revised to read as follows:

**§ 1103.62 Obligations of handler operating a partially regulated distributing plant.**

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1103.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1103.70(e) and a credit in the amount specified in § 1103.97(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk route dispositions in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct from the remainder the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk subtracted pursuant to subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

13. In § 1103.70, paragraphs (d) and (e) are revised to read as follows:

**§ 1103.70 Computation of the net pool obligation of each pool handler.**

* * * * *

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1103.46(a)(3) and the corresponding step of § 1103.46(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1103.46 (a)(3)(iv) and (v) and the corresponding steps of § 1103.46(b) the Class I price shall be adjusted to the location of the transferor plant, but in no event shall such adjustment result in a Class I price lower than the Class II price; and

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1103.46(a)(7) and the corresponding step of § 1103.46(b), but in no event shall such adjustment result in a Class I price lower than the Class II price.

14. Section 1103.96 is revised to read as follows:

**§ 1103.96 Producer-settlement fund.**

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all applicable payments made by handlers pursuant to §§ 1103.61, 1103.62, 1103.93(a), and 1103.97, and out of which he shall make all applicable payments pursuant to §§ 1103.93(b) and 1103.98: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

15. In § 1103.100, paragraphs (a) and (d) are revised to read as follows:

**§ 1103.100 Termination of obligations.**

* * * * *

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

(1) The amount of the obligation;

(2) The month(s) during which the skim milk and butterfat, with respect to which the obligation exists, were received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of such producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

* * * * *

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the skim milk and butterfat involved in the claim were received if an under payment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

[F.R. Doc. 70-3985; Filed, Apr. 1, 1970; 8:46 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

## [ 33 CFR Part 117 ]

[CGFR 70-54]

## SAGINAW RIVER, MICH.

### Drawbridge Operation

1. Notice is hereby given that the Commandant, U.S. Coast Guard under authority of section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2) and 49 CFR 1.4(a)(3)(v)) is considering a request by the Michigan State Highway Department for the establishment of special operation regulations for the Interstate Highway I-75 bridge across the Saginaw River at Zilwaukee, Mich.

2. The draw of the I-75 bridge is presently required to open on signal. Vertical clearance beneath the bridge with the draw in a closed position is 30.6 feet above low water datum. The horizontal clearance is 150 feet.

3. The stated purpose of the proposed special operation regulation is to reduce continuing and growing problems of traffic congestion, delay and accidents on the approaches to the bridge.

4. Accordingly, it is proposed to amend § 117.700 by adding a new paragraph (d)(3) to read as follows:

§ 117.700 Saginaw River, Mich.; bridges.

* * * * *

(d) *Closed periods.* * * *

(3) *Interstate Highway I-75 bridge at Zilwaukee.* (i) From December 1 through April 30 on Sundays between the hours of 5 p.m. and 8 p.m.

(ii) From May 1 through November 30 (excluding the days provided for in subdivision (iii) of this subparagraph), Fridays between the hours of 4 p.m. and 9 p.m., Saturdays between the hours of 8 a.m. and 1 p.m., and Sundays between the hours of 1 p.m. and 10 p.m.

(iii) Specific legal holidays and opening of Michigan deer hunting season.

(*a*) *Memorial Day weekend.* Friday between the hours of 3 p.m. and 10 p.m., Saturday and Sunday draw shall be opened promptly on signal, Monday between the hours of 12 m. to 10 p.m., Tuesday between the hours of 11 a.m. to 3 p.m.

(*b*) *Fourth of July.* July 2 between the hours of 1 p.m. and 10 p.m., July 3 between the hours of 6 a.m. and 12 m., July 4 draw shall be opened promptly on signal, July 5 between the hours of 10 a.m. and 10 p.m., July 6 between the hours of 11 a.m. and 5 p.m.

(*c*) *Labor Day weekend.* Friday between the hours of 5 p.m. and 9 p.m., Saturday and Sunday draw shall be opened promptly on signal, Monday between the hours of 12 m. and 10 p.m., Tuesday between the hours of 11 a.m. and 3 p.m.

(*d*) *Opening of Michigan deer hunting season.* For 2 days before day preceding opening of season between the hours of 6 p.m. and 9 p.m., day preceding opening of season between the hours of 7 a.m. and 9 p.m., day season opens between the hours of 6 p.m. and 11 p.m., first day after season opens between the hours of 3 p.m. and 10 p.m., second day after season opens between the hours of 3 p.m. and 7 p.m.

NOTE: The bridge owner shall annually notify the District Commander and marine interests using the bridge of the date of the opening of the Michigan deer hunting season. This notice shall be given the District Commander at least 90 days before the opening of the hunting season.

* * * * *

5. A public hearing on the proposed amendment will be held on June 3, 1970, convening at 10 a.m. located at the Holiday Inn, 501 Saginaw Street, Bay City, Mich. 48706. Interested persons may present data, views, arguments, or comments orally or in writing at the hearing.

6. Interested persons may also participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before June 3, 1970. All submissions should be made in writing to the Commander, 9th Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199.

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

8. Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposal in this document. This proposal may be changed in light of the comments received. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 9th Coast Guard District.

9. After the time set for the submission of comments by the interested parties, the Commander, 9th Coast Guard District will forward the record, including all written submissions and his recommendations with respect to the proposals and the submissions, to the Commandant, U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to these proposals.

Dated: March 27, 1970.

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

[F.R. Doc. 70-4017; Filed, Apr. 1, 1970; 8:49 a.m.]

## National Highway Safety Bureau

## [ 49 CFR Part 571 ]

[Docket No. 69-18; Notice 2]

## LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

### Extension of Time for Comments

A notice of proposed amendment to Federal Motor Vehicle Safety Standard No. 108 (Lamps, Reflective Devices, and Associated Equipment) was published on January 3, 1970 (35 F.R. 106). The closing date for comments on this proposal is April 1, 1970. The Automobile Importers of America, representing a large number of foreign manufacturers, have requested an extension of time to submit comments because of the current widespread disruptions of mail service. The time to submit comments on the above notice is accordingly extended to April 15, 1970.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority by the Secretary of Transportation to the Director, National Highway Safety Bureau, 49 CFR Part 1.

Issued on March 30, 1970.

ROBERT BRENNER,
*Acting Director,*
*National Highway Safety Bureau.*

[F.R. Doc. 70-4041; Filed, Apr. 1, 1970; 8:49 a.m.]

## Office of Pipeline Safety

## [ 49 CFR Part 192 ]

[Notice 70-5; Docket No. OPS-3E]

## MINIMUM FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

### Operation and Maintenance Requirements

The Department of Transportation is developing proposals for the comprehensive minimum Federal safety standards for gas pipeline facilities and for the transportation of gas, as required by section 3(b) of the Natural Gas Pipeline Safety Act of 1968. This notice of proposed rule making is the sixth of a series of notices by which the proposed Federal safety standards will be issued for public comment.

Interested persons are invited to participate in the making of these proposed rules by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received before May 18, 1970, will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposals contained in this notice may be changed in light of comment received.

The first notice in this series was published in the FEDERAL REGISTER on November 21, 1969 (Notice 69-3; 34 F.R. 18556). That notice discussed both the Department's plan for establishing the minimum Federal standards and the source materials to be used in developing proposals for these standards. It also proposed, without stating specific regulatory language, several requirements for inclusion in the minimum Federal standards.

This notice includes proposed Subpart L of Part 192, which contains the minimum requirements for operating procedures for gas transmission or distribution pipeline facilities, and proposed Subpart M of Part 192, which contains minimum requirements for maintenance procedures relating to pipelines, distribution piping, compressor stations, pipe-type and bottle-type holders, pressure limiting and pressure-regulating stations, valves, and vaults. Also included in proposed Subpart M are procedures for permanent field repairs on steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength, and the testing of these repairs. Those sections of the USAS B31.8 Code dealing with external and internal corrosion of pipelines and the maintenance of corrosion records have not been covered in proposed Subpart M, since it is anticipated that a comprehensive set of regulations dealing with corrosion control will be proposed shortly after the completion of this series of notices.

The operating requirements in Subpart L proposed at this time include the establishment of operating and maintenance plans, surveillance of pipelines and mains, planning for emergencies, analysis of pipeline failures, and the establishment of maximum and minimum allowable operating pressures, as well as confirmation or revision of maximum allowable operating pressure whenever a change in class location occurs. In addition, certain specific subjects, such as odorization, hot taps, maximum and minimum allowable operating pressures, and pipelines on private right-of-way of electric transmission lines, have been taken from other chapters of the USAS B31.8 Code and included in proposed Subpart L, as they were considered to be more appropriately classified as operating requirements. It is anticipated that there will be many more specific operating requirements prescribed in the future as this subpart is augmented. For this reason, it was deemed advisable to set out the requirements for Operations and those for Maintenance in separate but consecutive subparts. Nevertheless, the close relationship between Operation and Maintenance that exists in the USAS B31.8 Code is retained in the reorganization and should not result in any confusion or inconvenience to the industry.

Although these proposed regulations closely parallel the presently effective interim standards that are set forth in the USAS B31.8 Code, a number of differences will be noted. For the most part, these are nonsubstantive in nature.

A number of code provisions are not included on the basis that they contain unnecessarily detailed specifications for which a performance requirement already existed or could be readily substituted. Any person reviewing the proposed regulation who feels that the omission of any language or the manner of revision would decrease the presently required level of safety should state his conclusions and supporting reasons in his comments. Similarly, if a proposed performance requirement does not appear to be an adequate substitute for an omitted specification requirement, this should also be stated with supporting reasons.

One difference in the proposed rule involves several sections of the USAS B31.8 Code which, by their language, applied only to pipelines. In the proposed revision, these have been extended to cover both pipelines and mains. (See, for example, proposed § 192.611 on continuing surveillance, based on § 850.5, and proposed § 192.615 on investigation of failures, based on § 850.7.)

To assist persons in reviewing and commenting on the proposed regulations, this notice contains a derivation table showing, to the extent possible, the source of proposed requirements. In most cases, this is the USAS B31.8 Code, although some requirements are derived from the proposed NARUC Model Code or various State codes.

SUBSTANTIVE CHANGES—OPERATIONS

Section 192.605(d) is a new provision that would require the operating and maintenance plan to include a specific program for conversion procedures, if conversion of a low pressure distribution system to a higher pressure is contemplated. This requirement is based on a recommendation of the National Transportation Safety Board contained in its 1970 report on the 1969 Gary, Ind., gas failure.

Section 192.605(f) would require a detailed population density survey whenever the possibility of a change in class location is indicated by the periodic inspection provided for in § 192.605(e). The latter section is based on § 850.3 of the USAS B31.8 Code, which does not require such a survey as part of the periodic inspection. This omission was apparently based on the fact that in many instances it is readily apparent from the inspection that no change in class location has taken place, and so a population density survey would be superfluous. However, it was felt that once the possibility of a change in class location is indicated by the inspection, a detailed population density survey is necessary and should be mandatory. Moreover, it is our understanding that in actual practice under the USAS B31.8 Code, as soon as a change in class location is suspected by an operator, such a survey is immediately made.

Section 192.609(e) proposes to set a time limit of 60 days for compliance with the requirements for confirming or revising maximum allowable operating pressure after a change in class location. Presumably, each operator will have up-to-date knowledge of changes that take place along its right of way, since proposed § 192.605(e), like § 850.3 of the USAS B31.8 Code, would require periodic inspection in order to consider the possibility of class location changes. As soon as an operator has reason to believe that a change has occurred, it is required, by proposed § 192.607 (based on § 850.41 of the USAS B31.8 Code) to make a study to determine the history and condition of the pipe involved, and to confirm or revise the maximum allowable operating pressure in accordance with proposed § 192.609 (based on § 840.42 of the USAS B31.8 Code). While no time limit for completion of this process is now set forth in the USAS B31.8 Code, we believe that 60 days should be adequate for this purpose. The only alternative available to an operator unable to comply with this requirement would be to request a waiver.

The study called for by proposed § 192.607 is basically an examination of existing records. On completion of the study, if upgrading is required by proposed § 192.609, it may be accomplished either by (1) reducing the maximum allowable operating pressure (with some variation, depending on whether the section has been previously tested), or (2) hydrostatically testing the pipeline section concerned. However, we recognize that meeting the proposed time requirement assumes long range planning on the part of the industry and that in some instances compliance with the proposed 60 day time limit could be unduly burdensome.

The feasibility of complying with the proposed time limit is an appropriate subject matter for comment. Since, with the exception of the 60-day time limit, the proposed upgrading requirements are based on present provisions of the B31.8 Code, we are particularly interested in the manner in which the present requirements are being met. Examples of specific situations that have occurred since the upgrading requirements were added to the code in 1968 would be particularly helpful. If, based on the comments received, it appears that the proposed 60-day time limit is inappropriate, consideration will be given to including an alternative procedure in the final rule.

Section 192.613(d) would add a new provision to the emergency plan required by § 850.6 by the USAS B31.8 Code. An operator would be required, as part of emergency planning, to establish a program to educate customers and the general public concerning the recognition and reporting of gas emergencies. This new requirement is based on the New York Code and on the recommendations of the National Transportation Safety Board in its report on the 1969 Gary, Ind., explosion.

Section 192.617 based on § 845.22 of the USAS B31.8 Code, would prescribe the maximum allowable operating pressure for steel or plastic pipelines or mains. In determining this pressure, the factor by which the test pressure is divided has been changed for class locations 3 and 4 for steel pipe installed after (effective date), but not for steel pipe installed before that date. These changes are based on provisions of the State Codes of New York, New Jersey, New Hampshire, and Michigan.

Section 192.617(b) is a new provision which would prohibit the operation of a low pressure distribution system at a pressure lower than the minimum pressure required for the safe operation of any low pressure gas burning equipment. This section, which is based on provisions in the New York and West Virginia State Codes, was designed to meet the safety hazard created by low pressure

appliances not equipped with automatic shut-off devices.

Section 192.623 would add some detailed requirements on odorization of gases that were not part of Section 861 of the USAS B31.8 Code, dealing with that subject. The new provisions are based on details of State codes of California, New York, New Jersey, Massachusetts, Vermont, and Wisconsin.

SUBSTANTIVE CHANGES—MAINTENANCE

Several sections concerning periodic patrolling or inspection of pipeline facilities, would provide maximum time periods for the intervals between the patrolling or inspections. These sections are based on sections of the USAS B31.8 Code which merely required that the frequency of patrolling or inspection be determined by the particular conditions involved. The time limitations prescribed in proposed § 192.739, on periodic inspection and testing of pressure limiting and pressure regulating stations, and proposed § 192.743, on testing of pressure relief valves in those stations, are based on a recommendation by the Technical Pipeline Safety Standards Committee, provisions of the New York and Vermont Codes, and the proposed NARUC Model Code. In other proposed sections (§§ 192.703(a), 192.721(a), 192.723(b)(1), 192.745, 192.747, and 192.749), the time limitations prescribed are based on our estimate of what would be a reasonable frequency of inspection for the particular facility involved. Are these requirements stringent enough (or unnecessarily stringent) to insure the proper level of safety?

Section 192.711 dealing with permanent field repair of injurious gouges, grooves, and dents, unlike § 851.71 of the USAS B31.8 Code on which it is based, would not allow operation at a reduced pressure as an alternative to repairing, when it is not feasible to take the pipeline out of service. Section 851.71 included no standard of any kind for the amount of reduction in pressure required, and since it is our understanding that an operator would not normally operate at a reduced pressure as an alternative to repairing, this provision was eliminated.

Section 192.717(b) on testing of repaired gouges, grooves, dents, and welds, would delete the phrase "or visually inspected by a qualified inspector", contained in § 851.822 of the USAS B31.8 Code on which it is based. In accordance with the proposed NARUC Model Code, the quality of welding repairs would be required to be checked by both visual inspection and nondestructive testing.

ADDITIONAL PROPOSALS

In this notice, the following sections of proposed Subpart M make no substantive changes in the provisions of the USAS B31.8 Code on which they are based. However, if the comments received in response to the questions set forth below indicate the desirability of changes, the language of the proposed sections may be revised in the final rule to reflect these comments.

Section 192.741 like § 855.2 of the USAS B31.8 Code on which it is based, would require that each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gauges. The operator of each distribution system supplied by a single district pressure regulating station would still determine the necessity of installing such gauges on the basis of the particular operating conditions. We are considering requiring that all distribution systems, even if supplied only by a single district pressure regulating station, must be equipped with telemetering or recording pressure gauges to indicate the gas pressure in the district.

In commenting, state the cost-benefit ratio of such a requirement, as well as the actual practice now followed by the industry.

Section 192.721, like § 852.1 of the USAS B31.8 Code on which it is based, would require periodic patrolling of only those distribution mains installed in places or on structures where abnormal physical movement or abnormal loading could cause failure or leakage. What is the current practice of the industry with respect to the patrolling of distribution mains installed in other places? Would extending the requirement of periodic patrolling to all distribution mains impose any undue burden on industry?

Section 192.745, based on § 856 of the USAS B31.8 Code, would prescribe periodic inspection and partial operation of only those pipeline valves that are "required during any emergency". Should this section be enlarged to require, like proposed § 192.747, relating to valves in gas distribution systems, periodic checking of each valve "the use of which may be necessary for the safe operation" of the system?

Section 192.749 which would require regular inspection of certain vaults housing pressure regulating and pressure limiting equipment, like section 847 of the USAS B31.8 Code on which it is based, would apply only to vaults having a volumetric internal content of 200 cubic feet or more. Should the required periodic inspection be extended to all vaults? Public safety would seem to require periodic checking of the adequacy of ventilation in smaller vaults, as well.

In consideration of the foregoing, the Department proposes to amend Title 49 of the Code of Federal Regulations by adding a new Part 192 to contain Subparts L and M as set forth below.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

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

W. C. JENNINGS,
*Acting Director,*
*Office of Pipeline Safety.*

**Subpart L—Operations**

DERIVATION TABLE

| *New section* | *Source* |
|---|---|
| 192.603 | 850.2. |
| 192.605 | 850.3. |
| 192.607 | 850.41. |
| 192.609 | 850.42. |
| 192.611 | 850.5. |
| 192.613 | 850.6 and New York Code. |
| 192.615 | 850.7. |
| 192.617 | 845.22 and New York, New Jersey, New Hampshire, and Michigan Codes. |
| 192.619 | 845.33. |
| 192.621(a) | 845.43. |
| 192.621(b) | New York and West Virginia Codes. |
| 192.623 | 861 and California, New York, New Jersey, Massachusetts, Vermont, and Wisconsin Codes; NARUC Model Code. |
| 192.625 | 841.274 and 842.46. |
| 192.627 | 863. |
| 192.629 | 841.285, 841.286, and 842.47. |

Sec.



## Subpart L—Operations

### § 192.601 Scope.

This subpart prescribes minimum requirements for the operation of gas transmission or distribution pipeline facilities.

### § 192.603 General provisions.

Each operator having gas transmission or distribution pipeline facilities within the scope of this part shall—

(a) Have a written operating and maintenance plan meeting the requirements of this part.

(b) Operate and maintain its facilities in conformance with the plan.

(c) Keep records necessary to administer the plan.

(d) Modify the plan from time to time as changes in this part or operating conditions require.

### § 192.605 Essentials of operating and maintenance plan.

Each operator shall include the following in its operating and maintenance plan:

(a) Detailed instructions for employees covering operating and maintenance procedures during normal operations and repairs.

(b) Items required to be included by the provisions of Subpart M of this part.

(c) Specific programs relating to facilities presenting the greatest hazard to public safety in an emergency, or because of extraordinary construction or maintenance requirements.

(d) A specific program for conversion procedures, if conversion of a low pressure distribution system to a higher pressure is contemplated.

(e) Provision for periodic inspections along the route of existing steel pipelines or mains operating at hoop stress that is more than 40 percent of specified minimum yield strength, in order to consider the possibility of class location changes due to increased population density.

(f) Provision for a detailed population density survey, if the possibility of a change in class location is indicated by the inspection described in paragraph (e) of this section.

**§ 192.607 Change in class location: Required study.**

Whenever an increase in population density indicates a change in class location for an existing steel pipeline or main operating at hoop stress that is more than 40 percent of specified minimum yield strength, or indicates that the hoop stress corresponding to the established maximum allowable operating pressure for a portion of existing pipeline or main is not commensurate with the present class location, the operator shall immediately make a study to determine—

(a) The present class location for the pipeline or main involved;

(b) The design, construction, and testing procedures followed in the original construction, and a comparison of these procedures with those required for the present class location by the applicable provisions of this part;

(c) The physical condition of the pipeline or main to the extent it can be ascertained from available records;

(d) The operating and maintenance history of the pipeline or main;

(e) The maximum actual operating pressure and the corresponding operating hoop stress, taking pressure gradient into account, for the portion of the pipeline or main involved; and

(f) The actual area affected by the population density increase, and physical barriers or other factors which may limit further expansion of the more densely populated area.

**§ 192.609 Change in class location: Confirmation or revision of maximum allowable operating pressure.**

If the study required by § 192.607 indicates that the hoop stress corresponding to the established maximum allowable operating pressure of a portion of pipeline or main is not commensurate with the present class location, and the pipeline is in satisfactory physical condition, the maximum allowable operating pressure of that portion of pipeline must be confirmed or revised as follows:

(a) If the pipeline involved has been previously tested in place to at least 90 percent of its specified minimum yield strength for a period of not less than 8 hours, the maximum allowable operating pressure must be confirmed or reduced so that the corresponding hoop stress will not exceed 72 percent of specified minimum yield strength of the pipe in Class 2 locations, 60 percent of the specified minimum yield strength in Class 3 locations, or 50 percent of the specified minimum yield strength in Class 4 locations.

(b) If the pipeline involved has not been previously tested in place as described in paragraph (a) of this section, the maximum allowable operating pressure must be reduced so that the corresponding hoop stress is equal to or less than that permitted in this part for new pipelines or mains in the existing location class.

(c) If the pipeline involved has not been qualified for operation under paragraph (a) or (b) of this section, then it must be hydrostatically tested in accordance with the applicable requirements of Subpart J of this part, and its maximum allowable operating pressure must then be established so as to be equal to or less than the following:

(1) The maximum allowable operating pressure after the hydrostatic requalification test is 0.8 times the test pressure for Class 2 locations, 0.667 times the test pressure for Class 3 locations, and 0.555 times the test pressure for Class 4 locations.

(2) The maximum allowable operating pressure confirmed or revised in accordance with this section, may not exceed the maximum allowable operating pressure established prior to the confirmation or revision.

(3) The corresponding hoop stress may not exceed 72 percent of the specified minimum yield strength of the pipe in Class 2 locations, 60 percent of the specified minimum yield strength in Class 3 locations, or 50 percent of the specified minimum yield strength in Class 4 locations.

(d) Confirmation or revision of the maximum allowable operating pressure of a portion of pipeline or main in accordance with this section does not preclude the application of section ------ (presently 845.23 of the B31.8 Code).

(e) Confirmation or revision of the maximum allowable operating pressure in accordance with this section must be accomplished within 60 days of the date when the operator has notice that a change in class location has occurred.

**§ 192.611 Continuing surveillance of pipelines and mains.**

(a) Each operator shall have a planned procedure for continuing surveillance of its facilities to determine and take appropriate action concerning failures, leakage history, drop in flow efficiency due to internal corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

(b) If a pipeline facility is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a planned program to recondition or phase out the facility involved, or if the pipeline facility cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with § 192.617(a)(5).

**§ 192.613 Emergency plan.**

Each operator shall—

(a) Have a written emergency plan outlining procedures to be followed if a facility failure or other emergency occurs.

(b) Acquaint appropriate operating and maintenance employees with the operation of the plan.

(c) Establish liaison with appropriate public officials, including fire and police officials, with respect to the plan.

(d) Establish an educational program to enable customers and the general public to recognize and report a gas emergency to the appropriate officials, and to know how and when to shut off the supply of gas at the customer's meter in an emergency.

**§ 192.615 Investigation of pipeline or main failures.**

Each operator shall establish and follow procedures for analyzing pipeline or main accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

**§ 192.617 Maximum allowable operating pressure: Steel or plastic pipelines or mains.**

(a) No person may operate a steel or plastic pipeline or main at a pressure that exceeds the lowest of the following:

(1) The design pressure of the weakest element in the pipeline system that would be subject to the same pressure as the pipeline or main.

(2) The pressure obtained by dividing the pressure to which the pipeline or main was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

(ii) For steel pipe, the test pressure is divided by a factor determined in accordance with the following table:

| Class location | Factor | |
|---|---|---|
| | Pipe installed before [effective date] | Pipe installed after [effective date] |
| 1 | 1.1 | 1.1 |
| 2 | 1.25 | 1.25 |
| 3 | 1.4 | 1.5 |
| 4 | 1.4 | 1.5 |

(3) For furnace butt welded steel pipe, a pressure equal to 60 percent of the mill test pressure to which the pipe was subjected.

(4) For steel pipe other than furnace butt welded pipe, a pressure equal to 85 percent of the highest test pressure to which the pipe has been subjected, whether by mill test or by the post installation test.

(5) The pressure determined by the operator to be the maximum safe pressure after considering the history of the system, particularly known corrosion and the actual operating pressure.

(b) No person may operate a system to which subparagraph (5) of paragraph (a) of this section is applicable unless overpressure protective devices are installed on the system in a manner that will prevent the maximum allowable operating pressure from being exceeded.

**§ 192.619 Maximum allowable operating pressure: High pressure distribution systems.**

(a) No person may operate a high pressure distribution system at a pressure that exceeds the lowest of the following pressures, as applicable:

(1) The design pressure of the weakest element in the system.

(2) 60 p.s.i.g. if the service lines in the system are not equipped with pressure limiting devices that meet the requirements of _____ (presently 845.53 of the B31.8 Code).

(3) 25 p.s.i.g. in cast iron systems in which there are unreinforced bell and spigot joints.

(4) The pressure limits to which a joint could be subjected without the possibility of its parting.

(5) 2 p.s.i.g. for a system equipped with service regulators that do not meet either the requirements of section _____ (presently 845.51 of the B31.8 Code) or section _____ (presently 845.52 of the B31.8 Code).

(6) The pressure determined by the operator to be the maximum safe pressure after considering the history of the system, particularly known corrosion and the actual operating pressures.

(b) No person may operate a system to which subparagraph (6) of paragraph (a) of this section is applicable unless overpressure protective devices are installed on the system in a manner that will prevent the maximum allowable operating pressure from being exceeded.

**§ 192.621 Maximum and minimum allowable operating pressure: Low pressure distribution systems.**

(a) No person may operate a low pressure distribution system at a pressure that exceeds the lower of the following pressures:

(1) A pressure that would render unsafe the operation of any connected and properly adjusted low pressure gas burning equipment.

(2) 2 p.s.i.g.

(b) No person may operate a low pressure distribution system at a pressure lower than the minimum pressure at which the safe and continuing operation of any connected and properly adjusted low pressure gas burning equipment can be assured.

**§ 192.623 Odorization of gases.**

(a) Combustible gases must be odorized as provided in this section, except for the following:

(1) Gas transported in gathering lines in Class 1 locations.

(2) Gas that is en route to storage fields.

(3) Gas that is being delivered for further processing.

(b) The intensity of the odor of combustible gases must be such as to be readily detectable at concentrations of one-fifth of the lower explosive limit.

(c) The odorant in combustible gases must comply with the following:

(1) In the concentrations in which it is used, the odorant may not be deleterious to persons, materials, or piping.

(2) The odorant may not be soluble in water to an extent greater than 2.5 parts to 100 parts by weight.

(3) The products of combustion from the odorant may not be toxic when breathed nor may they be corrosive or harmful to those materials to which the products of combustion will be exposed.

(d) Equipment for odorization must introduce the odorant without wide variations in the level of odorant.

(e) Periodic sampling of combustible gases must be conducted to assure the proper concentration of odorant in accordance with this section.

**§ 192.625 Hot taps.**

Each hot tap must be performed by a crew that is trained and experienced in the making of hot taps.

**§ 192.627 Pipelines on private right-of-way of electric transmission lines.**

Each operator of a pipeline that parallels an overhead electric transmission line on the same right-of-way must take the following precautions:

(a) Employ blow-down connections that will direct the gas away from the electric conductors.

(b) Install a bonding conductor across points where the main is to be separated and maintain this connection while the pipeline is separated. The current carrying capacity of the bonding conductor must be at least one half of the capacity of the overhead line conductors.

