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Correction

In F.R. Doc. 70-14076 appearing at page 16311 in the issue for Saturday, October 17, 1970, the last three entries under § 722.558(c)(1), numbered (iii), (iv), and (v), should be transposed so that they appear immediately after subdivision (ii) of paragraph (c)(2).

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Seller's Points and Discounts

§ 226.406 Seller's points and discounts under Regulation Z.

(a) Section 226.4(a) (Regulation Z) includes in the finance charge any charge "payable directly or indirectly by the customer, and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit * * *. The question arises as to the proper treatment of discounts paid by the seller, including points imposed on the seller by the lender in connection with a real estate transaction.

(b) Under the general rule in § 226.4 (a), any such discount, to the extent it is passed on to the buyer through an increase in the selling price, must be included in the finance charge. However, as a practical matter, it may be difficult to determine whether or not a discount paid by the seller in connection with a real estate transaction has been, in fact, passed along to the customer as a part of the purchase price of the property. The same situation may exist in other cases, for example, those in which the creditor sells at a discount obligations payable in more than four installments.

(c) The Board has concluded that in any such transaction coming within its administrative enforcement authority, where seller's points or discounts were, in fact, passed along to the customer or buyer and the amount thereof was not disclosed as a finance charge, the Board will take such action as may be appropriate in the circumstances. However, it will not attempt to prescribe rules creating a presumption that all discounts or points are passed on to the customer or buyer and hence must be included in the finance charge in any particular class of transaction. On the other hand, the inclusion of seller's points or discounts in the finance charge will be acceptable to the Board as a correct disclosure under Regulation Z.

(d) This position relates only to the Board's administrative enforcement procedures and it is not intended in any way to restrict or prejudice the rights of any customer or buyer to bring an action under sections 130 and 131 of the Act where he has reason to believe he is or was required to pay directly or indirectly a finance charge imposed directly or indirectly by the creditor of the transaction and the amount of that finance charge was not disclosed to him.

(Interprets and applies 15 U.S.C. 1605)

By order of the Board of Governors, October 23, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14855; Filed, Nov. 4, 1970; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Kenai National Moose Range, Alaska; Correction

In F.R. Volume 35, No. 209, dated Tuesday, October 27, 1970, on page 16635, the first paragraph of F.R. Doc. 70-14384 (§ 28.28) should read as follows:

The use of lightweight, motorized vehicles commonly identified by the general term "snow-traveler" is permitted on areas of the Kenai National Moose Range that are closed to travel by conventional vehicles, subject to the following special conditions:

Special condition 3 should read as follows:

3. The use of "snow-travelers" as an aid in big game hunting or for transporting big game is prohibited; except that snow-travelers may be used on an experimental basis as an aid in big-game hunting or for transporting big game during a special anterless moose season, date to be announced by the Alaska Department of Fish and Game Commissioner, in Subunits 15-A and 15-B with the following exclusions:

Subunit 15-A West. That area comprising the canoe system and the Swanson River Oilfield participating area, bounded on the south by the Kenai National Moose Range boundary; on the west by the Swanson River Road and a line immediately outside the Swanson River Oilfield; bounded on the north by the continuing line outside the Oilfield, the south bank of the Swanson River to Wild Lake, thence a line to the north shore of Pepper Lake; bounded on the east by a line to Muskrat Lake and thence along the north bank of the Moose River to the point of origin.

Subunit 15-A South. Two portions of Subunit 15-A South will remain closed: That portion of Subunit 15-A South within the participating area of the Swanson River Oilfield to a distance of one-half mile south of the Swanson River Oilfield access road; and that portion of the Kenai National Moose Range located in Subunit 15-A South, located south of the Sterling Highway.

Subunit 15-B. That portion of the Kenai National Moose Range east of Funny River, and a line from the headwaters of the west fork of the Funny River to the mouth of Shantatalik Creek on Tustemena Lake.

GORDON W. WATSON,
Area Director, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

OCTOBER 27, 1970.

[F.R. Doc. 70-14848; Filed, Nov. 4, 1970; 8:45 a.m.]

PART 33—SPORT FISHING

Buffalo Lake National Wildlife Refuge, Tex.

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

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

TEXAS

BUFFALO LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Buffalo Lake National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 2,358 acres, are delineated on maps available at refuge headquarters, Umbarger, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State

regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from March 1 through October 31, 1971, inclusive, on all waters of the Buffalo Lake National Wildlife Refuge; from January 1 through February 28, 1971, inclusive, and November 1 through December 31, 1971, inclusive, on all waters lying in the northeast ¼ of sec. 108.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective through December 31, 1971.

PAUL E. FERGUSON,
Refuge Manager, Buffalo Lake National Wildlife Refuge, Umbarger, Tex.

OCTOBER 27, 1970.

[F.R. Doc. 70-14849; Filed, Nov. 4, 1970; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-CE-14-AD, Amdt. 39-1104]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models A150, 150, 172, 177, 182, 205, 206, 207, and 210 Airplanes

Amendment 39-1050 (35 F.R. 12059, 12060), AD 70-15-16, applicable to Cessna Models 150, 172, 177, 182, 205, 206, 207, and 210 airplanes is an airworthiness directive which requires repetitive inspections and servicing of the electrical flap actuator on these model airplanes in accordance with Cessna Service Letter No. SE70-16, Supplement No. 1, dated July 10, 1970. In addition the AD requires at each annual inspection, or at least once every 12 calendar months, that the flap actuator on these model airplanes must be removed and serviced in accordance with the procedures described in Cessna Service Letter No. SE70-16, dated June 12, 1970.

Subsequent to the issuance of AD 70-15-16 it has come to the attention of the agency that the applicability statement of this AD as published, inadvertently did not include all Cessna Models A150 airplanes. Consequently, the AD must be amended to include these model airplanes. In addition, the AD will be further amended by adding a note which will reflect that the manufacturer has issued Cessna Service Letter No. SE70-16, Supplement No. 2, dated August 28, 1970, which specifies some name brands of molybdenum disulfide grease conforming to Military Specification MIL-G-21164 for lubricating the flap actuator jack screws as required in this AD.

Since this amendment corrects an error and is clarifying in nature, it is found that notice an public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1050 (35 F.R. 12059, 12060), AD 70-15-16, is amended as follows:

1. The applicability statement is amended by adding the following:

CESSNA MODEL AIRPLANE: (all Models A150 airplanes).

NOTE: Compliance with AD 70-15-16 on the Models A150 airplanes added to the applicability statement commences on the effective date of this amendment.

2. NOTE: Cessna Service Letter No. SE70-16, Supplement No. 2, dated August 23, 1970, specifies some brand names of molybdenum disulfide grease conforming to Military Specification MIL-G-21164 for lubricating the flap acutator jack screws as required in this AD.

This amendment becomes effective November 10, 1970.

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

Issued in Kansas City, Mo., on October 28, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-14894; Filed, Nov. 4, 1970; 8:49 a.m.]

