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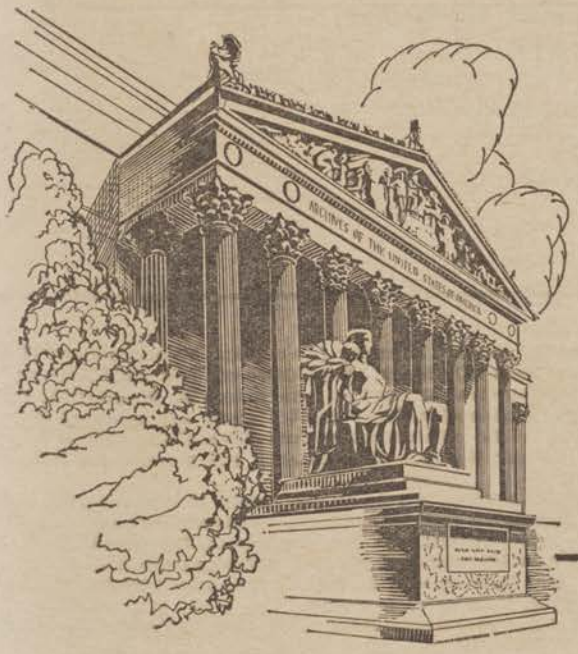

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Executive Order 11544

ESTABLISHING THE VICE PRESIDENTIAL SERVICE CERTIFICATE AND THE VICE PRESIDENTIAL SERVICE BADGE

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Armed Forces of the United States, it is ordered as follows:

1. There is hereby established a Vice Presidential Service Certificate to be awarded in the name of the Vice President of the United States to members of the Army, Navy, Marine Corps, Air Force, and Coast Guard who have been assigned to duty in the Office of the Vice President for a period of at least one year subsequent to January 20, 1969.

2. The Vice Presidential Service Certificate, the design of which accompanies and is hereby made a part of this Order, may be awarded upon recommendation of the Military Assistant to the Vice President by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, to military personnel of their respective services.

3. There is hereby established a Vice Presidential Service Badge, the design of which accompanies and is hereby made a part of this Order. The Vice Presidential Service Badge may be awarded, upon recommendation of the Military Assistant to the Vice President, by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or, when the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation, to military personnel of their respective services who have been assigned to duty in the Office of the Vice President.

4. Upon award of the Vice Presidential Service Certificate, the Vice Presidential Service Badge may be worn as a part of the uniform of an individual both during and after his assignment to duty in the Office of the Vice President.

5. Only one Vice Presidential Service Certificate will be awarded to an individual during an administration. Only one Vice Presidential Service Badge will be awarded to an individual.

6. The Vice Presidential Service Certificate and the Vice Presidential Service Badge established by this Order may be granted posthumously.

Richard Nixon

THE WHITE HOUSE,
July 8, 1970.

The United States of America

To all who shall see these presents, greeting:
This is to certify that the Vice President of the United States of America has awarded

The Vice Presidential Service Certificate

to

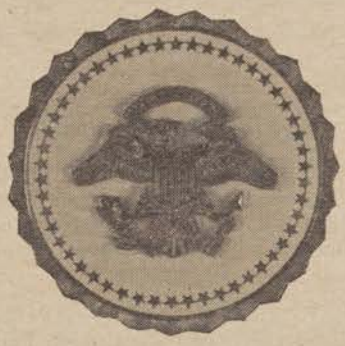
For Honorable Service in the Office of the Vice President

Given under my hand in the city of Washington
by direction of
Vice President Spiro T. Agnew

this *day of* *19*

MILITARY ASSISTANT
TO THE VICE PRESIDENT

Certificate Number _____



VICE PRESIDENTIAL SERVICE BADGE

The badge consists of a white enameled disc surrounded by 27 gold rays radiating from the center, $1\frac{15}{16}$ inches in diameter overall. Superimposed on the white disc is a gold color device taken from the seal of the Vice President of the United States, within 50 gold color encircling stars.

[F.R. Doc. 70-8890; Filed, July 8, 1970; 5:02 p.m.]

Rules and Regulations

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-156]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Gambia

JUNE 22, 1970.

Foreign discriminating duties of tonnage and impost with respect to vessels of and certain imports from The Gambia suspended and discontinued; § 4.22, Customs Regulations, amended.

The Secretary of State advised the Secretary of the Treasury on May 20, 1970, that the Department of State has obtained from the Government of The Gambia satisfactory evidence that since April 22, 1970, no discriminating duties of tonnage or imposts have been imposed or levied in ports of The Gambia upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into The Gambia in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 7, September 4, 1969 (34 F.R. 15846), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects vessels of the Government of The Gambia, and the produce, manufactures, or merchandise imported into the United States in such vessels from The Gambia or from any other foreign country. This suspension and discontinuance shall take effect from April 22, 1970, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

In accordance with this declaration, § 4.22, Customs Regulations, is amended by the insertion of "Gambia, The" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(80 Stat. 379, R.S. 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended; 5 U.S.C. 301, 46 U.S.C. 3, 121, 128, 141)

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

[F.R. Doc. 70-8795; Filed, July 9, 1970; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Plum Reg. 6]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size; Correction

In the FEDERAL REGISTER issue of May 21, 1970, paragraph (c) of Plum Regulation 6 (35 F.R. 7779) contained an error, relating to Late Tragedy variety plums, in Column B of Table I thereof which is hereby corrected to read as follows:

§ 917.420 **Plum Regulation 6.**

* * * * * * *

(c) * * *

TABLE I

Column A variety	*Column B Plums-per-sample*
Late Tragedy	93

* * * * * * *

Dated: July 6, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 70-8815; Filed, July 9, 1970; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 63]

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provision

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area.

It is hereby found and determined that for the months of July and August 1970 the following provision of the order no longer tends to effectuate the declared policy of the Act:

In § 1063.14 the proviso which reads "*Provided*, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that the milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler."

STATEMENT OF CONSIDERATION

This suspension order will revoke for the months of July and August 1970 the provision which limits the amount of diverted milk which qualifies as producer milk to not more than the same number of days' production that was delivered to a pool plant from a producer's farm.

This suspension action is necessary to provide for the efficient handling of reserve milk of the market during July and August 1970. The cooperative association which requested the action claims that unless the suspension action is taken much of the reserve milk supply will be moved from farms to pool plants and then reshipped to manufacturing plants rather than being moved directly from farms to manufacturing plants.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling the market's reserve milk supplies is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling in July and August 1970 while the dairy farmers involved retain producer status.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (35 F.R. 10312). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July and August 1970.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1970.

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

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 6, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-8769; Filed, July 9, 1970; 8:46 a.m.]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 104.1]

PART 1813—PUBLIC INFORMATION, AVAILABILITY OF MATERIALS AND RECORDS

The provisions of Subpart A and Subpart B, Part 1813, Chapter XVIII, Title 7, Code of Federal Regulations (32 F.R. 9614), are revised and incorporated as Part 1813 entitled "Public Information, Availability of Materials and Records." Subparts A and B are hereby vacated. The new Part 1813 reads as follows :

Sec.

AUTHORITY: The provisions of this Part 1813 issued under sec. 552, 81 Stat. 54, 5 U.S.C. 552; sec. 559, 80 Stat. 388, 5 U.S.C. 559.

§ 1813.1 Purpose and scope.

This part implements the "Public Information Act" (5 U.S.C. 552). It prescribes the policies, procedures, and authorizations governing public availability of Farmers Home Administration (FHA) materials and records. It does not supersede any FHA regulations prohibiting the removal of official records from any FHA office.

§ 1813.2 Policy.

It is the policy of the FHA to make its materials and records available to the public to the maximum extent consistent with the national welfare and the rights of individual citizens. This means that, subject to certain exemptions listed in § 1813.5(b), the materials and records of the FHA are freely available for public inspection and copying, and members of the public may obtain copies of such materials or records upon payment of applicable fees.

§ 1813.3 Definitions.

As used in this part:

(a) "Staff manual items" means FHA Instructions, Administration Letters, FHA Bulletins, Procedure Notices, and Forms Manual Inserts.

(b) "Forms" mean blank copies of FHA forms and forms of other agencies utilized by the FHA.

(c) "Descriptive publications" means FHA pamphlets, leaflets, flyers, and press, radio, and TV releases developed primarily for public consumption.

(d) "Indexes" means the FHA Procedure Table of Contents, Forms Reference List, FHA Bulletin Checklist, and available FHA pamphlets.

(e) "Records" means any FHA documents, papers, and other information contained in FHA files other than staff manual items, forms, descriptive publications, and indexes.

§ 1813.4 Availability of staff manual items, forms, and related materials.

(a) *Availability.* The national office, and each state and county office will make available for inspection and copying by any member of the public all staff manual items, forms (blank copies), descriptive publications, and indexes which are maintained in such offices. Requests for inspection and copying of such materials may be made orally or in writing. Copies of such materials also may be obtained by members of the public, in person or by mail, on payment of applicable fees as provided in § 1813.9.

(b) *Facilities and hours for public inspection, copying, and obtaining copies.* (1) Facilities for inspection and copying by the public, and for obtaining copies of materials covered by paragraph (a) of this section will be provided by: The Director, Business Services Division, in the national office; the State director in each State office, and; the county supervisor in each county office. Such facilities will usually consist of a table and chairs in a convenient location in the office for members of the public to inspect and copy such materials, without undue interference with other activities performed by the office.

(2) A person who has requested such materials will be promptly notified that he may inspect and copy such materials, and upon payment of applicable fees, obtain copies thereof, on business days from 9:30 a.m. to 4 p.m. If any of the materials requested are not located at the office to which the request was made, the requester will be informed of the name and address of the FHA county, State, or national office where such materials are available. The requester will be informed further that, if he desires, his request will be forwarded to such other office for handling. The finance office is not a contact office for the purpose of making information available to the public. Therefore, no request will be referred or forwarded to the finance office.

(3) FHA employees will explain, without charge, to members of the public how to use any of the indexes and will render reasonable assistance to them in determining from the index the materials in which they are interested.

§ 1813.5 Availability of identifiable records.

FHA will make available with reasonable promptness any FHA records (for inspection, copying, or obtaining copies (see paragraph (d) of this section)) requested by members of the public, except exempt records covered by paragraph (b) of this section, provided: The request is made in writing, delivered in person or by mail; the request contains a reasonably specific description of the particular record requested, including name(s), date(s), subject matter, and location, if known so as to enable the FHA employee to locate it with reasonable ease; and, payment is made of applicable fees as provided in § 1813.9.

(a) *Delegation of authority.* Subject to the provisions of § 1813.6, the Director, Business Services Division, each State director, and each county supervisor is authorized to act within his respective jurisdiction, on behalf of FHA, on all requests for materials and records covered by this part.

(b) *Exempt records.* (1) Records of the FHA that are not available to the public include matters that are:

(i) Required by Executive order to be kept secret. FHA records in this class are identified by the security classification of "Confidential," "Secret," or "Top Secret."

(ii) Related solely to the internal personnel rules and practices of the FHA. Among FHA records in this class are merit promotion plan files, and plans of work and work assignment files.

(iii) Specifically exempted from disclosure by statute. Examples of FHA records in this category are those containing information concerning FHA borrowers' trade secrets, enterprise processes, operations, and style of work. (Disclosure of such information not otherwise authorized by law could subject a Federal employee to criminal prosecution.)

(iv) Commercial or financial information obtained from any party which is privileged or confidential. Among FHA records in this class are those which consist of or involve information submitted or obtained in connection with an application for a loan or grant from FHA, advances under such a loan or grant, or the fulfillment of obligations under the loan or security instruments or grant agreements relating to such loan or grant. Examples of these FHA records are loan or grant applications, with supporting data, and records that discuss or utilize them; amount of borrower's outstanding FHA indebtedness; records which set forth or relate to specific applicants' or borrowers' operating requirements, such as farm and home plans and proposed operating plans and budgets; borrowers' promissory notes or bonds; borrowers' loan or grant resolutions or agreements; borrowers' bylaws and minutes of meetings; and reports in running records of inspection or investigation of borrowers' operations.

(v) Intra-agency and interagency memorandums or letters which would not be available by law to a private party in litigation with the FHA. Among FHA records in this class are those which consist of intra-agency and interagency memorandums, letters and other material containing opinions, appraisals, estimates, recommendations, or reports of internal deliberations relating to specific loan applications, loans, grants, or borrowers, or to FHA negotiations or contracts with private parties or other agencies. Examples of such records are those involving settlement of debts, progress reports relating to specific borrowers, appraisal reports, and memorandums instructing FHA employees with respect to bidding and contract negotiations, budgetary projections and planning, budget or expenditure estimates, adjustments, and allotment instruments;

internal papers containing information developed for determining agency action to be taken on cases involving complaints and charges by or against FHA employees.

(vi) Personnel and medical files, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Among FHA records in this class are those containing names and addresses of borrowers, recipients of grants, or applicants for financial assistance from the FHA. However, such names and addresses may be made available if they will not be used for solicitation purposes. Requests for such names and addresses will be in writing and contain a statement that they will not be used by the requester or be made available to others for solicitation purposes. (This will not preclude furnishing buyers within a trade area with lists of borrowers whose chattels or crops are subject to FHA liens, as provided in Subpart A of Part 1871 of this chapter.)

(vii) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a private party. Among FHA records in this class are investigation reports and audit reports compiled to determine compliance with contractual obligations, program requirements, and regulations of FHA or other agencies applicable to FHA operations and employees.

(2) Confidential or privileged information in FHA files, except that in investigatory files covered by subparagraph (1)(vii) of this paragraph, concerning borrowers or third parties may be disclosed if the written consent of the affected borrower or third party is furnished to FHA.

(c) *Determination of public availability of records.* (1) Subject to the advance payment of any applicable fees, as prescribed in § 1813.9, the Director, Business Services Division, each State director, and each county supervisor will make available with reasonable promptness, any records requested at his headquarters office in accordance with the first paragraph of this section, unless he determines that it is an exempt record covered by paragraph (b) of this section. The Director, Business Services Division, State director, or county supervisor will give prompt written notice to the requester of any determination denying public availability, together with the reasons for such determination. Such written notice will be cleared with the Office of the General Counsel (OGC) before it is delivered or mailed to the requester. Any person or his counsel who is a party to litigation with the Government and who requests information relating to the litigation must direct his request to either the appropriate OGC or U.S. attorney. Such requested information will in no case be released until clearance is received from the OGC or the U.S. attorney. If the State director or county supervisor receives such a request, he will immediately inform the OGC as to the records or documents requested. The OGC will inform the U.S. attorney of such request.

(2) When the Director, Business Services Division, State director, or county supervisor is uncertain as to whether a record must be made available to the public under the provisions of this part, he will request the advice of the OGC. Such request for advice will be made promptly by memorandum, telegram, or telephone depending upon the degree of urgency of the request.

(3) When making records available to the public, the Director, Business Services Division, State directors, and county supervisors will delete any identifying details which, if made available, would clearly be an unwarranted invasion of personal privacy. When uncertain as to whether a deletion should be made, prompt advice will be sought from the OGC. If deletions are made, the requester to whom the record is made available will be furnished with a statement explaining that the deletion of identifying details was necessary to avoid a clearly unwarranted invasion of personal privacy.

(4) In any case of denial of public availability of FHA records by a State director or county supervisor, a detailed report will be promptly submitted through channels to the national office, Attention: Director, Business Services Division. This report will include the original or photocopy of the written public request and a duplicate copy of the notice of denial from the State director or county supervisor.

(5) When a request is for records located in another FHA office, the original of such request will be forwarded promptly to such other office, if known. If not known, the request will be forwarded promptly to the next higher FHA office (county to State office or State to national office) for handling. In some instances, it will be necessary to reverse this forwarding routine. In either situation the requester will be informed in writing that it is necessary to refer his request to such other FHA office for handling. Requests for records will not be forwarded to the finance office. However, when appropriate, the finance office will furnish materials and information to other FHA offices for their use in filling requests. If the finance office receives a request for records, such request will be forwarded to the national office for handling. The Director, finance office, will advise the requester that his request has been forwarded to the national office. (This does not preclude the Director, finance office, from handling requests such as those from Members of Congress for information, or from borrowers with respect to the status of their accounts, and requests and inquiries regarding the sale and purchase of insured loans.) Requests received in the national office for information that is available in State and/or county offices will be referred to State offices for handling.

(d) *Inspection, copies, and fees*—(1) *Inspection and copies.* A person who has requested available records will be promptly notified that upon payment of applicable search or purchase fees, he may inspect and copy such records (or copies), and obtain copies or extracts thereof, on business days from 9:30 a.m. to 4 p.m. If the records requested are not located at the office to which the request was made, the requester will be informed of the name and address of the FHA county, State, or national office where such records are available. The requester will be informed further that, if he desires, his request will be forwarded to such other office for handling.

(2) *Location and use of office copier machines.* When a reproduction of an available record in the custody of a county office is needed for filling a request, the county office will forward the record to the State office. The State office will promptly reproduce such record and return it to the county office together with the needed reproductions.

(3) *Fees for searches and purchase of copies or extracts and fee exemptions.* Section 1813.9 prescribes the fees to be charged for staff manual items and other materials, and for making searches and furnishing copies of available records or extracts therefrom; also establishes rules governing exemptions from fee payments.

§ 1813.6 Appeals to administrator.

In the event of a denial by the Director, Business Services Division, or by any State director or county supervisor, of a request for any FHA record, the person who made the request will be informed that he may appeal to the Administrator of the Farmers Home Administration, whose address is: South Building, U.S. Department of Agriculture, Washington, D.C. 20250, and that the appeal must be made in writing within 30 days of the date of the notice of denial. The Administrator will notify the requester in writing of FHA's final determination.

§ 1813.7 Compulsory process.

(a) *Referral to administrator.* In any case where it is sought by subpoena, order, or other compulsory process or demand, to require the production or disclosure of any record or material which is exempt from disclosure under § 1813.5 (b), or information related thereto, acquired by an employee of the FHA in the performance of his official duties, or because of his official status, the matter will be referred to the Administrator for determination and further instructions.

(b) *Demand before court or other authority for records or information exempt from disclosure.* Whenever a compulsory process or demand of the type described in paragraph (a) of this section is made upon an FHA employee by a court or other authority, while he is appearing before, or is otherwise in the presence of, the court or other authority, the employee will immediately request the advice of the OGC as to the action to be taken, pursuant to 7 CFR 1.5 (b) and (c) (32 F.R. 9606).

§ 1813.8 Requests for material of other agencies and requests for Government Printing Office (GPO) material.

(a) *Referrals to other agencies.* If any request is made to FHA for materials or records created by or primarily developed

by another agency, the requester will be informed to submit his request to the appropriate agency. Any fee payment included with such request will be returned to the requester.

(b) *Referrals to GPO.* Except in the case of FHA borrowers or applicants, any request for publications sold by the GPO will not be accepted by the FHA. The requester will be advised to submit his request to GPO at the following address: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Any fee payment included with the request to FHA will be returned to the requester. Each publication sold by GPO is self-identifying by the "fine printing" usually appearing on the bottom of either the first or last one or two pages. For example, see the "FHA Record Book" or the "Handbook of Outdoor Recreation Enterprise in Rural America."

§ 1813.9 FHA fees for materials, records and services, and fee exemptions.

This section adopts the Fee Schedule prescribed by the Office of Plant and Operations (32 F.R. 9732) for making searches, certifications, authentications (with Department of Agriculture Seal), and furnishing photocopies (size 8½" x 14" or less), forms, and related material (8½" x 14" or less), and prescribes fees for FHA materials and records or extracts therefrom not covered by the Department's general Fee Schedule.

(a) *Payment of fees.* (1) Fees will be collected to the fullest extent possible in advance or at the time of the transaction. This means that when the material or record is furnished to the requester in person during his visit to the FHA office, the fee will always be collected before or at the time the material or record is furnished. When the request is by mail the fee will be collected before the material or record is forwarded to the requester.

(2) Fee payments remitted to the FHA by requesters will be in the form of a check, draft, or money order payable to the Farmers Home Administration. The acceptance of cash in small amounts ($5 or less) is permissible when the material or record is furnished to the requester in person at the FHA office.

(3) When the fee is collected, a receipt will be issued to the payer on Form FHA 104–1, "Public Information Receipt."

(b) *Fee Schedule*—(1) *Searches (locating, selecting, extracting, compiling).* The following charges apply regardless of whether the record is found:

(i) Fifteen minutes or less—none.

(ii) Sixteen to 60 minutes—$4.

(iii) More than 60 minutes—$4 plus $1 for each additional 15 minutes or fraction thereof.

(2) *Authentications (with USDA seal affixed).* $2 each document copy authenticated (additional to any other charge).

(3) *Certifications.* $1 each document copy (additional to any other charge). The certification should read: "I certify this is a true copy of the original" (with signature and title affixed). The officials authorized to make this certification are indicated in § 1813.5(a).

(4) *Mail handling.* $0.50 each request. This charge will be imposed as an additional charge when the request is handled by mail.

(5) *Staff manual items.* $0.05 each sheet.

(6) *Forms (blank copies).* $0.05 each copy. Accountability Form items (such as, identification cards, transportation requests, and so forth) will not be made available. Public requests for copies of the "FHA Record Book" will be handled in accordance with § 1813.8(b).

(7) *Photocopies (8½" x 14" or less).* $0.25 each copier machine sheet.

(8) *Guide for construction of farm buildings.* $1 each copy.

(9) *Construction detail (CD) sheets.* $0.20 each sheet.

(10) *FHA house plans "H-series" (working drawings).*—Fees for "H-series" plans are available at any FHA office.

(11) *FHA barn plans "B-series" (working drawings):*

(i) Storage shed pole type. $5 first set. $1 each additional set.

(ii) General purpose type (equipment, livestock, forage).

(*a*) Without loft—$10 first set; $2 each additional set.

(*b*) With loft—$15 first set; $3 each additional set.

(12) *Recordation data and face amount secured by mortgage or other documents recorded in the public records by FHA:* $1 minimum. $0.50 each document. Name and last known address of borrower, type of instrument, and approximate date of execution should be supplied by the requester.

(13) *FHA office addresses.* $0.20 each address.

(14) *Names and Duty Stations of FHA employees.* $0.20 each name and duty station.

(15) *Names and addresses of FHA borrowers.* $0.20 each name and address. (See § 1813.5(b)(6).)