(c) Make a study in collaboration with the electric company on the common problems of corrosion and electrolysis.

(d) Investigate the necessity of protecting insulating joints in the pipeline against induced voltages or currents resulting from lightning strokes.

**§ 192.629 Purging: Mixtures of gas and air.**

(a) When a pipeline, or main, is being purged of air by use of gas, the gas must be released into one end of the line in a moderately rapid and continuous flow. As soon as the vented gas at the other end is free of air, the vent must be closed.

(b) When a pipeline, or main, is being purged of gas by use of air, the air must be released into one end of the line in a moderately rapid and continuous flow. If air cannot be supplied in sufficient quantity to prevent the formation of an explosive mixture of gas and air, a slug of inert gas must be released into the line before the air.

(c) The following precautions must be taken against accidental ignition of gas-air mixtures:

(1) When gas is being vented into open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided.

(2) Gas or electric welding or cutting may not be performed on pipe or on pipe components that contain a mixture of gas and air.

**Subpart M—Maintenance Procedures**

DERIVATION TABLE

| *New section* | *Source* |
|---|---|
| 192.703 | 851.1. |
| 192.705 | 851.6. |
| 192.707 | 851.5. |
| 192.709 | 851.7. |
| 192.711 | 851.71. |
| 192.713 | 851.72. |
| 192.715 | 851.73. |
| 192.717(a) | 851.81. |
| 192.717(b) | 851.822, NARUC Model Code. |
| 192.719 | 851.9. |
| 192.721 | 852.1. |
| 192.723 | 852.2. |
| 192.725 | 852.3. |
| 192.727 | 852.4. |
| 192.729 | 853.1. |
| 192.731 | 853.2. |
| 192.733 | 853.4. |
| 192.735 | 853.5. |
| 192.737 | 854. |
| 192.739 | 855.1, NARUC Model Code, and New York and Vermont Codes. |
| 192.741 | 855.2. |
| 192.743 | 855.3, NARUC Model Code, and New York and Vermont Codes. |
| 192.745 | 856. |
| 192.747 | 856.2. |
| 192.749 | 857. |
| 192.751 | 858. |

Sec.

192.701 Scope.
192.703 Pipelines: Patroling.
192.705 Pipelines: Markers.
192.707 Pipelines: Leak records.
192.709 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; general requirements for repair procedures.
192.711 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; permanent field repair of injurious gouges, grooves, and dents.
192.713 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; permanent field repair of welds having injurious defects.
192.715 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; permanent field repair of leaks.
192.717 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; testing repairs.
192.719 Pipelines: Abandonment of transmission facilities.
192.721 Distribution piping: Patroling.
192.723 Distribution piping: Leakage surveys and routine leak procedures.
192.725 Distribution piping: Abandonment of facilities.
192.727 Distribution piping: Test requirements for reinstating abandoned or temporarily disconnected service lines.
192.729 Compressor stations: Procedures for gas compressor units.
192.731 Compressor stations: Inspection and testing of relief valves.
192.733 Compressor stations: Isolation of equipment for maintenance or alterations.

## Subpart M—Maintenance Procedures

### § 192.701 Scope.

This subpart prescribes minimum requirements for maintenance procedures relating to pipelines, distribution piping, compressor stations, pipe-type and bottle-type holders, pressure-limiting and pressure regulating stations, valves, and vaults. The procedures relating to pipelines include provisions for permanent field repairs on steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength, and the testing of these repairs.

### § 192.703 Pipelines: Patroling.

(a) Each operator shall, at intervals not exceeding 1 year, maintain a periodic pipeline patrol program to observe surface conditions on and adjacent to the pipeline right-of-way, indications of leaks, construction activity other than that performed by the operator, and other factors affecting the safety and operation of the pipeline.

(b) The frequency of the pipeline patrol must be determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors.

(c) Main highways and railroad crossings must be inspected with greater frequency and in greater detail than pipelines in open country.

### § 192.705 Pipelines: Markers.

Each operator shall install signs or markers whenever necessary to identify the location of a pipeline, in order to reduce the possibility of damage or interference.

### § 192.707 Pipelines: Leak records.

Each operator shall make records covering all leaks discovered and repairs made, all pipeline breaks, leakage surveys, line patrols and inspections. These records must be retained in the files of the operator for as long as the pipeline section involved remains in service.

### § 192.709 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; general requirements for repair procedures.

(a) Whenever an injurious defect, gouge, groove, dent, or leak is discovered on a segment of steel pipeline, or main, operating at or above 40 percent of the specified minimum yield strength of the pipe, and it is not feasible to make a permanent repair at the time of discovery, immediate temporary measures must be employed to protect the property and the public.

(b) As soon as feasible, permanent repairs must be made in accordance with the requirements of this subpart.

(c) Except as provided in § 192.715(c), no welded patch may be used as a repair method.

(d) "Injurious gouge, or groove", means a gouge or groove of a depth greater than 10 percent of the nominal wall thickness of the pipe.

(e) "Injurious dent" means a dent as defined in § 192.313(b).

### § 192.711 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; permanent field repair of injurious gouges, grooves, and dents.

Injurious gouges, grooves, and dents must be removed or reinforced as follows:

(a) If it is feasible to take the pipeline, or main, out of service, injurious gouges, grooves, and dents must be removed by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater wall thickness and grade.

(b) If it is not feasible to take the pipeline out of service, a full encirclement welded split sleeve must be applied over the injurious gouges, grooves, or dents.

(c) If the pipeline is not taken out of service, the operating pressure must be reduced to a safe level during the repair operations.

### § 192.713 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; permanent field repair of welds having injurious defects.

Each weld found to have an injurious defect must be repaired as follows:

(a) If it is feasible to take the pipeline, or main, out of service, the weld must be repaired in accordance with the applicable requirements of § 192.227.

(b) A weld may be repaired in accordance with § 192.227 (a) and (b) while the pipeline is in service if all of the following conditions exist:

(1) The weld is not leaking.

(2) The pressure in the pipeline is reduced so that it does not produce a stress that is more than 20 percent of the specified minimum yield of the pipe.

(3) Grinding of the defective area can be limited so that at least ⅛-inch thickness in the pipe weld remains.

(c) A defective weld which cannot be repaired in accordance with paragraph (a) or (b) of this section must be repaired by installation of a full encirclement welded split sleeve.

### § 192.715 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; permanent field repair of leaks.

Each permanent field repair of a leak must be made as follows:

(a) If feasible, the pipeline, or main, must be taken out of service and repaired by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater wall thickness and grade.

(b) If it is not feasible to take the pipeline, or main, out of service, it must be repaired by installing a full encirclement welded split sleeve.

(c) However, if the leak is due to a corrosion pit, the repair may be made by installing a properly designed bolt-on leak clamp; or, if the leak is due to a corrosion pit and on pipe of not more than 40,000 p.s.i. specified minimum yield strength, the repair may be made by fillet welding over the pitted area, a steel plate patch with rounded corners of the same or greater thickness than the pipe and not more than one-half the diameter of the pipe in size.

### § 192.717 Pipelines: Steel pipelines, or mains, operating at or above 40 percent of specified minimum yield strength; testing repairs.

(a) *Testing of replacement pipe sections.* (1) If a pipeline, or main, is repaired by cutting out the damaged portion of the pipe as a cylinder, and replacing it with another section of pipe, the replacement section of pipe must be tested to the pressure required for a new pipeline or main installed in the same location.

(2) The test required by subparagraph (1) of this paragraph may be made on the pipe before it is installed, but all field girth butt welds must be tested after installation by nondestructive tests meeting the requirements of § 192.223.

(b) *Testing of repaired gouges, grooves, dents, and welds.* Each gouge, groove, dent, or weld repaired by welding in accordance with the provisions of §§ 192.711, 192.713, and 192.715 must be examined in accordance with § 192.221.

### § 192.719 Pipelines: Abandonment of transmission facilities.

Each operator of transmission facilities shall have in its operating and maintenance procedures, a plan for abandoning transmission facilities, meeting the following requirements:

(a) Facilities to be abandoned must be disconnected from all sources and supplies of gas.

(b) Facilities to be abandoned in place must be purged of gas with an inert material and the ends sealed. However, if precautions are taken to insure that no liquid hydrocarbons remain in the facilities to be abandoned, then the facilities may be purged with air.

(c) If the facilities are purged with air, then precautions must be taken to insure that a combustible mixture is not present after purging.

### § 192.721 Distribution piping: Patrolling.

(a) Distribution mains installed in places or on structures where abnormal physical movement or abnormal external loading could cause failure or leakage must be patrolled periodically, at intervals not exceeding 3 months.

(b) The frequency of patrolling necessary must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

**§ 192.723 Distribution piping: Leakage surveys and routine leak procedures.**

(a) Each operator of a gas distribution system shall include in its operating and maintenance plan provisions for periodic leakage surveys.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) At intervals not exceeding 1 year, a gas detector survey must be conducted in business districts, involving tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks.

(2) Leakage surveys of the distribution system outside of the principal business areas must be made as frequently as necessary, but at intervals not exceeding 5 years.

(3) Leaks located by these surveys must be investigated and repaired promptly.

(4) When the condition of a main, or a service line, as indicated by leak frequency records or visual observation, deteriorates to the point where it is unsafe, it must be replaced or reconditioned.

**§ 192.725 Distribution piping: Abandonment of facilities.**

Each operator shall have a plan in its operating and maintenance procedures for sealing off the supply of gas to all abandoned distribution facilities, including service lines that have remained inactive for a period of years and for which there is no planned use. The plan must include the following provisions:

(a) If the facilities are abandoned in place, they must be physically disconnected from the piping system. The open ends of all abandoned facilities must be capped, plugged, or otherwise effectively sealed. The abandoned facility must be purged, if necessary, to prevent the development of a potentially hazardous condition. Air or inert gas may be used for purging, or the facility may be filled with water or other inert materials.

(b) In cases where a main is abandoned, together with the service lines connected to it, only the customer's end of the service lines must be sealed.

(c) If vaults are abandoned in place, the entire vault must be filled with a suitable compacted material.

**§ 192.727 Distribution piping: Test requirement for reinstating abandoned or temporarily disconnected service lines.**

(a) Service lines previously abandoned must be tested in the same manner as new service lines before being reinstated.

(b) Service lines temporarily disconnected because of main renewals or other planned work must be tested from the point of disconnection to the service line valve in the same manner as new service lines, before reconnecting. If, however, provisions are made to maintain continuous service, such as by installation of a bypass, any portion of the original service line used to maintain continuous service need not be tested.

**§ 192.729 Compressor stations: Procedures for gas compressor units.**

Each operator shall establish starting, operating, and shutdown procedures for all gas compressor units.

**§ 192.731 Compressor stations: Inspection and testing of relief valves.**

(a) Except for rupture disks, each pressure relieving device in a compressor station must be inspected and tested in accordance with §§ 192.739 and 192.743, and must be operated periodically to determine that it opens at the correct set pressure.

(b) Any defective or inadequate equipment found must be promptly repaired or replaced.

(c) Each remote control shutdown device must be inspected and tested at intervals not to exceed 1 year to determine that it functions properly.

**§ 192.733 Compressor stations: Isolation of equipment for maintenance or alterations.**

Each operator shall establish and follow procedures for isolation of units or sections of piping in compressor stations, for the purpose of maintenance, and for purging prior to returning units to service.

**§ 192.735 Compressor stations: Storage of combustible materials.**

(a) Flammable or combustible materials in quantities beyond those required for everyday use, or other than those normally used in compressor buildings, must be stored in a separate structure built of noncombustible material and located a suitable distance from the compressor building.

(b) Aboveground oil or gasoline storage tanks must be protected in accordance with National Fire Protection Association Standard No. 30.

**§ 192.737 Pipe-type and bottle-type holders: Plan for inspection and testing.**

(a) Each operator having a pipe-type or bottle-type holder shall prepare and keep in its files a plan for the systematic, routine inspection and testing of these facilities, including the following:

(1) Procedures must be required and followed to detect external corrosion before the strength of the container has been impaired.

(2) Periodic sampling and testing of gas in storage must be made to determine the dew point of vapors contained in the stored gas that might cause internal corrosion or interfere with the safe operation of the storage plant.

(3) The pressure control and pressure limiting equipment must be inspected and tested periodically to determine if it is in a safe operating condition and has adequate capacity.

(b) Each operator having prepared a plan as prescribed in paragraph (a) of this section shall—

(1) Follow the plan, and keep records detailing the inspection and testing work done and the conditions found; and

(2) Promptly correct all unsatisfactory conditions.

**§ 192.739 Pressure limiting and pressure regulating stations: Inspection and testing.**

Each pressure limiting station, relief device, and pressure regulating station and its equipment must, at intervals not exceeding 1 year, be subjected to systematic, periodic inspections and suitable tests to determine that it is—

(a) In good mechanical condition;

(b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

(c) Set to function at the correct pressure; and

(d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

**§ 192.741 Pressure limiting and pressure regulating stations: Telemetering or recording pressure gages.**

(a) Each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gases to indicate the gas pressure in the district.

(b) On distribution systems supplied by a single district pressure regulating station, the operator shall determine the necessity of installing such gages in the district, taking into consideration the number of customers supplied, the operating pressures, the capacity of the installation, and other operating conditions.

(c) If there are indications of abnormally high or low pressure, the regulator and the auxiliary equipment must be inspected and the necessary measures employed to correct any unsatisfactory operating conditions.

**§ 192.743 Pressure limiting and pressure regulating stations: Testing of pressure relief valves.**

(a) If feasible, pressure relief valves must be tested in place, at intervals not exceeding 1 year, to determine that they have sufficient capacity to limit the pressure on the facilities to which they are connected to the desired maximum pressure.

(b) If such tests are not feasible, periodic review and calculation of the required capacity of the relieving equipment at each station must be made, at intervals not exceeding 1 year, and these required capacity of the relieving equipment at each station must be made, at intervals not exceeding 1 year, and these required capacities compared with the rated or experimentally determined relieving capacity of the installed equipment for the operating conditions under which it works.

(c) If it is determined that the relieving equipment is of insufficient capacity, new or additional equipment must be installed to provide the additional capacity required.

**§ 192.745 Valve maintenance: Pipelines.**

Each pipeline valve that might be required during any emergency must be inspected periodically and partially operated, at intervals not exceeding 1 year, to provide safe and proper operating conditions.

§ 192.747 Valve maintenance: Distribution systems.

Each valve, the use of which may be necessary for the safe operation of a gas distribution system, must be checked and serviced, at intervals not exceeding 1 year, including lubrication where necessary.

§ 192.749 Vault maintenance.

(a) Each vault housing pressure regulating and pressure limiting equipment, and having a volumetric internal content of 200 cubic feet or more, must be regularly inspected, at intervals not exceeding 1 year, to determine if it is in good physical condition and adequately ventilated.

(b) If gas is found in the vault atmosphere, the equipment in the vault must be inspected for leaks, and any leaks found must be repaired.

(c) The ventilating equipment must also be inspected to determine if it is functioning properly.

(d) The condition of the vault covers must be carefully examined to assure that they do not present a hazard to public safety.

§ 192.751 Prevention of accidental ignition.

Smoking and other sources of accidental ignition must be prohibited in and around any structure or area containing gas facilities, where the possible leakage or presence of gas constitutes a hazard of fire or explosion. Suitable signs must be posted to serve as warnings in these areas.

[F.R. Doc. 70-4000; Filed, Apr. 1, 1970; 8:47 a.m.]

# CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 378 ]

[Docket No. 22053; SPDR-18]

## INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS AND TOUR OPERATORS

### Three Group Limitation

MARCH 30, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendment to Part 378 of its special regulations (14 CFR Part 378) to provide that an aircraft under charter to one tour operator may carry any number of tour groups provided that each group comprise 40 or more tour participants if more than one group is carried.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 101(3), 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 754 (as amended by 76 Stat. 143), 757; 49 U.S.C. 1301, 1324, 1371, 1372).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 4, 1970, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

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

*Explanatory statement.* Section 378.2(b)(5) of Part 378 provides: "An aircraft under charter to one tour operator or foreign tour operator may carry a maximum of three tour groups: *Provided*, That if more than one group is carried, each of the groups shall consist of 40 or more tour participants." Recent requests for waivers of the three-group limitation indicate that it is unduly restrictive and should be liberalized. The limitation was imposed at a time when large 250-seat aircraft were not in use. In addition, it is anticipated that the first supplemental air carrier will acquire 400-passenger B-747 aircraft sometime in 1971. Furthermore, it appears that most tour operators would prefer to handle small groups than three relatively large groups, to reserve smaller blocks of hotel rooms, and to provide other land arrangements on a small scale.

Under all the circumstances the Board tentatively finds that the three-group limitation should be revised, and that § 378.2(b)(5) should be amended to provide that an aircraft may carry any number of tour groups, provided that if more than one group is carried each of the groups shall consist of 40 or more tour participants under charter to one tour operator. Such a change would not, in our view, destroy the integrity of the group travel concept so long as a minimum of 40 persons per group is required. Further, permitting any number of groups to be carried should offer tour operators greater sales flexibility, thereby minimizing the possibility of cancellation of tours and the resulting inconvenience to tour participants.

*Proposed rule.* It is proposed to amend Part 378 of the special regulations (14 CFR Part 378) by revising § 378.2(b)(5) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

(b) "Inclusive tour" means a round-trip tour which combines air transportation pursuant to an inclusive tour charter and land services, and which meets all of the following requirements:

* * * * *

(5) An aircraft under charter to one tour operator or foreign tour operator may carry any number of tour groups: *Provided*, That if more than one group is carried, each of the groups shall consist of 40 or more tour participants.

* * * * *

[F.R. Doc. 70-4015; Filed, Apr. 1, 1970; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### SELWYN E. PHILLIPS

### Notice of Granting of Relief

Notice is hereby given that Mr. Selwyn E. Phillips, 300 Gary, Bay City, Mich., 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 or about June 20, 1938, by the Circuit Court of Bay County, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Selwyn E. Phillips 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 Selwyn E. Phillips to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Selwyn E. Phillips' 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 Selwyn E. Phillips 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 2d day of January 1970.

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

[F.R. Doc. 70-3987; Filed, Apr. 1, 1970; 8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AA-5807]

### ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

MARCH 27, 1970.

The Alaska Railroad, Department of Transportation, has filed application, serial number AA-5807, for the withdrawal of the lands described herein from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The Railroad desires the land as the site for the installation of a micro-wave ground-mounted passive repeater reflector. Eroding action caused by high tides and a river makes necessary the relocation of the micro-wave tower at Portage, Alaska, to the new site. The Railroad states that the acreage requested is the minimum amount needed to protect the tower and to provide line of sight between micro-wave stations.

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, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations, 43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

SEWARD MERIDIAN (UNSURVEYED)

In the SW¼, sec. 28, T. 9 N., R. 3 E., beginning at what will be when surveyed the section corner common to sections 28, 29, 32, and 33, which will be corner No. 1 of this description; thence 2,000 feet north to corner No. 2; thence 2,000 feet east to corner No. 3; thence 2,000 feet south to corner No. 4; thence 2,000 feet west to the point of beginning. Containing approximately 91.83 acres, located 1½ miles east of Portage, Alaska.

T. G. BINGHAM,
*Acting State Director.*

[F.R. Doc. 70-3976; Filed, Apr. 1, 1970; 8:45 a.m.]

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[C-9815]

### COLORADO

### Notice of Proposed Classification of Public Lands

MARCH 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify public lands described below for disposal through public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4); or through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publications of this proposed classification segregates the described lands from all forms of disposal under the public land laws, except the forms of disposal for which it is proposed to classify the lands.

3. This proposal has been discussed with the local governmental officials, an advisory committee of local land users, the U.S. Forest Service, the Colorado Division of Game, Fish and Parks, and other interested parties. Information obtained from field data, discussions with the public and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(a), which authorizes classification of lands for disposal under appropriate authority where such lands are found to be chiefly valuable for disposal, for grazing use and other values and which lands are not needed for the support of a Federal program.

4. The public lands proposed for classification are located in the following described area, and are shown on maps on file in the Craig District Office, Bureau of Land Management, Craig, Colo., the Glenwood Springs District Office, Bureau

of Land Management, Glenwood Springs, Colo., and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT COUNTY

T. 1 N., R. 84 W.,
Sec. 4, SW¼NE¼.
T. 3 N., R. 84 W.,
Sec. 3, lot 13.
T. 4 N., R. 84 W.,
Sec. 17, SE¼SW¼ and S½SE¼;
Sec. 20, NE¼, NE¼NW¼, S½SW¼, and N½SE¼;
Sec. 21, SW¼NW¼ and W½SW¼;
Sec. 28, NE¼NW¼;
Sec. 29, NW¼.
T. 1 N., R. 85 W.,
Sec. 7, lots 1 and 2, and E½NW¼.
T. 2 N., R. 85 W.,
Sec. 4, lots 1 and 2, and S½NE¼;
Sec. 7, lots 1, 2, and 3;
Sec. 9, W½SW¼;
Sec. 23, E½NE¼;
Sec. 24, S½SW¼ and SW¼SE¼;
Sec. 25, NW¼NE¼ and NE¼NW¼;
Sec. 35, S½NE¼, NE¼NW¼, S½NW¼, and N½SW¼.
T. 3 N., R. 85 W.,
Sec. 10, lot 12;
Sec. 13, lot 1;
Sec. 17, lot 4;
Sec. 18, lots 9 and 16;
Sec. 19, lots 13 and 14;
Sec. 33, lot 12.
T. 4 N., R. 85 W.,
Sec. 11, lot 9;
Sec. 14, lot 2;
Sec. 17, lot 8;
Sec. 20, lots 3, 6, and 7.
T. 5 N., R. 85 W.,
Sec. 1, lots 5, 10, and 13;
Sec. 6, lots 12 and 13;
Sec. 7, lots 11 and 12;
Sec. 8, lot 11;
Sec. 11, lot 1;
Sec. 12, lots 3 and 7.
T. 7 N., R. 85 W.,
Sec. 17, W½NE¼;
Sec. 23, NW¼NE¼.
T. 8 N., R. 85 W.,
Sec. 7, lots 7 and 11;
Sec. 16, lots 4 and 5.
T. 9 N., R. 85 W.,
Sec. 16, lots 1 and 2;
Sec. 29, lot 1.
T. 10 N., R. 85 W.,
Sec. 26, lot 19;
Sec. 28, lots 5, 6, and 7;
Sec. 33, lots 10 and 11.
T. 2 N., R. 86 W.,
Sec. 11, lot 2, N½SW¼SE¼NE¼, SW¼SW¼SE¼NE¼, N½NW¼NW¼SE¼, SW¼NW¼NW¼SE¼, NW¼SW¼NW¼SE¼, and SW¼SE¼.
T. 3 N., R. 86 W.,
Sec. 3, lots 7 and 15;
Sec. 4, lots 7, 8, 9, 16, and 17;
Sec. 5, lot 7, N½ lot 9, SW¼ lot 9, N½SE¼ lot 9, SW¼SE¼ lot 9, NW¼ lot 10, NW¼NE¼ lot 15, NW¼ lot 15;
Sec. 7, lot 13;
Sec. 8, lots 11, 12, and 14;
Sec. 9, lots 4, 5, and 12;
Sec. 10, lots 1 and 8;
Sec. 11, lots 1, 2, 3, and 4;
Sec. 12, lots 5 and 6;
Sec. 13, lots 9, 15, 16, 17, 19 and 21;
Sec. 14, lots 13 and 14;
Sec. 15, lots 12, 15, 18, and 19;
Sec. 16, lot 10;
Sec. 26, lot 2;
Sec. 27, lots 1 and 2.
T. 4 N., R. 86 W.,
Sec. 12, lot 9;
Sec. 26, E½SW¼;
Sec. 28, NE¼SW¼;
Sec. 30, lot 16, SW¼SE¼;
Sec. 31, W½NE¼;
Sec. 32, NE¼SE¼ and SW¼SE¼;
Sec. 33, SW¼NE¼, SW¼NW¼, E½SW¼, and NE¼SE¼.
T. 5 N., R. 86 W.,
Sec. 26, NE¼NE¼;
Sec. 34, SW¼NW¼.
T. 6 N., R. 86 W.,
Sec. 7, lot 3, SW¼NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 33, SW¼SW¼;
Sec. 35, NW¼NE¼, and N½NW¼.
T. 7 N., R. 86 W.,
Sec. 2, lot 7;
Sec. 3, lot 10;
Sec. 6, lot 8;
Sec. 7, lot 6;
Sec. 8, lot 1;
Sec. 10, lot 1;
Sec. 18, lots 6 and 10;
Sec. 20, SE¼SW¼;
Sec. 29, E½SW¼;
Tract 68.
T. 8 N., R. 86 W.,
Sec. 1, lot 7;
Sec. 2, lots 5 and 6;
Sec. 10, lot 6;
Sec. 15, lot 5;
Sec. 19, lots 9, 10, 11, 12, 13, 14, and 15;
Sec. 26, lot 1;
Sec. 27, lots 1 and 2;
Sec. 30, lots 5, 6, and 7;
Sec. 34, lot 9;
Sec. 35, lots 3 and 4.
T. 9 N., R. 86 W.,
Sec. 1, lots 9 and 10;
Sec. 33, lot 16;
Sec. 34, lots 11, 12, 16, and 18, NW¼NW¼;
Sec. 35, lot 1.
T. 10 N., R. 86 W.,
Sec. 23, N½NE¼ and SW¼NE¼.
T. 3 N., R. 87 W.,
Sec. 1, SW¼SW¼.
T. 4 N., R. 87 W.,
Sec. 7, lots 2, 3, 4, and 5;
Sec. 10, SE¼SE¼;
Sec. 14, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 15, E½E½ and SW¼SE¼;
Sec. 17, NE¼NW¼;
Sec. 18, lot 1, and E½NW¼;
Sec. 23, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 24, SE¼NE¼;
Sec. 34, SW¼SE¼.
T. 5 N., R. 87 W.,
Sec. 7, NW¼NE¼;
Sec. 8, SE¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 27, N½NE¼SW¼;
Sec. 30, NW¼NW¼;
Sec. 31, NW¼NE¼;
Sec. 32, lots 5, 10, and 12;
Sec. 33, E½NW¼.
T. 6 N., R. 87 W.,
Sec. 12, NW¼SW¼;
Sec. 13, S½NE¼, N½SE¼.
T. 7 N., R. 87 W.,
Sec. 1, lots 6, 7, 8, 9, 10, 11, 14, and 19;
Sec. 3, lots 3 and 4;
Sec. 4, lots 1 and 2, W½SE¼ and SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½N½, SW¼NW¼;
Sec. 11, lots 2, 3, 4, 5, 6, and 7;
Sec. 12, lot 2;
Sec. 13, lots 1, 2, 3, and 4;
Sec. 18, SW¼NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 23, lots 1, 4, 6, 8, 9, 10, and 13;
Sec. 25, lot 15;
Sec. 33, NE¼SW¼.
T. 8 N., R. 87 W.,
Sec. 11, SW¼SW¼;
Sec. 19, lots 2 and 4, and SE¼NW¼;
Sec. 24, NE¼SE¼;
Sec. 25, N½NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 33, SE¼.
T. 3 N., R. 88 W.,
Sec. 5, SE¼NW¼;
Sec. 6, lots 6 and 7, and NE¼SE¼;
Sec. 7, lot 8, SW¼NW¼ and SW¼;
Sec. 9, NE¼SW¼ and SW¼SE¼;
Sec. 16, SE¼NE¼ and SW¼SW¼.
T. 4 N., R. 88 W.,
Sec. 12, SW¼;
Sec. 13, NE¼NW¼;
Sec. 14, NE¼, S½NW¼, and SW¼;
Sec. 16, NE¼SE¼;
Sec. 23, NW¼NE¼ and NE¼NW¼;
Sec. 24, SW¼NE¼;
Sec. 25, SE¼SW¼;
Sec. 26, SW¼NE¼ and W½;
Sec. 35, E½E½, N½NW¼, and SW¼SE¼.
T. 5 N., R. 88 W.,
Sec. 5, lot 8;
Sec. 6, lots 17 and 23;
Sec. 7, lot 9;
Sec. 9, NE¼NW¼;
Sec. 19, lots 7, 8, 13, and 14;
Sec. 30, lots 7, 8, 13, and 14;
Sec. 31, lots 15, 16, 22, 23, 24, and 25;
Sec. 36, lots 9, 10, 11, and 12.
T. 7 N., R. 88 W.,
Sec. 2, SE¼NW¼;
Sec. 5, SE¼SE¼;
Sec. 6, lots 5 and 6, SW¼NE¼, and NE¼SW¼;
Sec. 8, N½NE¼, and SW¼NE¼;
Sec. 17, NE¼SW¼;
Sec. 20, SW¼NE¼.
T. 8 N., R. 88 W.,
Sec. 2, lots 15 and 16;
Sec. 4, lots 5 through 12, inclusive;
Sec. 5, lots 5, 11, 12, 17, and 18;
Sec. 18, lot 8;
Sec. 19, lot 5;
Sec. 20, lot 3;
Sec. 23, lots 1, 2, and 7;
Sec. 24, lots 1 through 10, inclusive;
Sec. 34, lots 12, 13, 14, and 15, tracts 43B, 59A, 59B, 59C, 59D, and 74.
T. 9 N., R. 88 W.,
Sec. 31, lots 5, 6, 7, and 8;
Sec. 32, lots 2, 3, and 8, and E½NW¼;
Sec. 33, lots 2, 3, 4, 7, and 8;
Sec. 35, lots 1, 3, and 7.
T. 3 N., R. 89 W.,
Sec. 5, lots 7 and 8;
Sec. 6, lots 8, 9, 10, 11, and 12.
T. 4 N., R. 89 W.,
Sec. 8, SE¼SE¼;
Sec. 11, lot 1 and SW¼;
Sec. 12, lot 3, and E½SW¼;
Sec. 13, S½NE¼ and N½NW¼;
Sec. 18, NE¼NW¼;
Sec. 19, S½ of Lot 3;
Sec. 20, W½NW¼;
Sec. 23, SE¼NE¼;
Sec. 24, SE¼NW¼;
Sec. 26, E½E½NE¼NW¼;
Sec. 28, SW¼SW¼;
Sec. 31, lots 3 and 4;
Sec. 33, SE¼SW¼, and SE¼.
T. 5 N., R. 89 W.,
Sec. 2, lots 15 and 18;
Sec. 3, lots 12 and 15;
Sec. 5, lot 6;
Sec. 7, SE¼SW¼;
Sec. 10, lot 7;
Sec. 11, lots 10, 14, and 17;
Sec. 15, lots 1, 9, and 14;
Sec. 16, lot 5;
Sec. 18, lot 2;
Sec. 21, SE¼NE¼ and SW¼NW¼;
Sec. 25, NW¼NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 26, W½NE¼ and N½SW¼.
T. 6 N., R. 89 W.,
Sec. 23, lot 12;
Sec. 29, lot 11.