[Airworthiness Docket No. 70-WE-39-AD, Amdt. 39-1103]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100 Series Airplanes

There have been failures of the wing landing gear upper side strut spindle nut on Boeing Model 747-100 Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issue to require replacement of the spindle nut on Boeing Model 747-100 Series airplanes.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 747-100 Series airplanes certificated in all categories.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failures of the spindle nut, accomplish the following:

Replace the wing gear upper side strut spindle nut in accordance with Boeing Service Bulletin 32-2055 dated October 2, 1970, or later FAA approved revision, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

The amendment becomes effective November 6, 1970.

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

Issued in Los Angeles, Calif., on October 27, 1970.

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

[F.R. Doc. 70-14895; Filed, Nov. 4, 1970; 8:49 a.m.]

[Docket No. 70-EA-36, Amdt. 39-1102]

PART 39—AIRWORTHINESS DIRECTIVES

Sensenich Aircraft Propellers

On page 10365 of the FEDERAL REGISTER for June 25, 1970 the Federal Aviation Administration published a proposed rule which would amend § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive amending AD 69-9-3 applicable to Sensenich aircraft propellors.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted as published.

This amendment is effective November 10, 1970.

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

Issued in Jamaica, N.Y., on October 22, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. In the applicability paragraph add the words and figures "and 0-360-A4G solid crankshaft engines".

2. Revise "Compliance Statement" to read as follows: "Compliance required as indicated".

3. After the word "r.p.m.", in paragraph (b), add the following: "within the next 25 hours time in service after the effective date of this AD".

4. Add the following paragraphs:

c. Propellers with 500 or more total hours in service, inspect, rework or replace in accordance with paragraph (f) within the next 50 hours time in service after the effective date of this AD.

d. Propellers with less than 500 hours total hours in service, inspect, rework or replace in accordance with paragraph (f) prior to the accumulation of 550 hours time in service.

e. Propellers whose prior service history is unknown, inspect, rework or replace in accordance with paragraph (f) within the next 50 hours time in service after the effective date of this AD.

f. Remove propeller and return to manufacturer for inspection and reconditioning in accordance with "Recommended Action" in Sensenich Service Bulletin No. R-14 dated March 23, 1970, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

g. Propellers which have been inspected, reworked or replaced in accordance with this AD and found satisfactory will be identified with a suffix letter "K" after the serial number. New production propellers which are in accordance with this AD and considered satisfactory include change "K" or subsequent changes.

h. Subsequent repair or reconditioning of "K" propellers may be performed as required by any FAA certificated propeller repair station.

5. In the parenthetical note add "and R-14 dated March 23, 1970," after the numerals "1969".

[F.R. Doc. 70-14896; Filed, Nov. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-WE-20]

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

Alteration of Control Area and Reporting Point

On August 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13461) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would realign Control 1316 and redesignate the Perch domestic reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

The FAA has negotiated a joint-use warning area letter of procedure with the Commander, Pacific Missile Range (PMR). This letter of procedure will provide for the maximum utilization of the offshore airspace within the affected warning areas.

Subsequent to the publication of the notice, a refined computation of the Los Angeles VORTAC radial indicated that the Los Angeles VORTAC 264° T (249° M) radial should be utilized in the alignment of Control 1316 and the designation of the Perch Intersection. Accordingly, a 1° change in the radial published in the notice is being made herein.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 7, 1971, as hereinafter set forth.

1. In § 71.161 (35 F.R. 2044) Control 1316 is amended by deleting "251°" wherever it appears and substituting "264°" therefor.

2. In § 71.209 (35 F.R. 2303) Perch INT is amended by deleting "251°" and substituting "264°" therefor.

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

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

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-14887; Filed, Nov. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WE-21]

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

Designation of Control Zone and Alteration of Transition Area

On August 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13462) stating that the Federal Aviation Administration (FAA) was proposing amendments to Part 71 of the Federal Aviation Regulations that would designate a control zone at Point Mugu, Calif., and alter the Oxnard, Calif., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

The FAA has negotiated a joint-use warning area letter of procedure with the Commander, Pacific Missile Range (PMR). This letter of procedure will provide for the maximum utilization of the offshore airspace within the affected warning areas.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 7, 1971, as hereinafter set forth.

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

POINT MUGU, CALIF.

Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile-radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial, excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

2. Section 71.181 (35 F.R. 2134) is amended as follows:

In the Oxnard, Calif., transition area all preceding the phrase "and that airspace extending upward from 5,000 feet MSL" is deleted and the phrase "That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Point Mugu RBN; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 118°50'00" W., on the south by lat. 34°00'00" N., on the west by long. 120°-00'00" W., and on the north by a line extending from lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 118°50'00" W.; within the arc of a 34-mile-radius circle centered on the Point Mugu TACAN, extending clockwise from the 165° radial to the 255° radial, and within 14 miles southeast and 9 miles northwest of the Point Mugu TACAN 220° radial, extending from the 34-mile-radius area to 49 miles southwest of the TACAN, excluding the portion within W-412;" is substituted therefor.

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

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

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-14888; Filed, Nov. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WE-43]

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

Alteration of Control Zone and Transition Area

On September 9, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 14221) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Crescent City, Calif., control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 7, 1971, as hereinafter set forth.

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

CRESCENT CITY, CALIF.

Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile-radius zone to 5.5 miles south of the VORTAC.

2. In § 71.181 (35 F.R. 2134) the Crescent City, Calif., transition area is amended to read as follows:

CRESCENT CITY, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile-radius area to 9 miles northwest of the VORTAC and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile-radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west

of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC, within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC.

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

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

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-14889; Filed, Nov. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 70-WE-57]

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

Alteration of Federal Airway Segment

On September 22, 1970, F.R. Doc. 70-12544 was published in the FEDERAL REGISTER (35 F.R. 14693) effective November 12, 1970.

This document amended Part 71 of the Federal Aviation Regulations by realigning VOR Federal airway No. 25 from Yakima, Wash., direct to Ellensburg, Wash., including a west alternate segment.

This amendment inadvertently did not remove the exclusion of R-6714 from the text so as to facilitate the movement of air traffic on V-25 when R-6714 is not being utilized for its designated purpose. Accordingly, action is taken herein to delete this exclusion from the description of V-25.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 70-12544 (35 F.R. 14693) is amended in part to read:

Section 71.123 (35 F.R. 2009) V-25 is amended by deleting "INT Yakima 305° and Ellensburg, Wash., 191° radials, Ellensburg;" and substituting "Ellensburg, Wash., including a west alternate via INT Yakima 305° and Ellensburg 191° radials," therefor and "R-6714" is deleted.

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

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

PAUL W. ROBINSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-14890; Filed, Nov. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 70-EA-85]

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

Revocation of Transition Area

The Federal Aviation Administration is issuing an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations which will revoke the Coshocton, Ohio (35 F.R. 2165), transition area.

The Universal-Cyclops Airport Coshocton, Ohio, has been closed with a resultant lack of need for the overlying transition area. Since this amendment will not impose any additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Federal Aviation Administration having reviewed the airspace requirements in the terminal airspace of Coshocton, Ohio, the amendment is herewith made effective upon publication in the FEDERAL REGISTER as follows:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Coshocton, Ohio, transition area.