(c) *Fees on a negotiated basis.* All requests which involve the retrieval of data and information stored in electric machine tab cards (punch cards) or computer-stored systems will be referred to the national office for handling on a negotiated basis. Charges will be based on machine, computer, personnel, and materials cost. Negotiated fee agreements will not be pursued without first establishing the fact that the stored data and information can be produced through a currently programmed method.

(d) *Advance payments on an estimated cost basis.* (1) In any instance where the county, State, or national office cannot, at the time of the public request, accurately determine the fee for furnishing the material or information requested, an estimate will be supplied without cost. At the time of furnishing the estimate, the requester will be informed that payment of the amount of such estimated fee will be required in advance before any efforts are undertaken to fill the request. Except as provided in paragraph (e) of this section, refunds of advance payments will not be made by the FHA at any time after work has been commenced to fill the request.

(e) *Deficiencies and refunds.* (1) When the amount covered by an advance payment is less than the final total cost of filling a request, the amount of the deficiency, if $1 or more, will be collected not later than at the time the request is filled. Overpayments of $1 or more will be refunded, but refunds of amounts less than $1 will not be made unless specifically requested in writing by the requester.

(2) All refunds will be processed through the finance office.

(f) *Fee exemptions.* (1) Fees will not be charged when the total cost of filling the request is less than $1. However, payment cannot be avoided by the making of several separate requests.

(2) Fees will not be charged when the requester is any one of the following:

(i) Foreign nationals and governments in connection with carrying out foreign policy and Agency for International Development (AID) programs.

(ii) Applicants and potential applicants seeking FHA program assistance, or any party on behalf of such applicants and potential applicants to the full extent provided in FHA national regulations and regulations issued by the State office.

(iii) Borrowers and other program participants, or former borrowers, to the full extent provided in FHA national regulation and regulations issued by the State office.

(iv) Members of the Congress.

(v) Other Federal agencies.

(vi) Any FHA employee or former employee and members of the immediate family who request information directly pertaining only to that employee personally and not acquired in confidence from any other person.

(vii) A requester in any case where the Director, Business Services Division, determines the requested information will primarily benefit the public generally.

(3) Fees will not be charged when the requester is one of the following, provided the total fees for the items requested based on the Fee Schedule shown in paragraph (b) of this section would cost $10 or less:

(i) Any State or local government agency, commission, or board.

(ii) Requesters engaged in a nonprofit activity designed for public safety, health, or welfare.

(4) Any request for any individual FHA "descriptive publication," as described in § 1813.3(c) in excess of 10 copies will be referred to the national office for handling on a negotiated basis.

Dated: July 2, 1970.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[F.R. Doc. 70–8770; Filed, July 9, 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:

In § 76.2, in subparagraph (e) (7) relating to the State of Missouri, subdivision (i) relating to Chariton County is deleted, and a new subdivision (iii) relating to Chariton County is added to read:

(7) *Missouri.* * * *

(iii) That portion of Chariton County bounded by a line beginning at the junction of the boundary line between T. 54 N. and T. 55 N. with the boundary line between R. 17 W. and R. 18 W.; thence, following the boundary line between R. 17 W. and R. 18 W. in a northerly direction to the north boundary of sec. 24 in T. 56 N. and R. 18 W.; thence, following the north boundary of secs. 24, 23, 22, 21, 20, and 19 in T. 56 N. and R. 18 W. in a westerly direction to the boundary line between R. 18 W. and R. 19 W.; thence, following the boundary line between R. 18 W. and R. 19 W. in a southerly direction to State Highway E; thence, following State Highway E in a westerly direction to State Highway F; thence, following State Highway F in a generally southerly direction to the boundary line between T. 54 N. and T. 55 N.; thence, following the boundary line between T. 54 N. and T. 55 N. in an easterly direction to its junction with the boundary line between R. 17 W. and R. 18 W.

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

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

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

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

Insofar as the amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, it must be made effective immediately to accomplish its purpose in the public interest. Insofar as it relieves restrictions, it should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment is impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of July 1970.

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

[F.R. Doc. 70-8806; Filed, July 9, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10407; Amdt. No. 711]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAPs, effective August 6, 1970.

Minneapolis, Minn.—Minneapolis-St. Paul International Airport; LOC (BC) Runway 11R, Amdt. 14; Revised.
Washington, D.C.—Dulles International Airport; ILS Runway 19R, Amdt. 9; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective August 6, 1970.

Dallas, Tex.—Dallas Love Field; VOR Runway 18, Amdt. 13; Revised.
Dallas, Tex.—Dallas Love Field; VOR Runway 36, Amdt. 5; Revised.
Dublin, Va.—New River Valley Airport; VOR Runway 5, Amdt. 3; Revised.
Fayetteville, Ark.—Drake Field; VOR–1, Amdt. 8; Revised.
Wildwood, N.J.—Cape May County Airport; VOR Runway 23, Amdt. 5; Revised.
Dublin, Va.—New River Valley Airport; VOR/DME Runway 5, Amdt. 1; Revised.

Section 97.25 is amended by establishing, revising or canceling the following LOC–LDA SIAPs, effective August 6, 1970.

Dallas, Tex.—Dallas Love Field; LOC (BC) Runway 13R, Amdt. 4; Revised.
Dallas, Tex.—Dallas Love Field; LOC (BC) Runway 31R, Amdt. 17; Revised.
Fort Worth, Tex.—Meacham Field; LOC (BC) Runway 35, Amdt. 13; Revised.

Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective August 6, 1970.

Dallas, Tex.—Dallas Love Field; NDB (ADF) Runway 13L/13R, Amdt. 4; Revised.
Dallas, Tex.—Dallas Love Field; NDB (ADF) Runway 31L, Amdt. 3; Revised.
Dallas, Tex.—Dallas Love Field; NDB (ADF) Runway 31R, Amdt. 7; Revised.
Forth Worth, Tex.—Meacham Field; NDB (ADF) Runway 35, Amdt. 3; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective August 6, 1970.

Dallas, Tex.—Dallas Love Field; ILS Runway 13L, Amdt. 16; Revised.
Dallas, Tex.—Dallas Love Field; ILS Runway 31L, Amdt. 5; Revised.

Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective August 6, 1970.

Dallas, Tex.—Dallas Love Field; Radar-1, Amdt. 17; Revised.
Dallas, Tex.—Dallas Love Field; ASR-2, Amdt. 4; Canceled.
Lawton, Okla.—Lawton Municipal Airport; Radar-1, Orig.; Established.

Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective August 6, 1970.

Fullerton, Calif.—Fullerton Municipal Airport; RNAV Runway 24, Amdt. 1; Revised.
Lancaster, Calif.—General William J. Fox Airfields; RNAV Runway 24, Amdt. 1; Revised.
Palm Springs, Calif.—Palm Springs Municipal Airport; RNAV A, Amdt. 1; Revised.
Torrance, Calif.—Torrance Municipal Airport; RNAV Runway 29R, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

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

WILLIAM G. SHREVE, Jr.,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 F.R. 5610).

[F.R. Doc. 70-8742; Filed, July 9, 1970; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Reg. (Amdt. 4)]

PART 373—SPECIAL LICENSING PROCEDURES

PART 386—EXPORT CLEARANCE

Miscellaneous Amendments

Parts 373 and 386 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: July 23, 1970.

RAUER H. MEYER,
Director, Office of Export Control.

Section 373.4(b) is amended by adding the following commodities:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(b) * * *

8646(1)	High speed photographic film (a) having an intensity dynamic range of 1,000,000 : 1 or greater, or (b) having a speed of ASA 10,000 (or equivalent) or more; and
86246(1a)	High speed plates, sensitized, unexposed, as follows: (a) Having an intensity dynamic range of 1,000,000 : 1 or greater, or (b) having a speed of ASA 10,000 (or equivalent) or more.

* * * * *

Section 386.6(a) is amended to read as follows and paragraph (b) is deleted:

§ 386.6 Destination control statements.

(a) An appropriate destination control statement shall be entered on the bill of lading, the commercial invoice, and the Shippers Export Declaration[1] for any export under:

(1) A validated license;

(2) General License GLV, GMS, GTF-US, GTF-F, or GLR; or

(3) General License G-DEST if:

(i) The value of the shipment exceeds $250; and

(ii) The commodity exported is identified by the symbol "Y" in the "Validated License required" column of the Commodity Control List.

A destination control statement is mandatory for the exports described above. At the discretion of the exporter or his agent a destination control statement may also be entered on the shipping documents covering any other exports.

(b) [Deleted]

* * * * *

[F.R. Doc. 70-8766; Filed, July 9, 1970; 8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

SUBCHAPTER B—FEDERAL EMPLOYEES' COMPENSATION ACT

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NONCITIZENS OUTSIDE THE UNITED STATES

Miscellaneous Amendments

Part 25 of Title 20 of the Code of Federal Regulations is hereby amended in the manner indicated below.

The previsions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in the effective date are not applicable because these rules relate to agency personnel matters. Further, I do not believe such procedures would serve a useful purpose here. Accordingly, the amendments shall become effective immediately.

Title 20, Code of Federal Regulations, is amended as follows:

1. Section 25.21, of Title 20 is revised as follows:

§ 25.21 Republic of the Philippines.

(a) *Modified special schedule of compensation.* The special schedule of compensation established in Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section, in the Republic of the Philippines, to injury or death occurring on or after July 1, 1968, with the following limitations:

(1) *Temporary disability.* Benefits for payments accruing on and after July 1, 1969, for injuries causing temporary disability and which occurred on and after July 1, 1968, shall be payable at the rates in the special schedule as modified in this section.

(2) *Permanent disability and death.* Benefits for injuries occurring on and after July 1, 1968, which cause permanent disability or death shall be payable at the rates specified in the special schedule as modified in this section for (i) all awards not paid in full before July 1, 1969, and (ii) any award paid in full prior to July 1, 1969: *Provided,* That application for adjustment is made, and the adjustment will result in additional benefits of at least $10. (In the case of injuries or death occurring on or after Dec. 8, 1941, and prior to July 1, 1968, the special schedule as modified in this section may be applied to prospective awards for permanent disability or death, provided that the monthly and aggregate maximum provisions in effect at the time of injury or death shall prevail. These maxima are $50 and $4,000, respectively.)

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Benefits are payable to the survivors in the following order of priority (all beneficiaries in the highest applicable class are entitled to share equally):

(1) Widow, dependent widower, and unmarried children under 18, or over 18 and totally incapable of self-support.

(2) Dependent parents.

(3) Dependent grandparents.

(4) Dependent grandchildren, brothers and sisters who are unmarried and under 18, or over 18 and totally incapable of self-support.

(d) *Burial allowance.* Fourteen weeks, wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

[1] Although the Bureau of the Census requires Declarations for shipments to Puerto Rico, U.S. Virgin Islands, and American Samoa, such shipments are not exports controlled by the Office of Export Control. Therefore, the destination control statement requirements do not apply to these shipments. Moreover, a destination control statement is not required on such shipping documents as consular invoices, inland bills of lading covering movement to port only, letters of credit, ship's manifests, packing lists, dock receipts, and warehouse receipts.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of the special schedule, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period for temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $8,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed $35.

(j) *Method of payment.* Only compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Bureau may in its discretion make exception to these regulations by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential death beneficiaries who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the beneficiary.

2. Section 25.25 of Title 20 is revised as follows:

§ 25.25 Republic of Korea.

(a) *Modified special schedule of compensation.* The special schedule of compensation established in Subpart B of this part shall apply, with the modifications or additions specified in paragraphs (b) through (k) of this section in the Republic of Korea, to injury or death occurring on or after July 1, 1968, with the following limitations:

(1) *Temporary disability.* Benefits for payments accruing on and after July 1, 1969, for injuries causing temporary disability and which occurred on and after July 1, 1968, shall be payable at the rates specified in the special schedule as modified in this section.

(2) *Permanent disability and death.* Benefits for injuries occurring on and after July 1, 1968, which cause permanent disability or death shall be payable at rates specified in the special schedule as modified in this section for (i) all awards not paid in full before July 1, 1969, and (ii) any award paid in full prior to July 1, 1969: *Provided,* That application for adjustment is made, and the adjustment will result in additional benefits of at least $10. (In the case of injury or death occurring on or after Dec. 1, 1954, and prior to July 1, 1968, the special schedule as modified in this section may be applied to prospective awards for permanent disability or death: *Provided,* That the monthly and aggregate maximum provisions in effect at the time of injury or death shall prevail. These maxima are $50 and $4,000, respectively.)

(b) *Death benefits.* 400 weeks' compensation at two-thirds of the weekly wage rate, shared equally by the eligible survivors in the same class.

(c) *Death beneficiaries.* Benefits are payable to the survivor or survivors in the following order of priority:

(1) Spouse.

(2) Unmarried children who were supported by or lived with the deceased employee at the time of death.

(3) Parents who were supported by or lived with the deceased employee at the time of death.

(4) Unmarried grandchildren who were supported by or lived with the deceased employee at the time of death.

(5) Grandparents who were supported by or lived with the deceased employee at the time of death.

(6) Unmarried brothers and sisters who were supported by or lived with the deceased employee at the time of death.

(d) *Burial allowance.* Fourteen weeks' wages or $400, whichever is less, payable to the eligible survivor(s), regardless of the actual expense. If there is no eligible survivor, actual burial expenses may be paid or reimbursed, in an amount not to exceed what would be paid to an eligible survivor.

(e) *Permanent total disability.* 400 weeks' compensation at two-thirds of the weekly wage rate.

(f) *Permanent partial disability.* Where applicable, the compensation provided in subparagraphs (1) through (19) of paragraph (c) of the special schedule, subject to an aggregate limitation of 400 weeks' compensation. In all other cases, that proportion of the compensation provided for permanent total disability (paragraph (e) of this section) which is equivalent to the degree or percentage of physical impairment caused by the disability.

(g) *Temporary partial disability.* Two-thirds of the weekly loss of wage-earning capacity.

(h) *Compensation period of temporary disability.* Compensation for temporary disability is payable for a maximum period of 80 weeks.

(i) *Maximum compensation.* The total aggregate compensation payable in any case, for injury or death or both, shall not exceed $8,000, exclusive of medical costs and burial allowance. The weekly rate of compensation for disability or death shall not exceed $35.

(j) *Method of payment.* Only compensation for temporary disability shall be payable periodically. Compensation for permanent disability and death shall be payable in full at the time extent of entitlement is established.

(k) *Exceptions.* The Bureau may in its discretion make exception to these regulations by:

(1) Reapportioning death benefits, for the sake of equity.

(2) Excluding from consideration potential death beneficiaries who are not available to receive payment.

(3) Paying compensation for permanent disability or death on a periodic basis, where this method of payment is considered to be in the best interest of the beneficiary.

(5 U.S.C. 8136, 8137, 8138, 8145, 8149, 1946 Reorganization Plan No. 2 section 3, 3 CFR, 1943–48 Comp., p. 1064; 60 Stat. 1064, 1950 Reorganization Plan No. 19, section 1, 3 CFR, 1949–53 Comp., p. 1010; 64 Stat. 1271, Secretary's Order No. 18–67, 32 F.R. 12971)

Signed at Washington, D.C., this 30th day of June 1970.

JOHN M. EKEBERG,
Director,
Bureau of Employees Compensation.

[F.R. Doc. 70–8765; Filed, July 9, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 320—DEPRESSANT AND STIMULANT DRUGS; DEFINITIONS, PROCEDURAL AND INTERPRETATIVE REGULATIONS

Meprobamate; Exemption of Certain Combination Drugs

Correction

In F.R. Doc. 70–8509 appearing on page 10857 in the issue for Friday, July 3, 1970, in the second paragraph, line 6, the reference to "section 511 (c) (a) and (e)" should read "section 511 (c) and (e)".

Title 32—NATIONAL DEFENSE

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1811—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE OFFICE OF CIVIL DEFENSE

Appendix A

Appendix A of Part 1811 of this Chapter is revised to read as follows:

APPENDIX A

FEDERAL FINANCIAL ASSISTANCE TO CIVIL DEFENSE PROGRAMS TO WHICH THIS REGULATION APPLIES

(a) That for donation of surplus or loan of excess personal property usable and necessary for civil defense purposes (40 U.S.C. 484);

(b) That for the loan or grant of radiological instruments, including maintenance thereof (50 U.S.C. App. 2281);

(c) That for survival supplies, equipment, training, emergency operating center construction, and personnel and administrative expenses (50 U.S.C. App. 2281, 2286);

(d) That for assistance in training of students attending OCD schools (50 U.S.C. App. 2281);

(e) That for loans of equipment or materials from OCD stockpiles for civil defense, including local disaster purposes (50 U.S.C. App. 2281);

(f) That for community shelter planning (50 U.S.C. App. 2281);

(g) That for shelter survey, marking, and provisioning (50 U.S.C. App. 2281);

(h) That for Civil Defense instructor training through university extension courses (50 U.S.C. App. 2281);

(i) That for Civil Defense information programs, including community action, community organization, community involvement programs, industrial participation and loan of exhibits (50 U.S.C. App. 2281);

(j) Civil Defense financial assistance afforded through the services of other Federal agencies (50 U.S.C. App. 2281). This group includes:

(1) That for adult education in civil defense subjects;

(2) That for medical self-help;

(3) That for rural civil defense.

Dated: June 24, 1970.

JOHN E. DAVIS,
Director of Civil Defense.

[F.R. Doc. 70-8783; Filed, July 9, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18244]

PART 1—PRACTICE AND PROCEDURE

Nondiscrimination in Employment Practices of Broadcast Licensees; Correction

In the matter of petition for rule making to require broadcast licensees to show nondiscrimination in their employment practices, RM-1144.

1. On June 3, 1970, the Commission released a Report and Order in the above-captioned matter (35 F.R. 8825). Appendix B of that document contained instructions for filing an annual employment report and an equal employment opportunity program and report.[1] These Errata are being issued to make the following matters clear.

(1) The equal employment opportunity program is to be filed under B, I, of Appendix B, only as part of an application for a construction permit for a new facility, an application for transfer of control or assignment of license, and an application for renewal of license where such program was not previously submitted. (Under B, II of Appendix B, equal employment opportunity reports are filed at renewal time where programs were previously submitted.) This second clarifying change is being made because several persons have inquired whether existing licensees and permittees not yet applying for renewal are required to file equal employment opportunity programs, and we wish to make clear that they need not.

(2) The appropriate equal employment opportunity program or report need not be filed when a transfer of control or assignment is pro forma or involuntary

(3) The notice to be placed in application forms is modified to include sex.

2. The following changes are therefore made in Appendix B:

(1) the instruction in Part B for new section VI in forms 301, 303, 309, 311, 314, 315, 340, and 342 is amended to read as follows:

(Applicants for construction permit for a new facility, for assignment of license or construction permit or for transfer of control [other than pro forma or involuntary assignments and transfers], and applicants for renewal of license who have not previously done so, file equal employment opportunity programs or amendments to those programs in the following exhibit. Existing licensees and permittees at the time of the effective date of this form are not required to file an equal employment opportunity program until filing for renewal of license.)

(2) The instruction in Part B, II is amended to read as follows:

(Assignors and transferors other than in the case of pro forma or involuntary assignments and transfers, and renewal applicants file the following exhibit.)

(3) Part B, I, 1, b is amended to read as follows:

Placing a notice in bold type on the employment application informing prospective employees that discrimination because of race, color, religion, national origin, or sex is prohibited and that they may notify the Federal Communications Commission or other appropriate agency if they believe they have been discriminated against.

Released: July 6, 1970.

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

[F.R. Doc. 70-8777; Filed, July 9, 1970; 8:46 a.m.]

[1] The forms are tentative pending Bureau of the Budget approval.

Title 49—TRANSPORTATION

Chapter V—National Highway Safety Bureau, Department of Transportation

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

The purpose of this amendment is to provide a statement of the basic organization of the National Highway Safety Bureau and a consolidated listing of all delegations from the Director to other officials of the Bureau.

Since this amendment relates only to the internal management of the Bureau, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective July 10, 1970, Chapter V of Title 49, Code of Federal Regulations, is amended by adding the following new Part 501, as set forth below.

Issued in Washington, D.C., on July 7, 1970.

DOUGLAS W. TOMS,
Director,
National Highway Safety Bureau.

Sec.
501.1 Purpose.
501.2 General.
501.3 Organization and general responsibilities.
501.4 Directorial succession.
501.5 Exercise of authority.
501.6 Secretarial reservations of authority.
501.7 Directorial reservations of authority.
501.8 Delegations.
501.9 Redelegations.

AUTHORITY: The provisions of this Part 501 issued under sec. 9, Department of Transportation Act; 49 U.S.C. 1659.

§ 501.1 Purpose.

This Part describes the organization of the National Highway Safety Bureau ("NHSB") through Associate and Staff Office Director levels in NHSB and provides for the performance of duties imposed, and the exercise of powers vested, in the Director of the NHSB (hereafter referred to as the "Director").

§ 501.2 General.

The National Highway Safety Bureau, pursuant to delegation by the Secretary of Transportation to the Director (49 CFR 1.51) administers the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563) and the Highway Safety Act of 1966 (Public Law 89-564), subject to the requirement that the authority to develop and administer standards relating to the following be redelegated (35 F.R. 5132) to the Federal Highway Administrator:

(a) Identification and surveillance of accident locations.

(b) Highway design, construction, and maintenance, including highway related aspects of pedestrian safety.

(c) Traffic control devices.

§ 501.3 Organization and general responsibilities.

The organization of, and general spheres of responsibility within, the NHSB, through the level of the Immediate Office of the Director (which includes the Deputy Directors, Director of Civil Rights, Director of Public Information, and the Executive Secretariat), the offices of Associate Directors, and the Chief Counsel (Assistant General Counsel for NHSB), are as follows:

(a) *Office of the Director.* (1) Director—provides for—

(i) Representation of the Department and advice to the Secretary in all matters relating to functions under the National Traffic and Motor Vehicle Safety Act of 1966 and to the driver and motor vehicle functions under the Highway Safety Act of 1966;

(ii) Establishing NHSB program policies, objectives, and priorities, and directing development of action plans to accomplish the NHSB missions;

(iii) Directing, controlling, and evaluating the organization, program activities, and performance of NHSB staff, program, and field offices;

(iv) Approving broad legislative, budgetary, fiscal, and program proposals and plans; and

(v) Taking management actions of major significance, such as those relating to changes in basic organization pattern, appointment of key personnel, allocation of resources, and matters of special political or public interest or sensitivity.