The total area involved is approximately 17,120 acres in Routt County.

For a period of sixty (60) days from the day of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions,

or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 248, Craig, Colo. 81625.

A public hearing on this proposed classification will be held at 1:30 p.m. on April 29, 1970, in the Yampa Valley Electric Building, Steamboat Springs, Colo.

E. I. ROWLAND,
*State Director.*

[F.R. Doc. 70-4005; Filed, Apr. 1, 1970; 8:48 a.m.]

[C-9815]

## COLORADO

### Notice of Proposed Classification of Public Lands for Multiple-Use Management

MARCH 27, 1970.

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. Publication of this notice segregates (a) all lands described in this notice from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. 331) and from sale under sections 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) the lands described in paragraph 3 of this notice from all forms of appropriation including the general mining laws (30 U.S.C. 21), except for applications under the mineral leasing laws and the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869-1 to 869-4). As used herein "public lands" means any lands withdrawn or reserved under Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands proposed for classification are shown on maps on file in the Craig District Office, Bureau of Land Management, Craig, Colo., the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo., and the Land Office, Bureau of Land Management, Federal Building, 1961 Stout Street, Denver, Colo.

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT COUNTY

T. 1 N., R. 84 W.,
Sec. 26, E½SE¼, SW¼SE¼;
Sec. 33, E½SE¼, SW¼SE¼;
Sec. 35, E½E½, NW¼NE¼, E½SW¼NE¼, E½NW¼SE¼.

T. 4 N., R. 84 W.,
Sec. 28, SE¼SE¼;
Sec. 32, NW¼NE¼ and E½E½;
Sec. 33.

T. 5 N., R. 84 W.,
Sec. 34, E½SE¼.

T. 6 N., R. 84 W.,
Sec. 27, SE¼SE¼.

T. 7 N., R. 84 W.,
Sec. 29, W½W½;
Sec. 30, E½NE¼;
Sec. 33, SE¼NE¼.

T. 2 N., R. 85 W.,
Sec. 8, S½SW¼;
Sec. 17, N½NW¼, SW¼NW¼;
Sec. 18, lots 2, 3, and 4, NE¼, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 19, lot 1, NW¼NE¼, NE¼NW¼.

T. 3 N., R. 85 W.,
Sec. 1, lots 10 and 11;
Sec. 2, lots 5, 6, 7, and 8;
Sec. 7, lot 10;
Sec. 11, lots 1, 2, 4, and 5;
Sec. 12, lots 3, 4, 5, 6, 11, 12, 13, and 14.

T. 4 N., R. 85 W.,
Sec. 18, lot 2.

T. 5 N., R. 85 W.,
Sec. 19, lots 7, 8, 9, 10, 11, and 12;
Sec. 20, lots 5 and 16;
Sec. 30, lot 6;
Tract 142.

T. 7 N., R. 85 W.,
Sec. 18, lots 1, 2, 3, and 4, W½E½ and E½W½;
Sec. 19, lots 1, 2, and 3.

T. 8 N., R. 85 W.,
Sec. 5, lots 5, 6, 7, and 8;
Sec. 6;
Sec. 9, lots 1, 2, 3, and 4, NE¼SE¼ and S½SE¼.

T. 10 N., R. 85 W.,
Sec. 20, lots 15 and 18;
Sec. 21, lots 13 and 14.

T. 2 N., R. 86 W.,
Sec. 3, S½SW¼ and W½SW¼SE¼;
Sec. 12, S½SE¼;
Sec. 13, N½N½NE¼NE¼, N½NW¼NE¼, SW¼NW¼NE¼, N½NW¼SW¼NE¼, NE¼NW¼, N½NE¼SE¼NW¼, W½SE¼NW¼, S½NE¼NE¼SW¼, NW¼NE¼SW¼, S½NE¼SW¼, NW¼SW¼, S½SW¼, S½N½N½SE¼, S½N½SE¼, and S½SE¼;
Sec. 24, N½.

T. 3 N., R. 86 W.,
Sec. 6, lots 9 to 14, inclusive, and lots 17 to 23, inclusive;
Sec. 7, lots 14, 15, and 16;
Sec. 12, lots 9, 15, and 16;
Sec. 13, lots 2 and 3.

T. 4 N., R. 86 W.,
Sec. 9, lot 3;
Sec. 10, S½SE¼;
Sec. 11, lots 8, 11, 17, and 19;
Sec. 13, SE¼NW¼;
Sec. 14, lots 4, 5, 6, 8, and 12;
Sec. 15, NE¼, W½SW¼;
Sec. 17, SE¼SW¼;
Sec. 22, NE¼ and N½NW¼;
Sec. 23, NE¼NE¼, NW¼NW¼, S½N½, N½S½, SE¼SW¼, SW¼SE¼;
Sec. 24, E½SW¼ and NW¼SE¼;
Sec. 25, NE¼NW¼;
Sec. 26, NW¼NE¼ and N½NW¼;
Sec. 27, S½NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28, SE¼SE¼;
Sec. 31, lots 9, 16, and 17;
Sec. 33, NE¼NE¼.

T. 5 N., R. 86 W.,
Sec. 33, NW¼NE¼ and SE¼SE¼;
Sec. 34, SW¼SW¼;
Sec. 35, NE¼ and S½.

T. 7 N., R. 86 W.,
Sec. 12, lots 1, 2, 3, and 4;
Sec. 13, lots 1, 2, 3, and 4 and W½E½;
Sec. 16, lots 1, 2, 3, and 4;
Sec. 17, lot 7 and SE¼;
Sec. 20, NE¼;
Sec. 21, N½;
Sec. 22, lots 1, 2, 3, 4, 5, and 6, S½NW¼ and N½SW¼;
Sec. 24, lots 1, 2, 3, 4, and 11;
Sec. 25, lot 1.

T. 8 N., R. 86 W.,
Sec. 4, lots 12 and 13;
Sec. 5, lots 5, 6, 7, and 8;
Sec. 7, lot 5;
Sec. 8, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 and N½NE¼;
Sec. 9, lots 3 and 4;
Sec. 17, lots 1, 2, 3, 4, 5, and 6;
Tracts 61A, 61B, 61C, 64A, 64B, and 64C.

T. 10 N., R. 86 W.,
Sec. 36, SW¼SE¼.

T. 3 N., R. 87 W.,
Sec. 1, lots 1, 8, 9, 12, 13, and 14.

T. 4 N., R. 87 W.,
Sec. 35, E½;
Sec. 36.

T. 5 N., R. 87 W.,
Sec. 17, NE¼SE¼ and W½SW¼;
Sec. 18, NE¼SE¼ and S½SE¼;
Sec. 19, W½NW¼;
Sec. 29, W½NW¼;
Sec. 30, E½NE¼.

T. 6 N., R. 87 W.,
Sec. 2, NE¼SE¼.

T. 8 N., R. 87 W.,
Sec. 28, E½SE¼;
Sec. 34, N½.

T. 3 N., R. 88 W.,
Sec. 8, SW¼SW¼ and SE¼SE¼;
Sec. 17, lots 1 to 6, inclusive, and SW¼NE¼ and SE¼NW¼.

T. 4 N., R. 88 W.,
Sec. 7, lots 2, 3, 4, 5, and 6, and NE¼SW¼ and S½SE¼;
Sec. 17, NW¼ and N½SW¼;
Sec. 18, NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

T. 5 N., R. 88 W.,
Sec. 1, lot 7, SE¼NW¼, and SW¼;
Sec. 2, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 3, lot 5, SW¼NE¼, and W½SE¼;
Sec. 11, NE¼ and S½;
Sec. 24, E½NE¼;
Sec. 31, lots 7 and 8;
Sec. 35, lot 4.

T. 8 N., R. 88 W.,
Sec. 6, lots 9, 10, 11, 12, 13, 17, and 18;
Sec. 7, lots 9, 11, 12, 13, and 14;
Sec. 8, lots 2, 4, 5, 10, and 11;
Tracts 70B, 82G, 82H, 82I, 82J, 82O, 82P, 83A, 83B, 83G, 83H, 83I, 83J, 83K, 83L, and 83P.

T. 9 N., R. 88 W.,
Sec. 31, lots 9, 10, 11, 12, 13, 14, and 15.

T. 3 N., R. 89 W.,
Sec. 4;
Sec. 5, lots 5, 6, and 10;
Sec. 8, lots 1, 6, and 8, E½SE¼;
Sec. 18, lot 8, SE¼SW¼, and S½SE¼.

T. 4 N., R. 89 W.,
Sec. 10, lots 1, 2, 3, and 4.

T. 5 N., R. 89 W.,
Sec. 27, SE¼NW¼, SW¼, and NW¼SE¼;
Sec. 28, S½SE¼;
Sec. 29, SW¼ and W½SE¼;
Sec. 30, lots 1, 2, 3, and 4, SE¼NW¼, E½SW¼, and SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, N½, SW¼, and N½SE¼;
Sec. 33;
Sec. 34, W½ and W½SE¼.

T. 1 S., R. 83 W.,
Sec. 1, lots 5 to 16, inclusive;
Sec. 2, lots 1 to 4, inclusive and S½;
Sec. 3, lots 1 to 4, inclusive, N½SW¼, SW¼SW¼, and SE¼;
Sec. 4, lots 5 to 8, inclusive, E½SW¼ and SW¼SW¼;
Sec. 5, NE¼SW¼ and S½SE¼;
Sec. 7, lots 1 to 4, inclusive, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 8, E½NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and SE¼;
Sec. 9, NW¼ and W½SW¼;
Sec. 10, NE¼, SE¼NW¼, NW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 11, N½NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 12, lots 1 to 11, inclusive;
Sec. 13, lots 1 to 6, inclusive;
Sec. 14, lots 1 to 6, inclusive;
Sec. 15, lots 1 to 7, inclusive;
Sec. 17, N½NE¼ and W½;

Sec. 18, lots 1 to 4, inclusive, E½ and E½ W½;
Sec. 19, lots 1, 2, and 4, NE¼, E½NW¼, SE¼SW¼, and E½SE¼;
Sec. 20, W½NE¼, NW¼, and W½SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 23, E½NE¼, E½NW¼, N½SW¼, and NE¼SE¼;
Sec. 24, NE¼NE¼ and W½NW¼;
Sec. 26, W½NE¼, S½NW¼, and N½SW¼;
Sec. 27, lots 1 to 11, inclusive;
Sec. 28, lots 1 to 12, inclusive;
Sec. 29, SE¼NE¼, NW¼NW¼, and E½SE¼;
Sec. 30, lots 5 to 14, inclusive;
Sec. 31, lots 5 to 17, inclusive;
Sec. 32, lots 1, 2, and 3;
Sec. 33, lots 1 to 16, inclusive;
Sec. 34, lots 1 to 16, inclusive;
Sec. 35, S½NW¼, SW¼, N½SE¼, and SW¼SE¼.

T. 1 S., R. 84 W.,
Sec. 1, W½SW¼ and SE¼SW¼;
Sec. 2, lot 2 and SE¼;
Sec. 4, lots 2, 3, and 4, SW¼ and W½SE¼;
Sec. 5, lots 1, 2, 3, and 4 and S½;
Sec. 6, lots 1, 2, and 3, E½SW¼ and SE¼;
Sec. 7, SE¼NE¼, E½NW¼, and SE¼;
Sec. 8, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 9, W½NE¼, SE¼NE¼, NW¼, and S½;
Sec. 12, NE¼, E½NW¼, and S½;
Sec. 13, E½E½;
Sec. 14, NW¼SE¼;
Sec. 17, N½, N½S½, and SW¼SW¼;
Sec. 18, lots 1, 2, 3, and 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, and 4, N½NE¼, SW¼NE¼, E½NW¼, E½SW¼, and SE¼;
Sec. 20, NW¼NW¼, S½S½, and NW¼SE¼;
Sec. 21, SW¼SW¼;
Sec. 22, S½;
Sec. 23, N½NE¼, SE¼NE¼, SW¼NW¼, SW¼, and S½SE¼;
Sec. 24, E½, NW¼, and NE¼SW¼;
Sec. 25, NE¼, E½SE¼, SW¼NW¼, and NW¼SW¼;
Sec. 26, N½, NE¼SW¼, and SE¼;
Sec. 27, NE¼NW¼, E½SW¼, SW¼SW¼, and SE¼;
Sec. 28, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 29;
Sec. 30, lots 1 and 2, NE¼ and E½NW¼;
Sec. 31, lot 4, SE¼SW¼ and S½SE¼;
Sec. 32, E½, N½NW¼, and S½SW¼;
Sec. 33, NE¼NE¼, NW¼, NW¼SW¼, S½S½;
Sec. 34, N½N½, SW¼NE¼, W½SW¼, NW¼SE¼, SE¼SE¼;
Sec. 35, E½, W½NW¼, SE¼NW¼, and S½SW¼.

T. 1 S., R. 85 W.,
Sec. 3, S½SW¼;
Sec. 13, E½, N½SW¼, and SE¼SW¼;
Sec. 24, NE¼ and E½SE¼;
Sec. 25, E½NE¼ and SW¼SW¼;
Sec. 26, lots 1 to 11, inclusive;
Sec. 27, NE¼NE¼ and E½SE¼;
Sec. 31, lots 1, 2, 3, and 4, E½ and E½W½;
Sec. 33, W½SW¼;
Sec. 34, E½NE¼ and SW¼NE¼;
Sec. 35.

T. 1 S., R. 86 W.,
Sec. 34, S½S½;
Sec. 36, S½S½.

The area described above aggregates approximately 49,200 acres of public land in Routt County, Colo.

3. As provided in paragraph 1 above, the following described lands are segregated from all forms of appropriation including the mining laws, except for applications under the mineral leasing laws and the Recreation and Public Purposes Act:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT COUNTY

T. 4 N., R. 84 W.,
Sec. 21, NE¼NE¼, S½NE¼, and N½SE¼.
T. 6 N., R. 84 W.,
Sec. 10, SE¼NE¼.
T. 9 N., R. 85 W.,
Sec. 3, lot 19 and SW¼;
Sec. 4, lots, 10, 11, 12, 13, 15, 18, and 19, SW¼NE¼ and NE¼SE¼;
Sec. 5, lots 5 and 8;
Sec. 8, lot 1;
Sec. 10, lots 1 and 2;
Tracts 42A, 42B, 42C, 42D, 42E, 43A, 43H, 43I, and 43P.
T. 10 N., R. 85 W.,
Sec. 32, lots 12 and 13.
T. 3 N., R. 88 W,
Sec. 14, NW¼.

The area described aggregates approximately 1,348.42 acres of public land in Routt County, Colo.

For a period of sixty (60) days from the day of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Craig District Manager, Bureau of Land Management, Box 248, Craig, Colo. 81625.

A public hearing on this proposed classification will be held at 1:30 p.m. on April 29, 1970, in the Yampa Valley Electric Building, Steamboat Springs, Colo.

E. I. ROWLAND,
*State Director.*

[F.R. Doc. 70-4006; Filed, Apr. 1, 1970; 8:48 a.m.]

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[New Mexico 435]

## NEW MEXICO

### Notice of Proposed Classification of Public Lands for Multiple-Use Management; Amendment

MARCH 27, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within the following described areas are shown on maps designated No. 30–03–02 on file in the Las Cruces District Office, Bureau of Land Management, 1705 North Seventh Street, Las Cruces, N. Mex. 88001, and the New Mexico Land Office, Post Office and Federal Building, Federal Place, Santa Fe, N. Mex. 87501.

The overall description of the areas is as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 S., R. 15 W.,
Sec. 3, NW¼NW¼;
Sec. 4, N½N½;
Sec. 5, N½NE¼, E½NW¼, and NW¼SE¼;
Sec. 6, lot 1 and NE¼NW¼;
Sec. 8, E½, NE¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 9, N½NW¼, SW¼NW¼, and SW¼SW¼;
Sec. 11, NE¼NE¼ and NE¼NW¼;
Sec. 12, SW¼NW¼ and W½SW¼;
Sec. 13, E½, N½NW¼, and NE¼SW¼;
Sec. 14, S½NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 15, NE¼NW¼, NW¼SE¼, and S½SE¼;
Sec. 16;
Sec. 17, N½NW¼, SW¼NW¼, N½SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, lot 2, S½NE¼, and N½SE¼;
Sec. 21, NW¼NE¼, S½NE¼, NE¼NW¼, and SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼, N½S½, SW¼SW¼, and SW¼SE¼;
Sec. 23, SE¼NE¼, W½NW¼, N½SW¼, and SE¼;
Sec. 24;
Sec. 25, E½NE¼, NW¼, and S½;
Sec. 26, S½S½;
Sec. 27, NW¼NE¼ and W½NW¼;
Sec. 28, E½;
Sec. 29, N½SW¼ and SW¼SW¼;
Sec. 30, lots 2, 3, E½SW¼, NE¼SE¼, and S½SE¼;
Sec. 31, E½NE¼;
Sec. 33, NE¼NE¼;
Secs. 34, 35, and 36.

T. 33 S., R. 15 W.,
Sec. 2, lots 3, 4, S½NW¼, and N½SW¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, NW¼SW¼, NW¼SE¼, and S½S½;
Sec. 4, lots 1, 2, 3, 4, SW¼NW¼ and W½SW¼;
Sec. 5, lot 1, SE¼NE¼, NE¼SW¼, S½SW¼, and N½SE¼.

T. 32 S., R. 16 W.,
Secs. 1 and 2;
Sec. 3, lots 1, 3, 4, S½N½, and S½;
Secs. 10, 11, 12, 13, 14, 15, and 21;
Sec. 22, E½, NW¼NW¼, S½NW¼, and SW¼;
Secs. 23, 24, 25, 26, 27, 28, 33, 34, and 35.

T. 33 S., R. 16 W.,
Sec. 1, S½S½;
Secs. 2 and 3;
Sec. 4, lots 1, 3, 4, S½N½, and S½.

The areas described above aggregate approximately 24,829.71 acres in Hidalgo County.

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Las Cruces District Office, Post Office Box 1420, Las Cruces, N. Mex. 88001.

W. J. ANDERSON,
*State Director.*

[F.R. Doc. 70-3977; Filed, Apr. 1, 1970; 8:45 a.m.]

[OR 6058]

## OREGON

### Notice of Proposed Withdrawal and Reservation of Land

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6058, 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 Spencer Creek Road (Road No. 3800) 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

SPENCER CREEK ROAD

T. 38 S., R. 6 E.,
Sec. 21, SW¼NW¼, N½SW¼, W½SE¼.

A strip of land 90 feet in width, being 45 feet in width on both sides of the centerline of the Spencer Creek Road, as shown on the plats at the Winema National Forest Supervisor's Office, Klamath Falls, Oreg.

The area described contains about 9.7 acres.

VIRGIL O. SEISER,
*Chief, Branch of Lands.*

[F.R. Doc. 70-3978; Filed, Apr. 1, 1970; 8:45 a.m.]

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[Serial No. U 6047]

## UTAH

### Notice of Proposed Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws except as noted in paragraph 4 below. As used herein, "Public Lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described area in Washington County, Utah:

SALT LAKE MERIDIAN, UTAH

Beginning at the northwest corner of Sec. 1, T. 39 S., R. 13 W., thence south, west, and north along the Dixie National Forest boundary to its intersection with the Nevada State line, thence south along the Utah-Nevada State line to its intersection with the Arizona State line, thence east along the Utah-Arizona State line to the Washington County line, thence north along the Washington County line to the Zion National Park boundary, thence west and north along the Zion National Park boundary to the northeast corner of Sec. 5, T. 39 S., R. 12 W., thence west 3 miles to the point of beginning.

3. The following parcels of public domain land that fall within the above-described area are excluded from this classification:

SALT LAKE MERIDIAN, UTAH

T. 41 S., R. 10 W.,
Sec. 29, lot 3, NW¼SE¼;
Sec. 33, NE¼NW¼, S½NW¼, SW¼ (partially surveyed).
T. 42 S., R. 10 W.,
Sec. 4, NW¼ (unsurveyed);
Sec. 5, lots 1 and 2, S½NE¼, SE¼NW¼.
T. 43 S., R. 10 W.,
Sec. 7, lot 4, SE¼SW¼, S½SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, N½NW¼, SW¼NW¼;
Sec. 18, lots 1 to 3 inclusive, NE¼, E½NW¼, NE¼SW¼, SE¼SE¼;
Sec. 19, lots 2, 3, 4, E½, SE¼NW¼, E½SW¼;
Sec. 20, W½NE¼, NW¼, W½SW¼;
Sec. 21, SE¼;
Sec. 22, SW¼;
Sec. 23, SE¼SW¼, S½SE¼;
Sec. 24, SW¼SW¼;
Sec. 26, SE¼NE¼, W½NW¼, N½SE¼, SE¼SE¼;
Sec. 27, N½NE¼, SE¼NE¼, N½SW¼NE¼, E½E½SE¼SW¼NE¼, W½W½SE¼SW¼NE¼, SW¼SW¼NE¼, NW¼;
Sec. 28, NE¼, SW¼NW¼, NW¼SW¼, SE¼SW¼;
Sec. 29, S½N½, NW¼NW¼, N½S½;
Sec. 33, lots 2, 3, and 4, NE¼, NE¼NW¼;
Sec. 34, N½NW¼, SW¼NW¼;
Sec. 35, lots 1 and 2, NE¼NE¼, S½NE¼.
T. 41 S., R. 11 W.,
Sec. 30, lots 2 and 3, E½SW¼, SE¼;
Sec. 31, lots 2, 3, and 4, NE¼NE¼, E½SW¼, SE¼;
Sec. 33, all (irregular).
T. 42 S., R. 11 W.,
Sec. 1, lots 1 to 8, inclusive;
Sec. 3, lots 3, 4, 6, 7, 10, and 11;
Sec. 4, lots 2 to 15, inclusive;
Sec. 5, all (irregular);
Sec. 11, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 12, S½NW¼, E½SW¼, SW¼SE¼;
Sec. 26, W½SW¼;
Sec. 27, N½, N½SW¼, SE¼;
Sec. 28, N½NE¼, SE¼NE¼, NE¼NW¼;
Sec. 34, SE¼;
Sec. 35, SW¼NE¼, NW¼, S½.
T. 43 S., R. 11 W.,
Sec. 1, W½W½;
Sec. 3, E½, S½NW¼, E½SW¼;
Sec. 10, E½, E½W½;
Sec. 11, all;
Sec. 12, W½NW¼, NW¼SW¼, SE¼SE¼;
Sec. 13, NE¼, N½S½;
Sec. 14, N½NW¼, SW¼NW¼, NE¼SE¼;
Sec. 15, E½E½.
T. 41 S., R. 12 W.,
Sec. 13, lots 1 and 2, NE¼, NW¼NW¼, N½S½, SE¼SW¼;
Sec. 14, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 15, all (irregular);
Sec. 19, lot 4, E½E½;
Sec. 20, N½, N½S½, SE¼SW¼;
Sec. 21, N½;
Sec. 22, NW¼NE¼, N½NW¼, SE¼NW¼;
Sec. 23, NW¼NE¼, N½NW¼, E½SE¼;
Sec. 24, lots 1 to 8, inclusive, E½NW¼, SW¼;
Sec. 25, NW¼NE¼, N½NW¼, SW¼, S½SE¼;
Sec. 26, SW¼NW¼, S½;
Sec. 27, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 28, N½NE¼, SW¼NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 29, S½N½, S½;
Sec. 30, lots 1, 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, all (irregular);
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½.
T. 41 S., R. 13 W.,
Sec. 25, lots 5 and 6, NW¼NE¼, SE¼;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 30, lots 1 to 6, inclusive, SW¼NE¼, N½SE¼; exclusive of patented mining claims.
T. 42 S., R. 13 W.,
Sec. 8, NE¼SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, lot 3;
Sec. 15, lots 2, 3, and 4, SE¼NW¼, E½SW¼;
Sec. 19, all (irregular);

Sec. 20, W½W½, SE¼SW¼;
Sec. 22, E½W½;
Sec. 27, W½W½;
Sec. 28, NW¼NW¼, S½SW¼, NW¼SE¼;
Sec. 29, S½NE¼, E½W½, SE¼;
Sec. 30, lots 1 to 12, inclusive, W½E½;
Sec. 31, lots 1 to 6, inclusive, NE¼;
Sec. 33, SW¼, NE¼SE¼, S½SE¼;
Sec. 34, W½W½.

T. 43 S., R. 13 W.,
Sec. 4, NW¼NE¼, NW¼, W½SW¼;
Sec. 5, all;
Sec. 6, E½E½;
Sec. 7, NE¼;
Sec. 8, N½NE¼, SW¼NE¼, NW¼.

T. 41 S., R. 14 W.,
Sec. 25, lot 10, W½SE¼;
Sec. 34, lots 3 and 4, SW¼SE¼;
Sec. 35, lots 5 to 11, inclusive, S½NE¼, NE¼SW¼, N½SE¼.

T. 42 S., R. 14 W.,
Sec. 3, lots 1, 4, 5, 6, 7, and 9 to 14, inclusive;
Sec. 4, lots 6, 7, and 8;
Sec. 8, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 9, W½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 10, lots 1 to 11, inclusive, SE¼NW¼, W½SW¼, NE¼SE¼;
Sec. 11, lot 2, SW¼SE¼;
Sec. 13, SW¼;
Sec. 14, W½NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 15, lots 1 to 5, inclusive, SW¼NE¼, SW¼, S½SE¼;
Sec. 17, N½;
Sec. 19, lots 2, 3, 10, 17, and 19, S½SE¼;
Sec. 20, lot 5, S½SW¼;
Sec. 21, SE¼;
Secs. 22 to 27, all;
Sec. 28, NE¼NE¼, S½NE¼, NW¼, S½;
Sec. 29, N½, N½SW¼, SW¼SW¼, SE¼;
Secs. 30 and 31, all (irregular);
Secs. 33, W½NE¼, W½.