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

Issued in Jamaica, N.Y., on October 21, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-14891; Filed, Nov. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 70-SO-87]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Memphis, Tenn. (NAS), control zone.

The Memphis (NAS) control zone is described in § 71.171 (35 F.R. 2054) and is effective 24 hours per day. The U.S. Navy Regional Airspace Office advised that effective November 4, 1970, the hours of operation of the NAS Memphis Aerodrome will be from 0700 to 2300 local time daily. It is necessary to alter the description to redesignate it as a part-time control zone. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 4, 1970, as hereinafter set forth.

In § 71.171 (35 F.R. 2054), the Memphis, Tenn. (NAS), control zone is amended as follows: "* * * This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual * * *." is added to the description.

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

Issued in East Point, Ga., on October 23, 1970.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 70-14892; Filed, Nov. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-50]

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

Alteration of Transition Area

On pages 11518 and 11519 of the FEDERAL REGISTER dated July 17, 1970, the Federal Aviation Administration published a notice of proposed rulemaking which would amend section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kirksville, Mo.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: Line 16 of the Kirksville, Mo., transition area alteration recited as "southwest of the Kirksville VORTAC, ex-" is changed to read "southwest of the Kirksville VORTAC 316° radial, ex-".

This amendment shall be effective 0901 G.m.t., January 7, 1971.

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

Issued in Kansas City, Mo., on October 13, 1970.

EDWARD C. MARSH,
Director, Central Region.

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

KIRKSVILLE, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile radius area to 11½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Kirksville VORTAC; within 4½ miles northeast and 9½ miles southwest of the Kirksville VORTAC 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VORTAC; within 5 miles each side of the 180° bearing from Clarence Cannon Memorial Airport, extending from the 13-mile radius area to 13 miles south of the airport; and within 5 miles each side of a line from latitude 40°21'12"

N., longitude 92°46'00" W., to latitude 40°15'50" N., longitude 92°33'00" W., to latitude 40°16'12" N., longitude 92°12'48" W.

[F.R. Doc. 70-14901; Filed, Nov. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-72]

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

Alteration of Transition Area

On page 13462 of the FEDERAL REGISTER dated August 22, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Hayward and Cable, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following changes:

(1) The coordinates recited in the Hayward, Wis., Municipal Airport transition area alteration as "latitude 46°01'25" N., longitude 91°26'35" W." are changed to read "latitude 46°01'35" N., longitude 91°26'40" W.".

(2) The Cable Union Airport latitude coordinate recited in the Hayward and Cable, Wis., transition area alteration as "latitude 46°11'35" N." is changed to read "latitude 46°11'30" N.".

This amendment shall be effective 0901 G.m.t., January 7, 1971.

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

Issued in Kansas City, Mo., on October 13, 1970.

EDWARD C. MARSH,
Director, Central Region.

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

HAYWARD AND CABLE, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'35" N., longitude 91°26'40" W.); and within an 8-mile radius of Cable Union Airport (latitude 46°11'30" W.), longitude 91°-5'00" W.), and within 2½ miles each side of the 026° bearing from the Hayward Municipal Airport extending from the Hayward Municipal Airport 7-mile radius area to 15 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 6 miles southeast of the 026° bearing from Hayward Municipal Airport, extending from 3 miles northeast to 27½ miles northeast of the airport; and within 9½ miles southeast and 4½ miles northwest of the 228° bearing from Cable Union Airport, extending from 5 miles southwest to 27½ miles southwest of the airport.

[F.R. Doc. 70-14902; Filed, Nov. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-74]

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

Alteration of Transition Area

On page 12955 of the FEDERAL REGISTER dated August 14, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wolf Point, Mont.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 7, 1971.

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

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

EDWARD C. MARSH,
Director, Central Region.

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

WOLF POINT, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wolf Point International Airport (latitude 48°05'40" N., longitude 105°34'45" W.); and within 3 miles each side of the 314° bearing from Wolf Point International Airport, extending from the 8-mile radius area to 10 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 314° bearing from Wolf Point International Airport, extending from the airport to 20½ miles northwest of the airport; and within 5 miles each side of the 134° bearing from Wolf Point International Airport extending from the airport to 12 miles southeast of the airport.

[F.R. Doc. 70-14903; Filed, Nov. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-78]

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

Alteration of Transition Area

On pages 13737 and 13738 of the FEDERAL REGISTER dated August 28, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Valparaiso, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 7, 1971.

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

Issued in Kansas City, Mo., on October 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

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

VALPARAISO, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Porter County Airport (latitude 47°27'10" N., longitude 87°00'20" W.).

[F.R. Doc. 70-14904; Filed, Nov. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-69]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Burlington, Iowa.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Burlington, Iowa. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to acomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. January 7, 1971, as hereinafter set forth:

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

BURLINGTON, IOWA

Within a 5-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); within 3 miles each side of the 293° radial of the Burlington VORTAC extending from the 5-mile-radius zone to 2 miles northwest of the VORTAC.

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

BURLINGTON, IOWA

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); and within 2 miles each side of the 293° radial of the Burlington VORTAC extending from the 8½-mile-radius area to the Burlington VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by a 14-mile-radius arc centered on the Burlington Municipal Airport starting at latitude 40°37'15" N., longitude 91°17'30" W., thence clockwise to latitude 40°56'30" N., longitude 90°58'00" W.; and on the southeast by the Mississippi River.

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

Issued in Kansas City, Mo., on October 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-14905; Filed, Nov. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-79]

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

Alteration of Control Zone and Transition Area

On page 13737 of the FEDERAL REGISTER dated August 28, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Dodge City, Kans.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The longitude coordinate recited in the Dodge City, Kans., Municipal Airport control zone and transition area alteration as "longitude 98°58'00" W." is changed to read "longitude 99°58'00" W.".

These amendments shall be effective 0901 G.m.t., January 7, 1971.

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

Issued in Kansas City, Mo., on October 26, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

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

DODGE CITY, KANS.

Within a 5-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., longitude 99°58'00" W.).

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

DODGE CITY, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., longitude 99°58'00" W.), and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Dodge City Municipal Airport; within a 13-mile radius of the Dodge City VORTAC, and within 4½ miles east and 9½ west of the Dodge City VORTAC 341° radial extending from the 13-mile radius area to 18½ miles north of the VORTAC.

[F.R. Doc. 70-14906; Filed, Nov. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-110]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the control zone and transition area at Alpena, Mich.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the control zone and transition area at Alpena, Mich. Action is taken herein to reflect these changes.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 7, 1971, as hereinafter set forth:

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

ALPENA, MICH.

That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 346° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC.

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

ALPENA, MICH.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Alpena VORTAC; within 9½ miles west and 4½ miles east of the 360° bearing from the Alpena RBN, extending from the 17-mile-radius area to 18½ miles north of the RBN; within 9½ miles west and 4½ miles east of the 346° radial of the Alpena VORTAC extending from the 17-mile-radius area to 18½ miles north of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the 305° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles east and 4½ miles west of the Alpena VORTAC 186° radial extending from the 17-mile-radius area to 18½ miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 32-mile-radius circle centered on the Alpena RBN, extending from a line 5 miles west of and parallel to the 360° bearing from the RBN clockwise to a line 5 miles east of and parallel to the 026° bearing from the RBN; within a 34-mile-radius circle centered on the Alpena VORTAC extending from a line 5 miles northwest of and parallel to the 329° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 350° radial of the VORTAC.