(2) Deputy Director for Programs—acts as principal assistant to the Director in directing and coordinating the Bureau's management and operational programs as well as the related policies and procedures at headquarters and in the field, including the supervision of the NHSB Regional Directors.

(3) Deputy Director for Technology—acts as principal assistant to the Director in directing and coordinating the application of technology to the NHSB's programs as they relate to standards development, implementation, evaluation, and the overall advancement of the state of the art.

(4) Director of Public Information—provides comprehensive programs for public information covering all NHSB activities.

(5) Director of Civil Rights—acts as Director of Equal Employment Opportunity; Contracts Compliance Officer; title VI (Civil Rights Act of 1964) Coordinator; assures Bureauwide compliance with related laws, Executive orders, regulations, and policies; and provides assistance to the Office of the Secretary in investigating and adjudicating formal complaints of discrimination.

(6) Executive Secretariat—provides a central facilitative staff for the Director, the Deputy Director for Programs, and the Deputy Director for Technology, and services and support to the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council.

(b) *Associate Directors.* (1) Associate Director for Motor Vehicle Programs—directs programs relating to: Safety performance standards and other regulations for new and used motor vehicles and equipment including tires; investigation and notification or disclosure of safety related motor vehicle defects; tests, inspections, and investigations to assist enforcement of prescribed motor vehicle safety performance standards.

(2) Associate Director for Traffic Safety Programs—directs programs relating to: State and community uniform traffic safety performance standards; financial and technical assistance to States and communities to achieve comprehensive traffic safety programs; and promotion of national programs, including alcohol and drug usage by drivers, on traffic safety.

(3) Associate Director for Research and Development—directs programs relating to research; development; demonstrations; manpower development; accident investigation and information collection, analysis and dissemination; and facilities programs of the NHSB.

(4) Associate Director for Planning and Programing—acts as advisor to the Director and Deputy Directors on all matters involving NHSB policies, objectives, long-range programs and plans, and their relationship to those of the Office of the Secretary.

(5) Associate Director for Administration—acts as advisor to the Director and Deputy Directors on all administrative and managerial matters as they relate to NHSB missions, programs, and objectives; organization and delegations of authority; managament studies; personnel management; training; logistics and procurement; budget; financial management; accounting and data systems design; paperwork management; investigations and security; audit; defense readiness; and administrative support services.

(6) Chief Counsel—the Chief Counsel (Assistant General Counsel for NHSB) provides legal services to the Director and officers of the Bureau, performing these services under the professional supervision and direction of the General Counsel, DOT, who is finally responsible for providing opinions and other legal services to the Director; the General Counsel provides these services on a day-to-day basis through the Chief Counsel.

§ 501.4 Directorial succession.

The following officials, in the order indicated, shall act as Director of the National Highway Safety Bureau, in the case of the absence or disability of the Director, until the absence or disability ceases, or in case of a vacancy in the Office of the Director, until a successor is appointed:

(a) Deputy Director for Programs.

(b) Deputy Director for Technology.

(c) Associate Director for Traffic Safety Programs.

(d) Associate Director for Motor Vehicle Programs.

(e) Associate Director for Research and Development.

(f) Associate Director for Planning and Programing.

(g) Associate Director for Administration.

§ 501.5 Exercise of authority.

(a) In exercising the powers and performing the duties delegated by this Part, officers of the NHSB and their delegates are governed by applicable laws, Executive orders, regulations, and other directives, and by policies, objectives, plans, standards, procedures, and limitations as may be issued from time to time by or on behalf of the Secretary of Transportation, the Director, or, with respect to matters under their jurisdictions, by or on behalf of the Deputy Directors, Associate Directors, and Directors of staff offices.

(b) Each officer to whom authority is delegated by this Part may redelegate and authorize successive redelegations of that authority subject to any conditions he may prescribe. Redelegations of authority shall be in written form and shall be published in the FEDERAL REGISTER when they affect the public.

(c) Each officer to whom authority is delegated will administer and perform the functions described in their respective functional statements.

§ 501.6 Secretarial reservations of authority.

The authorities reserved to the Secretary of Transportation are set forth in § 1.44 of Part 1 and in Part 95 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1 and Part 95).

§ 501.7 Directorial reservations of authority.

The delegations of authority in this part do not extend to the following, authority for which is reserved to the Director:

(a) The authority under the National Traffic and Motor Vehicle Safety Act of 1966 to—

(1) Establish, amend, or revoke final new and used motor vehicle safety standards and regulations except for the issuance of amendments to existing standards through the abbreviated rulemaking procedures concerning tires and tire-rims;

(2) Make final determinations concerning violations of the Act and regulations issued thereunder;

(3) Fix the rate of compensation for nongovernment members of the National Motor Vehicle Safety Advisory Council.

(b) The authority under the Highway Safety Act of 1966 to—

(1) Apportion authorization funds and distribute obligation limitations for State and community highway safety programs;

(2) Establish, amend, or revoke State and community highway safety standards and appurtenant regulations; and

(3) Fix the rate of compensation for nongovernment members of the National Highway Safety Advisory Committee.

§ 501.8 Delegations.

(a) *Deputy Directors.* Each Deputy Director may exercise the authorities of the Director, within their respectively assigned spheres of responsibility, except where specifically limited by law, order, regulation, reservation, or instructions of the Director. The Deputy Director for Programs is delegated authority to approve or disapprove comprehensive multiyear highway safety programs submitted by the States.

(b) *Director of Civil Rights.* The Director of Civil Rights is delegated authority to—

(1) Act as the NHSB Director of Equal Employment Opportunity.

(2) Act as NHSB Contracts Compliance Officer.

(3) Act as NHSB coordinator for matters under title VI of the Civil Rights Act of 1964, Executive Order 11247, and regulations of the Department of Justice.

(c) *Associate Director for Motor Vehicle Programs.* Except for those portions that have been reserved to the

Director, the Associate Director for Motor Vehicle Programs is delegated authority to exercise the powers and perform the duties of the Director with respect to the National Traffic and Motor Vehicle Act of 1966 (Public Law 89–563), including the issuance of amendments to existing standards concerning tires and tire-rims through the prescribed abbreviated rule-making procedures, subject to prior coordination with the Chief Counsel.

(d) *Associate Director for Traffic Safety Programs.* Except for those portions that have been reserved to the Director or that have been delegated to the Deputy Director for Programs, or to the Federal Highway Administrator (35 F.R. 5132), the Associate Director for Traffic Safety Programs is delegated authority to exercise the powers and perform the duties of the Director with respect to the Highway Safety Act of 1966 (Public Law 89–564), subject to prior coordination with the Chief Counsel.

(e) *Associate Director for Research and Development.* The Associate Director for Research and Development is delegated authority to—

(1) Develop and conduct research and development programs and projects necessary to support the purposes of the National Traffic and Motor Vehicle Act of 1966 and the Highway Safety Act of 1966, in coordination with the appropriate Associate Directors, the Chief Counsel, and the Federal Highway Administrator; and

(2) Conduct safety research, either independently or in cooperation with other public or private organizations, to improve the total state of the art of motor vehicle and traffic safety, including: Development of programs designed to improve the quality and increase the quantity of all classes of highway safety and motor vehicle safety manpower; research fellowships; accident investigation procedures; emergency service plans; and demonstration projects.

(f) *Associate Director for Planning and Programing.* The Associate Director for Planning and Programing is delegated authority to—

(1) Direct the NHSB planning and programing system in conjunction with requirements of the Departmental PPBS system; and

(2) Develop and manage systems for integrated program coordination, evaluation, and appraisal throughout the NHSB.

(g) *Associate Director for Administration.* The Associate Director for Administration is delegated authority to—

(1) Exercise procurement authority with respect to requirements of the NHSB;

(2) Administer and conduct personnel management activities of the NHSB;

(3) Administer NHSB fiscal management programs, including systems of funds control and accounts of all financial transactions, budgetary programs and controls, and the allocation of personnel resources; and

(4) Administer business management operations in support of NHSB missions and programs.

(h) *Regional Directors.* Each Regional Director is delegated authority to—

(1) Approve or disapprove any "Application for Highway Safety Project Grant" (Form HS–1) submitted by any State in his region, including changes in the initial agreement and approval of final vouchers, in accordance with procedural requirements of the Bureau; and

(2) Approve or disapprove State annual highway safety work programs, in accordance with procedural requirements of the Bureau.

§ 501.9 Redelegations.

(a) Redelegations of authority shall be made by organizational or position title rather than by name of individual. Officers are encouraged to redelegate those functions, powers, and duties which can be performed most effectively by NHSB Regional Directors or subordinate elements within NHSB Headquarters.

(b) Redelegations of authorities in this part to subordinate levels shall be made in writing with a copy to each delegate and to the Associate Director for Administration for retention as the official documentation of NHSB delegations.

[F.R. Doc. 70–8803; Filed, July 9, 1970; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1001–1004, 1015, 1016]

[Dockets Nos. AO–14–A47–RO2 etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

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

7 CFR part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island-New Hampshire.	AO–14–A47–RO2.
1002	New York-New Jersey	AO–71–A60.
1003	Washington, D.C.	AO–293–A23–RO3.
1004	Delaware Valley	AO–160–A43–RO3.
1015	Connecticut	AO–305–A26.
1016	Upper Chesapeake Bay	AO–312–A20–RO3.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut and Upper Chesapeake Bay marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

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

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at New York City on April 6–14, 1970, pursuant to notice thereof which was issued on March 25, 1970 (35 F.R. 5180).

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

1. An 18-cent reduction in Class II price level under the New York-New Jersey order and removal from the order of the provision permitting a handler in making payment to each producer to deduct a service charge (up to 10 cents per hundredweight) authorized in writing by such producer with respect to bulk tank milk received from such producer.

2. Adjustment of the Class II price level under each of the other five northeastern orders by the amount of any adjustment made to the New York-New Jersey (Order 2) Class II price.

3. Adjustment of the Order 2 Class I price level to provide alignment with respect to handlers' costs for milk for Class I use on an f.o.b. market basis as between Order 2 and Order 4 (Delaware Valley).

4. A Class II classification of cream under Order 2.

5. Need for emergency action with respect to any or all issues under consideration.

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. *Reduction of the Order 2 Class II price level and removal of the provision permitting the deduction of a bulk tank service charge when authorized by the producer.* No change should be made in the Class II price level under Order 2 on the basis of this record. The order provision under which a handler in paying his bulk tank producers may deduct a bulk tank service charge not in excess of 10 cents per hundredweight, when authorized by such producers, should be retained.

The four principal cooperative associations representing producers in the Order 2 market proposed amendment of the order to (1) eliminate the provision authorizing handlers to make a negotiated bulk tank service charge, (2) reduce the Class II price level by 18 cents, and (3) announce the class prices and the uniform price as f.o.b. farm prices in the 201–210-mile zone.

The immediate circumstances prompting the proposals were the alleged diminishing processing capacity of the market as a result of plant closings, and the increasing pressure on the part of proprietary handlers to invoke the order provision permitting the deduction, in making payment to producers, of a bulk tank service charge (up to 10 cents per hundredweight) when authorized by the individual producer. These developments, proponents suggest, reflect handlers' generally unsatisfactory financial positions, and are the outgrowth of an inappropriate Class II price level under Order 2.

The basic objective sought by proponents is a reduction in the Class II price level to compensate handlers for their out-of-pocket costs for hauling Class II milk from farm to plant and to thus better equate handler costs for Class II milk under the several northeastern orders while at the same time preserving the concept of "pricing at the farm" under Order 2. A secondary objective is to provide price relief to handlers still operating can receiving decks to offset the mounting per hundredweight cost of receiving diminishing volumes of can milk, now only 25 percent of the total volume of milk pooled.

In support of their proposal, proponents pointed out that under all other Federal orders milk is priced f.o.b. plant of first receipt, and the cost of moving milk from farm to plant is the responsibility of the producer. When the receiving handler is also the hauler, the other orders permit the handler in making payments to each producer to deduct hauling costs up to the full amount authorized in writing by such producer. This, proponents said, is in contrast to the unique pricing procedure prescribed by the New York-New Jersey order whereby milk is priced at the zone (distance from market computed from the nearer of the basing points) of the township in which the producer's milkhouse is located. This, they contend, is in fact pricing at the farm and, since the handler picking up the milk necessarily takes title at the time and point of pickup, there appropriately should be no adjustment in payments to producers to cover any part of the cost of pickup or hauling in moving such milk to the handler's plant. Accordingly, the Order 2 Class II price is not appropriately aligned with Class II prices under the adjacent Federal orders.

Proponents also pointed out that the continuing operation of can receiving decks in the face of a declining volume of can milk is becoming an increasingly more costly operation for handlers. They held that their proposed decrease of 18 cents in the Class II price level should be applicable also to can milk to offset handlers' mounting costs of receiving can milk, presumably to insure the continuing operation of such facilities in order that can producers would have a continuing outlet for their milk.

Representatives of cooperatives in the adjacent Orders 1, 3, 4, and 16 markets opposed any adjustment of the Order 2 Class II price. It was their position that the real problem in the market is the Order 2 handlers' inability to use the permissive hauling deduction provision of the order. They held that adoption of proponents' proposal would, in fact,

cement into the order the concept of "free hauling" which the proponent cooperatives have long supported. Such a concept they stated can have no substantive foundation and in the last analysis can only be embarrassing to the cooperatives which, if handlers do not, are forced to handle the milk and bear the transportation costs. The concept of "free hauling", they said, obviously has appeal to producers and if guaranteed under Order 2 would necessarily spread to their markets. Cooperatives in the adjacent markets are not financially able to bear the costs of transporting their members' milk, they stated.

The system of accounting for and pricing bulk tank milk under Order 2 was initially adopted in recognition of the fact that the order did not accommodate diversions, but pooled only milk physically received at pool plants. This procedure of pooling presented no substantial problems under can handling since all milk associated with any particular plant generally of necessity was moved to such plant on a regular basis for assembly and cooling, and ultimate use or transfer. However, with the advent of bulk tank handling, it was no longer essential that bulk milk be moved to a particular plant unless it was to be used there. With the flexibility of bulk tank handling, milk most efficiently could be moved directly from the farm to plant of final disposition.

In the interest of marketing efficiency it was essential that the order be revised to accommodate diversions or, in the alternative, to accommodate the pooling of bulk tank milk associated with the market under circumstances where it did not move through a pool plant in the same manner as previously when handled in cans, but rather moved directly to nonpool plants for final disposition. The system of pooling bulk tank units, and pricing at the zone of the minor civil division (township) in which the producer's milkhouse is located, was adopted as an appropriate means of accommodating the pooling problem.

The proponent cooperatives strongly opposed the Department's initial recommendations with respect to bulk tank provisions which would have provided flexibility in the pricing of bulk tank milk by permitting adjustment in producer payments by the amount of producer authority deductions for hauling costs. In its final decision the Department gave recognition to the fact that handlers were not then charging for bulk tank pickup and hauling but were, in fact, paying premiums for bulk tank milk. Accordingly, no provision was made for any hauling deduction.

The current bulk tank milk pricing provisions were adopted by the Assistant Secretary in his decision of October 31, 1963 (28 F.R. 11956), official notice of which is taken. It was there found that since the initial adoption of the bulk tank amendments effective December 1, 1961, "* * * there have been significant changes in marketing conditions which must be evaluated in relation to these provisions. Such changes in conditions include: (1) The reduction in premiums to bulk tank producers generally, (2) the reluctance of proprietary handlers to receive bulk tank milk from individual producers in order to avoid the hauling function, (3) differences in prices applicable on can and bulk tank milk, and (4) a slowdown in the trend toward conversion to bulk tank handling. Moreover, the highly desirable objective of price alignment among regulated markets of the Northeast, particularly as to milk in manufacturing uses under the several Federal orders, is not achieved by the present provisions."

In response to exceptions to the recommended decision to adopt the present authorization for a bulk tank service charge, the Assistant Secretary extended his conclusions as follows:

> As stated earlier the bulk tank pooling and pricing provisions establish a single point in each township at which the minimum prices (including transportation adjustments) apply for each farm within such township. Therefore, it follows that this single point in each township is the point at which bulk tank milk should be considered as received by the handler for pricing purposes. Accordingly, it is appropriate to allow a limited authorized service charge for hauling bulk tank milk from the farm to this point.
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> The important matter to be resolved in order to maintain orderly marketing in this market is how best to achieve uniform pricing to handlers on all milk priced and pooled under the order. If there is a conflict between this objective and manner of application of bulk tank pricing, where the handler assumes responsibility for receipt of the bulk tank milk, such conflict must be resolved in favor of application of prices in a manner which provides a reasonable standard of uniformity. The bulk tank pooling provisions and township pricing were adopted in the New York-New Jersey market to accommodate certain marketing problems which had developed because of the particular characteristics of bulk tank milk. The price which attaches to such milk is not determined at the location of the individual farms but is determined at the township pricing point. It is not until the milk is delivered to this point that the price is actually earned by producers. Permitting an authorized service charge will provide the means to achieve uniformity in the pricing provisions while at the same time preserving the principle of bulk tank unit pooling.

From these findings it could be construed that the permissible service charge was intended to be limited to the costs of delivery to the township pricing point. However, other findings of such decision as set forth both prior to and subsequently to the above findings clearly substantiate that the permissive authorized service charge, in conjunction with the applicable location differentials, was intended to provide sufficient flexibility in pricing to cover hauling from farm to plant. For example, it was found: "There is also indication in the record that contract hauling service on delivery of bulk tank milk (directly) to bottling plants is available at rates approximately 10 cents per hundredweight per producer above the rate charged on hauls to bottling plants from receiving plants at similar distances."

Later it was stated as follows: "The recommended decision contained a provision which would have permitted a handler to negotiate only for hauling charges with respect to delivery of the bulk tank milk to his plant nearest the farm. It was urged in the exceptions that such provision not be included in the amended order since, in many cases there would be no practical way to determine appropriate charges for moving milk to the handler's nearest plant if the milk were not actually received at such plant. It also was pointed out that many handlers operate separate can and bulk receiving stations and that such provision might well mean determining a hauling charge for the delivery of bulk milk to a plant not having the physical facilities to receive such milk. In view of the foregoing, the provision is not included in the amended order.

> In those cases where a handler contracts with an independent hauler for delivery of bulk tank milk, the amount deducted from the producer's payment may not exceed that charged by and paid to the hauler. Any amount deducted from the producer in excess of that paid to the hauler as an appropriate offset to bona fide hauling service would be considered an underpayment, in violation of the order's minimum pricing provisions.

The Department does not take issue with proponents in their contention that the costs to Order 2 handlers for Class II milk, under existing circumstances in which handlers have not generally utilized the permissive authorized 10-cent bulk tank service deduction, exceeds that of handlers in other northeastern Federal order markets where Class II milk is priced under an identical pricing formula. In fact, it has stressed this point in several recent decisions on the matter of surplus pricing under the six northeastern orders.

The present order provisions provide, however, the means whereby pickup costs (up to 10 cents per hundredweight) on bulk milk could be authorized and paid by the producer, thus minimizing any Class II price disparity between Order 2 and the other northeastern orders. The basic issue is whether the Department shall lower the f.o.b. township Class II price level by 18 cents and accept proponents' position that there should be no adjustment from the announced class prices in payment to producers, or rather shall retain in the order pricing provisions the flexibility presently provided and necessary to insure equity of pricing under the order as among handlers in the face of the varying conditions of bulk tank pickup.

The conditions of pickup of farm bulk tank milk do vary greatly. Consequently, there can be no equity in pricing among handlers without an appropriate means for adjusting handlers' obligations to compensate for these variations. The deduction of an authorized charge, if used as now permitted, could provide the

needed flexibility to this end and result in greater parity of costs for milk among New York-New Jersey order handlers.

Proponents hold this position to be fallacious and suggest that this is substantiated by the fact that no handler has attempted to make an adjustment other than the maximum allowable 10 cents. This, they conclude, demonstrates an intent to compromise the class prices rather than an intent to adjust such prices only to the extent necessary to offset the difference in costs reflected in the varying conditions of pickup.

The latter position must be examined in relation to the record testimony on the hauling problem faced by handlers. A witness from Cornell University presented the results of his study of hauling rates for milk delivered to 20 specialized manufacturing plants which showed that such hauling rates varied from an average of 15.4 cents for seven plants with 30.6 percent of the milk volume, to 25.8 cents for six plants with 36.6 percent of the milk volume. Such witness also indicated that the locations (township zones) of the farms involved in his study were on the average two zones nearer the market than the plants to which their milk moved.

Since the maximum deduction permitted under the order is well below actual transportation costs, it is not surprising that any handlers seeking to use the permissive deduction would seek the full allowable 10 cents. The median group of six plants in the 20-plant study showed an average hauling cost of 18.6 cents. However, the average hauling cost for the 20 plants was 20.3 cents per hundredweight, not 18 cents. Further, while the spokesman for one of the proponent cooperative groups testified that for his organization the farm-to-plant hauling costs on bulk tank milk averaged slightly over 18 cents, the witness for another of the proponent cooperative groups testified that his organization's hauling costs on bulk tank milk from farm to manufacturing plant exceeded 18 cents.

The latter quoted figures of 23.96 cents, 26 cents, 21 cents, 22.1 cents, and 18.5 cents for various member cooperatives. He also stated that he had computed an estimated 21.8 cents per hundredweight as the cost of hauling bulk milk direct from farms of the organization's member cooperatives to their largest manufacturing plant, based on moving the nearest milk first and on the actual daily volume received each day for the months of March, June, and September 1969 (a total of 51.4 million pounds of milk).

The order modifications which proponents support would provide at best only an "average equity" for Order 2 handlers in relation to other northeastern handlers in their costs for Class II milk, and then only if the 18 cents at issue is the true average hauling cost which does not appear to be the case. It would not reduce inequity, however, among Order 2 handlers in their relative costs of Class II milk under the order.

Proponents detailed a lengthy list of plant closings over the past several years to support their position of an increasing problem with respect to the handling of Class II milk. They also established that some substantial facilities were not being operated at capacity and urged favorable emergency action on their proposals as a means of encouraging handlers to process all of the prospective reserve milk supply in the current flush. Proponents made clear, however, that their proposals were not intended for temporary adoption only.