T. 43 S., R. 14 W.,
Sec. 4, NW¼NW¼;
Sec. 5, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 6, lots 1, 2, 3, and 4, NE¼, E½W½, N½SE¼;
Sec. 7, lots 1, 2, 3, and 4, SW¼NE¼, E½W½, W½SE¼;
Sec. 8, E½;
Sec. 9, SW¼SW¼;
Sec. 17, E½E½;
Sec. 18, lots 1, 2, 3, and 4, W½E½, E½W½;
Sec. 19, lots 1, 2, 3, and 4, W½NE¼, E½NW¼;
Sec. 20, NW¼SW¼, S½N½;
Sec. 21, E½, E½W½, SW¼SW¼;
Sec. 22, S½;
Sec. 27, N½, N½S½;
Sec. 28, N½, N½S½;
Sec. 29, NE¼;
Sec. 30, lots 1, 2, 3, and 4, E½W½;
Sec. 31, lot 3, NE¼NW¼.

T. 42 S., R. 15 W.,
Sec. 14, SW¼NE¼;
Sec. 18, lots 3 and 4;
Sec. 19, NE¼, E½NW¼;
Sec. 20, W½NW¼;
Sec. 23, lot 1, NW¼NE¼;
Sec. 24, NE¼, E½W½, NW¼SE¼;
Sec. 25, S½NE¼, SE¼NW¼, SE¼.

T. 43 S., R. 15 W.,
Sec. 1, lots 1, 2, 4, 5, 6, 7, and 10 to 14, inclusive;
Sec. 8, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 12, E½;
Sec. 13, N½, E½SW¼, SE¼;
Sec. 21, N½;
Sec. 24, NE¼, W½NW¼;
Sec. 25, E½, E½W½, SW¼SW¼.

T. 41 S., R. 16 W.,
Sec. 31, SE¼NE¼;
Sec. 33, E½SE¼.

T. 42 S., R. 16 W.,
Sec. 4, lots 4, 7, 8, and 9, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼;
Sec. 5, SE¼NE¼;
Sec. 7, lots 7 and 8;
Sec. 9, lot 6, E½NW¼, W½SE¼;
Sec. 13, NE¼, E½NW¼;
Sec. 15, W½E½, NW¼NW¼, SE¼NW¼, NE¼SW¼, N½SE¼SW¼, E½W½SW¼SE¼SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼;
Sec. 17, lot 1, NE¼NW¼, NW¼SE¼;
Sec. 18, lots 1 to 5, inclusive, S½NE¼;
Sec. 21, NW¼NE¼, SE¼NE¼, NE¼SE¼;
Sec. 35, SE¼NW¼.

T. 43 S., R. 16 W.,
Sec. 1, S½NW¼;
Sec. 11, N½, W½SW¼;
Sec. 12, lots 3 and 4, N½NW¼, SW¼NW¼;
Sec. 13, SE¼NE¼, NE¼SE¼.

T. 40 S., R. 17 W.,
Sec. 29, S½NE¼, W½SE¼;
Sec. 33, lots 2, 3, and 4.

T. 41 S., R. 17 W.,
Sec. 4, lots 4, 5, and 12;
Sec. 5, lots 1 to 12, inclusive, NE¼SW¼, SE¼;
Sec 8, E½, E½NW¼;
Sec. 17, N½, SW¼, NE¼SE¼, S½SE¼.

T. 42 S., R. 17 W.,
Sec 1, lots 1 and 7, SW¼NE¼, W½SE¼;
Sec. 12, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼.

The areas described proposed to be excluded from this classification aggregate 52,021.58 acres.

The public lands proposed to be classified for multiple-use management in Washington County aggregate approximately 575,713 acres, of which 529,713 acres are in the Cedar City District and 46,000 acres are in the Kanab District.

4. Publication of this notice has the further effect of segregating the recreation sites described below from all forms of appropriation, entry, location, or selection, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

SALT LAKE MERIDIAN

BAKER DAM RECREATION SITE

T. 39 S., R. 16 W.,
Sec. 21, N½SE¼, SE¼SE¼;
Sec. 22, SW¼SW¼, W½SE¼SE¼;
Sec. 28, N½NE¼.

260 acres.

BLACK RIDGE RECREATION SITE

T. 39 S., R. 12 W.,
Sec. 7, lots 11, 16, 17, 18.

162 acres.

JACKSON RESERVOIR RECREATION SITE

T. 40 S., R. 18 W.,
Sec. 29, E½SE¼.

80 acres.

The areas described aggregate 502 acres.

5. The public lands in the Joshua Tree Natural Area, described below, are further proposed for designation as a Natural Area by virtue of the authority vested in the Secretary of the Interior under the Classification and Multiple-Use Act, supra, and R.S. 2478 (43 U.S.C. 1201), and pursuant to the provisions of 43 CFR Subpart 1727.

JOSHUA TREE NATURAL AREA (NATURAL LANDMARK)

T. 43 S., R. 18 W.,
Sec. 15, S½;
Sec. 21, N½, N½N½S½;
Sec. 22, N½.

1000 acres.

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connections with this proposed classification may present their views in writing to the Cedar City District Manager, Bureau of Land Management, 154 North Main Street, Cedar City, Utah 84720, or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

7. Maps depicting these lands are on file and may be reviewed at the Bureau of Land Management District Office at Cedar City, Utah, and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah.

8. A public hearing will be held on this proposed classification on April 15, 1970, at 1:30 p.m., in the auditorium of the Washington County Courthouse, St. George, Utah. At this time statements in support of or opposition to the proposal may be presented.

R. D. NIELSON,
*State Director.*

[F.R. Doc. 70-4007; Filed, Apr. 1, 1970; 8:48 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

## LIVESTOCK FEED PROGRAM

### Notice of Designation of Emergency Areas

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1–4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as follows:

ALASKA

| | |
|---|---|
| Homer. | Palmer. |

GEORGIA

| | |
|---|---|
| Brooks. | Colquitt. |

MISSISSIPPI

| | |
|---|---|
| Marion. | Forrest. |
| Stone. | George. |
| Walthall. | Kemper. |
| Winston. | Lamar. |

MISSOURI

| | |
|---|---|
| Barry. | Reynolds. |
| Carter. | Ripley. |
| Christian. | Shannon. |
| Douglas. | Stone. |
| Greene. | Taney. |
| Howell. | Wayne. |
| McDonald. | Webster. |
| Oregon. | Wright. |
| Ozark. | |

TEXAS

| | |
|---|---|
| Anderson. | Nacogdoches. |
| Angelina. | Panola. |
| Bowie. | Rains. |
| Camp. | Red River. |
| Cass. | Rusk. |
| Cherokee. | Sabine. |
| Franklin. | San Augustine. |
| Gregg. | Shelby. |
| Harrison. | Smith. |
| Henderson. | Titus. |
| Hopkins. | Upshur. |
| Houston. | Van Zandt. |
| Marion. | Wood. |
| Morris. | |

WISCONSIN

| | |
|---|---|
| Burnett. | Washburn. |
| Polk. | |

Signed at Washington, D.C., on March 26, 1970.

GEORGE V. HANSEN,
*Deputy Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 70-3981; Filed, Apr. 1, 1970; 8:46 a.m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 20051; Order 70-3-140]

## AIRLINE SCHEDULING COMMITTEES

### Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1970.

Agreements filed pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended, for the establishment of Airline Scheduling Committees; Docket 20051, Agreements CAB 20560–A1, 20561–A1, 20562–A1.

By Order 68–12–11, December 3, 1968, the Board approved certain agreements (Agreements CAB 20560, 20561, and 20562) among certain air carriers and foreign air carriers providing for the establishment of Scheduling Committees to arrange for the administration of a program for the adjustment of scheduled domestic and foreign air carrier transportation operations into and out of (1) John F. Kennedy International Airport, La Guardia Airport, and Newark Airport; (2) Washington National Airport; and (3) O'Hare International Airport.[1]

The agreements were entered into in contemplation of an amendment to the Federal Aviation Regulations which which would place restrictions on the use of the airports in question.[2] The specific purpose of the agreements is to provide machinery for the allocation of the total permissible aircraft movements, as determined by the FAA pursuant to the High Density Rule, among the individual carriers.

Each of the agreements in question provides that such agreement shall remain in effect through March 31, 1970, unless extended by agreement of the parties. Accordingly, Order 68–12–11 approved the agreements for a period expiring at 12:01 a.m. April 1, 1970. In this connection, on January 13, 1970, there were filed with the Board, pursuant to section 412 of the Act, on behalf of certain of the parties to the aforementioned agreements, amendments (Agreements CAB 20560–A1, 20561–A1, and 20562–A1) to such agreements. The purpose of the amendments is to revise the expiration clauses appearing in each of the above-mentioned agreements to correspond with recent FAA action which amended Part 93 of the Federal Aviation Regulations by changing the termination date of the High Density Rule from December 31, 1969, to October 25, 1970. As a result of such revisions the agreements will now expire on October 25, 1970.

No comments in opposition to the amendments set forth in Agreements CAB 20560–A1, 20561–A1, and 20562–A1 have been filed with the Board.

The Board believes that it would be in the public interest to approve the amendments to Agreements CAB 20560, 20561, and 20562, and thereby provide for the continuation of the Scheduling Committees which are necessary for the adjustment of aircraft movements as required by the High Density Rule. The Board does not find the agreements now before it to be adverse to the public interest or otherwise in violation of the Act. Thus the Board will approve the amendments extending the effectiveness of the Scheduling Committee agreements until October 25, 1970. In this connection, the Board will continue in effect those conditions to its approval of the Scheduling Committee agreements appearing in Order 68–12–11.[3]

*Accordingly, it is ordered,* That:

1. Agreements CAB 20560–A1, 20561–A1, and 20562–A1 be and they hereby are approved;

2. The conditions set forth as conditions (a) through (k) in ordering paragraph (1) of Order 68–12–11, December 3, 1968, shall remain in full force and effect with respect to the agreements approved by such order and amended by the agreements approved herein;

3. The approval granted herein shall expire at 12:01 a.m. October 25, 1970, and any request to continue such approval beyond October 25, 1970, shall be filed at least 90 days prior to such expiration date;

4. The Board shall retain jurisdiction over such agreements to take such further action at any time without hearing as it may deem appropriate; and

5. A copy of this order shall be served upon all carriers described in condition (b) to ordering paragraph (1) of Order 68–12–11, the Departments of Transportation and Justice, the Port of New York Authority, the Department of Aviation of the City of Chicago and the Federal Aviation Administration.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

APPENDIX

PARTIES TO SCHEDULING COMMITTEE AGREEMENTS

*New York Agreement*

American Airlines, Inc.
Eastern Air Lines, Inc.
National Airlines, Inc.
Seaboard World Airlines, Inc.
Southern Airways, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Braniff Airways, Inc.
British Overseas Airways Corp.
Sabena Belgian World Airlines.
Scandinavian Airlines System.
Trans Caribbean Airways, Inc.
Delta Air Lines, Inc.
Irish International Airlines.
Piedmont Aviation, Inc.
Swiss Air Transport Co., Ltd.
TAP Portuguese Airways.
Air France.
The Flying Tiger Line, Inc.
Northeast Airlines, Inc.
Pan American World Airways, Inc.
Qantas Airways, Ltd.
Olympic Airways, S.A.
Northwest Airlines, Inc.
Air Canada.
New York Airways, Inc.
Air India.
ALITALIA-Linee Aeree.
Italiane-S.p.A.
Icelandic Airlines, Inc.
Loftleider.
Iberia Air Lines of Spain.
British West Indian Airways, Ltd.
Mohawk Airlines, Inc.
El Al Israel Airlines, Ltd.
Japan Air Lines, Co., Ltd.
Lufthansa German Airlines.
Venezuelan International Airways (VIASA).
Allegheny Airlines, Inc.
Aeronaves de Mexico, S. A.
Varig Airlines.
Airlift International, Inc.
FINNAIR.
Condor Flugdienst G.m.b.H.
Standard Airways, Inc.
Saturn Airways, Inc.
Trans International Airlines, Inc.
World Airways, Inc.
Atlantis.
Caledonian Airways (Prestwick) Ltd.
Purdue Airlines, Inc.
American Flyers Airline Corp.
Universal Airlines, Inc.
KAR-AIR oy.
Overseas National Airways, Inc.
Modern Air Transport, Inc.
Southern Air Transport, Inc.
Ozark Air Lines, Inc.
ALM Dutch Antillean Airlines.
LAN Chile.
Martin's Luchtvervoer Maatschappij N. V. (Martin's Air Charter, Ltd.).

[1] The Board has been advised that as of Feb. 11, 1970, the air carriers and foreign air carriers appearing in the appendix hereto have become parties to the various Scheduling Committee agreements.

[2] On Dec. 3, 1968, the Federal Aviation Administration (FAA) issued its regulation, the High Density Traffic Airports Rule (High Density Rule), concerning the use of high density traffic airports as Amendment 93–13 of the Federal Aviation Regulations (33 F.R. 17896).

[3] Many of the parties to the Scheduling Committee agreements have yet to execute the amendments to such agreements. In this connection, we expect the respective Scheduling Committees to advise the Board of the fulfillment of the participation requirements of the individual Scheduling Committee agreements as amended. Similarly, the additional information required by ordering paragraph (1)(c) of Order 68–12–11, shall also be filed with the Board.

British United Airways (Services) Ltd. and British United Airways, Ltd.
South African Airways.
Czechoslovak Airlines.
Koninklijke Luchtvaart.
Maatschappij N. V. (KLM).
Air Jamaica Ltd.

*Chicago Agreement*

American Airlines, Inc.
Continental Air Lines, Inc.
Eastern Air Lines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Braniff Airways, Inc.
British Overseas Airways Corp.
North Central Airlines, Inc.
Scandinavian Airlines System.
Delta Air Lines, Inc.
Irish International Airlines.
Swiss Air Transport Co., Ltd.
Air France
The Flying Tiger Line Inc.
Ozark Air Lines, Inc.
Pan American World Airways, Inc.
Northwest Airlines, Inc.
Air Canada
ALITALIA–Linee
Aeree Italiane-S.p.A.
Lufthansa, German Airlines
Allegheny Airlines, Inc.
Southern Airways, Inc.
Airlift International Inc.
FINNAIR.
Northeast Airlines, Inc.
KLM Royal Dutch Airlines.
Condor Flugdienst G.m.b.H.
Standard Airways, Inc.
Saturn Airways, Inc.
Trans International Airlines, Inc.
World Airways, Inc.
Atlantis.
Caledonian Airways (Prestwick) Ltd.
Purdue Airlines, Inc.
American Flyers Airline Corp.
Universal Airlines, Inc.
KAR–AIR oy.
Cia. Mexicana de Aviacion, S.A.
Overseas National Airways, Inc.
Modern Air Transport, Inc.
British United Airways (Services) Ltd. and British United Airways, Ltd.
Seaboard World Airlines, Inc.
Piedmont Aviation, Inc.
Mohawk Airlines, Inc.
Varig Airlines.
Olympic Airways, S.A.

*Washington Agreement*

American Airlines, Inc .
Eastern Air Lines, Inc.
National Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Braniff Airways, Inc.
Delta Air Lines, Inc.
Piedmont Aviation, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Allegheny Airlines, Inc.
Mohawk Airlines, Inc.

[F.R. Doc. 70-4014; Filed, Apr. 1, 1970; 8:48 a.m.]

[Docket No. 21944]

## DAN-AIR SERVICES, LTD.

### Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 14, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless at or prior to the conference a person objects or shows reason for further postponement.

Dated at Washington, D.C., March 27, 1970.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 70-4010; Filed, Apr. 1, 1970; 8:48 a.m.]

[Docket No. 21535]

## FRONTIER AIRLINES, INC.

### Notice of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on May 12, 1970, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner John E. Faulk.

Dated at Washington, D.C., March 26, 1970.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 70-4011; Filed, Apr. 1, 1970; 8:48 a.m.]

[Docket No. 20812]

## HOUSEHOLD GOODS AIR FREIGHT FORWARDER INVESTIGATION

### Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that further hearing in the above-entitled proceeding is assigned to be held on April 8, 1970 at 10 a.m., e.s.t., in Room 630, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., March 26, 1970.

[SEAL] JOHN E. FAULK, *Hearing Examiner.*

[F.R. Doc. 70-4012; Filed, Apr. 1, 1970; 8:48 a.m.]

[Docket No. 21360, etc.]

## HOUSTON-NEW ORLEANS CASE

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on April 22, 1970, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner James S. Keith.

Notice is given that the Bureau of Operating Rights will participate. The Bureau's exhibits should be served on all parties and the Examiner, April 10, 1970, and rebuttal exhibits thereto, if any, should be served April 17, 1970.

Dated at Washington, D.C., March 30, 1970.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 70-4013; Filed, Apr. 1, 1970; 8:48 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Report 485]

## COMMON CARRIER SERVICES INFORMATION [1]

### Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 30, 1970.

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

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

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

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

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

## APPLICATIONS ACCEPTED FOR FILING

### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

5314-C2-P-70—Hawaiian Telephone Co. (New), C.P. for a new air-ground station to be located at 5.8 miles southeast of Waiakoa Town, Haleakala, Hawaii, to operate on frequencies 454.875 MHz (Base) and 454.675 MHz (Signaling).

5315-C2-P-70—Hawaiian Telephone Co. (New), C.P. for a new air-ground station to be located at 6.3 miles east-southeast from Waianae Post Office, Mauna Kapu-South, Hawaii, to operate on frequencies 454.950 MHz (Base) and 454.675 MHz (Signaling).

5316-C2-P-70—Hawaiian Telephone Co. (New), C.P. for a new air-ground station to be located at 19.7 miles south-southwest of Hilo, Kulani Cone, Hawaii, to operate on frequencies 454.800 MHz (Base) and 454.675 MHz (Signaling).

5317-C2-P-70—RAM Broadcasting of Washington, Inc. (New), C.P. for a new 1-way station to be located at location No. 1: Cougar Mountain 4 miles northeast of Renton, Wash., and location No. 2: Security Building, Third and Stewart Streets, Seattle, Wash., to operate on base frequency 35.58 MHz.

3844-C2-P-70—General Telephone Co. of California (New), C.P. for a new air-ground station to be located 1.7 miles northeast of Squaw Valley, Bear Mountain, Calif., to operate on frequencies 454.750 MHz (Base) and 454.675 MHz (Signaling).

5392-C2-P-70—Mobile Telephone Co. of Alabama (New), C.P. for a new 2-way station to be located at 1111 Greensboro Avenue, Tuscaloosa, Ala., to operate on base frequency 152.21 MHz.

5393-C2-P-70—Arvig Telephone Co. (KCI305), C.P. for additional channel to operate on base frequency 152.57 MHz at station located at west of Equation Avenue, Pequot Lakes, Minn.

5401-C1/C2-AP/AL-(4)-70—Electronics Unlimited Corp. (WWA350), (WWA336), (WWA 349), Consent to assignment of license from Electronics Unlimited Corp., Virgin Isle Communications Division, Assignor to Hickory House, Inc., doing business as Radio Tele-Communications, St. Thomas, V.I., Assignee.

5411-C2-P-(2)-70—Fresno Mobile Radio, Inc. (New), C.P. for a new air-ground station to be located at 30 miles northeast of Fresno at Alder Springs, Calif., to operate on frequencies 454.675 MHz (Signaling) and 454.850 MHz 454.925 MHz (Base).

5412-C2-P-70—Gene Brown and Eleanore Brown, doing business as Telephone Answering Service of Hyannis (New), C.P. for a new 2-way station to be located approximately 2000 feet east of Union Street and 400 feet north of Route 6, Yarmouth, Mass., to operate on base frequency 152.18 MHz.

5413-C2-P/ML-(3)-70—The Mountain States Telephone & Telegraph Co. (KOA795), C.P. and modification of license to change antenna system operating on base frequencies 152.60, 152.66, and 152.75 MHz at station located at Telegraph Pass, 12 miles west of Wellton, Ariz.

5414-C2-P-(3)-70—Robert S. Ditton (KOF918), C.P. for a new facilities to be located at a new site to be identified as location No. 3: Badger Mountain 7 miles northwest of Wenatchee, Wash., to operate on frequencies 152.150 MHz (Base) and 459.300 MHz (Repeater). Also add control facilities at location No. 2: 202 North Mission Street, Wenatchee, Wash., to operate on frequency 454.300 MHz.

5415-C2-P-(14)-70—The Mountain States Telephone & Telegraph Co. (KOA607), C.P. to change antenna system at location No. 1: 7.5 miles south of Phoenix, Ariz., operating on base frequencies 152.51, 152.63, 152.81, 152.57, 152.66, 152.72, 152.60 MHz and location No. 2: 12403 North 15th Avenue, Phoenix, Ariz., operating on base frequencies 152.51, 152.63, 152.57, 152.72, 152.66, 152.81, 152.60 MHz.

3611-C2-R-70—Pacific Northwest Bell Telephone Co. (KON911), Renewal of (developmental) license expiring Apr. 18, 1970.

5468-C2-P-(2)-70—James D. and Lawrence D. Garvey, doing business as Radiofone (New), C.P. for a new air-ground station to be located at 1010 Common Street, New Orleans, La., to operate on frequencies 454.675 MHz (Signaling), 454.850 MHz, 454.925 MHz (Base).

5469-C2-P-70—Billie G. Donham, doing business as Montana Communications (New), C.P. for a new 1-way station to be located at 3200 Clark Street, Missoula, Mont., to operate on base frequency 158.70 MHz.

### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

5452-C2-ML-70—The Redco Corp. and Roy M. Teel and Lowry McKee, doing business as Mobilfone (KKA402), Modification of license to change control frequency at location No. 1: 920 Rogers Avenue, Fort Smith, Ark., from: 454.10 MHz to: 454.25 MHz. Change base station frequency at location No. 2: Magazine Mountain, 3 miles northeast of Blue Mountain, Ark., from: 152.03 MHz to: 152.18 MHz and change repeater frequency from: 459.10 MHz to 459.25 MHz.

5561-C2-P-(2)-70—Missouri Telephone Co. (New), C.P. for a new air-ground station to be located at 3100 feet north of Interstate Highway 70, 1 mile east of St. Peters, Mo., to operate on frequencies 454.675 MHz (Signaling) and 454.800 MHz, 454.875 MHz (Base).

5562-C2-P-(2)-70—General Communications Service, Inc. (New), C.P. for a new air-ground station to be located at 7.5 miles south of Phoenix, Ariz., to operate on frequencies 454.675 MHz (Signaling) and 454.775 MHz, 454.900 MHz (Base).

5563-C2-P-(3)-70—Kenneth F. Fischer, doing business as Sierra Communications (New), C.P. for a new air-ground station. Location: Black Peak, 10.5 miles northeast of Silver City, N. Mex. Frequencies: 454.675 MHz (Signaling), 454.850 MHz (Base), 459.350 MHz (Repeater). Location No. 2: 2625 Walnut Drive, Silver City, N. Mex., to operate on control frequency 454.350 MHz.

5564-C2-MP-70—Pacific Northwest Bell Telephone Co. (KON911), Modification of C.P. to relocate the transmitter presently authorized for location No. 5 to: South 182d Street midway between 47th and 48th Avenues South, Seattle, Wash., operating on base frequency 158.10 MHz.

*Correction*

5081-C2-P-(2)-70—General Telephone Co. of Florida (New), Correct to read: C.P. for a new 2-way station. All other particulars to remain the same as reported on public notice dated Mar. 16, 1970, No. 483.

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

*California*

Mobilfone Inc. (KMA253), 3514-C2-P-(3)-70.
Industrial Communications Systems, Inc. (KMD990), 4611-C2-P-(4)-70.
Pomona Radio Dispatch Corp. (KMD992), 3322-C2-P-70.

### RURAL RADIO SERVICE

5401-C1/C2-AP/AL-(4)-70—Electronics Unlimited Corp. (WWY45), Consent to assignment of license from: Electronics Unlimited Corp., Virgin Isle Communications Division, Assignor to: Hickory House, Inc., doing business as Radio Tele-Communications, St. Thomas, V.I., Assignee.

*Informative*

The Alaska Communications System, 550 Federal Office Building, Seattle, Wash., has submitted a request to provide a temporary fixed Rural Radio type of service as follows:

72.82 MHz, State of Alaska to, 30 watts, 16F3.
72.86 MHz, State, Alaska.

This request has been received in the Frequency Registration and Notification Branch, Frequency Allocation and Treaty Division, Chief Engineer's Office.

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

5318-C1-P-70—The Mountain States Telephone & Telegraph Co. (KNZ49), C.P. to change frequency 6108.3 MHz to 1,325 MHz toward Los Lunas, N. Mex. Station location: 10.4 miles west-southwest of Albuquerque, N. Mex.

5319-C1-P-70—The Mountain States Telephone & Telegraph Co. (KNZ50), C.P. to add frequency 2178 MHz toward Las Nutrias, N. Mex., and change frequency 6390.0 MHz to 10,875 MHz toward Albuquerque, N. Mex. Station location: 4.8 miles west of Los Lunas, N. Mex.

5320-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station located at 4.2 miles southeast of Las Nutrias, N. Mex. Frequencies: 2128 MHz toward Los Lunas, N. Mex., and 2120 MHz toward La Joya, N. Mex.

5321-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 10.5 miles west-northwest of La Joya, N. Mex. Frequencies: 2170 MHz toward Las Nutrias, N. Mex., and 2162 MHz toward Magdalena, N. Mex.

5322-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 12.5 miles west-southwest of Magdalena, N. Mex. Frequencies: 2112 MHz toward La Joya, N. Mex., and 2128 MHz toward Datil, N. Mex.

5323-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 9.7 miles northwest of Datil, N. Mex. Frequencies: 2178 MHz toward Magdalena, N. Mex., and 2170 MHz toward Quemado, N. Mex.

5324-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at 6.7 miles west-southwest of Quemado, N. Mex. Frequency: 2120 MHz toward Datil, N. Mex.

5325-C1-P-70—Illinois Bell Telephone Co. (KSN61), C.P. to add frequency 3990 MHz toward Odell, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.

5326-C1-P-70—Illinois Bell Telephone Co. (KSO77), C.P. to add frequency 3950 MHz toward Saybrook, Ill. Station location: 3.5 miles west-northwest of Odell, Ill.

5327-C1-P-70—Illinois Bell Telephone Co. (KSO41), C. P. to add frequency 3990 MHz toward Champaign, Ill. Station location: 3.7 miles northwest of Saybrook, Ill.

5328-C1-P-70—Pacific Northwest Bell Telephone Co. (KON65), C. P. to add frequency 5952.6 MHz toward Mary's Peak, Oreg., and delete frequencies 920.0 and 926.3 MHz. Station location: 112 10th Avenue East, Eugene, Oreg.

5329-C1-P-70—Pacific Northwest Bell Telephone Co. (KON66), C.P. to add frequency 6204.7 MHz toward Eugene, Oreg., and delete frequencies 895.2 and 901.5 MHz. Station location: Mary's Peak, Oreg.

American Telephone & Telegraph Co., Sixty-Two (62) C.P. applications to provide additional Type TD-2 and Type TD-3 radio relay channels between Faulkner, Md., and Vega, Texas.

5330-C1-P-70—American Telephone & Telegraph Co. (KGN87), C.P. to add frequency 4090 MHz toward Stafford, Va. Station location: 0.5 mile southwest of Faulkner, Md.

5331-C1-P-70—American Telephone & Telegraph Co. (KYJ83), Add frequency 4050 MHz toward Faulkner, Md., and Rhoadesville, Va. Station location: 4 miles west of Stafford, Va.

5332-C1-P-70—American Telephone & Telegraph Co. (KYJ84), Add frequency 4090 MHz toward Stafford, Va., and Advance Mills, Va. Station location: 1.2 miles east-southeast of Rhoadsville, Va.

5333-C1-P-70—American Telephone & Telegraph Co. (KYJ85), Add frequency 4050 MHz toward Rhoadesville and Afton, Va. Station location: Advance Mills, 4.8 miles southwest of Ruckersville, Va.

5334-C1-P-70—American Telephone & Telegraph Co. (KYJ86), Add frequency 4090 MHz toward Advance Mills, and McKinley, Va. Station location: 2.8 miles west-southwest of Afton, Va.

5335-C1-P-70—American Telephone & Telegraph Co. (KYJ87), Add frequency 4050 MHz toward Afton and Warm Springs, Va. Station location: McKinley, 3.5 miles southeast of Craigsville, Va.

5336-C1-P-70—American Telephone & Telegraph Co. (KYJ88), Add frequency 4090 MHz toward McKinley, Va., and Anthony, W. Va. Station location: 1 mile south-southeast of Warm Springs, Va.