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

Issued in Kansas City, Mo., on October 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-14907; Filed, Nov. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-73]

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

Alteration of Control Zone and Transition Area

On page 13461 of the FEDERAL REGISTER dated August 22, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Oshkosh, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Wittman Field coordinates recited in the Oshkosh, Wis., control zone and transition area alteration as "latitude 43°59'20" N., longitude 88°33'15" W." are changed to read "latitude 43°59'25" N., longitude 88°33'20" W.". The

word "Whittman" is changed to "Wittman."

These amendments shall be effective 0901 G.m.t., January 7, 1971.

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

Issued in Kansas City, Mo., on October 13, 1970.

EDWARD C. MARSH,
Director, Central Region.

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

OSHKOSH, WIS.

Within a 5-mile radius of Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3 miles each side of the Oshkosh VOR 275° radial extending from the 5-mile radius zone to 9½ miles west of the VOR; and within 3 miles each side of the Oshkosh VOR 182° radial extending from the 5-mile radius zone to 9½ miles south of the VOR.

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

OSHKOSH, WIS.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Wittman Field (latitude 43°-59'25" N., longitude 88°33'20" W.); within 3½ miles each side of the 275° radial of the Oshkosh VOR extending from the 10-mile radius area to 12 miles west of the VOR; within 9½ miles west and 4½ miles east of the 008° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles north of the VOR; within 9½ miles east and 4½ miles west of the 182° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles south of the VOR; within an 8½-mile radius of the Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 9½ miles south and 4½ miles north of a 275° bearing from the Fond du Lac County Airport, extending from the 8½-mile radius area to 18½ miles west of the airport excluding the portion which overlies the Appleton, Wis., 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; to latitude 44°36'00" N., longitude 87°27'00" W.; to latitude 43°30'00" N., longitude 87°27'00" W.; to 43°30'00" N., longitude 88°30'00" W.; to latitude 43°40'-40" N., longitude 89°38'20" W., thence north along the east boundary of V-177W to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stephens Point, Wis. VOR; to latitude 44°28'30" N., longitude 89°14'25" W.; to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis. VOR to the point of beginning excluding the portion which overlies the Cecil, Wis. transition area.

[F.R. Doc. 70-14908; Filed, Nov. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-99]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Clare, Mich., transition area.

The instrument approach procedure for the Clare, Mich., Municipal Airport has been canceled, with the result that there is no longer any requirement for the designation of a transition area for its protection. Therefore, it is necessary to revoke the Clare, Mich., transition area. Action is taken herein to effect this change.

Since this action revokes a transition area, it imposes no additional burden on any person and consequently notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 7, 1971, as hereinafter set forth:

In § 71.181 (35 F.R. 2154), the following transition area is revoked:

CLARE, MICH.

(Sec. 207(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on October 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-14909; Filed, Nov. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-109]

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

Designation of Transition Area

While the entire State of Indiana is covered with a 1,200-foot floor transition area, this airspace is currently designated by 11 separate complicated transition area descriptions in section 771.181 of the Federal Aviation Regulations. To simplify these airspace designations and to contain this transition area in one single description the Federal Aviation Administration finds it necessary to designate a 1,200-foot-floor transition area for the State of Indiana. Although no additional controlled airspace will be required to accomplish this action, certain existing transition area designations both within and without the State of Indiana must be amended. Action is taken herein to effect these changes.

Since this change is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 7, 1971, as hereinafter set forth:

Section 71.181 (35 F.R. 2134), is amended as follows:

1. An Indiana transition area is added as follows:

INDIANA

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Indiana.

2. The following transition areas are altered by deleting the portions which designate airspace with a floor of 1,200 feet above the surface:

Atterbury, Ind. Lafayette, Ind.
Indianapolis, Ind. Muncie, Ind.
Kokomo, Ind.

3. In the Fort Wayne, Ind., transition area, all after, "bounded by a line beginning at," is deleted and, "latitude 41°45'-40" N., longitude 84°50'00" W., to latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00" N., longitude 84°46'00" W., to latitude 41°44'00" N., longitude 84°28'00" W., to latitude 41°-32'00" N., longitude 84°31'00" W., to latitude 41°21'00" N., longitude 84°40'-00" W., to latitude 40°46'00" N., longitude 84°40'00" W., to latitude 40°31'30" N., longitude 84°48'15" W., thence along the Indiana State boundary to the point of beginning" is substituted therefor.

4. In the Louisville, Ky., transition area, all after, "1,200 feet above the surface beginning at," is deleted and, "latitude 38°43'50" N., longitude 85°20'47" W., to latitude 38°26'00" N., longitude 85°15'00" W., to latitude 38°24'00" W., longitude 85°00'00" W., to latitude 37°-25'00" N., longitude 85°00'00" W., to latitude 37°05'00" N., longitude 85°11'-00" W., to latitude 37°00'00" N., longitude 85°34'00" W., to latitude 37°32'00" N., longitude 85°45'00" W., to latitude 37°26'00" N., longitude 86°30'00" W., to latitude 38°02'50" N., longitude 86°30'-00" W., thence via the Indiana state boundary to the point of beginning." is substituted therefor.

5. In the Richmond, Ind., transition area, all after, "1,200 feet above the surface bounded" is deleted and "on the northeast by a line extending from latitude 40°10'00" N., longitude 85°00'00" W., to latitude 39°40'00" N., longitude 84°25'00" W., on the southeast by a line extending from latitude 39°40'00" N., longitude 84°25'00" W., to latitude 39°-12'00" N., longitude 85°30'00" W., and on the west by the Indiana-Ohio boundary." is substituted therefor.

6. In the Battle Creek, Mich., transition area, all after "1,200 feet above the surface" is deleted and "bounded on the north by latitude 42°38'00" N., on the east by longitude 84°50'00" W., on the south by the Michigan-Indiana boundary, on the southwest by V-277 and on the west by longitude 86°00'00" W." is substituted therefor.

7. The following transition areas are amended by adding, "excluding the portion which overlies the State of Indiana."

South Bend, Ind. Dayton, Ohio.
Cincinnati, Ohio.

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

Issued in Kansas City, Mo., on October 22, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-14910; Filed, Nov. 4, 1970; 8:50 a.m.]

[Airspace Docket No. 70-CE-62]

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

Designation, Alteration and Revocation of Transition Area

On pages 12954 and 12955 of the FEDERAL REGISTER dated August 14, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate, alter, and revoke controlled airspace in the State of Illinois by designating the Illinois transition area.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 7, 1971.

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

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

EDWARD C. MARSH,
Director, Central Region.

Section 71.181 (35 F.R. 2134), is amended as follows:

1. An Illinois transition area is added as follows:

ILLINOIS

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Illinois.