While the list of plant closings was substantial, the closed plants were primarily receiving stations or small fluid milk or manufacturing plants. The preponderance of these closings undoubtedly were the direct result of the continuing transition of the market to bulk tank handling. Except for the recent closings of several Borden plants, the closings did not substantially affect the overall processing capacity of the market.

It may not reasonably be concluded that there is inadequate processing capacity in the area to handle all of the prospective market reserve. Even though it is possible that there may be some dislocated supplies which may have some difficulty in finding an outlet, there is no immediate emergency in this respect. On the basis of this record it must be concluded that a price adjustment could have little impact on the availability of outlets during the current flush production period which peaks in May.

It cannot be concluded that the claimed deterioration in the financial position of some handlers emanates directly from the Class II price level under the order. The New York-New Jersey order pools a far greater volume of milk than any other Federal order. The volume of Class II milk handled under the New York-New Jersey order is about 33 percent more than that under the Chicago Regional order. Also, based on 1969 data, the Order 2 weighted average Class II price has been 19 cents less than the corresponding class price under the Chicago order.

The slow conversion to bulk tank handling in the New York-New Jersey market unquestionably has been a significant impediment to maximizing operating efficiency in Class II milk operations. It seems clear that the final stage of the transition to bulk tank handling must be expedited if Order 2 handlers are to hold down their operating costs. A reduction in the order Class II price level applicable to can milk at this time could only encourage the continuing operation of can decks, which have been eliminated entirely in most other markets.

A class price adjustment in the manner proponents support would leave the order completely inflexible to accommodate the varying conditions and costs of bulk tank pickup. In addition, such proposition implies that it would be proper to adjust the class prices each time there was a change in hauling rates in order to maintain continuing price alignment with adjacent markets. We cannot agree that this is a proper basis under the act for adjusting class prices.

A further problem with respect to the porposal is that the deletion of the existing provision permitting a bulk tank service deduction of up to 10 cents, in fact, would have the effect of increasing the minimum order Class I price by 10 cents. Proponents contend, however, that this is not the case, stating that since handlers have not used the provision to any significant degree (only 333 producers delivering to cooperatives and 24 producers delivering to proprietary handlers had a bulk tank service deduction in August 1969), the removal of the provision would have no substantive effect on handlers' cost for Class I milk.

To the extent that handlers have not used the authorized deduction provision, they have paid a premium over the prescribed order minimum prices. The effect of deleting the provision would be to incorporate this premium in the minimum order prices. In addition, as cooperatives in adjacent markets contend, removal of the permissive bulk tank service deduction provision with respect to Class I milk would cement into the minimum price structure the concept of "free hauling" to the producer, unlike the other markets.

To the extent that Order 2 handlers (including cooperatives) have borne the transportation costs associated with the pickup and movement of bulk tank milk from farm to plant, their milk costs admittedly have exceeded the order class prices which the Secretary has found to be in proper alignment with the Order 1 class prices. As previously indicated, however, the situation would be substantially ameliorated if the present provision permitting authorized hauling deductions up to 10 cents actually were used.

The situation could be eased even further by increasing, or open ending, the permitted deduction. However, proponents' held that their three-forked proposal must be adopted in full as proposed or that no action should be taken. Accordingly, the proposal is denied for the reasons previously stated.

2. *Adjustment of the Class II price level under the other northeastern orders.* The proposal of cooperatives in the other northeastern markets to modify the Class II price level under Orders 1, 3, 4, 15 and 16 was conditioned on modification of the Class II price level under Order 2. Since no action is being taken in this regard, the proposal to amend the other northeastern orders is moot. Therefore, no discussion of this proposal is necessary and the proposal is denied.

3. *Class I price level under Order 2.* No change should be made in the Order 2 Class I price level on the basis of this hearing.

The Order 2 Class I price f.o.b. market is presently fixed at a level 20 cents below the Order 4 Class I price level f.o.b. market with a 5-cent direct-delivery differential applicable on all milk received at a plant or on pool unit milk received from farms within the 61- to 70-mile zone. For the month of April, for example, the applicable Order 2 Class I price was $7.22 plus the direct-delivery differential and the applicable Order 4 Class I price was $7.42.

A proposal, set forth in the hearing notice, made on behalf of three New

Jersey-based Order 2 handlers, would amend the Order 2 Class I price to improve alignment of such price with the Order 4 Class I price. Proponents alleged that prevailing handling costs over and above the minimum Order 2 price resulted in a Class I milk cost to Order 2 handlers substantially in excess of the cost of Class I milk to handlers regulated under Order 4.

At the hearing, the principal witness on behalf of the proponent handlers and eight other New Jersey-based Order 2 handlers modified the proposal to provide that the Order 2 Class I price be reduced 24 cents but only with respect to milk sold in the State of New Jersey.

In support of the modified proposal, proponents' witness introduced certain cost data developed from a survey made among 11 Order 2 handlers located in and doing business in New Jersey. Such data purported to show that the weighted average cost of Class I milk to such Order 2 handlers, for an average of 68 million pounds of milk, monthly, was the Order 2 Class I price in the 201–210-mile zone plus $0.68 cents. Thus, proponents contend, New Jersey-based Order 2 handlers have an average Class I milk cost 24 cents per hundredweight higher than competing Order 4 handlers who, they contend, secure their Class I milk supplies at the f.o.b. market Order 4 Class I price without handling charges.

Proponents' problem is not related to the Class I price alignment as between Orders 2 and 4, per se, but rather to the differences in handling methods customary under the respective orders and the handling charges over order prices which generally prevail under Order 2.

The Order 4 market is essentially a direct-delivery market; i.e., milk needed for Class I use is collected in bulk tankers from the farms and is moved directly to handlers' city bottling plants for processing. The receiving handler under the order is held accountable for the milk at the order prices applicable at the location of the receiving plant and the producer generally pays the transportation costs, either through authorized deductions from his payments for milk where the handler is also the hauler or, in other circumstances, through negotiation when the hauling is by a contract hauler. Milk not needed at the city for Class I use is moved by diversion directly to nearby country manufacturing plants and, in usual circumstances, is priced at the location of the plant of physical receipt. Prior to the transition to bulk tank handling, however, most of the market's milk supply was initially received at country plants for assembly, cooling and transshipment.

In contrast, the New York-New Jersey market is still largely a country plant receiving market. While the greater size of the market and distance from the farm to the central market have been obvious factors in this regard, the continuing operation of country receiving plants is in large measure due to the fact that can handling is still common (25 percent of the milk supply) and the market has not taken full advantage of the efficiencies of bulk tank handling.

There is no apparent reason why a bottling plant in northern New Jersey could not receive all of its needed milk supplies direct-shipped in bulk tankers from farms in the supply area in the identical manner of Order 4 handlers. Nevertheless, proponents contend that they can acquire only about 25 percent of their supply in this manner; the remainder must be obtained through country plants. It is this facet of procurement which is the root of the problem; i.e., increased costs incurred in country plant receiving and transhipment. These costs allegedly include: 18 cents hauling from farm to receiving plant, 24 cents hauling from receiving plant to processing plant, 6 cents plant handling, 3 cents administrative assessment, 5 cents premium, 5 cents service charge and a plus 7 cents location differential. The total costs over and above the 201–210-mile zone farm point price, proponents contend, is on the average 68 cents, resulting in an actual cost to the New Jersey handler, 24 cents above the f.o.b. market Order 4 price.

To the extent that the added costs reflect hauling from farm to plant of initial receipt, the problem is identical with the Class II problem discussed under the preceding issue and the appropriate solution is the same. To the extent that procurement costs involve country plant operation and transfer costs, the logical solution is improved efficiency and reduced costs through direct receipt. An administrative assessment obviously is applicable under both orders and is a necessary handler cost. The remaining extra cost items reflect service charges over and above the minimum order price.

The costs from which proponents seek relief are not a result of the order prices and appropriately may not be alleviated through an adjustment of the Order 2 Class I price level. The proposal for a Class I price adjustment must be denied for the reasons stated above.

4. *Classification of cream for fluid use.* No change should be made with respect to the classification of cream (for fluid use) under the New York-New Jersey order.

Seven handlers doing business in the market jointly proposed that cream be designated a Class II product in lieu of the Class I classification presently provided in the order.

Cream (except storage, plastic or sour cream) is designated a fluid milk product under Order 2 and, with respect to its disposition in packaged form on routes and to plants, is classified as Class I milk. Cream disposed of in bulk to other plants (including an other order plant) is classified in accordance with its use as either Class I or Class II milk.

The principal reasons cited by proponents in support of their request were: (1) Cream is Class II in other Northeast markets and, therefore, should be Class II in Order 2 if price alignment is to be maintained; (2) there is a declining trend in cream utilization in the New York Metropolitan District, brought on in large part by competitive difficulties arising from the use of imitation cream products manufactured from nondairy product substitutes; (3) handler margins relating to the processing and sale of cream for fluid use are too low; and (4) handlers in the nearby Class II cream markets have a competitive advantage over Order 2 handlers in seeking packaged cream sales outlets among supermarket and restaurant chains in overlapping sales areas.

The proposed change in the classification of cream was supported by other handlers and was not opposed by the cooperatives. However, the New York State National Farmers Organization, in its post-hearing brief, opposed any change in the classification of cream.

The present classification of cream was effected with the adoption of the skim milk and butterfat accounting procedure on July 1, 1968. At that time, all of the reasons proponents here advance for a Class II classification were presented and rejected by the Department in concluding that cream should be classified in Class I. No material evidence was presented at this hearing from which it can be concluded that this classification is now inappropriate. Further, half-and-half and other mixtures of cream and milk or skim milk testing less than 18 percent but above the normal limits of milk are also Class I products and in considerable degree compete directly with cream for fluid outlets. The proposals at this hearing were not sufficiently broad to permit consideration of a change in classification of such products. The Presiding Officer so ruled and his ruling in this regard is supported and affirmed.

Since a common butterfat differential is applicable to both Class I and Class II milk, the classification of cream as Class I milk rather than Class II milk does not substantially increase handlers' costs. In these circumstances, no change should be made in the classification of cream under the New York-New Jersey order. Accordingly, the proposal is denied.

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.

On the record of the hearing an offer of proof was made with respect to a ruling of the Presiding Officer that a certain proposal and evidence relating thereto (concerning the classification of certain fluid milk products) were not within the scope of the hearing and that

such proposal and evidence relating thereto, therefore, be excluded.

In a post-hearing brief filed jointly on behalf of seven handlers doing business in the New York-New Jersey market, it was requested that consideration be given to a reversal of this ruling.

The Presiding Officer's ruling has been reviewed in light of the arguments presented. This ruling, for the reasons stated by the Presiding Officer on the record, is hereby affirmed.

DETERMINATION

The findings and conclusions of this decision do not require any changes in the regulatory provisions of the six respective orders regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay marketing areas.

Signed at Washington, D.C., on July 7, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-8768; Filed, July 9, 1970; 8:46 a.m.]

[7 CFR Part 1098]

[Docket No. AO 184-A29]

MILK IN NASHVILLE, TENN., MARKETING AREA

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

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tenn., marketing area which was issued June 23, 1970 (35 F.R. 10452) is hereby extended to July 21, 1970.

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

Signed at Washington, D.C., on July 6, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-8767; Filed, July 9, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 18908; FCC 70-723]

DOMESTIC TELEGRAPH SERVICE

Inquiry Into the Office Conversion Program of the Western Union Telegraph Co.

1. We are instituting herein, on our own motion, a general inquiry into the present and future plans of the Western Union Telegraph Co. to convert large numbers of its existing Class 1 teleprinter-operated offices into Class 9 agency offices. Recent changes in the company's practices, policies, and expectations in this area of its service have raised broad public interest issues which we believe must be thoroughly explored at this time. In order to facilitate such an exploration, we have selected four recent representative office conversion applications to serve as the focus of investigation. The applications, each of which will be the subject of an evidentiary hearing to be held in the field, propose to modify public telegraph facilities at Ironwood, Mich., Newport, Tenn., New Britain, Conn., and Lebanon, Pa.

2. In order to put the action we are taking here into proper perspective, some background facts must be provided. In the years following World War II, demand for public message telegraph service has declined markedly. In 1945 some 236 million public messages were carried by Western Union, but the number of such messages declined steadily to a total of approximately 83 million in 1969.[1] For a number of years Western Union has followed an active program of curtailing company-provided facilities for public over-the-counter telegram service. This curtailment has taken the form of reducing hours of service, converting company offices to agencies[2] and closing company offices and agencies. From 1945 to 1969 the number of public telegraph offices declined from 29,687 to 10,389.[3] Our present concern is limited to proposed conversions of company offices to agencies.

3. Under section 214 of the Act, the company must receive Commission approval before it curtails or converts service in any of the ways outlined above. Standards and guidelines as to traffic volume, distance to substitute office and the like are used by the Commission in considering applications to discontinue or reduce service. In passing on a group of 30 applications to convert company-run offices to agencies, the Commission established, in 1948, and has maintained virtually unchanged since then, the figure of 46 messages as the maximum number per day an agent can ordinarily be expected to handle properly, and as the average daily number of messages which warranted the retention of the office for service directly by company employees.[4] This standard is critically important because the basic issue presented by each application is whether the public's telegraphic needs can be adequately met by the substitute facilities proposed by the company.

4. For several years following completion of the Telegraph Investigation, the rate of filing of conversion applications remained relatively constant, with about 50 conversion applications being filed annually. This pace accelerated somewhat after 1967, and in 1969 applications increased sharply, with 193 requests for conversion of Class 1 offices. This accelerated rate continues in 1970, with an average of 30 new conversion applications filed in each of the first 4 months.[5] An examination of such applications filed since 1965 indicates that the number of such applications involving larger metropolitan areas is increasing rapidly and that the expense/revenue ratio for the offices being converted is somewhat lower in the 1968–69 period than it was in 1965–67.[6]

5. The staff raised a number of questions regarding the office closure policy of the company in a letter of March 24, 1970, to Western Union. The letter requested that the company present its views on the subject both as to the immediate and long range public interest questions. The presentation was held on April 20, 1970, before a number of commissioners and staff members, and was followed by a letter from the company

[1] To some extent this decline may be attributed to the growth and development of competitive services, such as long distance telephone and exchange telegraph service (TWX, Telex). But in the Report of the Telephone and Telegraph Committee of the FCC, Docket No. 14650 (1964) the primary reason for the decline in use of the public message service was attributed to Western Union's practice of continuously increasing the tolls for the service. Between 1945 and 1964, for instance, the price of telegraph service increased 169 percent. Indeed, since 1945 Western Union has sought and received some 17 rate increases. Certain recent proposed rate increases, as well as issues of service speed and quality, are currently under investigation in Docket No. 18270 et al.

[2] An agency office is typically installed on the premises of a commercial establishment in the general vicinity of the Western Union office to be discontinued. The agent, and his staff, where indicated, receive instruction from the company in the operation of the telegraph equipment and the procedures to be followed in accepting and delivering telegrams. In virtually all cases the handling of the telegraph business is a commercial venture of secondary importance to the agent.

[3] Western Union Classification of Offices, Dec. 31, 1969.

[4] Some shift in emphasis, however, has occurred in recent years in that the latter aspect has become of secondary importance since the company, in most cases, transfers some of the existing volume to other offices through telephone access and retermination of existing tielines.

[5] Similar trends exist in the rate of filing of branch office closure applications.

[6] Expenses as used here encompass only local out-of-pocket costs for the office in question and no allocation of general overhead costs.

dated May 4, 1970. The company's position is that declining traffic loads, the changing character of demand for telegraph services, and technological advances have sharply reduced the need for public telegraph offices. It calls attention to increases in machine connected customers (tie-line, Telex, InfoCom, etc.) as well as in the availability of toll free telephone service and alleges that those facilities provide improved access to telegraphic service. In fact, the company plans to further expand machine connections and to establish a system of six regional telephone answering bureaus which will provide continuous service on a toll free basis to the entire country. In the meanwhile, the company claims that increased use of toll free telephone service on a conventional basis is reducing traffic volumes at local offices and is the basis for the heavy influx of applications to convert such offices to agencies.[7]

6. The increased costs of public message service and the decline in its use, as well as questions regarding the speed and quality of the service are under review in Docket No. 18270, and we intimate no views on those matters as they may relate to the ongoing rate proceeding. However, the recent increase in the number of office conversion applications and the prospect that such applications will continue at an elevated level for some time to come prompts us to institute an investigation into the questions posed by these applications. The immediate problem is that of determining whether an adequate scope and quality of public telegraph service will be maintained if the Commission's present standards and policies applied to office conversions which have been in effect without substantial change for some 20 years remain unchanged. The company's plans appear to contemplate a situation in which virtually all counter and messenger service will be provided by agents except in the larger urban centers. While agency offices are ostensibly capable of providing all the communications services furnished by company offices, including money order and messenger delivery services, we possess little current insight into the public acceptability or efficiency of agency operation.

7. Except for very limited and conclusionary information which we have received in Docket 18270 et al., we have had no opportunity to review this question in recent years. We therefore possess insufficient data to permit us to state with confidence whether agents are properly trained in the use of rate schedules, operating practices, record maintenance, and service objectives. Nor do we have current detailed knowledge of the actual supervision exercised by Western Union over its agents, or whether the agency affords adequate space for counter service and the protection of privacy of telegraphic communications, as well as facilities to assure the prompt cashing of telegraphic money orders.

8. Moreover, the communities affected by past conversions have been relatively small in size (approximately 6,000 or fewer population). However, current service objectives of the company involve conversions in much larger communities, as described above. The effect would be the widespread substitution of agency offices and personnel for company offices managed and operated by its own personnel. The proceedings we are instituting herewith will assist our evaluation of these matters and our determination of what revisions, if any, are required in our existing policies with respect to conversion applications under current and evolving circumstances. These proceedings will also provide an appropriate public forum within which to test the telegraph-using public's receptiveness to agency service, and to explore the substance and validity of the objections commonly raised in protests against conversion applications.

9. We are selecting four applications to serve as the basis for exploration of the questions raised herein. All four applications present essentially similar facts. Three are for conversion of a Class 1 teleprinter operated office to a Class 9 teleprinter operated office, and the fourth for Lebanon, Pa., proposes to substitute a telephone operated agency for a Class 1 office. In Ironwood and Newport the company claims that the volume of telegraph traffic handled at the present facility is insufficient to keep one employee occupied and in all four cases the company states that there is no prospect in the foreseeable future for any significant increase in the traffic volume. In all four instances service will be available at least as many hours as it is presently. The company claims that in each case entirely adequate and satisfactory telegraph service can be provided through the substitute facilities to be provided and that continued operation of the Class 1 facility would constitute a "wasteful and economically unsound" practice from the viewpoint of good management. In tabular form, the figures are as follows:

Community	Population	Total present message per day (average)	Total anticipated messages per day (average) to be handled by agent
Ironwood, Mich	10,000	47	38
Newport, Tenn	7,200	42	25
New Britain, Conn	85,000	148	38
Lebanon, Pa	26,500	109	16

10. Except in the case of New Britain, Conn.[8] protests have been filed by private citizens and local business concerns. We have also received protests from local city governments, State public service commissions, and congressional inquiries.[9] In general, the gravamen of these complaints is that agency service cannot possibly be as good as that provided by a full-time company employee in an office dedicated to the telegraph business. Numerous protests note that the revenue and expense figures contained in the applications do not indicate that the facilities sought to be discontinued are uneconomic, and, in one instance, it appears that the nearest Class 1 Western Union facility is located at a considerable distance. While many protests argue that retention of the facility is both desirable and necessary in view of the economic growth of the community, present and anticipated, many protests appear to be rooted in civic pride and do not set forth concrete practical considerations. A high percentage of the protests received in regard to the Ironwood, Mich., conversion argue that grant of the application would necessarily result in a substantial loss of privacy to members of the public using telegraph services.

11. Western Union has submitted a series of letters to the Commission in which it summarizes the results of interviews and discussions which its field representatives have had with a number of protestants, and in many instances it is claimed that after the full scope of the substitute service was explained to the protesting party, the company was orally advised that these facts were not understood at the time the protest was filed. Western Union claims in a number of such instances it was advised that the protests were artificially drummed up, or were submitted only for political or public relations purposes. We will explore all of these allegations in the evidentiary hearings to be held.

12. We believe that the basic question of need for the continuation of company-operated offices cannot be effectively resolved without permitting the public a meaningful opportunity to participate. Accordingly, we will schedule public hearings on the issues designated below in each of the four communities mentioned above, and we will encourage the participation of the local citizenry in the creation of a full evidentiary record on the matters in issue. To encourage the fullest possible participation of local citizens, we will direct the Secretary to send copies of this notice to the local chamber of commerce as well as to local newspapers and radio stations. A copy of this order will be served on every protestant of record as well as the Secretary of Defense, the Connecticut, Pennsylvania, Tennessee, and Michigan Public Utility Commissions, and the National Association of Regulatory Utility Commissioners. The petition of the Tennessee Public Service Commission to intervene will be granted.

13. We propose to restrict participation in the field hearings to local witnesses. Our purpose is to afford the

[7] The company calls attention to the fact that some new agencies have been established recently by it to serve tourists and truckers along the interstate highway system. In recent years, new offices have been established at the rate of approximately three per year.

[8] The application for New Britain was filed with the Commission on June 24, 1970. We have not as yet received any protests regarding this application.

[9] In the case of Newport, Tenn., a petition for intervention and a brief in support of retention of the existing facility was filed by the State public service commission.

affected public the maximum opportunity to present their needs for telegraph service and their views and concerns with respect to the adequacy and efficiency of the existing and proposed service arrangements in their community. Representatives of the company, or other interested parties will not be permitted to testify except to the extent the hearing examiner may deem desirable to accomplish the purpose of the field hearing. Following the field hearings, a further hearing will be held in Washington, D.C., at which time the company and other interested parties may appear and testify. The Washington, D.C. hearing sessions will address the service implications of the total conversion program of Western Union as well as the more narrow and specific issues to be explored in the field. At the conclusion of the last hearing session the examiner will certify the record to the Commission for its immediate consideration. Within 30 days of the close of the record, interested parties may file with the Commission any comments, recommendations, or other pleadings they deem appropriate.[10] Replies thereto will not be permitted. The hearings to be held herein will be governed, to the extent applicable, by the same procedural guidelines as set forth in our recent decisions in California Water and Telephone Co. et al., 22 FCC 2d 586, recon. den. FCC 70-669, adopted June 24, 1970. We wish to emphasize that notwithstanding the evidentiary hearings to be held on four specific applications, this is not an adjudicatory proceeding under section 214 of the Act or section 554 of 5 U.S.C. Rather, it is a rule making proceeding held under the provisions, inter alia, of section 403 of the Act and 5 U.S.C. section 553. The applications in issue here will ultimately be disposed of only in connection with such revised policies as we may adopt and not as subjects of individual adjudicatory proceedings.