5337-C1-P-70—American Telephone & Telegraph Co. (KYJ89), Add frequency 4050 MHz toward Warm Springs, Va., and Springdale, W. Va. Station location: Anthony, 4.3 miles east-northeast of Woodman, W. Va.

5338-C1-P-70—American Telephone & Telegraph Co. (KYJ90), Add frequency 4090 MHz toward Anthony, and Flat Top, W. Va. Station location: 1.7 miles northeast of Springdale, W. Va.

5339-C1-P-70—American Telephone & Telegraph Co. (KYJ91), Add frequency 4050 MHz toward Springdale, and Kopperston, W. Va. Station location: 0.1 mile north of Flat Top, W. Va.

5340-C1-P-70—American Telephone & Telegraph Co. (KYJ92), Add frequency 4090 MHz toward Flat Top and Holden, W. Va. Station location: Kopperston, 5.2 miles west-southwest of Arnett, W. Va.

5341-C1-P-70—American Telephone & Telegraph Co. (KYJ93), Add frequency 4050 MHz toward Kopperston and Missouri Branch, W. Va. Station location: 3.7 miles southwest of Holden, W. Va.



5342-C1-P-70—American Telephone & Telegraph Co. (KYJ94), Add frequency 4090 MHz toward Holden, W. Va., and 4090 and 4170 MHz toward Paintsville, Ky. Station location: Missouri Branch, 5.1 miles east-northeast of Webb, W. Va.

5343-C1-P-70—American Telephone & Telegraph Co. (KYJ95), Add frequency 4050 and 4130 MHz toward Missouri Branch, W. Va., and Seitz, Ky. Station location: 2 miles south-southeast of Paintsville, Ky.

5344-C1-P-70—American Telephone & Telegraph Co. (KYJ96), Add frequencies 4090 and 4170 MHz toward Paintsville, Ky., and Cowcreek, Ky. Station location: 4.7 miles west-southwest of Seitz, Ky.

5345-C1-P-70—American Telephone & Telegraph Co. (KYJ97), Add frequencies 4050 and 4130 MHz toward Seitz and Annville, Ky. Station location: 4.5 miles east-southeast of Cowcreek, Ky.

5346-C1-P-70—American Telephone & Telegraph Co. (KYJ98), Add frequencies 4090 and 4170 MHz toward Cowcreek and Mount Victory, Ky. Station location: 3.4 miles northwest of Annville, Ky.

5347-C1-P-70—American Telephone & Telegraph Co. (KYJ99), Add frequencies 4050 and 4130 MHz toward Annville and Monticello, Ky. Station location: 2.7 miles north-northeast of Mount Victory, Ky.

5348-C1-70—American Telephone & Telegraph Co. (KYC99), Add frequencies 4090 and 4170 MHz toward Mount Victory, Ky., and 4050 and 4130 MHz toward Ida, Ky. Station location: 5 miles east-northeast of Monticello, Ky.

5349-C1-P-70—American Telephone & Telegraph Co. (KYM98), Add frequencies 4090 and 4170 MHz toward Monticello, Ky., and Allons, Tenn.

5350-C1-P-70—American Telephone & Telegraph Co. (KYM99), Add frequencies 4050 and 4130 MHz toward Ida, Ky., and Algood, Tenn.

5351-C1-P-70—American Telephone & Telegraph Co. (KYN20), Add frequencies 4090 and 4170 MHz toward Allons and Cassville, Tenn. Station location: 1.4 miles east of Algood, Tenn.

5352-C1-P-70—American Telephone & Telegraph Co. (KYN21), Add frequencies 4050 and 4130 MHz toward Algood and Centertown, Tenn. Station location: 1.8 miles west-northwest of Cassville, Tenn.

5353-C1-P-70—American Telephone & Telegraph Co. (KYN22), Add frequencies 4090 and 4170 MHz toward Cassville and Wartrace, Tenn. Station location: 0.9 mile northwest of Centertown, Tenn.

5354-C1-P-70—American Telephone & Telegraph Co. (KYN23), Add frequencies 4050 and 4130 MHz toward Centertown and Farmington, Tenn. Station location: 4.5 miles east of Wartrace, Tenn.

5355-C1-P-70—American Telephone & Telegraph Co. (KIA60), Add frequencies 4090 and 4170 MHz toward Wartrace and 3710 and 3790 MHz toward Culleoka, Tenn. Station location: 0.7 mile northeast of Farmington, Tenn.

5356-C1-P-70—American Telephone & Telegraph Co. (KYN24), Add frequencies 3750 and 3830 MHz toward Farmington and Brace, Tenn. Station location: 2.4 miles west-northwest of Culleokn, Tenn.

5357-C1-P-70—American Telephone & Telegraph Co. (KYN25), Add frequencies 3710 and 3790 MHz toward Culleoka and Waynesboro, Tenn. Station location: 2.5 miles west-southwest of Brace, Tenn.

5358-C1-P-70—American Telephone & Telegraph Co. (KYN26), Add frequencies 3750 and 3830 MHz toward Brace and Olivehill, Tenn. Station location: 3.7 miles east of Waynesboro, Tenn.

5359-C1-P-70—American Telephone & Telegraph Co. (KYN27), Add frequencies 3710 and 3790 MHz toward Waynesboro, and Michie, Tenn. Station location: 4.9 miles south-southwest of Olivehill, Tenn.

5360-C1-P-70—American Telephone & Telegraph Co. (KYN28), Add frequencies 3750 and 3830 MHz toward Olivehill and Pocahontas, Tenn. Station location: 1 mile east-northeast of Michie, Tenn.

5361-C1-P-70—American Telephone & Telegraph Co. (KYN29), Add frequencies 3710 and 3790 MHz toward Michie and Saulsbury, Tenn. Station location: 1.7 miles east-northeast of Pocahontas, Tenn.

5362-C1-P-70—American Telephone & Telegraph Co. (KYN30), Add frequencies 3750 and 3830 MHz toward Pocahontas, Tenn., and Slayden, Miss. Station location: 1.7 miles west-northwest of Saulsbury, Tenn.

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

5363–C1–P–70—American Telephone & Telegraph Co. (KYN31), Add frequencies 3710 and 3790 MHz toward Saulsbury, Tenn., and Cockrum, Miss. Station location: 4.3 miles west of Slayden, Miss.

5364–C1–P–70—American Telephone & Telegraph Co. (KYN32), Add frequencies 3750 and 3830 MHz toward Slayden and Arkabutla, Miss. Station location: 1 mile west-northwest of Cockrum, Miss.

5365–C1–P–70—American Telephone & Telegraph Co. (KTG40), Add frequencies 3710 and 3790 MHz toward Cockrum, Miss., and 4090 MHz toward West Helena, Ark. Station location: 1 mile southwest of Arkabutla, Miss.

5366–C1–P–70—American Telephone & Telegraph Co. (KTG41), Add frequencies 4050 MHz toward Arkabutla, Miss., and Palmer, Ark. Station location: 1.3 miles north-northeast of West Helena, Ark.

5367–C1–P–70—American Telephone & Telegraph Co. (KTG42), Add frequency 4090 MHz toward West Helena and Stuttgart, Ark. Station location: 4 miles east-northeast of Pine City, Ark.

5368–C1–P–70—American Telephone & Telegraph Co. (KTG43), Add frequency 4050 MHz toward Palmer and Tucker, Ark. Station location: 5.4 miles east-southeast of Stuttgart, Ark.

5369–C1–P–70—American Telephone & Telegraph Co. (KTG44), Add frequency 4090 MHz toward Stuttgart and Alexander, Ark. Station location: 1.7 miles north of Tucker, Ark.

5370–C1–P–70—American Telephone & Telegraph Co. (KTG45), Add frequency 4050 MHz toward Tucker, Ark., and 3970 and 4050 MHz toward Paron, Ark. Station location: 1.7 miles south of Alexander, Ark.

5371–C1–P–70—American Telephone & Telegraph Co. (KVD79), Add frequencies 4010 and 4090 MHz toward Alexander and Danville, Ark. Station location: 8.2 miles west-northwest of Paron, Ark.

5372–C1–P–70—American Telephone & Telegraph Co. (KVD80), Add frequencies 3970 and 4050 MHz toward Paron, Ark., and 4010 and 4090 MHz toward Union Hill, Ark. Station location: 2.1 miles south-southwest of Danville, Ark.

5373–C1–P–70—American Telephone & Telegraph Co. (KVD81), Add frequencies 3970 and 4050 MHz toward Danville and Bates, Ark. Station location: 8.2 miles south of Sugar Grove, Ark.

5374–C1–P–70—American Telephone & Telegraph Co. (KVD82), Add frequencies 4010 and 4090 MHz toward Union Hill, Ark., and Talihina, Okla. Station location: 4 miles north-northeast of Bates, Ark.

5375–C1–P–70—American Telephone & Telegraph Co. (KVD83), Add frequencies 3970 and 4050 MHz toward Bates, Ark., and Hartshorne, Okla. Station location: 6.9 miles west of Talihina, Okla.

5376–C1–P–70—American Telephone & Telegraph Co. (KVD84), Add frequencies 4010 and 4090 MHz toward Talihina and Stuart, Okla. Station location: 5.2 miles south of Hartshorne, Okla.

5377–C1–P–70—American Telephone & Telegraph Co. (KVD85), Add frequencies 3970 and 4050 MHz toward Hartshorne and Spaulding, Okla. Station location: 2.9 miles north of Stuart, Okla.

5378–C1–P–70—American Telephone & Telegraph Co. (KVD86), Add frequencies 4010 and 4090 MHz toward Stuart and Asher, Okla. Station location: 3.8 miles west-northwest of Spaulding, Okla.

5379–C1–P–70—American Telephone & Telegraph Co. (KVD87), Add frequencies 3970 and 4050 MHz toward Spaulding and Noble, Okla. Station location: 1.5 miles north-northeast of Asher, Okla.

5380–C1–P–70—American Telephone & Telegraph Co. (KLW21), Add frequencies 4010 and 4090 MHz toward Asher, Okla., and 4010 MHz toward Middleberg, Okla. Station location: 1.7 miles northeast of Noble, Okla.

5381–C1–P–70—American Telephone & Telegraph Co. (KLW20), Add frequency 3970 MHz toward Noble and Washita, Okla. Station location: 1 mile north-northeast of Middleberg, Okla.

5382–C1–P–70—American Telephone & Telegraph Co. (KLV99), Add frequency 4010 MHz toward Middleberg, and Mountian View, Okla. Station location: 3.9 miles north-northeast of Washita, Okla.

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

5383–C1–P–70—American Telephone & Telegraph Co. (KLV98), Add frequency 3970 MHz toward Washita and Sentinel, Okla. Station location: 5.5 miles north-northwest of Mountain View, Okla.

5384–C1–P–70—American Telephone & Telegraph Co. (KLV97), Add frequency 4010 MHz toward Mountain View and Reed, Okla. Station location: 5.6 miles southwest of Sentinel, Okla.

5385–C1–P–70—American Telephone & Telegraph Co. (KLV96), Add frequency 3970 MHz toward Sentinel, Okla., and Wellington, Tex. Station location: 2.5 miles west of Reed, Okla.

5386–C1–P–70—American Telephone & Telegraph Co. (KLV95), Add frequency 4010 MHz toward Reed, Okla., and Hedley, Tex. Station location: 5.4 miles south-southeast of Wellington, Tex.

5387–C1–P–70—American Telephone & Telegraph Co. (KLV94), Add frequency 3970 MHz toward Wellington and Paloduro, Tex. Station location: 3.3 miles west-southwest of Hedley, Tex.

5388–C1–P–70—American Telephone & Telegraph Co. (KLV93), Add frequency 4010 MHz toward Hedley, and Wayside, Tex. Station location: 7.9 miles north-northwest of Paloduro, Tex.

5389–C1–P–70—American Telephone & Telegraph Co. (KLN81), Add frequency 3970 MHz toward Paloduro, Tex., and 3810 MHz toward Happy, Tex. Station location: 2 miles north-northwest of Wayside, Tex.

5390–C1–P–70—American Telephone & Telegraph Co. (KVD88), Add frequency 3850 MHz toward Wayside, and Vega, Tex. Station location: 9.8 miles west-northwest of Happy, Tex.

5391–C1–P–70—American Telephone & Telegraph Co. (KKO38), Add frequency 3810 MHz toward Happy, Tex. Station location: 12 miles southeast of Vega, Tex.

5395–C1–P–70—American Telephone & Telegraph Co. (KGO63), C.P. to add frequencies 3730, 3810, and 4130 MHz toward Coopers Rock, W. Va. Station location: 3.6 miles north of Sycamore, Pa.

5396–C1–P–70—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 1.3 miles northwest of Pisgah, W. Va. (Coopers Rock, W. Va.). Frequencies: 3770, 3850, and 4170 MHz toward Sycamore, Pa., and 10,795, 10,955, and 11,115 MHz toward Arthurdale, W. Va.

5397–C1–P–70—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 1.2 miles southeast of Arthurdale, W. Va. Frequencies: 11,325, 11,485, and 11,645 MHz toward Coopers Rock, W. Va., and 11,365, 11,525, and 11,685 MHz toward Laurel Mountain, W. Va.

5398–C1–P–70—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 5.7 miles southwest of Rowlesburg, W. Va. (Laurel Mountain). Frequencies: 10,835, 10,995, 11,155 MHz toward Arthurdale, W. Va., and 10,795, 10,955, and 11,115 MHz toward Etam, W. Va.

5399–C1–P–70—American Telephone & Telegraph Co. (KZA81), C.P. to add frequencies 11,325, 11,485, and 11,645 MHz toward Laurel Mountain, W. Va. Station location: 5.5 miles southwest of Rowlesburg, W. Va. (Etam).

5416–C1–P–70—Puerto Rico Telephone (New), C.P. for a new station to be located State Road No. 108, Km. 2.2 Mayaguez, P.R. Frequencies: 4090.0 and 4170.0 MHz toward Mte. del Estado, P.R.

5417–C1–P–70—Puerto Rico Telephone Co. (WWT48), C.P. to add frequencies 4050 and 4130 MHz toward Jayuya and 3730 and 3810 MHz toward Miradero, P.R. Station location: 2 miles south of Maricao, near State Road 120, Monte del Estado, P.R.

5418–C1–P–70—Puerto Rico Telephone Co. (WWT49), C.P. to add frequencies 4090 and 4170 MHz toward Hato Tejas and 3770 and 3850 MHz toward Monte del Estado, P.R. Station location: Jayuya Municipality, 0.3 mile from the intersection of State Roads 141 and 533, Northwest, P.R.

5419–C1–P–70—Puerto Rico Telephone Co. (New), C.P. for a new station to be located at Hato Tejas, Km. 14 St. Road No. 2, Calle Morales (West of Bayamon), P.R. Frequencies: 3730 and 3810 MHz toward Jayuya and 4070 and 4150 MHz toward Maravillas, P.R.

5420–C1–P–70—Puerto Rico Telephone Co. (WWR75), C.P. to add frequencies 3750 and 3830 MHz toward Hato Tejas and 4070 and 4150 MHz toward Ponce, P.R. Station location: Maravillas Peak, 4.7 miles south-southeast of Jayuya, P.R.

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

5421–C1–P–70—Puerto Rico Telephone Co. (WWR76), C.P. to add frequencies 3710 and 3790 MHz toward Maravillas, P.R. Station location: Power and A Streets, Ponce, P.R.

5422–C1–MP–70—Microwave Communications, Inc. (WAX64), Modification of C.P. to change site location to John Hancock Center, Michigan Avenue, Chicago, Ill., lat. 41°53'56" N., long. 87°37'26" W. and change frequencies to 6271.4 and 6390.0 MHz toward Downers Grove, Ill.

5423–C1–MP–70—Microwave Communications, Inc. (WAX65), Modification of C.P. to change site location to 501 63d Street, Downers Grove, Ill., lat. 41°46'22" N., long. 87°59'50" W. and change frequencies to 6019.3 and 6137.9 MHz toward Chicago, Ill., and 6049.0 and 6167.6 MHz toward Minooka, Ill.

5424–C1–MP–70—Microwave Communications, Inc. (WAX66), Modification of C.P. to change site location to 1.45 miles north-northwest of Minooka, Ill., lat. 41°28'41" N., long. 88°16'17" W. and change frequencies 6241.7 and 6360.3 MHz toward Downers Grove, Ill., and frequencies 6241.7 and 6360.3 MHz toward Ransom, Ill.

5425–C1–MP–70—Microwave Communications, Inc. (WAX67), Modification of C.P. to change site location to 1.9 miles south of Ransom, Ill., lat. 41°07'22" N., long. 88°39'17" W. and change frequencies 5960.0 and 6137.9 MHz toward Minooka, Ill., and frequencies 5960.0 and 6078.6 MHz toward Gridley, Ill.

5426–C1–MP–70—Microwave Communications, Inc. (WAX68), Modification of C.P. to change frequencies to 6182.4 and 6360.3 MHz toward Ransom, Ill., and 6271.4 and 6390.0 MHz toward Bloomington, Ill.

5427–C1–MP–70—Microwave Communications, Inc. (WAX69), Modification of C.P. to change site location to 0.66 mile west of Bloomington, Ill., lat. 40°28'33" N., long. 89°02'02" W. and change frequencies 5960.0–6137.9 MHz toward Gridley, Ill., and frequencies 6019.3–6137.9 MHz toward Elkhart, Ill.

5428–C1–MP–70—Microwave Communications, Inc. (WAX70), Modification of C.P. to change frequencies to 6271.4–6390.0 MHz toward Bloomington, Ill., and change frequencies 6212.0–6330.7 MHz toward Rochester, Ill.

5429–C1–MP–70—Microwave Communications, Inc. (WAX71), Modification of C.P. to change site location to 228 East Main Street, Rochester, Ill., lat. 39°44'53" N., long. 89°31'58" W. frequencies 5960.0–6078.6 MHz toward Elkhart, Ill., and frequencies 5989.7–6108.3 MHz toward Girard, Ill.

5430–C1–MP–70—Microwave Communications, Inc. (WAX72), Modification of C.P. to change frequencies to 6241.7–6360.3 MHz toward Rochester, Ill., and 6212.0–6330.7 MHz toward Brighton, Ill.

5431–C1–MP–70—Microwave Communications, Inc. (WAX73), Modification of C.P. to change site location to 3.5 miles east of Brighton, Ill., lat. 39°02'43" N., long. 90°03'38" W. and change frequencies to 5960.0–6078.6 MHz toward Girard, Ill., and frequencies 5989.7–6108.3 MHz toward St. Louis, Mo.

5432–C1–MP–70—Microwave Communications, Inc. (WAX74), Modification of C.P. to change site location to the Laclede Gas Building, 720 Olive Street, St. Louis, Mo., lat. 38°37'42" N., long. 90°11'32" W. and change frequencies 6241.7–6360.3 MHz toward Brighton, Ill.

*Local Television Transmission*

5565–C1–P/ML–70—The Mountain States Telephone & Telegraph Co. (KM6640), Construction permit and modified license to expand operating area to "within the territory of the grantee," to add frequency band 13,200–13,250 MHz, and to add transmitters (total 24).

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

5560–C1–TC–(23)–70—West Texas Microwave Co., Transfer of Control of West Texas Microwave, Fred Lieberman, Jack R. Crosby, Texas Capital Corp. Transferor, to: WTM Microwave, Inc., Transferee. Station: KLU86, Aledo, Tex.; KLU87, Mineral Wells, Tex.; KLU88, Brackeen Ranch, Tex.; KLU89, Breckenridge, Tex.; KLU91, Davis Ranch, Tex.; KTQ80, Sweetwater, Tex.; KTQ81, Colorado City, Tex.; KTR33, Snyder, Tex.; KTR34, Griffins Creek, Tex.; KTR35, Pleasant Valley, Tex.; KYS49, Big Spring, Tex.; KZI25, Lubbock, Tex.; KZI26, Abernathy, Tex.; KZI27, Anson, Tex.; KZI28, Stamford, Tex.; KLR75, Estes Ranch, Tex.; KZS70, Seminole, Tex.; KZS71, Brownfield, Tex.; KKT90, Levelland, Tex.; KKU85, Midland, Tex.; WAY37, Cotton Center, Tex.; WAY38, McClurg Farm, Tex.; WAY39, Jennings Farm, Tex.

*Major Amendment*

3972–C1–P–70—Microwave Relay Services, Inc. (New), Change frequency 6093.5 to 6123.1 MHz.

3973–C1–P–70—Microwave Relay Services, Inc. (New), Change polarization for frequency 6241.7 MHz from horizontal to vertical on azimuth 257°15'.

3975–C1–P–70—Microwave Relay Services, Inc. (New), Change frequency 6315.9 MHz to 6137.9 MHz.

3976–C1–P–70—Microwave Relay Services, Inc. (New), Change all frequencies to 5945.2, 5989.7, and 6108.3 MHz. All other particulars same as reported on public notice dated Jan. 26, 1970.

1851–C1–P–70—United Video, Inc. (New), Application amended to change point of communication to Avant, Okla. (lat. 36°26'56" N., long. 96°03'22" W.) on azimuth of 342°40'. Other particulars same as reported on public notice dated Oct. 13, 1969.

1852–C1–P–70—United Video, Inc. (New), Application amended to change station location to Avant, Okla., lat. 36°26'56" N., long. 96°03'22" W. and to change azimuths to 11°44' and 269°56' toward Bartlesville and Bug Creek, Okla., respectively. Other particulars same as reported on public notice dated Oct. 13, 1969.

[F.R. Doc. 70–4001; Filed, Apr. 1, 1970; 8:47 a.m.]

[FCC 70–273]

## LAMAR LIFE BROADCASTING CO.

### Order Regarding Applications for Interim Authority

In re requests of Lamar Life Broadcasting Co., Jackson, Miss., for interim authority.

1. In Lamar Life Broadcasting Co., 20 FCC 2d 635, adopted December 3, 1969, we vacated the grant of the application (BRCT–326) of Lamar Life Broadcasting Co. (Lamar) for renewal of license of television broadcast station WLBT, channel 3, Jackson, Miss.; permitted Lamar to file a new application (Form 301); invited new applications for the channel; and permitted Lamar to temporarily continue operation of the station. Lamar has filed its application and a total of four competing applications have been filed. Now under consideration are: A petition to continue operation filed February 3, 1970, by Lamar; a motion for an extension of time to respond to Lamar's petition, filed February 11, 1970, by Civic Communications Corp., one of the new applicants for channel 3, Jackson; a motion to hold in abeyance action on Lamar's petition filed jointly on February 13, 1970, by Channel 3, Inc., Dixie National Broadcasting Corp., and Jackson Television, Inc., the remaining new applicants for channel 3, Jackson; a statement of Communications Improvement, Inc., filed February 16, 1970, requesting a delay in acting upon any request for interim authority; an opposition to the above motions and statement filed February 18, 1970, by Lamar; and related pleadings.[1]

2. The thrust of each of the requests for delay in establishing an interim authority is that additional interim requests may be filed. The competing applicants, other than Lamar, indicate that they intend to file an application for interim authority, and Communications Improvement, Inc., a nonapplicant for a regular authorization, states that it is also preparing an interim application. Lamar's position in opposition is essentially that the cut-off date has passed for interim as well as regular authorizations, so that no delay is necessary.

3. It appears that there is some ambiguity as to the cut-off date for the filing of requests for interim authorizations. Our order of December 3, 1969, did not specifically refer to interims. Our practice in the past has been to invite interim applications after the cut-off date for applications for regular authority. Accordingly, we will resolve any ambiguity in favor of permitting requests

[1] The related pleadings are: A reply to Lamar's opposition filed Feb. 27, 1970, by Civic Communications Corp.; a reply to Lamar's opposition filed Feb. 27, 1970, by Channel 3, Inc.; and a reply to Lamar's opposition filed Mar. 2, 1970, by Communications Improvement, Inc.

for interim authority to be filed no later than 45 days after the release of this order. It should be noted that no hearing or oral argument will be held to choose the best interim operator. Rather, the choice will be made on the basis of the information contained in the applications. We will act on Lamar's request to continue operation when we consider all the interim applications.

4. *Accordingly, it is ordered,* That, to the extent indicated above, the requests of Communications Improvement, Inc., Civic Communications Corp., Channel 3, Inc., Dixie National Broadcasting Corp., and Jackson Television, Inc., for delay in establishing an interim operator are granted.

5. *It is further ordered,* That applications for interim authority to operate on channel 3, Jackson, Miss., may be tendered for filing within forty-five (45) days of the release date of this order.

Adopted: March 11, 1970.

Released: March 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 70-4002; Filed, Apr. 1, 1970; 8:48 a.m.]

[Dockets Nos. 18817, 18818; FCC 70-285]

## PRESCOTT BOOSTER T.V. CLUB, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Prescott T.V. Booster Club, Inc., Prescott, Ariz., Docket No. 18817, File No. BPTTV-3306, for construction permit for new television broadcast translator station; Prescott T.V. Booster Club, Inc. (KØ6AE), Prescott, Ariz., Docket No. 18818, File No. BPTTV-3685, for construction permit.

1. The Commission has before it for consideration the above-captioned applications of Prescott T.V. Booster Club, Inc. (Prescott), one for a construction permit for a new VHF television broadcast translator station to serve Prescott, Ariz., by rebroadcasting noncommercial educational television Station KAET, Channel *8, Phoenix, Ariz., on output channel 2, and the other to increase the power of television broadcast translator Station KØ6AE, Prescott, Ariz., from 1 watt to 10 watts and to make equipment changes. The Commission also has before it the decision of the U.S. Court of Appeals for the District of Columbia Circuit in H & B Communications Corporation v. Federal Communication Commission, Case No. 22,685, decided November 13, 1969, reversing and remanding the Commission's decision in Prescott T.V. Booster Club, Inc., 15 FCC 2d 733, 15 R.R. 2d 73, and supplementary order, 16 FCC 2d 831, which granted without hearing the application for a construction permit for a new station.

2. The court's decision requires that the Commission ascertain, by a hearing, whether, on the basis of a weighing of gains and losses of television service to the public, a grant of the application for a new station would serve the public interest, convenience and necessity. The court's decision did not disturb the Commission's determination that its rules do not require translators to protect CATV systems against interference, but the court indicated that, although a CATV system may not be protected against interference, such a weighing process is nevertheless required. At the outset, evidence must be adduced to permit a determination to be made as to whether there will, in fact, be objectionable interference and, if so, the nature and extent of the interference. If it is established that there will be such interference, it must then be determined whether there are techniques and methods available which can be effectively employed to reduce or eliminate the interference.

3. There are switching devices available which enable subscribers to a CATV system to choose between cable and noncable service. Section 74.1103(c) of our rules requires that, under certain circumstances,[1] a CATV system

> * * * shall offer and maintain, for each subscriber, an adequate switching device to allow the subscriber to choose between cable and noncable reception, unless the subscriber affirmatively indicates in writing that he does not desire this device.

In this case, we believe that it may be possible to employ such devices to enable the subscribers to the CATV system to receive off-the-air signals where interference is caused to their reception of these same signals on the CATV system. For example, translator Station KØ6AE, Prescott, carries the programs of Station KTAR-TV, Phoenix, Ariz. If the operation of the proposed new translator station made reception of Station KTAR-TV on cable channel 2 impossible, perhaps the switching devices could be used to receive the same signals off-the-air from Station KØ6AE, thus eliminating any loss of service to anyone. We will, therefore, order that the utility of these devices be thoroughly explored in this hearing with a view toward determining whether we should require their use here.

4. The court stated that the possible availability of a UHF frequency for use by the applicant should be included in the weighing process. Among the facts to be determined in this connection are the costs to the applicant and its ability to meet those costs, the number of television sets capable of receiving UHF signals, the area and number of persons who would be served by a UHF translator, and the availability of competent service personnel to erect and maintain such equipment. The applicant will, of course, be required to carry the burden of proof of its financial ability, but the burden of proceeding and the burden of proof with respect to costs and other aspects of the UHF translator issue will be on the petitioner as the party urging the feasibility of a UHF translator. Since we have indicated that the applicant's financial situation is an appropriate subject to be explored in connection with the UHF translator issue, we will also explore the petitioner's financial ability to furnish switching devices to its subscribers or otherwise to take measures to protect itself against interference, if it is found that a grant would not be warranted unless the interference could be reduced or eliminated.