2. The following transition areas are altered by deleting the portions which designate airspace with a floor of 1,200 feet above the surface or higher.

Centralia, Ill.	Olney, Ill.
Decatur, Ill.	Salem, Ill.
Harrisburg, Ill.	Rantoul, Ill.
Jacksonville, Ill.	Peoria, Ill.
Macomb, Ill.	Cape Girardeau, Mo.
Marion, Ill.	Springfield, Ill.
Mattoon, Ill.	

3. In the Chicago, Ill., transition area, "excluding the portion which overlies the States of Illinois and Indiana." is added.

4. In the Rockford, Ill., transition area "on the south by latitude 41°55'00'' N." is deleted and "on the south by the Illinois-Wisconsin boundary," is substituted therefor.

5. In the Moline, Ill., transition area "on the east by longitude 89°50'00'' W., on the south by latitude 41°10'00'' N.," is deleted and "on the southeast by the Illinois-Iowa boundary," is substituted therefor.

6. In the Burlington, Iowa, transition area, all after "within 1,200 feet above the surface" is deleted and "west of the Iowa-Illinois boundary within a 14-mile radius of Burlington Municipal Airport," is substituted therefor.

7. In the Evansville, Ind., transition area, all after "bounded by a line beginning at" is deleted and "latitude 38°02'50'' N., longitude 86°30'00'' W., to latitude 37°26'00'' N., longitude 86°30'00'' W., to latitude 37°17'50'' N., longitude 87°18'00'' W., to latitude 37°12'50'' N., longitude 87°39'30'' W., to latitude 37°26'10'' N., longitude 88°19'00'' W., thence via the Kentucky boundary to the point of beginning" is substituted therefor.

8. In the Milwaukee, Wis., transition area, all after "that airspace extending upward from 1,200 feet above the surface" is deleted and "bounded on the north by latitude 43°30'00'' N., on the east by longitude 87°00'00'' W., on the south by latitude 42°30'00'' N., and the Illinois-Wisconsin boundary, and on the west by longitude 88°30'00'' W.," is substituted therefor.

9. In the St. Louis, Mo., transition area, all after "Scott AFB (latitude 38°32'30'' N., longitude 89°51'05'' W.);" is deleted, and "excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northeast by the southwest edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63," is substituted therefor.

10. The Quincy, Ill., transition area is amended to read:

QUINCY, ILL.

That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from 4 miles northeast to 12 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface west of the Illinois-Missouri boundary within a 13-mile radius of the Quincy VORTAC.

11. In the following transition areas, "excluding the portion which overlies the State of Illinois" is added:

Cairo, Ill.	Paducah, Ky.
Keokuk, Iowa.	Sikeston, Mo.
Dubuque, Iowa.	

12. The following transition areas are deleted:

Bible Grove, Ill.	Vandalia, Ill.

In § 71.163 (35 F.R. 2046), the following additional control area is deleted: St. Louis, Mo.

[F.R. Doc. 70-14911; Filed, Nov. 4, 1970; 8:50 a.m.]

[Docket No. 10077, Amdt. 91-82]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Operation of Aircraft by Crewmembers After Consumption of Alcoholic Beverages

The purpose of these amendments to Part 91 of the Federal Aviation Regulations is to prohibit any person from acting as a crewmember of a civil aircraft within 8 hours after he consumes any alcoholic beverage.

Interested persons have been afforded an opportunity to participate in the making of these amendments by notice of proposed rule making (Notice 70-22) issued on June 8, 1970, and published in the FEDERAL REGISTER on June 12, 1970 (35 F.R. 9217). The Notice was issued upon a petition dated January 6, 1970 from the Aircraft Owners and Pilots Association that requested the adoption of the rule. Due consideration has been given to all comments presented in response to the notice.

Approximately 70 comments received, in response to the notice, in the majority support the FAA's objectives stated in the notice. A number of commentators were concerned with the problem of enforcement, some asserting that the present rule prohibiting a person from acting as a crewmember while under the influence of intoxicating liquor, plus the rules governing careless or reckless operation, were sufficient to cover all exigencies. However, the FAA believes that the rule now being issued will provide an additional regulatory means to deter persons from serving as a crewmember too soon after or while drinking.

Several of the commentators, both for and against the proposal, asserted that the rule should provide for a longer period of abstention than proposed, such as 12 hours. Thus, one commentator asserted that the proposed rule would be undesirable because air carrier policies and practices providing for longer periods of abstinence go beyond the proposal, and the proposal would therefore tend, in his opinion, to undermine those policies and practices. The FAA has carefully considered what time limit should be proposed and has concluded that an 8-hour rule is appropriate for the deterrence and enforcement purposes involved, as a "rock bottom" minimum beyond which safety would be jeopardized. It must be clearly understood that these amendments are not intended to induce, in any manner, the relaxation of any stricter rules that a number of air carriers and other operators of aircraft have in effect. The FAA is by no means endeavoring to indicate that longer time limits should not be self-imposed, or should be disregarded, by these aircraft operators.

Likewise, it should be noted that the discussions of alcohol and flying, in the notice and herein, are not intended to indict pilots and other crewmembers as a group. The primary concern, in issuing an additional regulation, is not with responsible crewmembers, but with the small marginal group for whom it is needed. The FAA believes that the regulation will serve as a deterrent for some of the latter group and, when necessary, will be helpful in the enforcement of the regulations against others of this group.

Several commentators asserted that a more precise method of measuring intoxication, such as breath or blood tests, should be included in the regulations. The FAA expects to continue its studies with respect to alcohol and flying, and the related matters of publicity, education, and regulatory establishment of specific blood alcohol levels.

The phrase "under the influence of intoxicating liquor" has been used in § 91.11(a) and its predecessor provision, § 43.43 of Part 43 of the Civil Air Regulations, to denote the prohibited condition. The phrase "under the influence of alcohol" is used instead in the revision of this paragraph. The term "alcoholic beverage" has been used in § 121.575 of the Federal Aviation Regulations as well as predecessor provisions from which it was recodified, to denote the item there denied to a person on board an aircraft unless served by the certificate holder. The term "alcoholic beverage" will now be used in § 91.11(a)(1) for consistency.

In consideration of the foregoing, and for the reasons stated in Notice 70-22, paragraph (a) of § 91.11 of the Federal Aviation Regulations is amended, effective December 5, 1970, as follows:

§ 91.11 Liquor and drugs.

(a) No person may act as a crewmember of a civil aircraft—

(1) Within 8 hours after the consumption of any alcoholic beverage;

(2) While under the influence of alcohol; or

(3) While using any drug that affects his faculties in any way contrary to safety.

* * * * *

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

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14899; Filed, Nov. 4, 1970; 8:49 a.m.]

[Docket No. 9490, Amdt. 121-70]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Leasing of Aircraft by Certificate Holders

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to require certificate holders certificated thereunder to provide the Administrator with copies of wet lease agreements made with other persons operating large airplanes. In addition, it provides for amending the operations specifications to indicate those regulations the Administrator determines govern operations conducted under such agreements.