14. Notice is also given of proposed rule making. It may be that the Commission's determination as to some of the policy questions involved in this proceeding should be embodied in modification of our existing rules or adoption of new rules. In order to be in a position to take any rule making action found appropriate at the conclusion of this proceeding, without conducting new proceedings, we are putting all interested persons on notice that rules may be adopted incorporating any general policies established herein.

15. *Accordingly, it is ordered,* Pursuant to sections 4(i), 214, 403, and 418 of the Communications Act of 1934, as amended, that, an inquiry is hereby instituted into the plans and programs of Western Union with respect to the conversion of Class 1 main offices to Class 9 agency offices; the effects of such plans and programs, if implemented, upon the adequacy, quality and efficiency of telegraph services; and, in light of the information advanced in these respects, what new or revised regulatory policies, if any, should be established by the Commission applicable to such conversions.

16. *It is further ordered,* That this inquiry shall include specific consideration of the four above described applications on the following issues:

(1) To determine the character, quality, scope, and adequacy of telegraph service, facilities, and personnel now provided through applicant's Class 1 facilities sought to be discontinued in the four above-described applications;

(2) To determine the character, quality, scope, and adequacy of telegraph service, facilities, and personnel which would be provided if the applications were granted;

(3) To determine, through a comparison of the character, quality, scope, and adequacy of the proposed service, facilities, and personnel with those now being provided, with particular reference to any reduction, impairment, extension, or improvement in service which may result from the proposed change, whether the present or future public convenience or necessity will be adversely affected by the proposed replacement of Western Union Class 1 operation with Class 9 agency operation;

(4) To determine the nature and extent of the requirements of local telegraph users for telegraph service, and the ability of the proposed agency offices to meet such requirements;

(5) To determine the nature of the contractual arrangements between applicant and its proposed agents, and the extent to which the applicant will be able to maintain control as well as its specific plans for exercising such control over the character, quality, scope, and adequacy of the telegraph service, facilities, and personnel to be provided by the agents, and over the availability of telegraph service to the public during specific hours;

(6) To determine the extent of any savings which will accrue to the applicant from the conversion of its Class 1 offices to agency operation as proposed in the applications and the weight to be given this factor;

(7) To determine the extent to which the proposed conversions to agency operation may result in either a diminution or increase in the use of telegraph service;

(8) To determine how a grant of the applications would affect the money order service as well as the ability of agents to cash telegraphic money orders promptly;

(9) To determine whether grant of the applications would involve any impairment of the privacy of the public in its use of the telegraph service, and as to the extent and significance thereof;

17. *It is further ordered,* That the hearings in this inquiry shall be held in Washington, D.C., as hereinafter ordered, except such hearings as shall be held in each of the four communities for the purpose of receiving testimony and other evidence from local users with respect to their telegraphic communication requirements, and their views and recommendations concerning the adequacy and efficiency of existing and proposed facilities, services, and personnel for meeting such requirements.

18. *It is further ordered,* That interested parties wishing to avail themselves of the opportunity to be heard at the hearing to be held in Washington, D.C., may do so by filing with the Commission, no later than July 20, 1970, a written notice stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this notice of inquiry and notice of proposed rule making.

19. *It is further ordered,* That a prehearing conference be held no later than the week of July 20, 1970; that the field hearings commence no later than the week of August 3, 1970, and conclude as soon as possible in August; that the Washington, D.C., hearing commence no later than the week of September 8, 1970, and conclude as soon as possible in September; that upon closing of the record, the examiner shall immediately certify the record to the Commission.

20. *It is further ordered,* That interested parties may file with the Commission, no later than 30 days following the close of the record herein, comments, recommendations, or other such pleadings.

21. *It is further ordered,* That the petition to intervene filed by the Tennessee Public Service Commission is granted; and

22. *It is further ordered,* That a copy of this order be served on all protestants hereto and the parties named in paragraph 12, supra.

23. *It is further ordered,* That the Hearing Examiner shall take appropriate measures to provide opportunity for all local witnesses to be heard in the field hearings and to this end shall arrange for due and adequate public notice of the time, place and date of the hearings to be held in each of the communities listed in paragraph 1, supra.

24. *It is further ordered,* That the Secretary is directed to send a copy of this notice to the local chamber of commerce, newspaper(s), and radio station(s).

25. Authority for the inquiry and proposed rule making instituted herein is contained in sections 2, 3, 4 (i) and (j), 218, and 403 of the communications Act.

Adopted: July 2, 1970.

Released: July 6, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-8779; Filed July 9, 1970; 8:46 a.m.]

[10] Because this proceeding may affect hundreds of pending applications, we are concerned that the issues specified herein be resolved as expeditiously as possible. Accordingly, we will establish firm dates for the procedural steps specified herein and we expect all parties to cooperate in an effort to reduce delay to a minimum.

[11] Commissioner Cox not participating; Commissioner Johnson absent.

[47 CFR Part 73]

[Docket No. 18110; FCC 70-720]

MULTIPLE OWNERSHIP OF STANDARD, FM AND TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. On April 6, 1970, the Commission released a further notice of proposed rule making (35 F.R. 5963) inviting comments on proposed rules aimed at reducing common ownership of broadcasting stations, and of daily newspapers and broadcasting stations, in the same market by requiring divestiture of some holdings. That document required that comments and reply comments be filed by July 15, 1970, and August 17, 1970, respectively.

2. The National Association of Broadcasters (NAB) and the American Newspaper Publishers Association (ANPA), on June 17, 1970, and June 18, 1970, respectively, filed petitions requesting an extension of time for filing comments.[1]

3. As grounds for their requests they state that because of the sweeping nature of the proposed rules it is vital that the Commission have available to it as much fundamental economic and other data as possible on which to base decisions in this proceeding. Separately, they propose to carry on research projects designed to develop such information.

4. NAB states that it has appointed a Special Working Group on Media Structure and Service composed of its Executive Committee and eight other broadcast executives, that the first meeting of the group was held on June 15, 1970, and that it is now actively engaged in determining the areas and questions to which research should be directed. It states that substantial resources will be committed to this project to do a thorough job and requests an initial 4-month extension of time for formulating and contracting for a program of research. It indicates that after doing the work in the initial phase it would request a second extension to give it the time necessary for completion of the project.

5. ANPA says that promptly on the release of the further notice herein it held a number of meetings and initiated plans for collecting and analyzing pertinent economic and other data that would be of assistance to the Commission in arriving at decisions in this proceeding. ANPA further states that it is now in the process of retaining qualified experts in the newspaper publishing and broadcast fields, and estimates that it will take 6 months to complete and submit its studies. It, accordingly, requests a 6-month extension of time for filing comments.

6. The Commission is aware of the great importance of the pending proposals in this proceeding. It would welcome detailed studies of the sort proposed to be made by petitioners as an aid in arriving at informed decisions herein, and believes that an extension should be granted to provide the parties ample time in which to pursue their research projects. However, while it appears that the period of 6 months requested by ANPA is appropriate for planning and carrying out a research program, the period of 4 months requested by NAB for planning alone seems unduly long, especially in light of the fact that a period of somewhat over 3 months was originally granted for filing comments. Since the first meeting of the NAB working group did not occur until June 15, 1970—more than 2 months after the release of the further notice—it would appear that the NAB has been lacking in diligence. We have just recently commented on this inappropriate manner of proceeding (see par. 21 of the second further notice of proposed rule making, Docket No. 18397-A, FCC 70-676, released July 1, 1970) and we take occasion to call attention again to this practice. In any event, the NAB benefits from the 6-month extension which we grant today, and it will be expected to file the results of any study it makes within that period.

7. In granting this extension of time we stress that we believe that the period of 6 months is ample for carrying out such studies as either NAB or ANPA may consider necessary and we are strongly of the view that no further extensions of time should be granted. In this connection, we note that the further notice herein was issued in April 1970 and that interested parties are thus being afforded a total of 9 months for their initial submissions. This is clearly a generous allotment, and thus no further delay will be tolerated.

8. *Accordingly, it is ordered,* That the "Motion to Extend Time for Preparation and Submission of Comments," filed by the American Newspaper Publishers Association on June 18, 1970, is granted, and the "Petition for Extention of Time in Which To File Comments as to the Further Notice of Proposed Rule Making," filed by the National Association of Broadcasters on June 17, 1970, is denied except insofar as it is consistent with the actions taken herein: *And it is further ordered,* That the time for filing comments and reply comments in this proceeding is extended from July 15, 1970, and August 17, 1970, respectively, to and including January 15, 1971, and February 12, 1971, respectively.

Adopted: July 1, 1970.

Released: July 6, 1970.

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

[F.R. Doc. 70-8778, Filed, July 9, 1970; 8:46 a.m.]

[1] Petitions supporting the NAB petition were filed on June 22, 1970, by the following parties: Elyria-Lorain Broadcasting Co.; Illinois Valley Communications, Inc., Louisiana Television Broadcasting Co.; The Tribune Co.; WEEU Broadcasting Co.; WHAS, Inc.; WRNL, Inc.

Notices

SMALL BUSINESS ADMINISTRATION

PROVIDENT ENTERPRISES CORP.

Notice of Issuance of a License To Operate as a Minority Enterprise Small Business Investment Company

On June 9, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 8904) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company by Provident Enterprises Corp., 81 Encina, Palo Alto, Calif. 94301.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, License No. 12/12-5152 was issued in Washington, D.C., on June 18, 1970, to Provident Enterprises Corp. to operate as a minority enterprise small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

JUNE 25, 1970.

[F.R. Doc. 70-8780; Filed, July 9, 1970; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

[Treasury Dept. Order No. 217; Rev. 1]

CONSOLIDATED FEDERAL LAW ENFORCEMENT TRAINING CENTER

Establishment

1. *Authority and establishment.* By virtue of the authority vested in me as Secretary of the Treasury, including the authority in the Government Employees Training Act, 5 U.S.C. 4101-4118, as implemented by Executive Order 11348 of April 20, 1967, and Reorganization Plan No. 26 of 1950, I hereby reaffirm the establishment of the Consolidated Federal Law Enforcement Training Center as an organizational entity within the Department of the Treasury to function as an interagency training facility, and place it under the supervision of the Assistant Secretary (Enforcement and Operations).

2. *Center functions.* The Consolidated Federal Law Enforcement Training Center shall:

a. Serve as an interagency law enforcement training center.

b. Provide necessary facilities, equipment, and support services for conducting recruit, advanced, specialized, and refresher law enforcement training for personnel of participating Federal agencies, including:

(1) Budgeting for and administering funds for construction, maintenance and operation of the Center;

(2) Housing, feeding, and providing recreation programs and administrative services for students.

c. Provide support, administrative, and educational personnel for common training courses to:

(1) Consolidate requirements of participating agencies and develop proposed curricula;

(2) Develop content and teaching techniques for courses;

(3) Instruct and evaluate students.

d. As an interagency training facility, provide training to other eligible persons.

e. Administer the current Treasury Law Enforcement School for as long as that school is found necessary.

3. *Responsibilities of the Director.* Under the supervision of the Assistant Secretary (Enforcement and Operations) the Director of the Center shall:

a. Exercise responsibilities prerequisite to initiating full Center operations at the earliest date, including the development of detailed plans within the guidelines established by the Congress for the design and construction of Center facilities.

b. Be responsible for the effective and efficient performance of the functions of the Center, including

(1) Financial management, including planning, programing and budgeting for the Center, and fiscal operations;

(2) Administrative management, including staffing and managerial services;

(3) Development of the internal organization of the Center, including the designation of subordinate divisions.

4. *Authority of the Director.* a. The Director of the Center shall have all the authority which has been delegated to heads of bureaus by Treasury orders and other issuances of the Office of the Secretary and which is necessary for the performance of his responsibilities, and the authority to redelegate such authority.

b. In the absence of the Director, the Deputy Director shall have the authority of the Director.

5. *Center operations.* The Department of the Treasury is the Executive Agency for operating the Center and serves as the established point of authority for implementation of Federal regulations and policies having Government-wide application. Within this concept:

a. All employees of the Center staff will be appointed under the authority of the Secretary of the Treasury and shall be employees of the Department of the Treasury;

b. Center operations will be financed by a separate appropriation to the Department of the Treasury to be used to pay costs of salaries, equipment, and other expenses in connection with—

(1) Administration.

(2) Maintenance and operation of the physical plant (including dormitories and dining facilities).

(3) Conducting common training courses.

(4) Operation of the laboratories, library, and other support services.

(5) Research conducted in law enforcement curriculum and training methods.

c. The Office of the Secretary will provide staff support and assistance, related to:

(1) Organizational structure, management systems, and administrative procedures;

(2) Staffing patterns, manpower utilization and control, and personnel administration;

(3) Design, construction, and maintenance of facilities; and

(4) Financial management systems and budgetary processes, including planning, programming and budgeting.

6. *Transfer of facilities.* The personnel, equipment, records, supplies, and any remaining funds heretofore used or available for use in the establishment of the Center and in the conduct of the Treasury Law Enforcement School are transferred to the Center, without loss of rights or status possessed by such personnel.

7. *Effect on prior Treasury Orders.* This order supersedes Treasury Department Order No. 217 of March 2, 1970, which is hereby rescinded. The Office of Law Enforcement Training established by Treasury Order 147 (Revision 3) is hereby abolished.

Effective date: This order is effective as of July 1, 1970.

Dated: June 30, 1970.

[SEAL] DAVID M. KENNEDY,
Secretary of the Treasury.

[F.R. Doc. 70-8771; Filed, July 9, 1970; 8:46 a.m.]

Internal Revenue Service

THOMAS S. DAVIS

Notice of Granting of Relief

Notice is hereby given that Thomas S. Davis, 130 Swanson Road, Saginaw, 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 September 22, 1959, in the Circuit Court

of Galdwin County, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas S. Davis 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 Thomas S. Davis to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas S. Davis' 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 Thomas S. Davis 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 26th day of June 1970.

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

[F.R. Doc. 70-8797; Filed, July 9, 1970; 8:48 a.m.]

HENRY JEFFERSON FITZGERALD

Notice of Granting of Relief

Notice is hereby given that Henry Jefferson Fitzgerald, Route 1, Box 99, Arlington, Va. 22922, 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 December 12, 1966, in the U.S. District Court for the Western District of Virginia, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Fitzgerald because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Fitzgerald to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Fitzgerald's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Mr. Fitzgerald 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 29th day of June, 1970.

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

[F.R. Doc. 70-8796; Filed, July 9, 1970; 8:48 a.m.]

ALFRED IVAN GREENFELD

Notice of Granting of Relief

Notice is hereby given that Alfred Ivan Greenfeld, 5912 Cherrywood Terrace, Apartment 203, Greenbelt, Md. 20770, 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 September 26, 1960, in the U.S. District Court, Baltimore, Md., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Alfred Ivan Greenfeld because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Greenfeld to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Greenfeld's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Alfred Ivan Greenfeld 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 1st day of July 1970.

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

[F.R. Doc. 70-8802; Filed, July 9, 1970; 8:49 a.m.]

HARRY B. HAVILAND

Notice of Granting of Relief

Notice is hereby given that Harry B. Haviland, 60 Cooper Avenue, Milford, Conn. 06460, 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 October 9, 1964, in the New Haven County Superior Court, New Haven, Conn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Haviland 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 Harry B. Haviland to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Haviland's application and:

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

(2) It has been established to my satisfaction that the circumstances regard-

ing 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 Harry B. Haviland 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 29th day of June 1970.

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

[F.R. Doc. 70-8799; Filed, July 9, 1970; 8:48 a.m.]

ELWOOD C. MYERS

Notice of Granting of Relief

Notice is hereby given that Elwood C. Myers, 113 South Main Street, Union Bridge, Carroll County, Md., 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 May 7, 1960, in the Magistrate's Court of Carroll County at Westminster, Md., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Myers 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 Elwood C. Myers to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Myers' 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 Elwood C. Myers 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 25th day of June 1970.

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

[F.R. Doc. 70-8798; Filed, July 9, 1970; 8:48 a.m.]

CARL EDWARD RADTKA

Notice of Granting of Relief

Notice is hereby given that Carl Edward Radtka, Church Hill, Md., 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 May 23, 1968, in the Circuit Court of Queen Anne's County, Md., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Carl E. Radtka 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 Carl E. Radtka to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Carl E. Radtka's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Carl E. Radtka 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 30th day of June 1970.

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

[F.R. Doc. 70-8800; Filed, July 9, 1970; 8:48 a.m.]

EARL J. WHITE

Notice of Granting of Relief

Notice is hereby given that Earl J. White, 722 Center Road, West Seneca, N.Y. 14224, 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 August 11, 1927, at Fort Hamilton, N.Y., before a general court martial, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Earl J. White 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 Earl J. White to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Earl J. White's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144, it is ordered that Earl J. White 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 1st day of July 1970.

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

[F.R. Doc. 70-8801; Filed, July 9, 1970; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

FLIPPIN SALE CO., INC., ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Flippin Sale Co., Inc., Flippin, Ark., Feb. 18, 1959.
Valley Stockyards, Inc., El Centro, Calif., Sept. 27, 1959.
Lincoln Sales Company, Lincoln, Kans., May 22, 1959.
Carlisle Stock Yards, Carlisle, Ky., Dec. 28, 1959.
Delhi Livestock Auction, Delhi, La., Mar. 29, 1957.
Clinton Auction Livestock Market, Mill Hall, Pa., Feb. 24, 1960.
Hubbard Auction Sale, Hubbard, Tex., Jan. 16, 1957.
Lateral A Community Sales, Wapato, Wash., Sept. 26, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C., this 2d day of July 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-8810; Filed, July 9, 1970; 8:49 a.m.]

LAVEEN LIVESTOCK AUCTION, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARIZONA	
Roer Livestock Auction, Laveen, Nov. 17, 1966----	Laveen Livestock Auction, May 7, 1970.
CALIFORNIA	
Santa Ynez Valley Sales Yard, Buellton, Nov. 5, 1959.	Santa Ynez Valley Sales Yard, Inc., Apr. 1, 1970.
KANSAS	
Leoti Livestock Sales Company, Inc., Leoti, Oct. 15, 1956.	Dean & Weaver, Apr. 7, 1970.
MISSISSIPPI	
Jefferson County Stockyards, Inc., Fayette, Feb. 16, 1959.	Fayette Stockyard, Inc., Apr. 30, 1970.
MISSOURI	
Mountain Grove Livestock Auction, Mountain Grove, May 13, 1959.	Mountain Grove Auction Co., Inc., Mar. 6, 1970.
NORTH DAKOTA	
Edgeley Livestock Sales Co., Edgeley, May 14, 1959--	Edgeley Sales Barn, Inc., Mar. 26, 1970.
Park River Livestock Auction Market, Park River, June 9, 1959.	Park River Livestock Sales, Inc., July 1, 1970.
TEXAS	
McKinney Livestock Commission, McKinney, Jan. 19, 1959.	Craig & Price Comm. Company, June 1, 1970.

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

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-8811; Filed, July 9, 1970; 8:49 a.m.]

MOULTON STOCKYARD, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ALABAMA

Moulton Stockyard, Inc., Moulton, June 22, 1970.

KENTUCKY

Owen County Stock Yard, Owenton, Apr. 6, 1970.

MISSOURI

Urbana Sale Barn, Urbana, May 8, 1970.

PENNSYLVANIA

Jersey Shore Livestock, Inc., Jersey Shore, May 12, 1970.

TEXAS

Cattleman's McCulloch County Livestock Commission Company, Brady, June 17, 1970.

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

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-8812; Filed, July 9, 1970; 8:49 a.m.]

SHASTA LIVESTOCK AUCTION YARD, INC., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Shasta Livestock Auction Yard, Inc., Cottonwood, Calif.
Upper Hiawassee Livestock Sales Association, Inc., Blue Ridge, Ga.
Mayfield Feeder Pig Sale, Mayfield, Ky.
Delhi Livestock Auction, Delhi, La.
MFA-Livestock Association, Inc., Taneyville Concentration Point, Taneyville, Mo.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as

posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 2d day of July 1970.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 70-8813; Filed, July 9, 1970; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21513, 21518]

ASPEN AIRWAYS, INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 27, 1970, at 10 a.m., e.d.s.t, in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 6, 1970.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 70-8784; Filed, July 9, 1970; 8:47 a.m.]

[Docket No. 22340; Order 70-7-29]

CONTINENTAL AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of July 1970.

By tariffs filed May 27, and June 23, 1970, and variously marked for effectiveness on July 11 and 23, 1970, Continental Air Lines, Inc. (Continental), proposes to establish general and specific commodity container rates and charges in the Chicago-Los Angeles-Honolulu markets. The container involved is the LD-3 container for Boeing 747 aircraft (transported in the belly of such aircraft), consisting of approximately 160 cubic feet (based on outside dimensions) and a maximum load capacity of approximately 2,600 pounds.

Continental has basically met existing competitive LD-3 single-container general commodity rates between Los Angeles-Honolulu,[1] and between Chicago-Los Angeles, where they have adopted the "domestic" formula beginning at 1,100 pounds[2] and a density incentive thereafter at a 33-percent reduction in rate.

In addition, Continental has integrated such rates into the existing "international" (IATA) formula in the Los Angeles Hawaiian market beginning at 1,984 pounds.[3] The same principles have been followed by Continental in introducing LD-3 rates into the Chicago-Honolulu market.

Continental also proposes typical and complementary charges for containerized pickup and delivery rates and specific commodity minimum charges. With one exception, Continental's proposed minimum charges for specific commodities moving in LD-3 containers are either identical to existing charges or are computed on the same basis as existing minimum charges.[4] The exception concerns the eastbound minimum charge from Los Angeles to Chicago where Continental has predicated its minimum charge on specific commodity Item 1001 at 3,000 pounds instead of the general commodity rate. Item 1001 is a broad grouping of over 30 general categories of goods. The respective specific and general commodity rates at 3,000 pounds are $11.60 and $13 per hundredweight, respectively; thus an undercut of $14 ($109 vs. $123, or 11.4 percent) per container results.