5. Petitioner claims that operation of the proposed translator station on output channel 2 would cause interference to the CATV system's reception of the incoming signals of Station KTVK-TV, Phoenix, on channel 3. The parties are in disagreement as to whether the anticipated interference can be reduced or eliminated and, if so, the manner in which this can be accomplished. Accordingly, we will specify an issue intended to elicit evidence on the effectiveness of possible methods and techniques which can be employed as well as petitioner's ability to use any or all such techniques. The evidence should include consideration of filtering and trapping devices, shielding, relocation of the headend, and microwave relays to the CATV receiving point.

6. On March 10, 1969, Prescott T.V. Booster filed an application (BPTTV-3685) for a construction permit to increase the power of Station KØ6AE, Prescott, Ariz. (rebroadcasting Station KTAR-TV, Channel 12, Phoenix), from 1 watt to 10 watts and to make equipment changes. On April 28, 1969, H & B Communications filed a petition to deny the application, alleging that the proposed increase in power would aggravate the interference which H & B claims is caused to reception by subscribers on cable channel 6, and, possibly, interference to the system's reception of the off-the-air signals of adjacent channel 5, Station KPHO-TV, Phoenix, Ariz. H & B also suggests, in connection with this application, the use of a UHF translator. Prescott did not file a response to the petition.

7. An application to increase power of an existing television translator station is not a major change under the provisions of § 1.572(a)(1) of the Commission's rules. Section 309(d)(1) of the Communications Act of 1934, as amended, provides that a petition to deny will lie against any application to which subsection (b) of the Communications Act applies. Subsection (c) of section 309 of the Act specifically provides that subsection (b) will not apply:

> (2) to any application for—(A) a minor change in the facilities of an authorized station.

Therefore, a petition to deny will not lie against this application. We will, however, consider the petition as an informal

[2] Commissioner Johnson concurring in the result.

[1] Section 74.1103(c) is applicable where a CATV system does not carry the signals of any television station within whose predicted service contour it operates or any high-power translator in the community. It does not apply to the Prescott CATV system because the system carries the signals of all television stations within whose predicted contours it is located, and there is no high-power translator in the community.

objection. Since a hearing is required in connection with the principal application, we believe that the entire problem can best be handled in one proceeding and we will, therefore, designate the modification application for hearing in a consolidated proceeding.

8. The applicant, in a letter filed December 31, 1969, requested that the hearing take place in Prescott, Ariz., principally because of the financial inability of the applicant to provide for the expenses of counsel and witnesses if the hearing were held in Washington, D.C. We believe that the request is reasonable and is consistent with Commission practice in similar situations and we will, therefore, order that the hearing be held in Prescott.

*Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Prescott T.V. Booster Club, Inc., are designated for hearing in a consolidated proceeding, upon the following issues:

(1) To determine whether the operation of the translator stations, or either of them, as proposed, would cause objectionable interference to reception of television signals by the Prescott CATV system or by its subscribers, and, if so, the nature and extent of such interference.

(2) In the event that it is determined, pursuant to the foregoing issue, that objectionable interference would be caused by the translators, or either of them, to determine the extent, if any, to which such interference can be reduced or eliminated.

(3) To determine, in connection with Issue 2, above, the nature, cost, availability, feasibility, and other facts relating to the possible use of switching devices to be attached to the receiving sets of subscribers to petitioner's CATV system to enable such subscribers to receive off-the-air television signals at their option.

(4) To determine the areas and populations which may be expected to gain or lose television service in the event of a grant of the applications, or either of them, and the other television services available to such areas and populations.

(5) To determine, on the basis of a weighing of the gains and losses ascertained pursuant to the foregoing issue, whether the public interest, convenience and necessity would be served by grant of the applications or either of them.

(6) To determine the feasibility of the use by the applicant of UHF television broadcast translator stations and the financial ability of the applicant in connection therewith.

(7) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the applications, or either of them, would serve the public interest, convenience and necessity.

*It is further ordered*, That H & B Communications Corp. is made a party respondent in this proceeding.

*It is further ordered*, That the Chief, Broadcast Bureau, is made a party in this proceeding.

*It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 6, above, except with respect to the applicant's financial situation, is placed upon petitioner, and the burden of proceeding with the introduction of evidence and the burden of proof with respect to the petitioner's financial situation in connection with Issue 3, above, is placed upon petitioner, and the burden of proof with respect to the other issues remains upon the applicant.

*It is further ordered*, That the hearing hereby ordered shall be held in Prescott, Ariz., at a time to be fixed by subsequent order.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 18, 1970.

Released: March 26, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 70-4003; Filed, Apr. 1, 1970; 8:48 a.m.]

[Docket No. 18549, etc.; FCC 70-272]

## SEABOARD BROADCASTING CORP. AND SENCLAND BROADCASTING SYSTEMS, INC.

### Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of revocation of license of Seaboard Broadcasting Corp., for standard broadcast station WLAS, Jacksonville, N.C., Docket No. 18549; SENCLand Broadcasting Systems, Inc., Jacksonville, N.C., Docket No. 18813, File No. BP-18649, requests: 910 kc., 5 kw., DA-Day, for construction permit; Seaboard Broadcasting Corp., Jacksonville, N.C., Docket No. 18814, File No. BR-2961, for renewal of license of station WLAS.

1. The Commission has before it for consideration (a) its order to show cause and notice of apparent liability adopted May 9, 1969, FCC 69-507, initiating the revocation proceedings now in Docket No. 18549; (b) the above-captioned application for renewal of the license of station WLAS, filed September 2, 1969; (c) the above application for construction permit for a new station in Jacksonville, N.C., filed September 30, 1969, by SENCLand Broadcasting; (d) a petition to consolidate filed December 9, 1969, by SENCLand; and (e) pleadings in opposition and reply thereto.

2. In its petition, SENCLand points out that the renewal application of WLAS and its proposal to construct on 910 kilocycles in Jacksonville are mutually exclusive since both request use of the same frequency and that, since its application has been timely filed with the WLAS renewal, it is entitled to consolidation for hearing pursuant to § 1.227(b)(5) of our rules. Because the renewal and construction permit applications must ultimately be consolidated, SENCLand asserts that both proposals should be consolidated during the pendency of the proceedings in Docket No. 18549 pursuant to the provisions of § 1.227(a).[1]

3. In opposition, Seaboard argues (i) that the language of § 1.227(a) is not mandatory and (ii) that the issues being litigated in the revocation proceeding are different than the issues which would be involved in a construction permit-renewal comparative hearing. WLAS also contends that in the event its license is revoked, the 910 kc. frequency should be opened up and additional applications invited.

4. The petition for consolidation will be granted. Although consolidation of the construction permit-renewal matter with the revocation proceedings is not required at this juncture and although "substantially the same issues" are not involved, administrative convenience compels us to consolidate. Furthermore, we do not agree with WLAS's contention that the frequency should be opened up for other applicants in the event its license is revoked. Under § 1.516(e)(1) of the rules, all potential applicants had notice that proposals mutually exclusive with WLAS's renewal application were required to be on file within 60 days after WLAS's filing. Only SENCLand saw fit to prepare an application within the prescribed time. Thus, it is entitled to protected status by virtue of its timely filing. United Broadcasting Co., Inc. (WOOK), FCC 65-657, 5 RR 2d 684. For these reasons, nothing would be gained by forestalling prompt consolidation.

5. Since this proceeding involves mutually exclusive renewal and construction permit proposals, it will be governed by

[2] Concurring and dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Johnson absent.

[1] "§ 1.227 Consolidations.

(a) The Commission, upon motion or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing:

(1) Any cases which involve the same applicant or involve substantially the same issues, or

(2) Any applications which present conflicting claims."

our recent Policy Statement on Comparative Hearings Involving Regular Renewal Applications, —— FCC 2d ——, FCC 70-62. Except for the matters under litigation in Docket No. 18549, we find Seaboard Broadcasting qualified as a renewal applicant. In the event Seaboard is not disqualified as a result of the revocation hearing, the matters raised therein may be considered by the Examiner in his evaluation of Seaboard's performance. As far as SENCLand is concerned, we find it qualified to construct and operate as proposed.

6. WLAS proposes to continue its operation on an omnidirectional basis whereas SENCLand plans to employ a directional antenna system. As a result, SENCLand's engineering data indicate that its operation may eliminate interference with two existing operations and, at least to some degree, serve different populations. Accordingly, an area and populations issue will be included.

7. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.227(a)(1) of the Commission's rules, the above-captioned renewal and construction permit applications are consolidated for hearing in the proceeding now in progress in Docket No. 18549, at a time and place to be specified in a subsequent Order upon the following issues: [2]

(1) To determine the areas and populations which would receive primary service from the proposals and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(2) To determine, on a comparative basis, which of the proposals would better serve the public interest.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

8. *It is further ordered*, That the petition to consolidate filed by SENCL and Broadcasting Systems, Inc., *is granted*.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 11, 1970.

Released: March 27, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 70-4004; Filed, Apr. 1, 1970; 8:48 a.m.]

[2] The specification of issues here in no way superseded the issues raised in the order to show cause (FCC 69-507) which initiated the revocation proceeding in Docket No. 18549.

[3] Commissioner Johnson dissenting.

# INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

## CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

### Entry or Withdrawal From Warehouse for Consumption

MARCH 30, 1970.

On January 27, 1970, the U.S. Government requested the Government of the Socialist Republic of Romania to enter into consultations concerning exports to the United States of cotton textile products in Category 50 produced or manufactured in the Socialist Republic of Romania. In that request the U.S. Government indicated the specific level at which it considered that exports in this category from the Socialist Republic of Romania should be restrained for the 12-month period beginning January 27, 1970, and extending through January 26, 1971. Since no solution has been mutually agreed upon the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which related to nonparticipants, is establishing restraint at the level indicated in that request for the 12-month period beginning January 27, 1970 and extending through January 26, 1971. This restraint does not apply to cotton textile products in Category 50, produced or manufactured in the Socialist Republic of Romania exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of March 30, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 50, produced or manufactured in the Socialist Republic of Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 27, 1970, be limited to the designated level.

STANLEY NEHMER,
*Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.*

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,*
*Washington, D.C. 20226.*

MARCH 30, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning January 27, 1970, and extending through January 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 50, produced or manufactured in the Socialist Republic of Romania, in excess of a level of restraint for the period of 15,000 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 50, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to January 27, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 50, in terms of T.S.U.S.A. members was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). The letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
*Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.*

[F.R. Doc. 70-3994; Filed, Apr. 1, 1970; 8:47 a.m.]

[1] This level has not been adjusted to reflect any entries made on or after Jan. 27, 1970.

# FEDERAL POWER COMMISSION

[Docket No. RI70-1420, etc.]

## AUSTRAL OIL CO., INC., ET AL.

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

MARCH 26, 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 May 15, 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. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI70-1420 | Austral Oil Co., Inc., 2700 Humble Bldg., Houston, Tex. 77002. | 14 | [2] 5 | Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Jim Hogg, et al., Counties, Tex.) (RR. District No. 4). | $242,767 | 2-24-70 | [3] 3-27-70 | 8-27-70 | 15.05625 | [4] [5] 18.06750 | RI70-728. |
| RI70-1421 | Clark Fuel Producing Co. (Operator) et al., 727 Houston Club Bldg., Houston, Tex. 77002. | 1 | [7] 6 | Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Sullivan City, et al., Fields, Hidalgo County, Tex.) (RR. District No. 4). | 10,723 | 2-26-70 | [3] 3-29-70 | 8-29-70 | 14.6 | [4] [8] 16.6225 | |
| RI70-1422 | CSV Oil Exploration Co. | 1 | 2 | El Paso Natural Gas Co. (Bar-X Field, Grand County, Utah). | 1,600 | 2-24-70 | [3] 3-27-70 | 8-27-70 | 12.0 | [9] [5] 14.0 | |
| RI70-1423 | Tenneco Oil Co. | 228 | 1 | El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area). | 150 | 2-25-70 | [10] 3-28-70 | 8-28-70 | 13.0 | [7] [5] 14.0 | |
| RI70-1424 | Coastal States Gas Producing Co. | 68 | [11] 16 | Consolidated Gas Supply Corp. (Eunice et al. Lands, Raleigh, Boone, and Wyoming Counties, W. Va.). | 1,248 | 2-26-70 | [11] 3-29-70 | 8-29-70 | 27.0 | [12] [5] 25.0 | RI69-90. |
| | do | 69 | [11] 13 | Consolidated Gas Supply Corp. (Newberry Lands, Wyoming and Logan Counties, W. Va.). | 1,248 | 2-26-70 | [11] 3-29-70 | 8-29-70 | 27.0 | [12] [5] 25.0 | RI69-90. |

[2] Increase from 15.05625 cents to 16 cents filed concurrently pursuant to Opinion No. 567. The Commission's action thereon will be by separate order.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] "Fractured" rate increase. Contractually due a base rate of 22.3 cents plus tax reimbursement and dehydration allowance.
[5] Pressure base is 14.65 p.s.i.a.
[6] Two-step periodic rate increase.
[7] Respondent is currently filing from 14.6 cents to 16 cents pursuant to Opinion No. 567. The Commission's action thereon will be by separate order.
[8] Periodic rate increase.
[9] Pressure base is 15.025 p.s.i.a.
[10] The stated effective date is the effective date requested by respondent.
[11] Includes letter from buyer agreeing to proposed rate.
[12] Redetermined rate increase. Converted from 27.70 cents @ 50° F. to 60°.
[13] Pressure base is 15.325 p.s.i.a.

Austral Oil Co., Inc., requests waiver of the statutory notice to permit a February 24, 1970 effective date for its proposed rate increase. Clark Fuel Producing Co. (Operator) et al., also request waiver of the statutory notice to permit a February 26, 1970, effective date for their proposed rate filing. CSV Oil Exploration Co. requests an effective date of February 20, 1970 for its proposed rate increase. 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 the aforementioned producers' rate filings and such requests are denied.

CSV Oil Exploration Co. (CSV) proposes a periodic increase to 14 cents per Mcf for its sale in the Bar-X Field, Grand County, Utah. There are no formal ceilings for Utah; however, the Commission has utilized the Colorado 13-cent increased rate ceiling in determining the course of action it would take with respect to sales in Grand County, Utah. Since CSV's proposed 14-cent rate exceeds the Colorado increased rate ceiling of 13 cents per Mcf it should be suspended for 5 months from March 27, 1970, the expiration date of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR § 2.56) with the exception of the rate increase filed by CSV in Grand County, Utah, where no formal guideline prices have been announced by the Commission.

[F.R. Doc. 70-3924; Filed, Apr. 1, 1970; 8:45 a.m.]

# FEDERAL RESERVE SYSTEM

## EXCHANGE BANCORPORATION, INC.

### Order Denying Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Exchange Bancorporation, Inc., Tampa, Fla., for approval of acquisition of 80 percent or more of the voting shares of Peninsula State Bank, Tampa, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Exchange Bancorporation, Inc., Tampa, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Peninsula State Bank, Tampa, Fla.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on November 14, 1969 (34 F.R. 18270), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired, and all those received to the time of the Board's action were considered.

*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 denied.

By order of the Board of Governors,[2] March 26, 1970.

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

[F.R. Doc. 70-3971; Filed, Apr. 1, 1970; 8:45 a.m.]

## EXCHANGE BANCORPORATION, INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Exchange Bancorporation, Inc., Tampa, Fla., for approval of acquisition of 80 percent or more of the voting shares of Bank of Central Florida, Haines City, Fla.

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

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

Notice of receipt of the application was published in the FEDERAL REGISTER on February 3, 1970 (35 F.R. 2469), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments has expired, and all those received have been considered by the Board.

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

[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.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer and Sherrill. Chairman Burns did not participate in the decision on this application.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,[2] March 26, 1970.

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

[F.R. Doc. 70-3972; Filed, Apr. 1, 1970; 8:45 a.m.]

## FIRST FLORIDA BANCORPORATION

### Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 80 percent or more of the voting shares of The State Bank of Jacksonville, Jacksonville, Fla.

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

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

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1970 (35 F.R. 2545), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

*It is hereby ordered*, For the reasons set forth in the Board's Statement[4] of this date, that said application be and hereby is approved; *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time shall be extended by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] March 26, 1970.

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

[F.R. Doc. 70-3973; Filed, Apr. 1, 1970; 8:45 a.m.]

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

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

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

## FIRST FLORIDA BANCORPORATION

### Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 80 percent or more of the voting shares of The State Bank of Arlington, Jacksonville, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Florida Bancorporation, Tampa, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The State Bank of Arlington, Jacksonville, Fla.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1970 (35 F.R. 2545), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

By order of the Board of Governors,[2] March 26, 1970.

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

[F.R. Doc. 70-3974; Filed, Apr. 1, 1970; 8:45 a.m.]

## WYOMING BANCORPORATION

### Order Approving Action To Become Bank Holding Company

In the matter of the application of Wyoming Bancorporation, Cheyenne, Wyo., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Cheyenne National

[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.

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

Bank, Cheyenne; East Cheyenne National Bank, Cheyenne; First Cheyenne State Bank, Cheyenne; and Stock Growers' Bank of Wheatland, Wheatland, all in Wyoming.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Wyoming Bancorporation, Cheyenne, Wyo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Cheyenne National Bank, Cheyenne; East Cheyenne National Bank, Cheyenne; First Cheyenne State Bank, Cheyenne; and Stock Growers' Bank of Wheatland, Wheatland, all in Wyoming.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and the Wyoming State Examiner, and requested their views and recommendations. The Comptroller recommended approval, and the State Examiner indicated that he had no objection to consummation of the proposal.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 8, 1969 (34 F.R. 18107), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

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

By orders of the Board of Governors,[2] March 26, 1970.

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

[F.R. Doc. 70-3975; Filed, Apr. 1, 1970; 8:45 a.m.]

[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 Kansas City. Concurring Statement of Governor Robertson also filed as part of the original document and available upon request.

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

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

## CONTINENTAL VENDING MACHINE CORP.

### Order Suspending Trading

MARCH 27, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1970, through April 6, 1970, both dates inclusive.

By the Commission.

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

[F.R. Doc. 70-3969; Filed, Apr. 1, 1970; 8:45 a.m.]

[70-4860]

## DELMARVA POWER & LIGHT COMPANY OF MARYLAND AND DELMARVA POWER & LIGHT CO.

### Notice of Proposed Issue and Sale of Promissory Notes and Common Stock by Subsidiary Public-Utility Company and Acquisition and Pledge Thereof by Parent Registered Holding Company

MARCH 27, 1970.

Notice is hereby given that Delmarva Power & Light Co. ("Delmarva"), 600 Market Street, Wilmington, Del. 19899, a registered holding company and a public-utility company, and its subsidiary company, Delmarva Power & Light Company of Maryland ("Maryland"), a public-utility company, all of whose outstanding securities are owned by Delmarva, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43 and 44 thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

From time to time prior to December 31, 1972, Maryland proposes to issue and sell to Delmarva for cash its promissory notes due October 1, 1973, in an aggregate principal amount not in excess of $14,250,000 and to issue and sell to Delmarva for cash a total not to exceed 142,500 shares of its common capital stock at the par value thereof of $100 per share or an aggregate of $14,250,000. The notes will bear interest at 8.7 percent (such interest rate being based on the cost of the last public borrowing of Delmarva), but, at such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Maryland shall bear interest equal to the cost of money to Delmarva under such bond issue, rounded to the nearest one tenth of 1 percent. The notes and stock will be pledged by Delmarva with Chemical Bank New York Trust Co., Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank New York Trust Co., Trustee, dated as of October 1, 1943, relating to Delmarva's first mortgage and collateral trust bonds.

Maryland will use the proceeds derived from the sale of the notes and stock to provide funds for future construction expenditures. Proposed additions to Maryland's property and plant are estimated at $15,841,719 for 1970, $22,520,618 for 1971, and $8,174,000 for 1972.

It is stated that, other than miscellaneous traveling expenses estimated at $200, the expenses in connection with the proposed transactions, including legal expenses estimated at not in excess of $750, will be nominal.

An application has been filed by Maryland and Delmarva with the Public Service Commission of Maryland, the State commission of the State in which Maryland is organized and doing business, for authorization of the proposed transactions. A copy of the order of that commission will be filed by amendment.

Notice is further given that any interested person may, not later than April 16, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-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 applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and 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. 70-3970; Filed, Apr. 1, 1970; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 31]

## MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 27, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 1872 (Sub-No. 73), filed March 3, 1970. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which by reason of size or weight require special handling or the use of special equipment and *commodities* which do not require special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith between points in Utah and Montana, on the one hand, and, on the other, points in Oregon and Washington. NOTE: Applicant states that a through service would be provided by tacking under single-line authority to and from points in Arizona, Nevada, New Mexico, Idaho, Wyoming, Colorado, Kansas, Missouri, Iowa, Nebraska, and South Dakota either under presently authorized "size and weight" authority or under Sub 55 contractors' equipment and materials authority. Applicant states it would also tack any authority here obtained with its Sub 65 TA authorizing a "complete service" between points in Colorado and points in New Mexico, its now pending Sub 66 covering the same service between the same points and its now pending Sub 61 seeking a "complete service" (nonsize and weight articles when moving with size and weight articles) between all points where it has "size and weight" authority. The areas where such tacking would occur would be at any point in Utah or Montana where tacking or interchange now takes place under presently held "size and weight" authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah; Portland, Oreg., or Seattle, Wash.

No. MC 2202 (Sub-No. 385), filed March 9, 1970. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036 and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Olin Corp., located near Peru, Ind., as an off-route point in connection with applicant's regular route authority to serve Peru, Ind. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 2962 (Sub-No. 41), filed March 13, 1970. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Henderson and Union Counties, Ky., as off-route points in connection with carrier's regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 8948 (Sub-No. 94), filed March 9, 1970. Applicant: Western Gillette, Inc., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus juices*, in tank vehicles, from the International Boundary line between the United States and the Republic of Mexico at Nogales, Ariz., to points in Maricopa County, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 13250 (Sub-No. 106), filed March 13, 1970. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex. 77022. Applicant's representative: James

M. Doherty, Suite 401 First National Life Building, Austin, Tex. 78107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Heat exchangers or equalizers for air, gas or liquids;* (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids; and (3) *parts, attachments and accessories* for the items named in (1) and (2) above; from the plant and warehouse facilities of The Trane Co. in Fayette County, Ky., Montgomery County, Tenn., and Salt Lake County, Utah, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. Applicant states that while tacking would be possible at the plantsites named above, it does not propose to tack the authority sought herein with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 77), filed March 16, 1970. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. 30030. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Whitehall, Wis., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 29079 (Sub-No. 59), filed March 11, 1970. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products*, except in bulk, from Mayfield, Ky., to points in Illinois, Indiana, Ohio, and those points in Michigan on or south of U.S. Highway 10, and (2) *articles* dealt in, processed or manufactured by rubber products companies, except in bulk, from points in Illinois, Indiana, Ohio, and those points in Michigan on or south of U.S. Highway 10 to Mayfield, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 31389 (Sub-No. 123), filed March 12, 1970. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Princeton, Minn., as an off-route point in connection with applicant's regular-route authority to serve Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 32530 (Sub-No. 1), filed March 3, 1970. Applicant: FRED VANGENHEN, JR., doing business as VANGENHEN AND SON, 1708 South Illinois Street, Belleville, Ill. 62221. Applicant's representative: Fred Vangenhen, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Sand and gravel*, in bulk, from points in St. Louis County, Mo., to points in Belleville, Ill. NOTE: Applicant states that it already has authority to haul sand and gravel from St. Louis, Mo., to Belleville, Ill., and points within 5 miles of Belleville, Ill. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 32882 (Sub-No. 51), filed March 5, 1970. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, by reason of size or weight, require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; (a) between points in Oregon and Washington, on the one hand, and, on the other, points in Utah, (b) between points in Oregon and Washington, on the one hand, and, on the other, points in that part of Montana on the east of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 87 to Great Falls, thence along U.S. Highway 91 to the international boundary line between the United States and Canada, and (c) between points in Oregon, on the one hand, and, on the other, points in Idaho. NOTE: Applicant states that it proposes to tack the requested authority if granted, to its present authority now held authorizing service to or from points in California, Nevada, and Washington, where applicable. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 35358 (Sub-No. 22), filed March 5, 1970. Applicant: BERGER TRANSFER & STORAGE INC., 3720 Macalster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store, office, hospital, and home, furniture and fixtures*, from Wichita, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states tacking is possible with its Sub-Nos. 1, 4, 11, 15, 16, 17, 18, and 19, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 38227 (Sub-No. 7), filed March 3, 1970. Applicant: CRUTCHER TRANSFER LINE, INC., 600 Marrett Avenue, Louisville, Ky. 40208. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Post Office Box 457, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Elizabethtown and Munfordville, Ky., over U.S. Highway 31W serving all intermediate points, (2) between Hodgenville and Cub Run, Ky., from Hodgenville over U.S. Highway 31E to Hardyville, thence over Kentucky Highway 88 to Cub Run, serving all intermediate points, (3) between Sonora and Hodgenville, Ky., over Kentucky Highway 84 for operating convenience only, and (4) between Elizabethtown, and Cecilia, Ky., over U.S. Highway 62 and Kentucky Highway 86, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky.

No. MC 41116 (Sub-No. 43), filed March 11, 1970. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Pulpboard*, from Pineville, La., to Vidalia, La., and Natchez, Miss., under contract with Pineville Kraft Corp. NOTE: Applicant now holds common carrier authority under its certificate No. MC 123993 and subs thereunder, therefore, dual operations may be involved. NOTE: if a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La., or Washington, D.C.

No. MC 44605 (Sub-No. 35), filed March 16, 1970. Applicant: MILNE TRUCK LINES, INC., 2200 South Third West, Salt Lake City, Utah 84115. Applicant's representative: Henry A. Dahn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except petroleum and petroleum products in bulk, classes A and B explosives, baled cotton, household goods as defined by the Commission, commodities which because of size or weight require special equipment or special handling, liquid and dry acids, and chemicals in bulk, and sand in bulk), serving points in Beaver County, Utah, as off-route points in connection with applicant's otherwise authorized regular-route authority. NOTE: Applicant states it presently holds authority in Beaver County, Utah, to transport general commodities with exceptions to points located on Interstate Highway 15 and the points of Adamsville, Minersville, and Milford on Utah Highway 21. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Beaver, Utah.

No. MC 44639 (Sub-No. 28), filed February 16, 1970. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, and supplies* used in the manufacture of wearing apparel, between Crewe, Va., on the one hand, and, on the other, Hollister, N.C. NOTE: Applicant states it proposes to tack at Crewe, Va., to provide a through service with presently held authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 44913 (Sub-No. 9), filed February 20, 1970. Applicant: E. ROSCOE WILLEY, INC., Post Office Box 116, Secretary, Md. 21664. Applicant's representative: M. B. Morgan, Post Office Box 786, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, in containers, from Cambridge, Md., to Greensboro, Raleigh, and Wilmington, N.C., and Washington, D.C., and points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and those in Pennsylvania on and east of a line beginning at Maryland-Pennsylvania line and extending along U.S. Highway 111 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line and those in Virginia on and east of U.S. Highway 1. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 47171 (Sub-No. 82), filed March 16, 1970. Applicant: COOPER MOTOR LINES, INC., Post Office Box 4255, 301 Hammett Street, Greenville, S.C. 29608. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate*, in bulk, from Celriver, S.C., to Belvidere and Newark, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 48956 (Sub-No. 7), filed February 9, 1970. Applicant: JAMES FLEMING TRUCKING, INC., East Street, Suffield, Conn. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Southboro and Dedham, Mass., to Suffield, Conn., limited to transportation under a continuing contract or contracts with General Foods Corp. NOTE: Applicant now holds common carrier authority under its certificate No. MC 69300, therefore dual operations may be involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 48956 (Sub-No. 8), filed March 9, 1970. Applicant: JAMES FLEMING TRUCKING, INC., East Street, Suffield, Conn. 06078. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, not cold or frozen, from the plantsite and storage facilities of Comstock-Greenwood Foods, Borden, Inc., at Red Creek, Egypt, Rushville, Penn Yan, Waterloo, Syracuse, Newark, Lyons, and Fairport, N.Y., to points in Maine, Vermont, Connecticut, New Hampshire, Massachusetts, and Rhode Island, under contract with Comstock-Greenwood Foods, Borden, Inc. NOTE: Applicant holds common carrier authority under Docket No. MC 69300, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Springfield, Mass.