This amendment is based on a notice of proposed rule making (Notice 69-13) published in the FEDERAL REGISTER on March 22, 1969 (34 F.R. 5552). Seven commentators responded to the notice and their views are discussed below.

The major concern voiced by those commentators opposed to the proposal was that short-term or emergency leases, designed to meet immediate needs, would be impossible to effect due to the proposed administrative procedure for authorization of lease arrangements, and the time that procedure would require. These commentators state that with these leases so burdened, the flexibility which they consider vital for meeting their short-term or emergency needs will be adversely affected. In this connection, they suggest that, rather than adopt this proposal as a requirement applicable to all leases, the FAA should exempt the short-term or emergency lease.

The purpose of this amendment is to enable the FAA to review lease arrangements so that it may positively be ascertained, prior to an operation, which party to the lease is responsible for the conduct of that operation and which Federal Aviation Regulations govern. It is the opinion of the FAA that in order to effectively carry out this purpose the amendment should apply to all wet lease arrangements. If, in fact, the short-term or emergency lease does make up a significant number of all leases entered into, then this is all the more reason for a clear determination, prior to the operation, of which party is responsible under the Federal Aviation Regulations for the conduct of it. The agency is confident that it can fulfill its responsibilities for administering the regulation in a timely manner so that any inconvenience to certificate holders will be held to a minimum. However, the FAA will evaluate the effectiveness of the regulation, and its administration of it, and in the light of that experience will revise the regulation if appropriate.

Two commentators stated that, as proposed, the requirement was not clear as to whether all leases or merely wet leases were covered. It was the intent of the FAA in the notice to apply this amendment to wet leases only (those leases where the lessor provides both airplane and at least a pilot flight crewmember). In order to clear up any possible misunderstanding, the language has been revised to clearly indicate that only wet leases are covered, and that any wet lease arrangement involving a Part 121 certificate holder is within the subject requirements.

Comments were received with regard to the proposed items the Administrator would consider in making his determination as to which party to the lease is conducting the operation. One commentator recommended that in addition to those items proposed there should be added the intent of the parties as expressed in the lease. To avoid any unintended restriction, this amendment adds a sixth category of consideration to encompass any other factor the Administrator considers relevant to a proper determination of which party is responsible for the operation. Under this provision, the Administrator may consider the intent of the parties.

Comment was received questioning the need for submission of a lease agreement that involved only Part 121 certificate holders, the commentators recommending that a distinction should be made between that type of lease and one between a Part 121 certificate holder and a Part 91 or Part 129 certificate holder. It was suggested that in the former case no submission is required inasmuch as Part 121 would apply regardless of which party was subsequently deemed to have operational control. In addition, one commentator suggested that if the FAA considers it necessary to have submission of data from two Part 121 certificate holders, the parties should merely be required to submit a list of their individual responsibilities.

The FAA has concluded that these recommendations will not solve the problem of enabling the FAA to review a lease arrangement prior to the conduct of an operation pursuant thereto. The FAA has determined that such a review is necessary in the interest of safety, and the fact that two Part 121 certificate holders are involved, with no attendant need to determine applicable regulations between different parts, does not lessen this necessity.

One commentator suggested that rather than adopting a procedure based upon submission of data and subsequent approval of leases by the Administrator, the regulation should be based on an operational control test setting forth criteria that would enable the parties to the lease to determine which of them was responsible for conducting the operation. The FAA is not adopting this recommendation because it would not solve the problem to which this regulation is addressed. In the past, the determination as to which party to a lease was responsible for the conduct of an operation thereunder has been made after the fact, when it was too late for the FAA to review the operation. Therefore, the FAA has concluded that it is in the interest of safety for a prior determination as to which party to the lease is responsible for conducting the operation to be made by the agency, rather than leaving it up to the parties to decide. For the same reasons, the FAA is not adopting the recommendation that, rather than require prior examination and approval of a lease arrangement, the agency examine the lease after the fact with the presumption that the lessor has responsibility for the operation until the Administrator subsequently determines otherwise.

Finally, a comment was received objecting to the provision for the amendment of the operations specifications of the party found by the Administrator to be conducting the operation because it

was felt that economic hardship would result from operations delayed pending such action. As discussed previously, it is the opinion of the FAA that delays, if any, will be minimal and that the entire procedure as proposed will lead to effective advance planning by the certificate holders concerned and result in leasing arrangements which will reduce or avoid the administrative problems several of the commentators foresee.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective December 5, 1970, by adding a new section immediately after § 121.5 to read as follows:

§ 121.6 Leasing of aircraft.

(a) Prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement whereby the certificate holder agrees to provide an aircraft and at least a pilot flight crewmember to another person.

(b) Upon receiving a copy of an agreement, or a written memorandum of the terms thereof, the Administrator determines which party to the agreement is conducting the operation and issues an amendment to the certificate holder's operations specifications containing the following:

(1) The names of the parties to the agreement and the duration thereof.

(2) The nationality and registration numbers of each aircraft involved in the agreement.

(3) The type of operation (e.g. scheduled, passenger, etc.).

(4) The areas of operation.

(5) The regulations of this chapter applicable to the operation.

(6) A statement of the economic authority, if available.

(c) In making a determination under paragraph (b) of this section, the Administrator considers the responsibility under the agreement for the following:

(1) Crewmembers and training.

(2) Airworthiness and performance of maintenance.

(3) Dispatch.

(4) Servicing the aircraft.

(5) Scheduling.

(6) Any other factor the Administrator considers relevant.

(Secs. 313(a), 601, 604, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424, 1427, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14900; Filed, Nov. 4, 1970; 8:49 a.m.]

[Docket No. 10663, Amdt. 198-1]

PART 198—WAR RISK INSURANCE

Increase in Binding Fees

The purpose of these amendments to Part 198 of the Federal Aviation Regulations is to increase the amounts of binding fees for hull and liability war risk insurance issued pursuant to title XIII of the Federal Aviation Act of 1958 (49 U.S.C. 1531–1542).

In view of the experience of the FAA to date and future forecasts, the binding fees provided for in Part 198 (established in 1953) are not sufficient to keep the war risk insurance program completely on a self-sustaining basis as contemplated. The revenues from the binding fees for the fiscal year 1968 through 1970 have consistently and significantly fallen short of meeting the administrative expenses.

Accordingly, these amendments increase the binding fee per aircraft for war risk hull or war risk liability (exclusive of cargo liability) insurance from $100 to $200, and for war risk carriers liability to cargo insurance from $25 to $50. It is anticipated that these binding fees, as increased, will place the program on a self-sustaining basis.

Since these amendments relate to agency management, procedures, and practices, notice and public procedure thereon are not required, and they may be made effective in less than 30 days.

In consideration of the foregoing, Part 198 of the Federal Aviation Regulations is amended as follows, effective November 4, 1970:

1. By striking out the figure "$100.00" wherever it occurs in §§ 198.102 and 198.202, and in paragraphs (a), (b), and (c) of Appendix A, and substituting the figure "$200.00" therefor.

2. By striking out the figure "$25.00" wherever it occurs in § 198.302, and in paragraphs (a) and (b) of Appendix E, and substituting the figure "$50.00" therefor.