In support of its lower minimum charge, Continental states that eastbound traffic in the Los Angeles-Chicago market moves largely under specific commodity rates, and that a minimum charge based on general commodity rates is therefore unrealistic.

Lastly, Continental proposes a multicontainer general commodity rate (10 or more LD-3's) in the westbound Los Angeles to Honolulu market.[5] Such rate is based on a minimum weight of 933 pounds,[6] and a minimum charge of $140 per unit, with additional weight in excess of 933 pounds charged at $15 per 100 pounds. The LD-3 single-container rate in this market is $198 and the excess weight over 1,100 pounds is rated at $13 per hundredweight.

In support of its multicontainer filing, Continental states that it is designed to attract the frequent high volume shipper to gear his operation to the LD-3 program, and that the space-available provisions and the B-747 daylight schedules preclude diversion of existing traffic. Continental estimates added annual revenues of $1,200,000 from the multicontainer rates.

American Airlines, Inc., The Flying Tiger Line Inc. (Flying Tiger), and United Air Lines, Inc. (United), have protested Continental's multicontainer rate from Los Angeles to Honolulu, requesting suspension and investigation, stating that the prime demand in the market is westbound, that the proposal is diversionary and uneconomic, and that Continental has failed to provide economic justification for its multicontainer rates in accordance with views recently expressed by the Board (Order 69-12-27). In its reply, Continental states that it relies on costing akin to the nonpriority mail rates, that the usual terminal handling cost for noncontainerized traffic would not be applicable to the multicontainer traffic, and that the proposed rates are therefore economic.

In addition, Flying Tiger and United have also protested Continental's proposed LD-3 single-container minimum charge, applicable to shipments moving under specific commodity rates from Los Angeles to Chicago, on the grounds that it undercuts not only the existing LD-3 minimum charge, but the Type A pallet-igloo charge as well.[7]

Flying Tiger also protests Continental's pickup and delivery provisions applicable to LD-3 containers on the grounds that Continental is providing an inordinately high incentive.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposed multicontainer rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation. On several previous occasions, the Board has questioned the economic validity of multicontainer rates, and has recently permitted a trancontinental extension thereof to September 30, 1970, only because the rates were increased as a step toward total elimination of such rates.[8] As previously noted, the Board has frequently questioned the lack of cost differences between single-container and multicontainer shipments, as well as the discrimination involved in the absence of such cost differences, and

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[1] Single-container general and specific commodity rates and charges between Los Angeles and Honolulu became effective June 26, 1970.

[2] A unitization discount of $1 per cwt. applies at the 1,100-pound minimum weight.

[3] Pan American World Airways, Inc., grants a 28-percent reduction, beginning at a minimum weight of 1,984 pounds (11.9 pounds per cubic foot).

[4] Although LD-3 rates are exempt from the industry container agreement, the carriers have tended to follow a standard formula in establishing minimum charges for containerized specific commodities, namely, $1 per 100 pounds deducted from the 3,000-pound general commodity rate times a minimum weight of 1,030 pounds.

[5] The multicontainer rates are subject to available space after the accommodation of all other revenue traffic.

[6] Continental predicates its minimum weight on the standard industry minimum density of 7 pounds per cubic foot, but based on an inside or "useable" cube of approximately 133 cubic feet.

[7] Flying Tiger also notes that the combination of minimum charges from Honolulu to Los Angeles, and Los Angeles to Chicago undercuts by $15 Continental's proposed minimum charge from Honolulu to Chicago.

[8] Orders 68-10-111 dated Oct. 21, 1968; 69-12-27 dated Dec. 4, 1969; 69-12-111 dated Dec. 24, 1969; and 70-3-78 dated Mar. 16, 1970.

has informed the carriers that adequate cost justification would be expected. Moreover, we do not believe that incremental or byproduct costing as proposed by Continental is proper in the prime direction of traffic flow. Mainland-Hawaii traffic has long been known for its eastbound freight backhaul problems, and Continental's proposal would but accentuate the problem, as well as dilute existing revenues. In this regard, we do not believe that the space-available conditions of the filing will be a meaningful deterrent against diversion or dilution. Thus a discriminatory situation as between shippers would result from the lower multicontainer rates.[9]

With regard to the protests against Continental's eastbound specific commodity minimum charge and pickup and delivery provisions, the Board does not find facts sufficient to warrant suspension or investigation and the complaints will be dismissed. LD-3 container rates and specific commodity minimum charges for such container are both exempt from the standard industry container agreement; hence the existing voluntary formula initiated by Continental's competitors is not deemed to be controlling. Conversely, Continental's rationale of predicating their specific commodity minimum charge on a typical eastbound specific commodity rate instead of a general commodity rate is not considered to be illogical under the circumstances and is acceptable to the Board. As Flying Tiger itself asserts, the specific commodity minimum charges based on general commodity rates are recognized by the industry as "paper rates," i.e., rates having virtually no application and, as such, these rates may well have retarded the development of containerization.

With respect to pickup and delivery, Continental is but matching existing discounts and other provisions which were designed to encourage the door-to-door use of containers by shippers.

In line with the practice of other carriers which now offer container rates, the Board will expect Continental to report its LD-3 container movements to the Board, in order that the impact of their operations can be monitored and evaluated.[10]

[9] A 10-container shipment at the lowest density and payload (9,333 pounds) would undercut the single-container rate (times 10) by approximately $580 and at a median density of 11 pounds per cubic foot would undercut by approximately $198. Above 11-pound density, however, and when compared to the single-container rate (times 10), Continental's multicontainer rates begin to be greater than the single-container rate. At the maximum of approximately 26,000 pounds, the multicontainer charge would be approximately $362 greater than the single-container charge.

[10] Continental's rates are subject to an expiry date of June 3, 1971.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the:

(1) Reference marks:
"Y",
"M",
"N", and
"P",
and the provisions in the explanation thereof;

and

(2) rates, charges, and provisions subject to the reference mark "M";

applicable from Los Angeles, CA to Honolulu, HI via routing CO on 12th Revised Page 100 and 13th Revised Page 100 of Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 131, and rules, regulations, and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and, if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the:

(1) Reference marks:
"Y",
"M",
"N", and
"P",
and the provisions in the explanation thereof;

and

(2) rates, charges, and provisions subject to the reference mark "M";

applicable from Los Angeles, CA to Honolulu, HI via routing CO on 12th Revised Page 100 and 13th Revised Page 100 of Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 131 are suspended and their use deferred to and including October 20, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. Copies of this order shall be filed with the tariff named above and shall be served upon American Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding; and

5. Except as granted above, the complaints of American Airlines, Inc., in Docket 22297, The Flying Tiger Line Inc., in Docket 22321, and United Air Lines, Inc., in Dockets 22259 and 22304 are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-8787; Filed, July 9, 1970; 8:47 a.m.]

[Docket No. 20993; Order 70-7-19]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority July 2, 1970.

By Order 70-6-76, dated June 12, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-6-76 will herein be made final.

Accordingly, It is ordered, That:

Agreement CAB 21753, R-9, be and it hereby is aproved: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 70-8785; Filed, July 9, 1970; 8:47 a.m.]

[Docket No. 20993; Order 70-7-20]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

JULY 2, 1970.

Issued under delegated authority.

By order 70-6-77, dated June 12, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-6-77 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21753, R-8, be and it hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

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

[F.R. Doc. 70-8786; Filed, July 9, 1970; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 70-702]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JULY 6, 1970.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on August 11, 1970, the following standard broadcast application will be considered as ready and available for processing:

New, Kodiak, Alaska.
Loren F. Bridges.
Req: 560 kc., 1 kw., U.

Pursuant to §§ 1.227(b)(1), 1.591(b), and Note 2, § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete, and tendered for filing at the offices of the Commission by close of business on August 10, 1970.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to § 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission July 1, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Cox, Johnson, H. Rex Lee, and Wells.

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

[F.R. Doc. 70-8775; Filed, July 9, 1970; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, INC., AND CARIB STAR LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination of unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement No. DC-49 between Seatrain Lines, Inc. (Seatrain), and Carib Star Line, Inc. (Carib Star), provides for the transportation of cargo under through bills of lading between U.S./Atlantic ports and ports in the Virgin Islands with transshipment at the port of San Juan, P.R. The through rates and terms of transportation will be combination rates of those published separately by Seatrain between Atlantic ports and Puerto Rico and those separately published by Carib Star between Fajardo, P.R., and the Virgin Islands. All shipments pursuant to this agreement moving from Atlantic ports will be delivered by Seatrain to Carib Star in San Juan. Shipments originating from the Virgin Islands will be delivered by Carib Star to Seatrain's terminal at San Juan. Carib Star will assume all expenses in transferring cargo between Fajardo and San Juan.

The agreement should become effective upon the approval of the Commission pursuant to section 15, Shipping Act, 1916.

Dated: July 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS HURNEY,
Secretary.

[F.R. Doc. 70-8781; Filed, July 9, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI70-1759 etc.]

MOBIL OIL CORP. ET AL.

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

JULY 1, 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 September 15, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

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.
RI70-1759..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	435	4	Transcontinental Gas Pipe Line Corp. (Dilworth Field, McMullen County, Tex.) (RR. District No. 1).	$1,082	6-11-70	[2] 7-22-70	12-22-70	[5] 16.206	[3 4] 17.276	RI70-498.
	----do----	226	13	Transwestern Pipeline Co. (Kermit Field Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	34,809	6-12-70	[2] 7-13-70	12-13-70	20.0	[4 6 7] 27.319	RI70-1027.
	----do----	227	27	----do----	82,708	6-12-70	[2] 7-13-70	12-13-70	20.0	[4 6 7] 27.319	RI70-1027.
	----do----	228	13	----do----	11,594	6-12-70	[2] 7-13-70	12-13-70	20.0	[4 6 7] 27.319	RI70-1027.
RI70-1760..	Mobil Oil Corp. (Operator) et al.	260	7	----do----	13,731	6-12-70	[2] 7-13-70	12-13-70	20.0	[4 6 7] 27.319	RI70-1030.
RI70-1761..	International Nuclear Corp., 308 Lincoln Tower Bldg., Denver, Colo. 80203.	5	1	Natural Gas Pipeline Co. of America (Seven Oaks Area, Polk County, Tex.) (RR. District No. 3).	720	6- 9-70	[2] 7-10-70	12-10-70	17.0	[3 4 8] 17.8	
RI70-1762..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	437	4	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	8,573	6- 5-70	[2] 8- 1-70	1- 1-71	16.5619	[3 4] 17.5656	RI70-404.
RI70-1763..	Perry R. Bass (Operator) et al., 1200 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	6	17	Transwestern Pipeline Co. (Keystone Plant Area, Winkler, Crane, Ward, and Reeves Counties, Tex.) (RR. District No. 8) (Bell Lake Area, Lea County, N. Mex.) (Permian Basin Area).	[9] 1,066,493 [11] 30,577	6- 1-70	[10] 7- 2-70	12- 2-70	[5] 20.5897 [11] 18.50	[4 6 7 9] 27.319 [4 6 11] 27.20	RI69-802. RI69-802.
RI70-1764..	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	81	2	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	13,688	6-11-70	[10] 7-12-70	12-12-70	[13 14] 17.87	[4 12 13 14] 20.37	
RI70-1765..	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla. 74102.	25	6	Michigan Wisconsin Pipe Line Co. (West Chester Field, Major County, Okla.) (Oklahoma "Other" Area).	274	[15] 6- 1-70	[10] 7- 2-70	12- 2-70	[14 16] 15.49	[3 4 14 16] 18.005	
RI70-1766..	Chevron Oil Co., Western Division, Post Office Box 599, Denver, Colo. 80201.	[16] 37	2	Natural Gas Pipeline Co. of America (Mobeetie Field, Wheeler County, Tex.) (RR. District No. 10).	16,486	6- 9-70	[10] 7-10-70	12-10-70	[13] 17.0638	[3 4 13] 18.0675	RI70-551.
RI70-1767..	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	297	2	----do----	201	6-12-70	[2] 7-13-70	12-13-70	[13] 17.06375	[3 4 13] 18.0675	RI70-439.
RI70-1768..	Berry and Steward et al., Box 3162 Station A, Fort Smith, Ark. 72901.	1	3	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	741	6- 8-70	[2] 7- 9-70	12- 9-70	15.0	[3 4] 16.015	
RI70-1769..	Pan American Petroleum Corp., Post Office Box 1410, Fort Worth, Tex. 76101.	221	11	Panhandle Eastern Pipe Line Co. (Enns Camrick Field, Texas County, Okla.) (Panhandle Area).	3,000	[19] 5- 8-70	[2] 7-13-70	12-13-70	18.21025	[3 4] 18.41025	RI70-1130.
RI70-1770..	Curtis R. Inman, Post Office Box 737, Midland, Tex. 79701.	[20]	----	Transwestern Pipeline Co. (Worsham Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	4,294	6- 1-70	[2] 7- 2-70	12- 2-70	14.5	[4 21] 18.0788	
RI70-1771..	Frank J. Whitley, 662 San Jacinto Bldg., Houston, Tex. 77002.	[22]	----	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.((RR. District No. 8) (Permian Basin Area).	4,138	6- 8-70	[2] 7-9 -70	12- 9-70	16.5	[3 4] 17.5656	
RI70-1772..	Paul F. Barnhart, Trustee, 600 Post Oak Bank Bldg., 2200 South Post Oak Road, Houston, Tex. 77027.	[23]	----do----		6,625	6- 1-70	[2] 7- 2-70	12- 2-70	16.562	[3 4] 17.5656	RI70-772.
RI70-1773..	W. Watson LaForce, Post Office Box 353, Midland, Tex. 79701.	[24]	----	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,974	6- 1-70	[10] 7- 2-70	12- 2-70	16.5	[3 4] 17.5656	
RI70-1774..	Roden Oil Co., Post Office Box 767, Midland, Tex. 79701.	[25]	----	Natural Gas Pipeline Co. of America (Rhoda Walker and Roc Fields, Ward County, Tex.) (RR. District No. 8) (Permian Basin Area).	10,714	6- 8-70	[2] 7- 9-70	12- 9-70	16.5	[3 4] 17.5656	
RI70-1775..	Petroleum Corp. of Texas (Operator) et al., Post Office Box 911, Breckenridge, Tex. 76024.	[26]	----	Northern Natural Gas Co. (Denison Field, Sutton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	1,235	6-12-70	[2] 8- 1-70	1- 1-71	16.06	[3 4] 17.0638	

[2] The stated effective date is the effective date requested by respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to 0.720-cent downward B.t.u. adjustment as reflected in filing.
[6] Increase to contract rate.
[7] Includes tax reimbursement.
[8] Initial contract rate.
[9] Texas gas.
[10] The stated effective date is the first day after expiration of the statutory notice period.
[11] New Mexico gas.
[12] Filing from initial certificated rate to initial contract rate.
[13] Includes 0.87-cent upward B.t.u. adjustment.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Completed by filing of June 11, 1970.
[16] Includes 0.49-cent upward B.t.u. adjustment.
[17] Formerly Standard Oil Company of Texas, a division of Chevron Oil Co., FPC Gas Rate Schedule No. 38.
[18] Subject to a downward B.t.u. adjustment.
[19] Filing completed on May 25, 1970, by corrected letter dated May 22, 1970.
[20] No rate schedule on file—pertains to contract dated July 9, 1958, respondent issued small producer certificate in Docket No. CS66-60.
[21] Increase to contract rate.
[22] No rate schedule on file—pertains to contract dated Nov. 21, 1967, respondent issued small producer certificate in Docket No. CS67-50.
[23] No rate schedule on file—pertains to contract dated Nov. 21, 1967, respondent issued small producer certificate in Docket No. CS67-52.
[24] No rate schedule on file—pertains to contract dated July 15, 1964, respondent issued small producer certificate in Docket No. CS66-102.
[25] No rate schedule on file—pertains to contract dated Aug. 21, 1967, respondent issued small producer certificate in Docket No. CS69-33.
[26] No rate schedule on file—pertains to contract dated Sept. 1, 1964, respondent issued a small producer certificate in Docket No. CS70-37.

Perry R. Bass (Operator) et al., request waiver of the statutory notice period to permit an effective date of June 1, 1970, for their proposed rate increases. Edwin L. Cox requests an effective date of June 2, 1970, the date of initial delivery, for his proposed rate increase. Chevron Oil Co., Western Division, requests a retroactive effective date of May 22, 1970. W. Watson LaForce requests waiver of the statutory notice to permit an effective date of June 1, 1970, for his 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.

Humble Oil & Refining Co. (Humble) and Oklahoma Natural Gas Co. (ONGC) request that should the Commission suspend their rate increases, that the suspension periods with respect thereto be limited to 1 day. Good cause has not been shown for limiting to 1 day the suspension periods with respect to Humble and ONGC's rate filings and such requests are denied.

Roden Oil Co. (Roden) has filed an increase from 16.5 cents to 17.5656 cents per Mcf for a sale being made under a small producer certificate issued in Docket No. CS69-33. On February 16, 1970, Roden filed an increase from 14.7015 cents to 15.6510 cents per Mcf for the subject sale which is currently suspended in Docket No. RI70-1354 until August 19, 1970. By letter dated March 19, 1970, Roden requested withdrawal of the February 16, 1970, increase since it did not exceed the applicable 16.5 cents per Mcf ceiling rate for small producers.[27] Under the circumstances, we conclude that Roden's rate increase filed on February 16, 1970, should be permitted to be withdrawn and the related rate proceeding in Docket No. RI70-1354 is terminated.

Six of the proposed rate increases herein are filed by holders of small producer certificates for sales in the Permian Basin Area.[28] The proposed increases exceed the rate ceilings set forth in § 157.40(b) of the Commission's regulations for sales made under small producer certificates and should be suspended for 5 months from the date shown in the "Effective Date" column of Appendix "A" hereof.

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, Ch. I, Part 2, § 2.56).

[F.R. Doc. 70-8715; Filed, July 9, 1970; 8:45 a.m.]

[27] When the first rate change was filed the assumption was that the sale was for casinghead gas with an applicable ceiling of 14.5 cents per Mcf. The assumption was prompted by the fact that there is no rate schedule on file to make a definite determination.

[28] Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitting rate schedules as a result of Order No. 395 issued Jan. 6, 1970. Where the words "supplements" or "rate schedules" appear in this order they refer to the notices of change in rate filed by the small producers herein.

[Dockets Nos. RI70-1776 etc.]

WILLIAM PERLMAN ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JULY 1, 1970.

The respondents named herein have filed proposed changes in 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: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

(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 September 15, 1970.

By the Commission.

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

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

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.
RI70-1776	William Perlman et al., 2302 Niels Esperson Bldg., Houston, Tex. 77002.	[3] 1	1	Valley Gas Transmission, Inc. (LaHuerta West Field Area, Duval County, Tex.) (RR. District No. 4).	$360	6- 8-70	[4] 7- 9-70	[5] 7-10-70	[6] 15.0	[7] [8] 16.0	
RI70-1777	Mana Resources, Inc., 1216 Hartford Bldg., Dallas, Tex. 75201.	[9] 2	5	Baca Gas Gathering System, Inc. (Flank, Greenwood, and Midway Fields, Baca County, Colo.).	19,740	6- 8-70	[10] 8- 1-70	[5] 8- 2-70	12.0	[6] [7] 13.0	
	do	[9] [11] 26	4	Baca Gas Gathering System, Inc. (Flank and Midway Fields, Baca County, Colo.).	1,210	6- 8-70	[10] 8- 1-70	[5] 8- 2-70	12.0	[6] [7] 13.0	
RI70-1778	Mana Resources, Inc., (Operator) et al.	[9] 3	10	Baca Gas Gathering System, Inc. (Flank et al., Fields, Baca County, Colo.).	2,190	6- 8-70	[10] 8- 1-70	[5] 8- 2-70	12.0	[6] [7] 13.0	
RI70-1779	Frio-Tex Oil & Gas Co. (Operator) et al., Alamo National Bldg., San Antonio, Tex. 78205.	2	[11] 6	Northern Natural Gas Co. (Ozona Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	200	6-11-70	[12] 6-11-70	[5] 6-12-70	[14] 16.5	[7] [13] 16.5618	
RI70-1780	Joseph B. Gould, 230 Kittredge Bldg., 511 16th St., Denver, Colo. 80202.	1	3	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	13	6- 3-70	[4] 7- 4-70	[5] 7- 5-70	13.0	[13] [15] 13.0495	
RI70-1781	Pan American Petroleum Corp., Post Office Box 50870, New Orleans, La. 70150.	547	1	Michigan Wisconsin Pipe Line Co. (Ship Shoal Block 219 Field, Offshore Louisiana) (Federal Domain).	54,000	6- 11-70	[16] 7-12-70	[5] 7-13-70	[15] [16] [20] 18.5	[15] [17] [18] 20.0	

[3] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and proposed rate does not exceed the area initial rate ceiling.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Initial contract rate.
[9] Formerly Horizon Oil & Gas Company of Texas' FPC Gas Rate Schedules Nos. 1, 2, and 27, respectively.
[10] The stated effective date is the effective date requested by respondent.
[11] Pertains only to acreage covered by Supplement No. 5.
[12] The stated effective date is the date of filing pursuant to Order No. 390.
[13] Tax reimbursement increase.
[14] Applicable area base rate—subject to quality adjustment—pursuant to Opinion No. 468.
[15] Pressure base is 15.025 p.s.i.a.
[16] The stated effective date is the first day after expiration of the statutory notice period, of the date of initial delivery, whichever is later.
[17] Pursuant to Paragraph (A) of Opinion No. 546-A.
[18] Subject to quality adjustments.
[19] Area base rate for third vintage gas well gas as established in Opinion No. 546.
[20] Conditioned initial rate for gas well gas pursuant to temporary certificate issued May 15, 1970, in Docket No. CI70-960.

William Perlman et al. (Perlman), and Joseph B. Gould (Gould) request a retroactive effective date of January 1, 1969, for their proposed rate increases. Pan American Petroleum Corp. (Pan American), requests an effective date of June 11, 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.