No. MC 48958 (Sub-No. 107), filed March 4, 1970. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, 601 Ross Street, Post Office Box 9050, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), (1) between El Paso, Tex., and Los Angeles, Calif., from El Paso over Interstate Highway 10 (U.S. Highway 80) to its junction with Interstate Highway 8 (Arizona Highway 84) at or near Casa Grande, Ariz., thence over Interstate Highway 8 (Arizona Highway 84 and U.S. Highway 80) to its junction with Interstate Highway 5, thence over Interstate Highway 5 to Los Angeles, and return over the same route, serving no intermediate points; (2) between El Paso, Tex., and Indio, Calif., from El Paso over Interstate Highway 10 (U.S. Highway 80) to its junction with Interstate Highway 8 (Arizona Highway 84) at or near Casa Grande, Ariz., thence over Interstate Highway 8 (Arizona Highway 84 and U.S. Highway 80) to its junction with California Highway 86, thence over California Highway 86 to its junction with Interstate Highway 10 (U.S. Highway 60) at or near Indio, Calif., and return over the same route, serving no intermediate points; and (3) between El Paso, Tex., and Phoenix, Ariz., from El Paso over Interstate Highway 10 (U.S. Highway 80) to Phoenix and return over the same route, serving no intermediate points; as alternate routes for operating convenience only in connection with carrier's authorized regular route operations between El Paso, Tex., and Los Angeles and Indio, Calif., and Phoenix, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 50069 (Sub-No. 435), filed March 9, 1970. Applicant: REFINERS TRANSPORTS & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), Ohio 43616. Applicant's representative: J. A. Kundtz, 100 National Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Van Wert, Ohio to points in Indiana, Kentucky, Michigan, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 158), filed March 9, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (except glass containers), *packaging materials, pulpboard products, and materials, equipment and supplies* used in the manufacture, sale, and distribution of containers, packaging materials and pulpboard products, between points in Connecticut, Delaware,

the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Vermont, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 52465 (Sub-No. 34), filed March 9, 1970. Applicant: RICE TRUCK LINES, a corporation, 1627 Third Street NW., Great Falls, Mont. 59401. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Dry inorganic chemicals, minerals, fertilizers, salt and salt products, liquid chemicals, and brine or bitterns*, from points in Weber and Box Elder Counties, Utah to points in Utah, Idaho, Washington, Oregon, California, Nevada, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, or Ogden, Utah.

No. MC 52704 (Sub-No. 76), filed March 9, 1970. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. 36862. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Canned vegetables*, from Lake Jem, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga .

No. MC 52704 (Sub-No. 77), filed March 13, 1970. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Box 49, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Reserve, La., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 59150 (Sub-No. 51), filed March 9, 1970. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Line Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, gypsum and gypsum products, composition boards, insulation materials, urethane and urethane products and related materials, supplies and accessories*, incidental thereto (except commodities in bulk), from the plantsite of the Celotex Corp., in Birmingham, Ala., to points in Florida, Georgia, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 61403 (Sub-No. 202) (Amendment), filed December 31, 1969, published in FEDERAL REGISTER issue of February 27, 1970, amended March 11, 1970, and republished, as amended, this issue. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and petroleum products*, in bulk, in tank vehicles, from Seymour, Ind., and points within 10 miles thereof, to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin, and (2) *defective and contaminated chemicals and petroleum products*, in bulk, in tank vehicles, from points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin to Seymour, Ind., and points within 10 miles thereof. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to redescribe the commodity descriptions in (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 61592 (Sub-No. 169), filed February 27, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Chicago, Ill., to Brooklyn and Gloversville, N.Y.; Boston, Lawrence, North Adams, and Peabody, Mass.; Baltimore, Md., Newark and Jersey City, N.J.; Philadelphia, Reading and Westover, Pa.; Detroit, Mich., and Luray, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64819 (Sub-No. 6), filed February 25, 1970. Applicant: C. D. GAMMON COMPANY, a corporation, 4551 West Monroe Street, Chicago, Ill. 60624. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and construction materials, equipment, supplies and paraphernalia*, from the plant and warehouse sites of the Ceco Corp. at Chicago and Lemont, Ill., to points in Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Indiana, Illinois, Ohio, and Michigan; and (2) *equipment, materials, supplies and paraphernalia*, used in, or incidental to the construction and dismantling of bridges, highways, buildings and other structures, between points in Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Indiana, Illinois, Ohio, and Michigan, restricted to the movements from, to, or between the construction sites of the Ceco Corp.; under contract with the Ceco Corp. in (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66807 (Sub-No. 3), filed March 5, 1970. Applicant: MANUFACTURERS EXPRESS, INC., Post Office Box 270, West Haven, Conn. 06516. Aplicant's representatives: Edward F. Bowes and Arthur L. Max, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between Merrimack, N.H., on the one hand, and, on the other, points in East Lyme, Wallingford, and Norwalk, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Haven, Conn., or New York, N.Y.

No. MC 82841 (Sub-No. 69), filed March 12, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought conduit pipe, wrought conduit pipe fittings, and steel conduit pipe*, welded, not exceeding 4 inches outside dimension, from New Kensington, Pa., and Niles, Ohio, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, restricted to traffic originating at the plantsites of Jones & Laughlin Steel Corp. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is

deemed necessary, applicant requests it be held at Pittsburg, Pa.

No. MC 83835 (Sub-No. 65), filed March 9, 1970. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, between Rosenberg, Tex., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 94265 (Sub-No. 228), filed March 10, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Jacksonville (Morgan County), Ill., to points in Kentucky, Maryland, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 94265 (Sub-No. 229), filed March 11, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washmtgon, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), (a) from the plantsite and cold-storage facilities utilized by Oscar Mayer & Co., at Davenport and Perry, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and (b) from cold-storage facilities utilized by Oscar Mayer & Co., at Des Moines, Iowa, to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Maryland, Pennsylvania, Rhode Island, and the District of Columbia. Restriction: The authority in (a) and (b), supra, is restricted to traffic originating at the above-named plantsites and cold-storage facilities utilized by Oscar Mayer & Co., and destined to the above-named destination points. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Chicago, Ill., or Washington, D.C.

No. MC 94265 (Sub-No. 230), filed March 12, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388 Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at and destined to the points named. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Des Moines, Iowa, or Washington, D.C.

No. MC 94265 (Sub-No. 231), filed March 12, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (1) from the plantsite and/or cold-storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn. to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia, and (2) from the plantsite and/or cold-storage facilities utilized by Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, restricted to the transportation of traffic originating at the above-specified plantsites and/or cold-storage facilities and destined to the above specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 94265 (Sub-No. 232), filed March 13, 1970. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dessert preparations, potato salad, cole slaw, macaroni salad, gelatine desserts*, from Brentwood, Md., to points in Pennsylvania, Illinois, West Virginia, Kentucky, Tennessee, Ohio, Indiana, Michigan, Iowa, Minnesota, Missouri, Wisconsin, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 772) (Correction), filed February 15, 1970, published FEDERAL REGISTER, issue of March 12, 1970, and republished in part, as corrected, this issue. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as above). The purpose of this republication is to show the correct docket number assigned hereto, MC 95540 (Sub-No. 772) in lieu of No. MC 99540 (Sub-No. 772), which was in error.

No. MC 100666 (Sub-No. 163), filed February 20, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger, Post Office Box 7666, Shreveport, La. 71107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, asbestos products, and building materials*, from Westwego, La., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that it could tack with its Sub 48 at Briar, Ark., and transport gypsum products to points in Iowa, Illinois, and Indiana. Applicant could tack with its Sub 109 at Irving, Tex., and transport gypsum products to points in Nebraska and Iowa. However, applicant will not present any evidence to establish need for tacking. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Washington, D.C.

No. MC 100666 (Sub-No. 164), filed March 9, 1970. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. Applicant's representatives: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112, and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material and siding*, from Shreveport, La., to points in Illinois, Indiana, and Kentucky. NOTE: Applicant states that it is not aware of any feasible tacking operations. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 103993 (Sub-No. 508), filed March 9, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani (same address as applicant) and Ralph H. Miller (same address as applicant). Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements in truckaway service, from points in Franklin County, N.C., to points in the United States east of the Mississippi River, and to points in Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 106398 (Sub-No. 457), filed February 18, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant), Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, prefabricated buildings*, complete knocked-down or in sections and *component parts and accessories* thereof, from Newton, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 106398 (Sub-No. 459), filed February 20, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Trailer Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Claiborne Parish, La., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Shreveport or Monroe, La.

No. MC 106398 (Sub-No. 462), filed March 6, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and, *buildings*, in sections, mounted on wheeled undercarriages, from points in Pontotoc County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, or Tulsa, Okla.

No. MC 106398 (Sub-No. 463), filed March 6, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, from points in Warren County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107295 (Sub-No. 314), filed February 25, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, and *component parts, materials, supplies, and fixtures* used in the erection or assembling thereof on shipper's-owned undercarriage trailers, from Waterbury, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Maryland. NOTE: Applicant states tacking may take place at points in New York, New Jersey, Pennsylvania, and Maryland, on traffic originating at Waterbury, Conn., for movement to points in the United States as authorized in MC–107295 and subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 321), filed March 2, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, transported on their own or removable undercarriages, *recreational units, mobile homes, and buildings*, complete, knocked down, or in sections, from Waco, Tex.; Bowling Green, Ohio; Ringtown, Pa.; and Douglas, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the nature of the application does not permit any tacking possibilities at Douglas, Ga., with existing authority. Tacking may take place at Waco, Tex., on traffic originating in Arkansas, Illinois, Indiana, Iowa, Delaware, Wisconsin, Missouri, Kentucky, Tennessee, Ohio, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Virginia, North Carolina, Michigan, and the District of Columbia, for transportation beyond as authorized in MC 107295, Part (A) and Part (B); at Bowling Green, Ohio, on traffic originating in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin, for transportation to Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Virginia, as authorized in MC–107295 Part (B) and on traffic originating in New York, Pennsylvania, New Jersey, and West Virginia, for transportation beyond as authorized in MC 107295, Part (A); and at Ringtown, Pa., on traffic originating in New York, New Jersey, and Maryland for transportation beyond as authorized in MC 107295, Part (A). If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107295 (Sub-No. 323), filed March 6, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper trailers, pickup campers, parts, and materials* used or useful in the manufacture of the above, between Barron County, Wis., and points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 107475 (Sub-No. 64), filed March 9, 1970. Applicant: DANCE FREIGHT LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Ball Corp. near Greeneville, Tenn. (also known as Ball, Tenn.), as an off-route point, restricted to traffic originating at or destined to the named plantsite. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 107496 (Sub-No. 767), filed February 1970. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed supplements, and feed ingredients*, in bulk, (1) from Havana, Ill., Memphis, Tenn., Savage, Minn., and Omaha, Nebr., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Colorado, Mississippi, Wisconsin, Wyoming, Kentucky, Michigan, Alabama, Indiana, Georgia, Ohio, Florida, North Dakota, South Dakota, Illinois, Oklahoma, Montana, Missouri, Nebraska, and Tennessee, (2) from Battle Creek, Mich., to points in Minnesota, South Dakota, Iowa, Wisconsin, Michigan, Indiana, Ohio, Nebraska, New York, Massachusetts, Connecticut, and Vermont, (3) from Denver, Colo., to points in Nebraska, Wyoming, and Kansas, and (4) from Crete, Nebr., to points in Kansas, Missouri, and Iowa.

NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107496 (Sub-No. 772), filed March 2, 1970. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, between points in Illinois, Iowa, and Missouri; (2) *cement*, from St. Louis and Kansas City, Mo., to points in Nebraska; (3) *spent silica gel catalyst*, in bulk, from points in Wyoming to points in Arkansas, California, Illinois, Kansas, Minnesota, Missouri, Montana, New Mexico, North Dakota, Oklahoma, Oregon, Texas, Utah, and Washington; and (4) *distillate*, in bulk, from facilities of Michigan-Wisconsin Pipeline at or near Brownsville and Cottage Grove, Tenn., and Madisonville, Ky., to Zionsville, Ind. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 692), filed February 16, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE. (Post Office Box 308), Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese spreads, cheese foods*, from points in Kansas City, Kans. to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Atlanta, Ga.

No. MC 107544 (Sub-No. 90), filed March 9, 1970. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representatives: Daryl J. Henry (same address as above) and E. Stephen Heisley, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Knoxville, Tenn., and 10 air miles thereof, to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is authorized to operate as a contract carrier under MC 113959, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 108884 (Sub-No. 17), filed March 2, 1970. Applicant: ROGERS TRANSFER, INC., Route 46, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in mechanically refrigerated vehicles, between Wilmington, Del., Philadelphia and Doylestown, Pa., South Hackensack and Newark, N.J., and New York, N.Y., on the one hand, and, on the other, Connecticut, Rhode Island, Massachusetts, New York, New Hampshire, Vermont, and Maine; and (2) *materials and supplies* (except in bulk) from the above-named destination States to the named origin points. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 109236 (Sub-No. 24), filed March 3, 1970. Applicant: G. GRANT SIMS, ELMER L. SIMS AND M. K. SIMS (GEORGE MILTON SIMS, ELMER L. SIMS AND BEVERLY SIMS CANDLAND, executors) a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South 5th West, Salt Lake City, Utah 84101. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, by reason of size or weight require special handling or the use of special equipment and commodities which do not require special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in Utah and Montana, on the one hand, and, on the other, points in Oregon and Washington. NOTE: Applicant states that it would tack the authority sought with its size and weight authority and its 15,000-pound authority at common joinder points in the States of Montana and Utah where "tacking" or "interchange" now takes place under those authorities, to perform a through service to and from points in Idaho, Wyoming, Arizona, Nevada, New Mexico, and part of Colorado. The Colorado service would be performed under applicant's Sub-21. It would tack its pending Sub-15 authority, if granted (size and weight and non-size and weight articles when moving together), at the same points to provide a through service to and from the same States. If a hearing is deemed necessary, applicant request it be held at Salt Lake City, Utah, Portland, Oreg., or Seattle, Wash.

No. MC 109891 (Sub-No. 15), filed February 24, 1970. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty collapsible containers*, moving with, petroleum and petroleum products, in bulk, in tank vehicles, between Charleston, S.C., and points in Alabama, Georgia, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 110988 (Sub-No. 252), filed March 9, 1970. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representatives: David A. Petersen (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glues and adhesive products*, in bulk, in tank or hopper-type vehicles, from Chicago, Ill., to the plantsites of the Kimberly-Clark Corp. at or near Balfour, N.C., Beech Island, S.C., and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 295), filed March 5, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Vic Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from points in Texas on and north of a line 10 miles south of U.S. Highway 60 to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 112266 (Sub-No. 5), filed March 11, 1970. Applicant: CRAYCRAFT TRUCKING, INC., Post Office Box 267, Upper Sandusky, Ohio 43351. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, and steel frames or grates, pipe fittings, reinforcing bars, rods, wire, or mesh*, such as are used in construction or architectural projects,

between Upper Sandusky, Ohio, on the one hand, and, on the other, points in Indiana and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 270), filed March 9, 1970. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representatives: James S. Holloway (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Alabama, Louisiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 112989 (Sub-No. 16), filed March 4, 1970. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, Oreg. 97420. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, 100 Southwest Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction equipment, materials, and supplies; particleboard, chipboard, flakeboard, and pressboard; and commodities*, the transportation of which, by reason of size or weight requires the use of special equipment, and *related parts and supplies* incidental to and moving with such commodities; (1) between points in Coos, Curry, Douglas, Linn, Lane, Benton, Lincoln, Jackson, and Josephine Counties, Oreg.; and (2) between points in Coos, Curry, Douglas, Lane, Lincoln, Jackson, Josephine, Benton, and Linn Counties, Oreg., on the one hand, and, on the other, points in California. NOTE: Applicant states it intends to tack with its presently held authority in MC-112989 (Sub-No. 10) at points in Douglas, Coos, or Curry Counties, Oreg., to provide service between points in California and Washington. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113362 (Sub-No. 178), filed March 9, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood furniture squares, hardwood furniture, hardwood furniture parts, and millwork*, from points in Clearfield and Elk Counties, Pa., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 179), filed March 9, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Hackettstown, N.J., to points in Denver, Colo., Little Rock, Ark., New Orleans, La., and Pittsburgh, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 180), filed March 12, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from the plantsite and facilities used by Seabrook Farms Co., Inc., at or near Seabrook, N.J., to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 376), filed March 14, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and frozen vegetables* when moving with canned vegetables, from Lake Jem, Fla., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 114273 (Sub-No. 63), filed February 17, 1970. Applicant: CEDAR RAPID STEEL TRANSPORTATION, INC., Post Office Box 58, 3930 16th Avenue SW., Cedar Rapids, Iowa. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., 315 Commerce Exchange Building, Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and/or cold-storage facilities utilized by Wilson Sinclair Co., at Albert Lea, Minn., and Cedar Rapids, Iowa, to points in Indiana, Michigan (Lower Peninsula), and Ohio, restricted to the transportation of traffic originating at the above-specified plantsites and/or cold-storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113666 (Sub-No. 40), filed February 27, 1970. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from ports of entry on the United States-Canada international boundary line at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to points in Indiana, Illinois, Michigan, Ohio, Pennsylvania, New York, Maryland, West Virginia, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114969 (Sub-No. 35), filed March 12, 1970. Applicant: PROPANE TRANSPORT, INC., Post Office Box 232, Milford, Ohio. Applicant's representative: Edwin H. Van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Lowell, Mich., to points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Cincinnati, Ohio.

No. MC 114355 (Sub-No. 7), filed March 5, 1970. Applicant: LOUIS HORNSTEIN, 107 Humboldt Street, Brooklyn, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated, from applicant's warehouse in Old Bethpage, N.Y., to points in Nassau, Orange, Putnam, Rockland, Suffolk and Westchester Counties, N.Y.; New York, N.Y.; Bergen, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset and Union Counties, N.J.; and

(2) *returned and exchanged furniture*, uncrated, from the above-described destinations to applicant's warehouse in Old Bethpage, N.Y. NOTE: Applicant states it is now authorized to perform the same service it seeks here, from its present warehouse in Brooklyn, N.Y. Applicant further states its property in Brooklyn, N.Y., is being condemned for use in an urban renewal project and will be required to vacate the warehouse and terminal in Brooklyn, N.Y., on or about August 1970. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115162 (Sub-No. 191), filed February 20, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, pulpboard, and supplies*, between the plantsite of Union Camp Corp. at or near Decatur, Ala., on the one hand, and, on the other, points in Mississippi, Louisiana, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 115162 (Sub-No. 192), filed February 19, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, asbestos products, and building materials*, from Westwego, La., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 115162 (Sub-No. 193), filed March 9, 1970. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, plywood, and particle board*, from Huttig, Ark.; Lillie and Winnfield, La., to points in Wisconsin, Iowa, Missouri, Kentucky, Tennessee, Mississippi, and points in the United States east thereof. Restriction: Restricted to traffic originating at named origin points and destined to above-named destination points. NOTE: Applicant states that the requested authority cannot be tacked with its exising authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No MC 115180 (Sub-No. 53), filed March 9, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Hygrade Food Products Corp. at or near the origins above and destined to the above-named destination points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115840 (Sub-No. 54), filed February 13, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above) also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast, reinforced, and prestressed concrete, and concrete products*, from points in Cobb and Fulton Counties, Ga., to points in Alabama, Arkansas, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 115840 (Sub-No. 55), filed March 4, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, iron and steel; fittings, valves and hydrants, and gaskets; iron and steel articles, and structural and fabricated aluminum and aluminum products*, between points in Alabama, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Maryland, Delaware, Massachusetts, Connecticut, Rhode Island, New Hampshire, Maine, Vermont, Kentucky, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that it intends to tack with its lead certificate and/or Sub 19 to serve points in Mississippi, Arkansas, western Tennessee, and Louisiana east of the Mississippi River. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116254 (Sub-No. 110), filed March 12, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Greenville and Spartanburg Counties, S.C. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 116254 (Sub-No. 111), filed March 12, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, vaults, boxes, materials and supplies* used in the production thereof, between the plantsite of A & M Casket Co. at or near Loretto (Lawrence County), Tenn., and points in the United States (except Alaska and Hawaii). NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116947 (Sub-No. 12), filed February 24, 1970. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, pallets, paper shrouds, chipboard, lacquer in drums, decorated tin plate, in sheets, sheet plastic and bottle caps*, (1) between the plantsite of Crown Cork & Seal Co., Inc., at Atlanta, Ga., and points in Indiana, and (2) between the plantsites of Crown Cork & Seal Co., Inc., at Chicago and Bradley, Ill., and points in Georgia, Kentucky, and Tennessee, under contract with Crown Cork & Seal Co., Inc., in connection with (1) and (2) above. NOTE: Applicant holds common carrier authority under Docket No. MC 117956 Subs-Nos. 2, 3, 4, and 5, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117200 (Sub-No. 15), filed March 2, 1970. Applicant: TISCH & DREWS, INC., 212 Green Bay Avenue, Oconto Falls, Wis. 54154. Applicant's representatives: Allen Tisch (same address as applicant) and Eugene E. Behling, Post Office Box 68, Oconto Falls, Wis. 54154. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: *Ground wood pulp*, from Tomahawk, Wis., to points in Michigan, for and as directed by, and under contract with, Tomahawk Power & Pulp Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Green Bay, Appleton, or Madison, Wis.

No. MC 117765 (Sub-No. 97), filed March 9, 1970. Applicant HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs, preserves, coffee, tea, spices, extracts, coconut, mustard, and syrup*, in containers in straight and mixed shipments, from Muskogee, Okla., to points in Alabama, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118127 (Sub-No 15), filed March 16, 1970. Applicant: HALE DISTRIBUTING COMPANY, INC., 914 South Vail Avenue, Montebello, Calif. 90640. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products and pretzel ovens*, from Hagerstown and Smithsburg, Md., and Ephrata and Marysville, Pa., to points in Arizona, California, Colorado, New Mexico, Oregon, Washington, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118263 (Sub-No. 24) (Amendment), filed February 25, 1970, published in FEDERAL REGISTER issue of March 26, 1970, amended March 13, 1970, and republished, as amended this issue. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and buffing and polishing compounds, washing and cleaning compounds, and cuttlebone*, when moving in mixed loads with foodstuffs (except commodities in bulk), (a) from the plantsite and warehouse facilities of R. T. French Co., at Rochester, N.Y., to points in Illinois, Indiana, Kentucky, and Ohio; and (b) from the plantsite and warehouse facilities of R. T. French Co., at Souderton, Pa., to Chicago, Ill.; Columbus, Ohio, and Indianapolis, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 118282 (Sub-No. 28), filed February 25, 1970. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33011. Applicant's representatives: Guy H. Postell and Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* when moving in the same vehicle with (a) *horticultural supplies*, (b) *nursery supplies and such commodities* as are dealt in by nurseries, or (c) *commodities* otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act; (2) *horticultural supplies or nursery supplies* and such commodities as are dealt in by nurseries, when moving in the same vehicle with: (a) *canned goods*, or (b) *commodities* otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act; between points in Florida on the one hand, and, on the other, points in Alabama (except Birmingham and Montgomery), Connecticut, Delaware, Georgia (except to Albany and the Atlanta commercial zone), Idaho, Maryland, New Jersey, New York (except to Rochester, Syracuse, Utica, and points on and south of New York Highway 7), North Carolina, Oregon, Rhode Island, South Carolina (except Charleston and Greenville), Virginia, Washington, and West Virginia, and the District of Columbia, and from points in Florida to points in Massachusetts; restricted against the transportation of canned fruit and canned fruit products from points in Florida to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, North Carolina, Rhode Island, Virginia (except points on and west of U.S. Highway 81), and West Virginia and the District of Columbia; and from points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Louisiana, Minnesota (except LeSeuer, Cokato, Montgomery, Watertown, Winsted, Winthrop, Blue Earth, and Glencor), Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Utah, and Wyoming to points in Florida. Restriction: Authority herein granted is restricted against the handling of traffic destined to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Wisconsin, and Wyoming, and (3) *horticultural supplies or nursery supplies and such commodities* as are dealt in by nurseries when moving in the same vehicle with commodities otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, between points in the United States (except Alaska and Hawaii, and except from Roseville, Zanesville, Scio and Logan, Ohio, and points within 5 miles of each, and South Rockwood, Mich.). NOTE: Applicant holds authority under MC 125811, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118989 (Sub-No. 38), filed March 2, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, from Sun Prairie, Poynette, Waunakee, Cobb, and Merrill, Wis., to points in Colorado, Kansas, Nebraska, Minnesota, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and Virginia. NOTE: Applicant states that tacking is possible with its Sub-No. 3 between points in Illinois, Wisconsin, Iowa, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 118959 (Sub-No. 82), filed March 9, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, adhesives, battery box compound, resin, and ink, and materials and supplies, used in the manufacture thereof*, (1) between Rockford, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; (2) between Chicago, Ill., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; (3) between St. Louis, Mo., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia; and (4) between Brooklyn, N.Y., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Tennessee,

Texas, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant is also authorized to operate as a contract carrier under MC 125664, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119229 (Sub-No. 3), filed March 11, 1970. Applicant: CHARLES ORLANDO, doing business as ORLANDO TRUCKING, 10 Glory Road, Rural Delivery 3, Lebanon, N.J. 08833. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstered furniture and studio couches*, from Lebanon, N.J., to points in Maine, New Hampshire, New Jersey, and Vermont; and on the return, *materials and supplies* (except in bulk) used in the manufacture and distribution of the aforementioned commodities (except in bulk), and (2) *materials and supplies* (except in bulk) used in the manufacture, sale, and distribution of the aforementioned commodities, from points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, to Lebanon, N.J. Restriction: The proposed service to be performed under contract with Eclipse Sleep Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119302 (Sub-No. 7), filed February 19, 1970. Applicant: MILLER TRANSFER AND RIGGING CO., a corporation, Post Office Box 6077, Akron, Ohio 44312. Applicant's representative: Leonard F. Charla, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hand shovels* in Klimp box containers, and *shovel parts, and Klimp box containers*, setup and/or knocked down, and *returned, rejected and damaged shipments*, between the plantsite of True Temper Corp., at Dunkirk, N.Y., on the one hand, and, on the other, the plantsite of True Temper Corp. at Saybrook, Ohio, operations to be limited to a transportation service to be performed under a continuing contract or contracts with True Temper Corp., Cleveland, Ohio. NOTE: Applicant has common carrier authority under MC 87103 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 119632 (Sub-No. 3), filed March 9, 1970. Applicant: DEWALL TRUCKING SERVICE, INC., 1924 23d Avenue, Rockford, Ill. 61101. Applicant's representative: Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated pulpboard boxes*, knocked down, and *shipping containers*, knocked down, including necessary partitions and separators used therein, from Chicago, Ill., to points in Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, Waukesha, and Wood Counties, Wis., and to Sheboygan, Maintowoc, and Antigo, Wis., Davenport, Cedar Rapids, Waterloo, Newton, and Marshalltown, Iowa, limited to a transportation service to be performed under a continuing contract, or contracts, with Pierce Box & Paper Corp.; (2) *plastic containers*, from Rockford, Ill., to points in Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, Waukesha, and Wood Counties, Wis., and to Sheboygan, Manitowoc, and Antigo, Wis., Davenport, Cedar Rapids, Waterloo, Newton, and Marshalltown, Iowa. NOTE: Applicant states it has filed concurrently a petition for authority to serve three additional shippers, under its lead permit, at Rockford, Ill. If the Commission should deny the petition, then it is requested that this application also include authority to transport, as a contract carrier, over irregular routes: (3) *corrugated pulpboard boxes*, knocked down, and *shipping containers*, knocked down, including necessary partitions and separators used therein, from Rockford, Ill., to points in Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, Waukesha, and Wood Counties, Wis., and to Sheboygan, Manitowoc, and Antigo, Wis., Davenport, Cedar Rapids, Waterloo, Newton, and Marshalltown, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. Items (2) and (3) under contract with J. L. Clark Manufacturing Co., and Downing Box Co.

No. MC 119399 (Sub-No. 23), filed March 2, 1970. Applicant: CONTRACT FREIGHTERS, INC., 3105 East Seventh Street, Joplin, Mo. 64801. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *malt beverages and advertising matter* when moving in the same vehicle with malt beverages, from (a) Fort Worth, Tex., to Ardmore, Bartlesville, Durant, Hugo, Miami, Muskogee, Shawnee, and Tulsa, Okla., and (b) from Belleville, Ill., to points in Arkansas and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or St. Louis, Mo.