(Sec. 1307(a), Federal Aviation Act of 1958; 49 U.S.C. 1537(a); sec. 6(a)(3)(C), Department of Transportation Act; 49 U.S.C. 1655(a)(3)(C); sec. 1.47(b), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.47(b))

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14886; Filed, Nov. 4, 1970; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 155—CITY DELIVERY

Business Mail Delivery in Office Buildings

In the daily issue of March 4, 1970 (35 F.R. 4054), the Department published a notice of proposed rule making proposing regulations relating to types of business mail delivery in office buildings, for the guidance of building owners and managers, architects, and equipment manufacturers. The proposed regulations formulated criteria and requirements for the establishment of vertical improved mail service (VIM) in office buildings; and prescribed procedures for Departmental approval of VIM equipment and systems.

Interested persons were given 30 days within which to submit comments on the proposed regulations. After consideration of all comments received, it has been determined to adopt the proposed regulations, with modifications.

Section 155.7 (a), (b), and (c) have been redesignated as §§ 155.17, 155.18, and 155.19, respectively. The chief modification, however, relates to proposals set out in § 155.7(c)(6) of the cited FEDERAL REGISTER document. There it was proposed that the Department would authorize installation of not more than three VIM mechanical systems for an actual service test period. Under the modification this proposal is changed, so that the Department will authorize the installation of one VIM mechanical system for a test period. (See § 155.19 (f).) In addition, provisions requiring manufacturers of VIM mechanical systems to provide installation and indemnity bonds (§ 155.7(c)(6), (7), of the notice of proposed rule making) have been deleted.

Accordingly, the following amendments to Title 39, Code of Federal Regulations, are hereby made, to be effective on the 30th day after the date of this publication in the FEDERAL REGISTER. Manufacturers and other persons concerned are authorized to follow these regulations immediately upon publication in the FEDERAL REGISTER, if they so desire.

In Part 155, add §§ 155.7, 155.17, 155.18, and 155.19, reading as follows:

§ 155.7 Business mail delivery.

Business mail delivery is accomplished most effectively by use of Vertical Improved Mail (VIM) service. This service may be provided in the form of lockbox, call window, or conveyor service. The types of service and the criteria controlling their establishment are set forth in §§ 155.17–155.19. In all VIM service, the acquisition, installation, maintenance and repair of all space, equipment and facilities required by the system used shall be accomplished at no cost to the Government. Failure to maintain the service in accordance with the requirements of these regulations may result in withholding delivery of mail and requiring that it be called for at the post office or carrier delivery unit serving the area. Whenever withholding of delivery is contemplated, the tenants and the building owner, lessee, or manager will be notified of the proposed action. Except in cases of emergency, such notice will be given at least 30 days before the action is taken.

VIM BUSINESS MAIL DELIVERY REGULATION AND INSTRUCTIONS

§ 155.17 Vertical improved mail (VIM) lockbox service.

(a) *Conditions concerning installation of receptacles.* (1) VIM lockbox service

may be provided in those office buildings which meet the requirements of this section.

(2) The postmaster may approve, after receipt of a written proposal, the installation of office building receptacles and a related VIM mailroom. Only proposals which include a tentative plan showing location in the building and providing for one receptacle for each tenant will be considered. After review the postmaster will endorse his approval or disapproval upon the proposal and return it.

(b) *Installation.* (1) Receptacles should be located near the entrance in vestibules, halls, lobbies, or mailrooms. Rear loading receptacles housed in a VIM mailroom should be provided wherever a building may have 11 or more tenants. The carrier must be able to serve the boxes without interference from swinging or opening doors. The area must be adequately lighted so as to afford the best protection to the mail and to enable carriers to read addresses on mail and names on boxes easily.

(2) The distance from the finished floor to the tenant locks on the top tier of receptacles should be no more than 66 inches, and to the bottom of the lowest tier no less than 10 inches and preferably not lower than 30 inches.

(3) Installation of boxes at two or more entrances to a building will not be approved.

(4) Rear loading receptacles will be served from a mailroom behind the lockboxes. The mailroom should run the length of the bank of boxes and should have at least 3 feet of unobstructed work space from the rear of the units to the wall. Where one or more carriers will be based on site, an additional work area the equivalent of 80 square feet per carrier should be included in the mailroom.

(c) *Directories.* (1) In existing office buildings having 11 or more receptacles, a complete directory of all firms or persons receiving mail must be maintained.

(2) Directories must be alphabetical by firm or surname and must be kept correct to date.

(3) The directory must be legible and located where it can be read easily by the postal employee.

(d) *Maintenance and repair.* (1) The owners, lessees, or managers of buildings must keep receptacles in good repair. When an inside letter-box arrow lock is no longer needed, the owners, lessees, or managers must immediately notify the postmaster so that a postal employee can be detailed to supervise removal of the lock from the master door for return to the post office.

(2) Upon receiving a report of lack of repair or irregularity in the operation of office building receptacles, postmasters will cause a prompt investigation to be made and will specify repairs which must be made. Repairs must be made only when a representative of the post office is present. Persons other than postal employees may not open receptacles and expose mail.

(e) *Manufacturers and distributors.* For the convenience of customers, the following is a list of manufacturers and distributors of one or more approved designs of horizontal type mail receptacles.

American Device Manufacturing Co., Steeleville, Ill. 62288.
Auth Electric Co., Inc., 34-20 45th Street, Long Island City, N.Y. 11101.
Corbin Wood Products, Division of Emhart Corp., New Britain, Conn. 06050.
Cutler Mail Chute Co., 76 Anderson Avenue, Rochester, N.Y. 14607.
Dura Steel Products Co., Post Office Box 54175, Los Angeles, Calif. 90054.
Florence Manufacturing Co., Inc., 848-864 North Larrabee Street, Chicago, Ill. 60610.
Keyless Lock Co., Inc., 6790 East 32d Street, Indianapolis, Ind. 46226.

(f) *Obtaining approval for receptacles design.* Persons interested in obtaining approval of an office building receptacle design must submit a horizontal style, four gang unit (two over two) of the receptacle to the Post Office and Delivery Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, for examination. The unit must be complete with individual door locks and provide for an arrow lock in the master door. If rearloaded, a door or screen on the back of the sample unit is not necessary.

(g) *Specifications for construction of receptacles.* Specifications for construction of receptacles shall be identical to those for Type II, horizontal apartment house receptacles as prescribed in § 155.6 (b), except that the inside dimensions of receptacles shall be a minimum 5¾ inches in height, 10½ inches in width, and 16 inches in depth.

§ 155.18 VIM call window service.

(a) *Eligibility requirements.* (1) VIM call window service may be extended to those office buildings which the postmaster determines merit such service.

(2) The postmaster may approve, after receipt of a written application, VIM call window service. Consideration will be given only to applications which are accompanied by a tentative plan showing the size and location of the mailroom, and the proximity to the loading-unloading area the carrier will use. The postmaster will endorse his approval or disapproval upon the application and return it.