The contracts related to the proposed rate increases filed by Perlman, Mana Resources, Inc., and Mana Resources, Inc. (Operator), et al. (both referred to herein as Mana), were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation, Perlman and Mana's proposed rate filings should be suspended for 1 day from July 9, 1970 (Perlman), the expiration date of the statutory notice, and August 1, 1970 (Mana), the proposed effective date.

Pan American's proposed rate increase from 18.5 cents to 20 cents per Mcf involves a sale of third vintage gas-well gas from Offshore Louisiana and was filed pursuant to the Commission's order issued March 20, 1969, in Opinion No. 546-A. Consistent with prior Commission action on similar rate increases, we conclude that Pan American's proposed rate increase should be suspended for 1 day from July 12, 1970, the expiration date of the statutory notice, or 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed rate may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

The proposed rate increase filed by Frio-Tex Oil and Gas Co. (Operator) et al. (Frio-Tex) reflects partial reimbursement for the increase from 7 to 7.5 percent in the Texas Production Tax. Frio-Tex's proposed rate exceeds the increased rate ceiling for Texas Railroad District No. 7-C as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from the date of filing pursuant to the Commission's Order No. 390, issued October 10, 1969.

The proposed rate increase filed by Joseph B. Gould is in the San Juan basin area of New Mexico and reflects tax reimbursement on an existing effective base rate. Consistent with prior Commission action on filings of this type in the San Juan basin area which exceed the ceiling rate, we conclude that Gould's proposed rate increase should be suspended for 1 day from July 4, 1970, the expiration date of the statutory notice.

[F.R. Doc. 70-8714; Filed, July 9, 1970; 8:45 a.m.]

[Docket No. CS70-47 etc.]

FUNDAMENTAL OIL CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JUNE 30, 1970.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 24, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No.	Date filed	Name of applicant
CS70-47....	6-15-70	The Fundamental Oil Corp., 2014 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS70-48....	6-15-70	Hanley Co., 3777 First National Bank Bldg., Dallas, Tex. 75202.
CS70-49....	6-18-70	Blackrock Oil Co., 1000 V & J Tower Bldg., Midland, Tex. 79701.

[F.R. Doc. 70-8763; Filed, July 9, 1970; 8:45 a.m.]

[Docket No. G-12907 etc.]

MANA RESOURCES, INC.

Notice of Petition To Amend

JUNE 30, 1970.

Take notice that on May 20, 1970, Mana Resources, Inc., 1216 Hartford Building, Dallas, Tex. 75201, filed in Docket No. G-12907 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting Mana Resources, Inc., in lieu of Horizon Oil & Gas Co. of Texas, as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Mana Resources, Inc., states that it acquired the properties of Horizon Oil & Gas Co. of Texas as of January 1, 1970, and proposes to continue the sales of natural gas in interstate commerce theretofore authorized to be made by Horizon Oil & Gas Co. of Texas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 24, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8762; Filed, July 9, 1970; 8:45 a.m.]

[Project No. 1764]

CHARLES R. AND LADORIS J. SNELLSTROM

Notice of Proposed Termination of License for Constructed Minor Project

JUNE 30, 1970.

Public notice is hereby given of a proposal under the provisions of § 6.4 of the regulations under the Federal Power Act (18 CFR 6.4), to terminate the license for constructed minor Project No. 1764, located on Darwin Wash at Lower Darwin Falls in Inyo County, Calif., and affecting lands of the United States.

Section 6.4 of the regulations reads as follows:

If any licensee holding a license subject to the provisions of section 10(i) of the Act shall cause or suffer essential project property to be removed or destroyed, or become unfit for use, without replacement, or shall abandon, or shall discontinue good faith operation of the project for a period of 3 years, the Commission will deem it to be the intent of the licensee to surrender the license; and not less than 90 days after public notice may in its discretion terminate the license.

The license for Project No. 1764 was transferred to Charles R. and LaDoris J. Snellstrom of Lone Pine, Calif., by Commission order issued February 24, 1969. The project consists of a collecting flume and box, a steel pipeline about 4.5 miles long, a powerhouse having an installed capacity of 13 horsepower, and a short length of low-voltage electric powerline.

The February 24, 1969, order approving transfer of the license to the present licensee made them subject to all the conditions of the license to the same extent as though they were the original licensees for the project. Moreover, the order approving transfer provided that the project (which has been inoperable for the last 4 years) must be rehabilitated, that the transferees shall submit within 3 months of the issuance date of the transfer order a schedule of rehabilitation of the project, and that the transferee shall restore the project to an operating condition within 1 year of the issuance date of the order. The transferees have not complied with these conditions.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8761; Filed, July 9, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 1 of the Committee's Authorization for System Foreign Currency Operations, as amended by action taken at its meeting on April 7, 1970.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive and express authorizations by the Committee pursuant thereto:

A. To purchase and sell the following foreign currencies in the form of cable transfers through spot or forward transactions on the open market at home and abroad, including transaction with the U.S. Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, with foreign monetary authorities, and with the Bank for International Settlements:

Austrian schillings.
Belgian francs.
Canadian dollars.
Danish kroner.
Pounds sterling.
French francs.
German marks.
Italian lire.
Japanese yen.
Mexican pesos.
Netherlands guilders.
Norwegian kroner.
Swedish kronor.
Swiss francs.

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

(1) Currencies purchased spot, including currencies purchased from the Stabilization Fund, and sold forward to the Stabilization Fund, up to $1 billion equivalent;

(2) Currencies purchased spot or forward, up to the amounts necessary to fulfill other forward commitments;

(3) Additional currencies purchased spot or forward, up to the amount necessary for System operations to exert a market influence but not exceeding $250 million equivalent; and

(4) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to $200 million equivalent.

C. To have outstanding forward commitments undertaken under paragraph A above to deliver foreign currencies, up to the following limits:

(1) Commitments to deliver foreign currencies to the Stabilization Fund, up to the limit specified in paragraph 1B(1) above; and

(2) Other forward commitments to deliver foreign currencies, up to $550 million equivalent.

D. To draw foreign currencies and to permit foreign banks to draw dollars under the reciprocal currency arrangements listed in paragraph 2 below: *Provided*, That drawings by either party to any such arrangement shall be fully liquidated within 12 months after any amount outstanding at that time was first drawn, unless the Committee, because of exceptional circumstances, specifically authorizes a delay.

NOTE: For paragraph 2 of the authorization, see 35 F.R. 9297; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

By order of the Federal Open Market Committee, July 1, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-8772; Filed, July 9, 1970; 8:46 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of April 7, 1970

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on April 7, 1970.[1]

The information reviewed at this meeting suggests that real economic activity weakened further in early 1970, while prices and costs continued to rise at a rapid pace. Fiscal stimulus, of dimensions that are still uncertain, will strengthen income expansion in the near term. Most long-term interest rates backed up during much of March under the pressure of heavy demands for funds, but then turned down in response to indications of some relaxation of monetary policy and to the reduction in the prime lending rate of banks. Short-term rates declined further on balance in recent weeks, contributing to the ability of banks and other thrift institutions to attract time and savings funds. Both bank credit and the money supply rose on average in March; over the first quarter as a whole bank credit was about unchanged on balance and the money supply increased somewhat. The U.S. foreign trade surplus increased in February, but the overall balance of payments appears to have been in considerable deficit during the first quarter. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to orderly reduction in the rate of inflation, while encouraging the resumption of sustainable economic growth and the attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee desires to see moderate growth in money and bank credit over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining money market conditions consistent with that objective, taking account of the forthcoming Treasury financing.

By order of the Federal Open Market Committee, July 1, 1970.

ARTHUR L. BROIDA,
Deputy Secretary.

[F.R. Doc. 70-8773; Filed, July 9, 1970; 8:46 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Apr. 7, 1970, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

MISSOURI BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Missouri Bancshares, Inc., Kansas City, Mo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of at least 85 percent of the voting shares of The Central National Bank of Carthage, Carthage, Mo.; 94.6 percent of the voting shares of Kemper State Bank, Boonville, Mo.; 90 percent of the voting shares of The Peoples National Bank of Warrensburg, Warrensburg, Mo.; and 90 percent of the voting shares of Security National Bank of Joplin, Joplin, Mo. Applicant presently owns 100 percent of the voting shares of The City National Bank and Trust Company of Kansas City, Kansas City, Mo.

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

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

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

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

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

By order of the Board of Governors, July 2, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8774; Filed, July 9, 1970; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

JULY 7, 1970.

On May 6, 1970, the Government of the United States, 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, concluded a new comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles from Pakistan to the United States over a 4-year period beginning on July 1, 1970. Under this agreement the Government of Pakistan has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products to an aggregate limit of 85 million square yards equivalent for the first agreement year beginning July 1, 1970. The agreement also provides that within the aggregate limit, the Government of Pakistan has undertaken to limit its exports to the United States of all cotton textiles and cotton textile products in Group I (Categories 1-27) to 75 million square yards equivalent and in Group II (Categories 28-64) to 10 million square yards equivalent for the first agreement year. Among the other provisions of the agreement are those applying specific export limitations to categories 9/10, 15/16, 18/19, 22/23, parts of 26, part of 31, and 41/42.

Accordingly, there is published below a letter of June 29, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that for the 12-month period beginning July 1, 1970, and extending through June 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in the indicated categories produced or manufactured in Pakistan be limited to designated levels. Pursuant to the agreement of May 6, 1970, between the Governments of the United States and Pakistan, and with the concurrence of the Government of Pakistan the letter also instructs the Commissioner of Customs that in carrying out the directions concerning entries of cotton textiles and cotton textile products in the indicated categories, such cotton textiles and cotton textile products exported from Pakistan prior to July 1, 1970, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1969 through June 30, 1970. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries and such goods were exported from Pakistan prior to March 1, 1970, then such goods are not subject to the directives set forth in the letter. In the event that the levels of

restraint established for such goods for that period have been exhausted and such goods were exported from Pakistan on or after March 1, 1970, then such goods shall be subject to the directives set forth in the letter.

At this time, no directions with respect to the Aggregate limit and Group limits are being given to the Commissioner of Customs. Notice is hereby given, however, that at a future date it may be necessary to give such directions in order to assist the Government of Pakistan in the implementation of these limits. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

JUNE 29, 1970.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of May 6, 1970, between the Governments of the United States and Pakistan, 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, effective July 1, 1970 and for the 12-month period extending through June 30, 1971, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category	12-month levels of restraint
9/10 ---------- square yards	36,000,000
15/16 ---------- do	3,000,000
18/19 and part of 26 (print cloth)[1] ---------- square yards	16,000,000
22/23 ---------- do	4,000,000
Part of 26 (bark cloth)[2] ---- do	6,000,000
Part of 26 (duck)[3] ---------- do	8,500,000
Part of 31 (Only T.S.U.S.A. No. 366.2740) ---------- pieces	4,816,000
41/42 ---------- dozen	411,000

[1] In Category 26, only T.S.U.S.A. Nos.:

320.--34	322.--34	327.--34
321.--34	326.--34	328.--34

[2] Only T.S.U.S.A. Nos.:

320.--88	328.--88	324.--92
321.--88	329.--88	325.--92
322.--88	330.--88	326.--92
323.--88	331.--88	327.--92
324.--88	320.--92	328.--92
325.--88	321.--92	329.--92
326.--88	322.--92	330.--92
327.--88	323.--92	331.--92

[3] Only T.S.U.S.A. Nos.:

320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out his directive, entries of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, and part of 26 (print cloth),[1] 22/23, part of 26 (bark cloth),[2] part of 26 (duck),[3] part of 31 (only T.S.U.S.A. No. 366.2740), and 41/42, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1970, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1969 through June 30, 1970. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries and such goods were exported from Pakistan prior to March 1, 1970, then such goods shall not be subject to the directives set forth in this letter. In the event that the levels of restraint established for such goods for that period shall have been exhausted by previous entries and such goods were exported from Pakistan on or after March 1, 1970, then such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 6, 1970, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers 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 directive, 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 Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan 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). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-8832; Filed, July 9, 1970; 8:50 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

STORY AND CLARK PIANO CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of April 20, 1970, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Allied Industrial Workers of America, AFL–CIO, on behalf of workers of the Grand Haven, Mich., plant of the Story and Clark Piano Co. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970 (35 F.R. 3645). In that proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302 (b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3) upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of the Office of Foreign Economic Policy instituted an investigation, following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigations 34 F.R. 18342 and 35 F.R. 6734; 29 CFR Part 90). The Director reported that increased imports of pianos of the types covered by the Presidential Proclamation 3964 have been the major factor in causing the unemployment or underemployment of a significant number or proportion of workers from the plant of the Story and Clark Piano Co. in Grand Haven, Mich. He further reported that this unemployment or underemployment began on January 20, 1970, and has continued to the present.

After due consideration, I make the following certification:

Those production, maintenance, and salaried workers of the Story and Clark Piano Co. at Grand Haven, Mich., who became or will become unemployed or underemployed after January 20, 1970, are eligible to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 7th day of July 1970.

GEORGE H. HILDEBRAND,
Deputy Under Secretary, International Affairs.

[F.R. Doc. 70-8788; Filed, July 9, 1970; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ENVIRONMENTAL HEALTH SERVICE

Delegations of Authority

Notice is hereby given that the following delegations of authority have been made under the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173).

1. Delegation from the Secretary to the Assistant Secretary for Health and Scientific Affairs to exercise all authorities vested in the Secretary by the Act, except: (1) Those of transmitting mandatory health standards to the Secretary of the Interior and appointing an advisory committee on coal mine health research which have been reserved, and (2) the authorities contained in title IV of the Act which have been delegated to the Commissioner, Social Security Administration. The delegated authority may be redelegated.

2. Delegation from the Assistant Secretary for Health and Scientific Affairs to the Administrator, Environmental Health Service, to exercise all authorities delegated to the Assistant Secretary for Health and Scientific Affairs, by the Secretary, under the Federal Coal Mine Health and Safety Act of 1969. This authority may be redelegated.

3. Delegation from the Administrator, Environmental Health Service, to the Director, Bureau of Occupational Safety and Health, to exercise all authorities delegated to the Administrator, by the Assistant Secretary for Health and Scientific Affairs, under the Federal Coal Mine Health and Safety Act of 1969.

Dated: July 2, 1970.

SOL ELSON,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 70–8782; Filed, July 9, 1970; 8:47 a.m.]

Social and Rehabilitation Service

CONFORMITY OF PUBLIC ASSISTANCE PLAN OF THE STATE OF ARIZONA WITH THE SOCIAL SECURITY ACT

Notice of Hearing

Notice of hearing is hereby given as set forth in the following letter which has been sent to the Arizona State Department of Public Welfare:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL AND REHABILITATION SERVICE

Mr. JOHN O. GRAHAM,
Commissioner, State Department of Public Welfare,
State Office Building,
Phoenix, Ariz. 85007.

JULY 8, 1970.

DEAR MR. GRAHAM: In my letter of June 17, 1970, I expressed our concern that several problems of compliance of the State plan with Federal requirements under titles I, IV (Parts A and B), X, and XIV of the Social Security Act have not been resolved after extensive negotiations between your staff and Mr. Philip Schafer, SRS Regional Commissioner and his staff.

After careful review of the entire situation, it appears to me that there are serious questions as to whether the Arizona State plan meets requirements of the Federal law and regulations and, therefore, as to eligibility of Arizona to continue to receive Federal funds under Title I, IV (Part A or B), X, or XIV of the Social Security Act for operation of programs under the cited titles. Accordingly, pursuant to my authority and responsibility for the administration of Titles I, IV (parts A and B), X, and XIV of such Act, I hereby notify the Arizona State Department of Public Welfare that it will have an opportunity for a hearing, as provided for in sections 4, 404(a), 1004, and 1404 of such Act and 45 CFR 201.5, on the question of whether further Federal grants may be made to the State under Titles I, IV (Part A), X, and XIV of such Act, and that it will have an opportunity for a hearing on the question of whether further Federal grants may be made to Arizona under Title IV, Part B of such Act. I have set 9:30 a.m., August 18, 1970, at the U.S. Court of Appeals and Post Office, Room 260, Seventh and Mission Street, San Francisco, Calif., as the time and place for the hearing.

We anticipate that the following issues will be involved in the hearing:

1. Whether the State plans for the OAA, AFDC, AB, and APTD programs, which provide for termination of aid payments at the end of 90 days to recipients who are residents of the State but have been temporarily absent for such period, are in compliance with § 202.3 of the HEW regulations, 34 F.R. 8715, June 3, 1969.

2. Whether the State plan provision for the AFDC program with respect to the method of disregarding earned income, which provides for application of the amounts of such income to be disregarded first against the net income instead of the gross income, is in compliance with 45 CFR 233.20(a)(7)(i), and State Letter No. 1074 dated January 8, 1970.

3. Whether the State plan provision for the AFDC program that the caretaker-relative or the welfare department must have legal custody of a child whose siblings are also receiving AFDC in the home of their natural parent(s) in order for such child to be eligible for AFDC, is in compliance with section 402(a)(10) of the Act and whether such exclusion from eligibility for AFDC of similarly situated children on a basis unrelated to need is a reasonable classification consistent with the provisions and purposes of Title IV–A of the Social Security Act.

4. Whether the State plans for the AFDC and CWS programs pursuant to Title IV, Part A or Part B of the Act, with respect to an AFDC–CWS advisory committee in the administration of the service programs for families and children, are in compliance with the requirements in 45 CFR 220.4.

Please let me know if the time set for the hearing is agreeable to you. If your agency would like a prehearing conference to define the issues further, to explore the possibility of stipulations or for any other purpose which will contribute to an expeditious resolution of the issues, I will be glad to cooperate with you in every way.

It is my sincere hope that you will give very careful consideration to ways of handling these issues in the State, and that you will find it possible to comply with the Federal law and regulations so that it will make unnecessary the hearing on the question raised by the State plan and State practice.

Sincerely yours,

JOHN D. TWINAME,
Administrator.

Interested persons or groups may request to participate in the hearing either as a party or as amicus curiae. Any individual or group may request to participate as a party if the issues to be considered at the hearing have caused them injury and their interests were intended to be protected by the governing Federal statute. Any individual or group requesting to participate in the hearing as a party shall file a petition with the Social and Rehabilitation Service Hearing Clerk, Room 5012 South, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within 15 days from the publication of this notice in the FEDERAL REGISTER. Such petition shall concisely state (a) petitioner's interest in the hearing, (b) who will represent the petitioner, (c) the issues on which petitioner intends to participate, and (d) whether petitioner intends to present witnesses.

Any individual or group requesting to participate as amicus curiae shall file a petition with the Social and Rehabilitation Service Hearing Clerk at the above address at any time before commencement of the hearing, stating concisely (a) the petitioner's interest in the hearing, (b) who will represent the petitioner, and (c) the issues on which petitioner intends to present argument.

Dated: July 8, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

[F.R. Doc. 70–8891; Filed, July 9, 1970; 9:37 a.m.]

CONFORMITY OF PUBLIC ASSISTANCE PLAN OF THE STATE OF CALIFORNIA WITH THE SOCIAL SECURITY ACT

Notice of Hearing

Notice of hearing is hereby given as set forth in the following letter which has been sent to the California Department of Social Welfare:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL AND REHABILITATION SERVICE

Mr. ROBERT MARTIN,
Director, Department of Social Welfare,
744 P Street,
Sacramento, Calif. 95814.

JULY 8, 1970.

DEAR MR. MARTIN: In my letter to you of June 9, 1970, I expressed our concern that California has not submitted approvable plan material which fully meets the statutory requirements for updating AFDC assistance standards and proportionately adjusting AFDC payment maximums. As you know, these requirements are provided for under section 402(a)(23) of the Social Security Act, SRS Program Regulation in 45 CFR 233.20(a)(2)(ii), unnumbered State Letter dated

October 17, 1969, and State Letter No. 1074, and were by law to be met no later than July 1, 1969. In this letter, I also suggested that we meet informally in Washington to see if there is a possible solution. In our subsequent meeting, we have been unable to resolve the problem.

Mr. Philip Schafer, Regional Commissioner, SRS, Region IX has brought to my attention two additional questions relating to compliance of the State plan under Titles I, IV-A, X, and XIV of the Social Security Act with Federal requirements under such Titles. I understand that Mr. Schafer and his staff have had extensive negotiations with your staff on these issues. However, the problems have not been resolved.

After careful review of the entire situation, it appears to me that there are serious questions as to whether the California State Plan meets requirements of the Federal law and regulations and, therefore, as to the eligibility of California to continue to receive Federal funds under Titles I, IV (Part A), X, or XIV of the Social Security Act for operation of programs under the cited Titles. Accordingly, pursuant to my authority and responsibility for the administration of Titles I, IV (Part A), X and XIV of such Act, I hereby notify the California Department of Social Welfare that it will have an opportunity for a hearing, as provided for in sections 4, 404(a), 1004, and 1404 of such Act and 45 CFR 201.5, on the question of whether further Federal grants may be made to the State under Titles I, IV (Part A), X or XIV of such Act. I have set Tuesday, August 25, 1970, at 9:30 a.m. in Room 260, U.S. Court of Appeals and Post Office, 7th and Mission, San Francisco, Calif., as the time and place for the hearing.

We anticipate that the following issues will be involved in the hearing:

1. Whether the State has failed to submit an amendment to its AFDC plan which meets requirements under section 402(a)(23) of the Social Security Act and 45 CFR 233.20(a)(2)(ii) for updating the State's assistance standards for the AFDC program and proportionately adjusting the State's AFDC payment maximums. Specifically, the issue relates to whether the State's maximums on AFDC payments have been adjusted.

2. Whether the State plan provision in AFDC, under which stepparents and certain siblings are considered essential to a child-recipient's well-being and their income is considered available to meet the recipient's needs, are consistent with section 402(a)(7) of the Social Security Act and 45 CFR 203.1, 233.20(a)(2)(vi), and 233.20(a)(3)(ii). The issue is whether the decision on recognition of any such individual as essential to the recipient's well-being rests with the recipient.

3. Whether the State OAA, AB and APTD plan provisions for adult social services, under which counties are given the option to select who will be served and which of the specified services will be provided, meet requirement under section 2(a)(1), 1002(a)(1), and 1402(a)(1) of the Social Security Act and the regulations in the Handbook of Public Assistance Administration, Part II, section 4000 and Part IV, sections 4300 and 4700. Specifically the issue relates to whether the plan with respect to adult social services in these programs is in effect statewide.