No. MC 119531 (Sub-No. 141), filed March 9, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (except glass containers), *packaging materials, pulpboard products, and materials, equipment and supplies* used in the manufacture, sale, and distribution of containers, packaging materials, and pulpboard products, between points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Vermont, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119531 (Sub-No. 142), filed March 16, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Cleveland, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123316 (Sub-No. 2), filed March 6, 1970. Applicant: MILAN TRUCKING CO., INC., 233 South Gladstone Avenue, Columbus, Ind. 47201. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except dairy products as described by the Commission), from Columbus, Ind., to points in Michigan, Ohio, Kentucky, Illinois, Pennsylvania, Tennessee, and Wisconsin; and *empty cartons, materials and supplies* (except liquid commodities, in bulk, in tank vehicles), used in the packinghouse business, from points in the destination States named above to the site and storage facilities of Stadler Co., Inc., at Columbus, Ind. Restriction: The operations authorized herein are limited to the transportation service to be performed under a continuing contract, or contracts, with Stadler Co., Inc., Columbus, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it presently holds under MC 123316, authority to transport the commodities named herein in shipper-owned trailers, from Columbus, Ind., to points in Michigan, Ohio, and that part of Kentucky within the commercial zone of Cincinnati, Ohio. One of the purposes

of this application is to eliminate the words "in shipper-owned trailers"; and, in addition thereto, to add the new states of Illinois, Pennsylvania, Tennessee, and Wisconsin, and the additional points in Kentucky, not contained in the present permit. Applicant further states it will surrender its present permit upon grant of the application at hand as applied for herein. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123544 (Sub-No. 6), filed February 24, 1970. Applicant: BERTSCH TRUCKING, INC., Hillsboro, N. Dak. 58045. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements, and farm machinery and implement parts*, from port of entry on the international boundary line between the United States and Canada at Neche and Pembina, N. Dak., and Noyes, Minn., to points in Arizona, Kentucky, Michigan, Nevada, New Mexico, New York, Pennsylvania, Utah, and Washington, under contract with Versatile Manufacturing, Ltd., Winnipeg, Manitoba, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123993 (Sub-No. 12), filed February 27, 1970. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydous ammonia*, from the plantsite and storage facilities of Monsanto Co., at Luling, La., to points in Mississippi and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 41116 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, or Baton Rouge, La.

No. MC 124071 (Sub-No. 4), filed March 6, 1970. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue S., Post Office Box 944, St. Cloud, Minn. 56301. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, meat products and meat byproducts, and articles* distributed by meat packinghouses as described in section C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from St. Cloud and St. Paul, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia, under a contract or continuing contract with Robel Beef Packers, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124247 (Sub-No. 13), filed March 9, 1970. Applicant: DAN LODESKY TRUCKING, INC., Post Office Box 236, Gurnee, Ill. 60031. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulating materials, cement and asbestos products, conduit and pipe, asbestos cement and supplies* used for the installation thereof (except commodities in bulk), from the plantsites and warehouse facilities of Johns Manville Products Corp., located at Waukegan, Ill., to points in Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, and Waukesha Counties, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124796 (Sub-No. 57), filed February 16, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Buffing, polishing, cleaning, scouring and washing compounds, solvents, starch, bleach, lubricating oil, carbon, gum, and sludge removing compounds, disinfectants, softeners and sizing, janitorial supplies and equipment, and advertising materials and displays* moving therewith, from Greenville and Mauldin, S.C., Jacksonville, Fla., Medina, Ohio, Palestine, Tex., Piscataway, N.J., and Kankakee, Ill., to points in the United States (except Alaska and Hawaii); (b) *returned shipments* from points in the United States (except Alaska and Hawaii) to origin points in (a) above; and (c) *materials, supplies and equipment* utilized in the manufacture, distribution, and sale of the named commodities, from points in the United States (except Alaska and Hawaii), to the origin points in (a) above, restricted against the transportation of commodities in bulk, and restricted to traffic originating or terminating at the plantsites or warehouse facilities utilized by Morton-Norwich Products, Inc., its divisions and affiliates; under contract with Morton-Norwich Products, Inc., its divisions and affiliates. NOTE: Applicant states that it already holds a substantial portion of the authority encompassed by this application and if this authority is granted, applicant will surrender existing permits in MC-124796, Subs 27, 29, 47, and pending Sub 54. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125000 (Sub-No. 4), filed February 24, 1970. Applicant: LEON LEDBETTER, Box 277, Vega, Tex. 79092. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot mix material and sand, gravel, crushed stone, rock, stone, caliche, and dirt*, from points in Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, Tex.; points in Colfax, Curry, De Baca, Guadalupe, Harding, Quay, Roosevelt, San Miguel, and Union Counties, N. Mex.; points in Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Texas, Tillman Washita, Woods, and Woodward Counties, Okla.; points in Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton, and Stevens Counties, Kans.; and points in Baca, Bent, Crowley, Las Animas, Prowers, and Pueblo Counties, Colo. NOTE: Applicant states it will tack north east of Las Animas County to the southeast portion of Pueblo County and the west portion of Crowley Count to Pueblo County. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 126276 (Sub-No. 25), filed March 9, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps and tops* for bottles and jars, from Skyland, N.C., to points in Georgia, South Carolina, Tennessee, Illinois, Alabama, Louisiana Mississippi, Kentucky, Indiana, Ohio, Maryland, and Virginia; under contract with the Ball Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126278 (Sub-No. 2), filed March 12, 1970. Applicant: FRIGID WAY CARTAGE CO., a corporation, 4220 South Kildare Street, Chicago, Ill. 60632. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Chicago, Schaumberg, Elk Grove Village, Deerfield, and Chicago Heights, Ill., to points in Illinois, Indiana, Ohio, Michigan, Missouri, Kentucky, and points in that part of Pennsylvania on and west of U.S. Highway 219. NOTE: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127028 (Sub-No. 4), filed March 5, 1970. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Edward R. Lyons, Jr., 420 Denver Club Building, Denver, Colo.

80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from the plantsites of Allen Canning Co., located at Gentry, Ark., at Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., at Kansas, Okla., and at Proctor, Okla., to points in California, Kansas, Kentucky, Louisiana, Maryland, Ohio, Oregon, Pennsylvania, Texas, Virginia, Washington, and West Virginia, restricted to the transportation of traffic originating at the named plantsites of the Allen Canning Co. and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 127215 (Sub-No. 48), filed February 9, 1970. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. 62881. Applicant's representative: W. C. Kendrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the facilities of Clark Oil & Refining Corp. at or near Hammond, Ind., to retail outlets of Clark Oil & Refining Corp. and/or Owens Oil Co., a division of Clark Oil & Refining Corp. located at those points in Illinois on and north of U.S. Highway 136. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127253 (Sub-No. 47), filed March 9, 1970. Applicant: R. A. CORBETT TRANSPORT, INC., Post Office Box 728, Waskom, Tex. 75692. Applicant's representative: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Caddo Parish, La., to points in Arkansas, Louisiana, Mississippi, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., Dallas, Tex., or Shreveport, La.

No. MC 127361 (Sub-No. 5), filed March 13, 1970. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers and partitions, and paper products*, between Portland, Oreg., on the one hand, and, on the other, Longview, Renton, and Seattle, Wash., under contract with Container Corporation of America. NOTE: Applicant has common carrier authority under MC 33919, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 127787 (Sub-No. 2), filed March 12, 1970. Applicant: ANTHONY PALLOTTA AND FRANK PALLOTTA, doing business as PALLOTTA BROS., a partnership, 285 Hickory Avenue, Bergenfield, N.J. 07621. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), except in bulk, between the plantsite of B. Manischewitz Co., at Jersey City, N.J., and the warehouse of B. Manischewitz Co., at Rutherford, N.J., on the one hand, and, on the other, East Farmingdale, N.J., under contract with B. Manischewitz Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127837 (Sub-No. 1), filed March 9, 1970. Applicant: MODERN TRUCKING CORP., Rural Delivery No. 1, Bethel, Pa. 19507. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tile and metal pipe*, from points in Bethel Township, Berks County, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, and *materials and supplies* used or useful in the production, distribution or installation of plastic tile, metal pipe, and clay tile, between points in Bethel Township, Berks County, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties, N.J.), New York, North Carolina, Ohio (except points in Cuyahoga, Geauga, Lorain, and Portage Counties, Ohio), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; under contract with Modern Concrete Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128570 (Sub-No. 13), filed March 13, 1970. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 1122 Warner Building, E at 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints; complimentary replacement film, incidental dealer handling supplies and advertising literature* moving therewith (except motion picture film used primarily for commercial theater and television exhibition), (a) between Wilmington, Del., on the one hand, and, on the other, points in Delaware, on interstate traffic; and (b) between Philadelphia, Pa., and points in Delaware. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority in MC 115601 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 128685 (Sub-No. 8), filed March 6, 1970. Applicant: DIXON BROS., INC., Post Office Box 636, Newcastle, Wyo. 82701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Hill City, S. Dak., to points in Iowa, Nebraska, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 129307 (Sub-No. 36), filed February 20, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative. Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved, and prepared foods* (except commodities in bulk), in mechanically refrigerated vehicles, from Archbold, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant holds contract carrier authority under Docket No. MC 119394, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133270 (Sub-No. 2), filed March 5, 1970. Applicant: WESTERN MEAT TRANSPORT COMPANY, INC., Route 1, Box 672, Eugene, Oreg. 97402. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, dairy products, and commodities distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs* when transported in mixed shipments with commodities described above, in vehicles equipped with mechanical refrigeration, (a) from Seattle and

Tacoma, Wash., to points in Yamhill, Marion, Polk, Benton, Linn, Lane, Douglas, Josephine, Jackson, Coos, Curry, and Klamath Counties, Oreg.; and (b) from Portland, Oreg., to points in Snohomish, King, Pierce, Thurston, Mason, Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Klickitat, Yakima, Kittitas, Chelan, Benton, Franklin, and Walla Walla Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133362 (Sub-No. 181), filed March 16, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caps, covers, tops, ends, and components, metal or plastic* for cans, bottles, glasses or jars, with or without attachments, from Piscataway, N.J., to points in Arkansas, Kansas, Kentucky, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133453 (Sub-No. 9), filed March 9, 1970. Applicant: TROJAN TRANSPORTATION, INC., 2729 Federal Street, Philadelphia, Pa. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverages*, in containers, between Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, Neptune, and Trenton, N.J., New Castle and Wilmington, Del., Silver Spring, Md., and Maspeth, Long Island, N.Y., (2) *Containers, materials and supplies* used or useful in the manufacture of beverages, from Baltimore, Md., Bridgeton, Carteret, Cliffwood, Freehold, Milville, North Bergen, and Salem, N.J., to Philadelphia, Pa., and (3) *Beverages*, in containers between Pennsauken, N.J., on the one hand, and, on the other, Darby, Pa., and Wilmington, Del., under contract with Canada Dry Delaware Valley Bottling Co., and Pepsi-Cola Bottling Co. of Pennsauken, N.J., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133566 (Sub-No. 2), filed March 9, 1970. Applicant: ROBERT GANGLOFF and ROBERT DOWNHAM, a partnership, doing business as GANGLOFF AND DOWNHAM, Box 676, Logansport, Ind. 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virgina, Kentucky, and the District of Columbia. NOTE: Applicant states that requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133655 (Sub-No. 18), filed February 27, 1970. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures, light bulbs*, and in connection therewith, *equipment, materials, and supplies* used in the manufacture, production, distribution, and sale of such commodities, from points in Rockingham County, N.C., to points in Mississippi, Alabama, Georgia, Florida, Louisiana, Arkansas, California, Nevada, Utah, Arizona, Colorado, Texas, Oklahoma, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 133908 (Sub-No. 1), filed March 9, 1970. Applicant: JERRY RANDALL, doing business as J & R Trucking, Wahpeton, N. Dak. 58075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Wahpeton, N. Dak., to Chicago, Ill., Milwaukee, Wis., Lebanon, N.H., and Galveston, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wahpeton or Fargo, N. Dak.

No. MC 134089 (Sub-No. 2), filed February 27, 1970. Applicant: BEVERAGE TRANSFER, INC., Post Office Box 7372, Tucson, Ariz. 85713. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages* in containers, *advertising material and commodities* moving in connection therewith, from Tucson, Ariz., to points in Imperial, San Diego, Orange, Los Angeles, Riverside, and San Bernardino Counties, Calif., to points in New Mexico, and points in that part of Texas on and west of U.S. Highway 87 from Texline, Tex., to San Angelo, Tex., and on and west of U.S. Highway 277 from San Angelo, Tex., to Del Rio, Tex., and points in Clark County, Nev., under contract with Southwest Canning & Packaging, Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tucson or Phoenix, Ariz.

No. MC 134108 (Sub-No. 2), filed March 9, 1970. Applicant: WILBUR W. WHITE, doing business as STAR TRANSPORT, 12432 Pine, Garden Grove, Calif. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Suite 400, Los Angeles, Calif. 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, trailer coaches, modular housing, and cabanas*, from points in California, on the one hand, and, on the other, points in Nevada, Arizona, and Oregon. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134152 (Sub-No. 1) (Amendment), filed February 11, 1970, published FEDERAL REGISTER, issue of March 12, 1970, and republished as amended this issue. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth S., Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned soft drinks*, from Salt Lake City, Utah, to Grand Junction and Glenwood Springs, Colo., Rock Springs and Cody, Wyo., Boise, Payette, Pocatello, Idaho Falls, and Twin Falls, Idaho, Kalispell, Great Falls, Helena, Miles City, Lewistown, and Missoula, Mont., and Ely, Nev., under contract with canners for Coca-Cola Bottlers, Inc. NOTE: Applicant holds common carrier authority under MC 114818 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to show that service will also be performed to Missoula, Mont. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134247 (Sub-No. 2), filed March 2, 1970. Applicant: CHARLES SEVERANCE, doing business as SEVERANCE TRUCK LINES, Post Office Box 903, State Road No. 100, Lake City, Fla. 32055. Applicant's representative: Alva Duncan, 111 East Madison Street, Lake City, Fla. 32055. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Wood chips*, from points in Columbia County, Fla., to Clyattville, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, or Tallahassee, Fla.

No. MC 134261 (amendment), filed January 5, 1970, published FEDERAL REGISTER, issue of February 5, 1970, and republished as amended this issue. Applicant: JESSE JAMES, doing business as JESSE JAMES WRECKING SERVICE, 242 Lavon Street, Garland, Tex. 75040. Applicant's representative: G. H. Kelsoe, Jr., 620 Mercantile Dallas Building, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Accidentally wrecked, inoperative, or disabled motor vehicles by towing*, with the use of wrecker equipment from points in Arkansas, Oklahoma, Kansas, Louisiana, Mississippi, Tennessee, and New Mexico, to Dallas, Tex. NOTE: The purpose of this republication is to show that application has been amended to seek to operate as a common carrier, rather than a contract carrier. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 134339, filed February 9, 1970. Applicant: DUBREUILVILLE ENTERPRISES LIMITED, Dubreuilville, Province of Ontario, Canada. Applicant's representative: Karl L. Getting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber, plywood, wood chips, chip board, and forest products*, from ports of entry on the international boundary line between the United States and Canada at Sault Ste. Marie, Mich., to points in Michigan, under contract with Dubreuil Brothers Ltd. and Dubreuil Lumber Co. Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sault Ste. Marie or Lansing, Mich.

No. MC 134354, filed February 13, 1970. Applicant: STATESBORO TRUCKING CO., INC., 205 West Main Street, Statesboro, Ga. 30458. Applicant's representative: Robert E. Hicks, 310 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings and foundry supplies*, between the plantsite of Blackstone-Georgia Foundry, Inc., in Bulloch County, Ga., on the one hand, and, on the other, points in Alabama, Connecticut, Illinois, Indiana, Kentucky, Michigan, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; under contract with Blackstone-Georgia Foundry, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 134366 (Sub-No. 1), filed February 25, 1970. Applicant: CAHOON FARMS TRUCKING, INC., Lummisville Road, Wolcott, N.Y. 14590. Applicant's representatives: Norman M. Pinsky and 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: (1) *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, Pa., Morgantown, Pa., York, Pa., Landover, Md., Baltimore, Md., and Portsmouth, Va., *Rejected, returned, and refused* shipments of the same commodities, on return, (2) *pallets and empty containers*, from Pottstown, Pa., and Morgantown, Pa., to Wolcott and North Rose, N.Y., (3) *empty containers and lids*, from Baltimore, Md., to Wolcott and North Rose, N.Y., under continuing contracts with Cahoon Farms, Inc., of Wolcott, N.Y. only, and (4) *frozen foods and bakery products*, from Pottstown, Pa., to points in Allegany, 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., under continuing contracts with Mrs. Smith's Pie Co., of Pottstown, Pa., only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134390, filed February 24, 1970. Applicant: JOHNNIE HARRISON, doing business as HARRISON WRECKER SERVICE, 1405 Southwest 26 Street, Oklahoma City, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and their replacements*, between points in Oklahoma, Arkansas, Texas, Louisiana, Kansas, Colorado, New Mexico, Nebraska, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 134363 (Sub-No. 1), filed February 24, 1970. Applicant: TWIN STATES MOTOR LINES, INC., Post Office Box 141, Lugoff, S.C. 29078. Applicant's representative: Charles H. Sturgeon, 500 South Main Street, Akron, Ohio 44318. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such business (excluding commodities in bulk, in tank vehicles), between the B. F. Goodrich Co. plant at Lumberton, N.C., on the one hand, and, on the other, the B. F. Goodrich Co. plant at Elgin, S.C., under contract with the B. F. Goodrich Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D. C.

No. MC 134391, filed March 4, 1970. Applicant: HERMAN C. HALEY, doing business as HALEY TRANSPORT SERVICE, 1130 Jackson Street, Anderson, S.C. 29621. Applicant's representative: Fox B. Cahaly, 100 South Murray Avenue, Anderson, S.C. 29621. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used vehicles*, between points in South Carolina on the one hand, and, on the other, points in Florida, Georgia, North Carolina, Virginia, Maryland, District of Columbia, Delaware, Pennsylvania, New Jersey, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Anderson, Greenville, Columbia, S.C., or Atlanta, Ga.

No. MC 134394, filed March 4, 1970. Applicant: B. DUANE COBB AND MARILYN COBB, a partnership, doing business as STOWE HORSE TRANSPORTS, Stowe, Vt. 05672. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, to and from points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, or Burlington, Vt.

No. MC 134395, filed March 2, 1970. Applicant: HUNTER TRUCK LINES, INC., Pontchatoula, La. 70454. Applicant's representative: John Schwab, 617 North Boulevard, Post Office Box 3036, Baton Rouge, La. 70821. Authority sought to operate as a *common carries*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, poles, piling, creosoted lumber, poles and creosoted piling*, between points in St. Tammany and Tangipahoa Parishes, La., on the one hand, and, on the other, points in Texas, Arkansas, Mississippi, Alabama, Florida, Georgia, Tennessee, Kentucky, Missouri, Indiana, Illinois, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, or Baton Rouge, La.

No. MC 134397, filed February 27, 1970. Applicant: W. W. HAIR, doing business as JIMMY'S AUTO STORAGE, 603 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, between points in an area in New Mexico and Texas as follows: In Texas on and north of U.S. Highway 80 to the intersection of U.S. Highway 80 and U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 87 and Interstate Highway 66, thence along Interstate Highway 66 to the Texas-New Mexico State line, and those points in New Mexico on and south of Interstate Highway 66, under contarct with Midway Auto Wreckers, Roswell Wrecking Co., Lake Truck Sales, Pendley Auto Parts, Auto Salvage Co., Joy Wrecking Co., City Auto Parts, Means Motor Supply, and Western Wrecking Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., El Paso or Lubbock, Tex.

No. MC 134398, filed February 27, 1970. Applicant: LETELLIER'S EXPRESS, INC., 385 Liberty Street, Springfield, Mass. 01101. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); between points in Berkshire, Hampshire, Franklin, Hampden, and Worcester Counties, Mass., on the one hand, and, on the other, Springfield, Mass., and Hartford, New Haven, and Bridgeport, Conn. Restriction: The above sought authority shall be restricted to the transportation of freight moving under through bills of lading issued by certificated freight forwarders under Part IV of the Interstate Commerce Act. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., or Boston, Mass.

No. MC 134400 (Sub-No. 1), filed February 17, 1970. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 345

South Main Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, roof trim, guttering, and related accessories*, from Dubuque, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, North Dakota, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin; under contract with The Klauer Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Des Moines, Iowa.

No. MC 134401, filed February 18, 1970. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT CO., 141 Bell Street, Milton, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, or fifth wheels), *agricultural implements and machinery attachments for, and equipment designed for use with the foregoing articles* when moving in mixed loads with such articles, between the United States-Canadian border crossings at Port Huron and Detroit, Mich., Alexandria Bay, Buffalo, and Niagara Falls, N.Y., on the one hand, and, on the other, points in the United States (except Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); restricted to traffic originating at or destined to points in the Dominion of Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 134403 (Sub.-No. 1), filed March 6, 1970. Applicant: WALTER ENICK, doing business as GATEWAY TRUCKING, 169 Station Street, Aliquippa, Pa. 16001. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles), between Butler, Pa., on the one hand, and, on the other, points in Allegheny, Beaver, Butler, and Mercer Counties, Pa., restricted to traffic having a prior or subsequent movement by rail in trailer-on-flat-car service. NOTE: Common control may be involved. Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 134404, filed March 9, 1970. Applicant: AMERICAN FREIGHTWAYS, INC., 2013 Rose Lane, Broomall, Pa. 19008. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bathtubs, plastic shower bath stalls, plastic bathroom fixtures and accessories* as used in the construction or installation of the aforementioned commodities, from Piscataway, N.J., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials and supplies* (other than bulk) used in the manufacture, sale, and distribution of the aforementioned commodities on return. Restriction: The contract carrier service proposed is to be performed under contract with American Standard. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134417, filed March 9, 1970. Applicant: EAGLE TRUCKING COMPANY, a corporation, Post Office Box 451, Salem, Ill. 62881. Applicant's representative. Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, gravel, and road aggregates*, in bulk, between points in that part of Illinois on and south of U.S. Highway 136, restricted to the transportation of shipments having a prior movement by rail. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 144) (Amendment), filed October 6, 1969, published FEDERAL REGISTER, issue of October 30, 1969, and republished as amended this issue. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representatives: Linwood C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314, and Barrett Elkins (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Washington, D.C., and Rockville, Md., from Washington, D.C., over U.S. Highway 29, through Silver Spring, Md., to the junction of Maryland Highway 97, thence over Maryland Highway 97 to its junction with Interstate Highway 495, thence over Interstate Highway 495 to its junction with Interstate Highway 70S, thence over Interstate Highway 70S to its junction with Maryland Highway 28 in Rockville, and return over the same route, serving the intermediate point of Silver Spring, Md., subject to the following restriction. Restriction: Use of the above route is restricted against the transportation of passengers, whose entire ride is between Washington, D.C., and Rockville, Md., or between Washington, D.C., and Silver Spring, Md. Service at Rockville, Md., is restricted to joinder only. NOTE: Common control may be involved. The purpose of this republication is to show that the application has been amended to include a specific request to serve the intermediate point of Silver Spring, Md. If a hearing is deemed necessary, applicant requests it be held at Silver Spring, Md., or Washington, D.C.

No. MC 134361, filed February 16, 1970. Applicant: WILDERNESS BOUND LTD., a corporation, 215 Adam Street, Brooklyn, N.Y. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special or charter operations, in motor vehicles, having a seating capacity of not more than 11 passengers, in round trip operations between New York City, and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

### APPLICATION FOR BROKER LICENSE

No. MC 12645 (Sub-No. 4), filed March 2, 1970. Applicant: PARAGON TRAVEL AGENCY, INC., 678 Pleasant Street, New Bedford, Mass. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Worcester and Boston, Mass., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations between points in the United States, including Alaska and Hawaii.

### APPLICATIONS OF WATER CARRIERS

No. W-381 (Sub-No. 14) (FEDERAL BARGE LINES, INC.—Extension—ALABAMA RIVER (Sec. 309(d)), filed March 12, 1970. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, Mo. 63111. Application for certificate covering extension of services made pursuant to the proviso of section 209(d), Part III of the Interstate Commerce Act, by common carriers by water subject to such Act, seeking to operate as a water carrier, transporting: *General commodities*, over both regular and irregular routes, in year around operations, between all ports and points on the Alabama River between Selma, Ala., and the junction of the Tombigbee, Ala., and Mobile Rivers near Calvert, Ala., inclusive.

No. W-1246 (DAVID L. HOGAN COMMON CARRIER APPLICATION), filed March 17, 1970. Applicant: DAVID L. HOGAN, Box 224, Ponca, Nebr. 68770. Authority sought to operate as a *common carrier*, by water carrier, transporting: *Passengers*, over irregular routes, between March and December each year inclusive, between Gavins Point Dam, S. Dak., Yankton, S. Dak., Wynot, and Obert, Nebr., Vermillion, S. Dak., Ponca, Nebr., Jackson, Nebr., South Sioux City, Nebr., Sioux City, Iowa, Dakota City, Nebr., Whiting, Iowa, Decatur, Nebr., and Blair, Nebr.

### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 3018 (Sub-No. 24), filed March 16, 1970. Applicant: McKEOWN TRANSPORTATION COMPANY, a corporation, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas*, in company owned tube trailers,

from East Chicago, Ind., to Tonawanda and East Buffalo, N.Y., and Mifflin, Pa., under contract with Linde Division, Union Carbide Co. Common control may be involved.

No. MC 59856 (Sub-No. 36), filed March 2, 1970. Applicant: SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, Wyo. 82601. Applicant's representative: Pat Culver, Box 1411, Casper, Wyo. 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the commission, commodities in bulk, commodities requiring special equipment and those injurious or contamination to other lading), serving (1) Superior, Wyo., and (2) the Jim Bridger plantsite located approximately 6 miles north of Point of Rocks, Wyo., as off-route points in connection with applicant's presently authorized regular route operations in MC-59856 and subs.

No. MC 124328 (Sub-No. 40), filed March 6, 1970. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: F. D. Partlan (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars or ingots*, from Herculaneum, Mo., to South Amboy, N.J., under contract with St. Joseph Lead Co. NOTE: Common control and dual operations may be involved.

By the Commission.

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

[F.R. Doc. 70-3935; Filed, Apr. 1, 1970; 8:45 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 30, 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. 41928—*Iron or steel pipe and related articles from Napoleon, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-148), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from Napoleon, Ohio, to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 152 to Southwestern Freight Bureau, agent, tariff ICC 4620.

By the Commission.

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

[F.R. Doc. 70-4016; Filed, Apr. 1, 1970; 8:49 a.m.]

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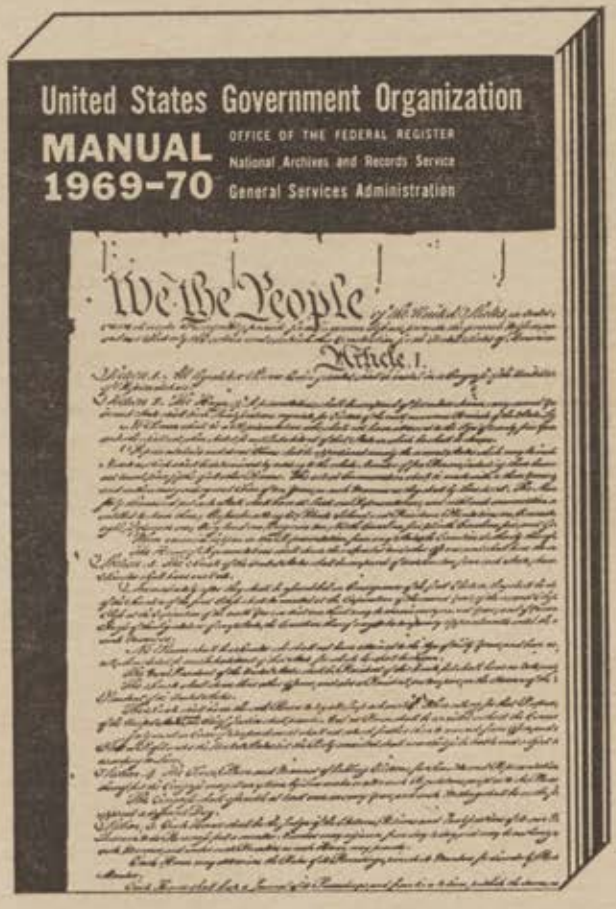


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