Please let me know if the time set for the hearing is agreeable to you. If your agency would like to have a prehearing conference to define the issues further, to explore the possibility of stipulations, or for any other purpose which will contribute to an expeditious resolution of the issues, I shall be glad to cooperate with you in every way. It is my sincere hope that you will give very careful consideration to ways of handling these issues in the State, and that you will find it possible to comply with the Federal law and regulations so that it will make unnecessary the hearing on the questions raised by the State plan.

Sincerely yours,

JOHN D. TWINAME,
Administrator.

Interested persons or groups may request to participate in the hearing either as a party or as amicus curiae. Any individual or group may request to participate as a party if the issues to be considered at the hearing have caused them injury and their interests were intended to be protected by the governing Federal statute. Any individual or group requesting to participate in the hearing as a party shall file a petition with the Social and Rehabilitation Service Hearing Clerk, Room 5012 South, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within 15 days from the publication of this notice in the FEDERAL REGISTER. Such petition shall concisely state (a) petitioner's interest in the hearing, (b) who will represent the petitioner, (c) the issues on which petitioner intends to participate, and (d) whether petitioner intends to present witnesses.

Any individual or group requesting to participate as amicus curiae shall file a petition with the Social and Rehabilitation Service Hearing Clerk at the above address at any time before commencement of the hearing, stating concisely (a) the petitioner's interest in the hearing, (b) who will represent the petitioner, and (c) the issues on which petitioner intends to present argument.

Dated: July 8, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

[F.R. Doc. 70-8892; Filed, July 9, 1970; 9:37 a.m.]

CONFORMITY OF PUBLIC ASSISTANCE PLAN OF THE STATE OF INDIANA WITH THE SOCIAL SECURITY ACT

Notice of Hearing

Notice of hearing is hereby given as set forth in the following letter which has been sent to the Indiana State Department of Public Welfare:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL AND REHABILITATION SERVICE

Mr. WILLIAM R. STERRETT,
Administrator, Department of Public Welfare,
State Office Building,
100 North Senate Avenue,
Indianapolis, Ind. 46204.

JULY 8, 1970.

DEAR MR. STERRETT: In my letter to you of June 9, 1970, I expressed our concern that Indiana had not submitted approvable plan material which fully meets the statutory requirements for updating AFDC assistance standards and proportionately adjusting AFDC payment maximums. These requirements are provided for under section 402(a)(23) of the Social Security Act, 45 CFR 233.20(a)(2)(ii), unnumbered State Letter of October 17, 1969, and State Letter No. 1074 and were by law to be met no later than July 1, 1969. In this letter, I also suggested that we meet informally in Washington to see if there is a possible solution. In our subsequent meeting, we have been unable to resolve the problem.

Our SRS Regional Commissioner, Region V, Mr. Donald F. Simpson, has brought to my attention another problem of compliance of the State plan with Federal requirements. I understand that Mr. Simpson and his staff have attempted to negotiate with your staff on these issues. However, the problems have not been resolved.

After careful review of the entire situation, it appears that there are serious questions as to whether the Indiana State Plan under Title IV, Part A of the Social Security Act meets requirements of the Federal law and regulations and, therefore, as to the eligibility of Indiana to continue to receive payments under the Social Security Act for the operation of its AFDC program. Accordingly, pursuant to my authority and responsibility for the administration of Title IV, Part A of such Act, I hereby notify the Indiana State Department of Public Welfare that it will have an opportunity for a hearing, in accordance with section 404(a) of such Act and 45 CFR 201.5 on the question of whether further Federal grants may be made to the State under Title IV, Part A of such Act.

I have set Tuesday, September 1, 1970, at 9:30 a.m. in the Federal Building, Room 2119, 219 South Dearborn Street, Chicago, Ill., as the time and place for the hearing.

We anticipate the following issues will be involved in the hearing:

1. Whether the State has failed to submit an amendment to its AFDC plan which meets requirements under section 402(a)(23) of the Social Security Act and 45 CFR 233.20(a)(2)(ii) for updating the State's assistance standard for the AFDC program and proportionately adjusting the State's AFDC payment maximums. Specifically, the issue is whether the individual and family maximums on assistance payments have been adjusted, and whether county shelter maximums have been updated.

2. Whether the State plan makes provisions for vendor payments described in section 406(b)(2) of the Act as required by sections 402(a)(15)(B)(ii) and 402(a)(19)(F) of the Act and 45 CFR 220.35(a)(6)(i)(a), and 234.60(a)(2)(ii), and (10).

Please let me know if the time set for the hearing is agreeable to you. If your agency would like to have a prehearing conference to define the issues further, to explore the possibility of stipulations, or for any other purpose which will contribute to an expeditious resolution of the issues, I shall be glad to cooperate with you in every way.

It is my sincere hope that you will give very careful consideration to ways of handling these issues in the State, and that you will find it possible to comply with the Federal law and regulations so that it will make unnecessary the hearing on the questions raised by the State plan and State practice.

Sincerely yours,

JOHN D. TWINAME,
Administrator.

Interested persons or groups may request to participate in the hearing either as a party or as amicus curiae. Any individual or group may request to participate as a party if the issues to be considered at the hearing have caused them injury and their interests were intended to be protected by the governing Federal statute. Any individual or group

requesting to participate in the hearing as a party shall file a petition with the Social and Rehabilitation Service Hearing Clerk, Room 5012 South, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within 15 days from the publication of this notice in the FEDERAL REGISTER. Such petition shall concisely state (a) petitioner's interest in the hearing, (b) who will represent the petitioner, (c) the issues on which petitioner intends to participate, and (d) whether petitioner intends to present witnesses.

Any individual or group requesting to participate as amicus curiae shall file a petition with the Social and Rehabilitation Service Hearing Clerk at the above address at any time before commencement of the hearing, stating concisely (a) the petitioner's interest in the hearing, (b) who will represent the petitioner, and (c) the issues on which petitioner intends to present argument.

Dated: July 8, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

[F.R. Doc. 70-8893; Filed, July 9, 1970; 9:37 a.m.]

CONFORMITY OF PUBLIC ASSISTANCE PLAN OF THE STATE OF NEBRASKA WITH THE SOCIAL SECURITY ACT

Notice of Hearing

Notice of hearing is hereby given as set forth in the following letter which has been sent to the Nebraska State Department of Public Welfare:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL AND REHABILITATION SERVICE

Mr. ROBERT MCMANUS,
Director, State Department of Public Welfare,
1526 K Street,
Lincoln, Nebr. 68508.

JULY 8, 1970.

DEAR MR. MCMANUS: In my letter to you of June 9, 1970, I expressed our concern that Nebraska had not submitted approvable plan material which meets the statutory requirements for updating AFDC assistance standards and proportionately adjusting AFDC payment maximums. These requirements are provided for under section 402(a)(23) of the Social Security Act, 45 CFR 233.20(a)(2)(ii), unnumbered State letter of October 17, 1969, and State Letter No. 1074 and were by law to be met no later than July 1, 1969. I further suggested in my letter, that due to the urgency of this matter, I would like to meet with you to see if there is a possible solution. In my telephone conversation with you on June 29, 1970, we failed to resolve the problem.

Our Acting Regional Commissioner, SRS, Region VII, Mr. Alfred E. Poe, has brought to my attention one other problem of compliance of the State plan with Federal requirements. I understand that Mr. Poe and his staff have had extensive negotiations with your staff on this issue. However, the problem has not been resolved.

After careful review of the entire situation, it appears to me that there are serious questions as to whether the Nebraska State Plan meets requirements of the Federal law and regulations and, therefore, as to the eligibility of Nebraska to continue to receive Federal funds under title IV, Part A of the Social Security Act for the operation of its AFDC program. Accordingly, pursuant to my authority and responsibility for the administration of Title IV, Part A of such Act, I hereby notify the Nebraska Department of Public Welfare that it will have an opportunity for a hearing, in accordance with section 404(a) of such Act and 45 CFR 201.5, on the question of whether further Federal grants may be made to the State under Title IV, Part A of such Act.

I have set Thursday, September 10, 1970, at 9:30 a.m. in Room 140, Federal Building, 601 East 12th Street, Kansas City, Mo., as the time and place for the hearing.

We anticipate that the following issues will be involved in the hearing:

1. Whether the State has failed to submit an amendment to its AFDC plan which meets requirements under section 402(a)(23) of the Social Security Act and 45 CFR 233.20(a)(2)(ii) for updating the State's assistance standard for the AFDC program and proportionately adjusting the State's AFDC payment maximums. Specifically, the issues are whether the State has failed to submit any amendment to comply with the Federal requirements, and whether the increase in the standard for food in 1968 meet the Federal requirement.

2. Whether the State AFDC plan provisions with respect to deprivation of parental support or care are in compliance with 45 CFR 203.1. The issue relates to whether the Nebraska law regarding the responsibility of a stepfather is a State law of general applicability which makes a stepfather legally obligated to support his stepchildren to the same extent that natural or adoptive parents are held responsible for the support of their children.

Please let me know if the time set for the hearing is agreeable to you. If your agency would like to have a prehearing conference to define the issues further, to explore the possibility of stipulations, or for any other purpose which will contribute to an expeditious resolution of the issues, I shall be glad to cooperate with you in every way.

It is my sincere hope that you will give very careful consideration to ways of handling these issues in the State, and that you will find it possible to comply with the Federal law and regulations so that it will make unnecessary the hearing on the questions raised by the State plan.

Sincerely yours,

JOHN D. TWINAME,
Administrator.

Interested persons or groups may request to participate in the hearing either as a party or as amicus curiae. Any individual or group may request to participate as a party if the issues to be considered at the hearing have caused them injury and their interests were intended to be protected by the governing Federal statute. Any individual or group requesting to participate in the hearing as a party shall file a petition with the Social and Rehabilitation Service Hearing Clerk, Room 5012 South, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within 15 days from the publication of this notice in the FEDERAL REGISTER. Such petition shall concisely state (a) petitioner's interest in the hearing, (b) who will represent the petitioner, (c) the issues on which petitioner intends to participate, and (d) whether petitioner intends to present witnesses.

Any individual or group requesting to participate as amicus curiae shall file a petition with the Social and Rehabilitation Service Hearing Clerk at the above address at any time before commencement of the hearing, stating concisely (a) the petitioner's interest in the hearing, (b) who will represent the petitioner, and (c) the issues on which petitioner intends to present argument.

Dated: July 8, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

[F.R. Doc. 70-8894; Filed, July 9, 1970; 9:37 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 7, 1970.

Protests to the granting of an application must be prepared in accordance with § 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. 41991—*Various commodities between Billings, Mont., and points in the United States and Canada.* Filed by Western Trunk Line Committee, agent (No. A-2630), for interested rail carriers. Rates on various commodities, between Billings, Mont., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—Rail carrier competition.

FSA No. 41992—*Frozen or semifrozen citrus fruit juices from Mims, Fla.* Filed by O. W. South, Jr., agent (No. A6181), for interested rail carriers. Rates on frozen or semifrozen citrus fruit juice and pulp, pineapple juice, citrus fruit sections and other articles, in carloads, as described in the application, from Mims, Fla., to points in southern, official (including Illinois), southwestern and western trunkline territories.

Grounds for relief—Short-line distance formula and market competition.

Tariff—Supplement 26 to Southern Freight Association, agent, tariff ICC S-856.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8794; Filed, July 9, 1970; 8:48 a.m.]

[Notice 110]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 7, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 88368 (Sub-No. 23 TA), filed July 1, 1970. Applicant: CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo. 64030. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 812, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas; (2) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and New Mexico, on the one hand, and, on the other, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Wyoming, and Montana; and (3) between points in Colorado, Kansas, Missouri, Nebraska, Oklahoma, and Texas, on the one hand, and, on the other, Louisiana, Arkansas, Tennessee, Kentucky, Illinois, Iowa, Minnesota, South Dakota, Michigan, Wisconsin, Indiana, Ohio, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, and the District of Columbia, for 180 days. NOTE: Applicant proposes to tack the proposed authority with its existing authority wherever possible and also tack the various segments of this application with each other. It would be impossible to name all of the tacking points since 46 States are involved. Purpose of this temporary authority application is to eliminate the gateway requirements and circuitous mileage. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114106 (Sub-No. 81 TA), filed June 29, 1970. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Charlotte, N.C., to points in North Carolina, for 150 days. Supporting shipper: American Sugar Co., Key Highway East, Baltimore, Md. 21203. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 115394 (Sub-No. 1 TA), filed June 25, 1970. Applicant: JOHN C. WHITTAKER CO., INC., 4301 Downey Road, Vernon, Calif. 90058. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from points in Los Angeles County, Calif., to ports of entry on the United States-Canada international boundary which are located at Eastport, Idaho, and Sweetgrass, Mont.; and (2) *bananas and commodities described in section 203(b)(6) of the Interstate Commerce Act*, when being simultaneously transported in the same vehicle, from points in Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Tulare, and Ventura Counties, Calif., and points in Nevada, to ports of entry on the United States-Canada international boundary which are located at Eastport, Idaho, and Sweetgrass, Mont., for 180 days. Supporting shippers: Scott National Co., Ltd., Box 970, Calgary, Alberta, Canada; Macdonalds Consolidated Ltd., Post Office Box 640, Calgary, Alberta, Canada. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 116073 (Sub-No. 124 TA), filed July 1, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building sections, building panels, parts and materials*, from Des Moines, Iowa, to points in Minnesota, Wisconsin, South Dakota, Illinois, Nebraska, Kansas, and Missouri, for 180 days. Supporting shipper: Frank Paxton Lumber Co., Post Office Box 683, Des Moines, Iowa 50303. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 117940 (Sub-No. 24 TA), filed July 2, 1970. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, Minn. 55359. Applicant's representative: B. R. Veach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Pet Inc., Frozen Foods Division, 400 South Fourth Street, St. Louis, Mo. 63166. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 124769 (Sub-No. 3 TA), filed July 1, 1970. Applicant: ALASKA BARGE AND TRANSPORT, INC., 200 Norton Building, Seattle, Wash. 98104. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in seasonal operations extending from April 1 to November 30, both dates inclusive, of each year, between dock or beachlanding sites in Alaska, on the one hand, and, on the other, U.S. Military and Government sites at or near Anvil Mountain, Bethel, Big Mountain, Cape St. Elias, Cape Hinchinbrook, Captains Bay, Naknek, and Wales, Alaska, restricted to traffic moving in connection with the Annual Alaska Re-Supply Program under authorization of the U.S. Navy, Military Sea Transportation Service, for 150 days. Supporting shipper: Alaska-Puget-United Transportation Companies, Pier 32, San Francisco, Calif. 94105. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126513 (Sub-No. 1 TA), filed July 1, 1970. Applicant: PUGET SOUND TUG & BARGE COMPANY, 1102 Southwest Massachusetts Street, Seattle, Wash. 98134. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in seasonal operations extending from April 1 to November 30, both dates inclusive, of each year, between dock or beachlanding sites in Alaska, on the one hand, and, on the other, U.S. Military and Government sites at or near Anvil Mountain, Bethel, Big Mountain, Cape St. Elias, Cape Hinchinbrook, Captains Bay, Naknek, and Wales, Alaska, restricted to traffic moving in connection with the Annual Alaska Re-Supply Program under authorization of the U.S. Navy, Military Sea Transportation Service, for 150 days. Supporting shipper: Alaska-Puget-United Transportation Companies, Pier 32, San Francisco, Calif. 94105. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134736 (Sub-No. 1 TA), filed July 1, 1970. Applicant: LEW MILL TRUCKING CO., INC., 121 Hunter Ridge

Road, Massapequa, N.Y. 11758. Applicant's representative: Hylan Cooper, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, between New York City, N.Y., on the one hand, and, on the other, the warehouse facilities of CBS Imports Corp., Kearny, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a a continuing contract, or contracts with CBS Imports Corp., for 150 days. NOTE: Applicant does not intend to tack with its existing authority. Supporting Shipper: CBS Imports Corp., 18 List Road, Kearny, N.J. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134738 TA, filed July 1, 1970. Applicant: LAWRENCE D. WILLOUGHBY & ROBERT FRITZ, doing business as SOLON EQUIPMENT, 3495 Pettibone Road, Solon, Ohio 44139. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as contained in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Cleveland, Ohio, and 50 miles thereof, including Cleveland on the one hand, and, on the other, Alaska over gateways into and from in the State of Montana, for 180 days. Supporting shipper: Empire Equipment Co., 7739 Commerce Park Oval, Independence, Ohio 44131. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

By the Commission.

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

[F.R. Doc. 70-8790; Filed, July 9, 1970; 8:48 a.m.]

[Notice 556]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1970.

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

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

No. MC-FC-72186. By order of June 30, 1970, the Motor Carrier Board approved the transfer to George V. D'Agostino, doing business as Airlin Trucking Co., Newark, N.J., of the operating rights in certificate No. MC-7089 (Sub-No. 1) issued July 19, 1968, to Jacob Lazer, doing business as Bond Motor Express Co., Paterson, N.J., authorizing the transportation of steel building products, from Harrison, N.J., to points in New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, with no transportation for compensation on return except as otherwise authorized. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-72209. By order of July 2, 1970, the Motor Carrier Board approved the transfer to Glen Babcock, Jr., Elkhorn, Wis., of that portion of the operating rights in permit No. MC-128537 issued September 9, 1969, to Donald C. Hubka, doing business as Lumber Transport, Clinton, Wis., authorizing the transportation of lumber and building materials as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Wickes Lumber Co., near Elkhorn, Wis., to points in Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Whiteside, Lee, Ogle, De Kalb, Kane, Kendall, Cook, Du Page, and Will Counties, Ill. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203, attorney for applicants.

No. MC-FC-72226. By order of June 30, 1970, the Motor Carrier Board approved the transfer to George W. Clowser, Inc., 19 East Cecil Street, Winchester, Va. 22601, of certificate No. MC-10355, issued January 17, 1941, to George William Clowser, 19 East Cecil Street, Winchester, Va. 22601, authorizing the transportation of: *Household goods*, over irregular routes, between Winchester, Va., and points within 25 miles thereof, on the one hand, and, on the other, Washington, D.C., and points in Maryland, Pennsylvania, West Virginia, and Virginia.

No. MC-FC-72230. By order of June 30, 1970, the Motor Carrier Board approved the transfer to Zinke Dray Line, Inc., 109-119 East Albert Street, Portage, Wis. 53901, of the operating rights in certificate No. MC-128400 issued February 21, 1967, to Willis Voigt, doing business as Zinke Dray Line, 109-119 East Albert Street, Portage, Wis. 53901, authorizing the transportation of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Portage, Wis., and the junction of U.S. Highway 51 and Portage County Road D, serving the intermediate points of Endeavor, Westfield, Coloma, and Hancock, Wis., and the off-route points of Almond, Oxford, Packwaukee, and Plainfield, Wis., restricted to the transportation of traffic received from or delivered to connecting motor common carriers.

No. MC-FC-72235. By order of July 2, 1970, the Motor Carrier Board approved the transfer to Leo P. Lavallee, doing business as Leo Lavallee Trucking Co., Pawtucket, R.I., of the operating rights in permit No. MC-62423 issued February 20, 1953, to James A. Lewers, doing business as Lewers Transportation Co., North Providence, R.I., authorizing the transportation of sugar, fresh fruit, vegetables, groceries, and equipment used by chain store markets, from Boston, Mass., to Providence and Woonsocket, R.I., over specified routes, serving the intermediate point of Pawtucket, R.I., and return over the same routes. And under individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who are engaged in the sale or distribution of groceries, for the transportation of commodities specified and in the manner indicated, as follows: Such commodities as are dealt in by retail chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies, used in the conduct of such business, from Providence and Pawtucket, R.I., to Worcester, Mass., over specified routes, serving the off-route point of Whitinsville, Mass., and empty containers, on return. Russell B. Curnett, registered practitioner, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905, representative for applicants.

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

[F.R. Doc. 70-8791; Filed, July 9, 1970; 8:48 a.m.]

[Notice 556A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1970.

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

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72076. By order of June 25, 1970, Division 3, acting as an Appellate Division, approved the transfer to Tigelaar & DeWeerd, Inc., Hudsonville, Mich., of the operating rights in permit No. MC-126056 issued October 19, 1967, to Feed Transporters, Inc., Oshkosh, Wis., authorizing the transportation of animal and poultry feed, from Burlington, Wis., to points in the Lower Peninsula of Michigan, and commodities used in the manufacture of animal and poultry feed, insecticides, and poultry and livestock remedies, from points in the

Lower Peninsula of Michigan, to Burlington, Wis., upon condition that prior to or concurrently with consummation, applicants shall request (1) cancellation of the operating rights in permit No. MC–126056 insofar as they authorize the transportation of animal and poultry feed from Burlington, Wis., to Hudsonville, Mich.; or (2) cancellation of the operating rights in certificate No. MC–129593 (Sub-No. 1) insofar as they authorize the transportation of livestock feed from Chicago, Ill., to Hudsonville, Mich. *Dual operations were authorized.* James R. Sebastian, Jr., 540 Old Kent Buliding, Grand Rapids, Mich. 49502, attorney for applicants.

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

[F.R. Doc. 70–8792; Filed, July 9, 1970; 8:48 a.m.]

[Notice 556B]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 7, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72258. By application filed July 6, 1970, CONTRACTORS TRANSPORT CORP. (a Virginia Corporation), 300 South Sixth Street, Arlington, Va. 22202, seeks temporary authority to lease the operating rights of CONTRACTORS TRANSPORT CORP. (a District of Columbia Corporation), 300 South Sixth Street, Arlington, Va. 22202, under section 210a(b). The transfer to CONTRACTORS TRANSPORT CORP. (a Virginia Corporation) of the operating rights of CONTRACTORS TRANSPORT CORP. (a District of Columbia Corporation) is presently pending.

No. MC–FC–72259. By application filed July 6, 1970, CONTRACTORS TRANSPORT CORP. (a Virginia Corporation), 300 South Sixth Street, Arlington, Va. 22202, seeks temporary authority to lease the operating rights of POTOMAC TRANSPORT COMPANY, 5702 Backlick Road, Springfield, Va. 22150, under section 210a(b). The transfer to CONTRACTORS TRANSPORT CORP. (a Virginia Corporation), of the operating rights of POTOMAC TRANSPORT COMPANY, is presently pending.

By the Commission.

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

[F.R. Doc. 70–8793; Filed, July 9, 1970; 8:48 a.m.]

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