(b) *VIM mailroom*—(1) *Location.* The mailroom shall be for the exclusive use of duly authorized personnel. It should be located on the building entrance level used most by persons employed in the building, and should be as near the elevators and the building loading-unloading area as practicable. Mailroom space may be approved for use at other levels when necessary.

(2) *Space.* The minimum VIM call window space requirement for an office building is 100 square feet. As a guideline for planning a new office building the Post Office Department's experience indicates 100 square feet of mailroom space and one carrier will be required for each 100,000 square feet of office space up to 500,000, plus one carrier for each additional 200,000 square feet of office space.

(3) *Service window.* A window, a Dutch door with ledge, or a portable desk or table that may be placed across the door opening shall be provided for call service.

(4) *Environment conditions.* Mailroom environment conditions, including heat, light, and air conditioning must be equal to that provided tenants in the building.

(5) *Doors and locks.* A thirty-four inch (34") security type door should be provided. The door lock may be of matching hardware provided that tumblers are reset and the post office controls all keys.

(6) *Access.* Provision shall be made for a carrier to have access to the mailroom between 5 a.m. and 6 p.m.

§ 155.19 VIM conveyor service.

(a) *Eligibility requirements.* (1) VIM conveyor service may be extended to those office buildings meeting the requirements of this section.

(2) The Regional Director may approve, after receipt of a written application, the installation of a VIM mechanical system. Consideration will be given only to applications which are accompanied by a tentative plan showing location of the mechanical system and the mailroom space. The Regional Director will endorse his approval or disapproval upon the application and return it to the applicant.

(b) *VIM mechanical system requirements.* (1) The mechanical system must accept locked containers at a rate of not less than eight per minute and must be capable of transporting them vertically at a rate of not less than 75 feet per minute.

(2) The inside dimensions of containers shall not be less than 12" x 16" x 6".

(3) The mechanical system shall accept and discharge containers without carrier or tenant effort other than placing containers in load position and actuating controls.

(4) The mechanical system design may permit use of the system for purposes other than mail transportation.

(5) The system shall have either an adequate accumulating device in the central mailroom that will accept and hold containers of outgoing mail dispatched by tenants, or an adequate automatic mechanism that will empty the containers into a wheeled canvas basket.

(6) An accumulating device of sufficient size shall be provided in each service mailroom to provide space for each tenant served by it if containers are not conveyed to offices of individual tenants.

(c) *Central mailroom.* (1) Central mailroom requirements shall be as listed in subparagraph (2) of this paragraph except as described herein. A tentative plan for a central mailroom must be submitted to the postmaster for approval.

(2) Minimum central mailroom space requirements shall be 400 square feet for the first 50 tenants, plus 135 square feet for each additional 50 tenants.

(d) *Service mailrooms.* (1) A service mailroom shall be provided on each multitenant floor unless containers are mechanically conveyed to tenant offices. Depending on the system used, a service mailroom may require no more than 5' x 7' area.

(2) If a stacking mechanism which will accommodate from 8 to 19 containers is used, a 7' x 8' service mailroom will be required.

(e) *Mail security requirements.* (1) Except as provided in subparagraph (2) of this paragraph, the containers shall be capable of being locked. Each tenant will be provided keys to the locks of lids or containers assigned to him. The carrier will be provided with a master key that will open all locks.

(2) Mail may be dispatched in a nonlocking closed container if delivered to a point accessible only to the appropriate tenant.

(f) *Obtaining approval of VIM mechanical systems.* A firm interested in obtaining approval of a VIM mechanical system must submit to the Post Office and Delivery Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260, specifications and drawings for a system, containers, and container accumulating device for use in the central mailroom. If the specifications and drawings appear to be satisfactory, the Bureau of Operations will authorize installation of a VIM mechanical system for testing to assure that it is serviceable and meets the requirements of this section. If, at the end of the test, the system is found satisfactory, the final approval of the equipment will be given.

(5 U.S.C. 301, 39 U.S.C. 501, 6001, 6003, 6105)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-14874; Filed, Nov. 4, 1970; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. AR69-1]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

Increased Rate Filings

OCTOBER 27, 1970.

By separate order issued in Docket No. R-394 concurrently with the issuance of this order, the Commission has lifted the moratorium on increased rate filings by producers in southern Louisiana. In the subject order we shall establish the procedures to be followed in connection with any increased rate filings made as a result of the lifting of the moratorium within the time limitations prescribed herein.

In the notice of proposed rulemaking issued July 30, 1970 in Docket No. R-394, we proposed that any increased rate filings made pursuant to the lifting of the moratorium would become effective, subject to refund, 45 days after the date of filing. We indicated that the Secretary would advise the filing party of the Commission docket number and the effective date relating thereto. We also proposed to establish refund floors for all vintages of gas sold in southern Louisiana. Finally, we proposed that where pipeline purchasers file rate increases limited to tracking producer increases, we would waive, where necessary, the requirement for supporting schedules under § 154.63 of the Commission's regulations under the Natural Gas Act provided such schedules are submitted within 4 months from the date of the pipeline's increased rate filing.

Many of the parties filing comments in Docket No. R-394 have directed their attention to these proposed procedures as invited to do so by the July 30 notice.

The pipelines have pointed out that under the proposed procedure of permitting producer increases to become effective, subject to refund, 45 days from the date of filing, it might be necessary for the pipelines to make tracking filings every day. To avoid this problem they urge us to set a time limit for producer rate filings and to establish a single effective date for all such filings. We agree with the position advanced by the pipelines and will discuss below the appropriate time limit for producer filings.

The 45-day period originally proposed for producer filings does not give the pipeline purchasers or their distribution customers adequate time to track such filings. For this reason we believe it more appropriate to provide a 75-day period after the date of issuance of this order before producers may collect, subject to refund, proposed increased rates filed as a result of the lifting of the moratorium. The 75-day period will apply only to those filings made by producers within 30 days of the date of issuance of this order. Producer filings made thereafter will be subject to the normal Commission suspension procedure.

A pipeline which is not authorized to track rate changes of its suppliers as to gas from southern Louisiana will be permitted to file a rate increase application to track supplier rate changes; for such purposes the data requirements of § 154.63 of the Commission's regulations will be waived if the pipeline filing such a rate adjustment submits working papers with the filing showing the computation thereof. We shall also waive, where necessary, § 2.52, Part 2, General Policy and Interpretations, of the Commission's General Rules, which provides that during the suspension of a proposed rate change the underlying effective rate should not be changed. However, a pipeline filing a rate increase application must still give at least 30 days notice as required by section 4(d) of the Natural Gas Act.

Many of the producers argue that they should be permitted to collect the higher rates which they file for as of the date of issuance of this order. However, as indicated above, such a procedure would not give the pipelines or their customers adequate time to track the producer filings. We shall therefore deny this request.

In the July 30 notice we indicated that we would provide a limitation on potential refund obligations, effective as of the issuance of this order. This floor would apply to all sales currently being made pursuant to stay orders at rates above those set in Opinion No. 546 as well as to increased rate filings made subsequent to the issuance of this order. Many of the producers contend that this provision should be effective as of October 1, 1968, the effective date of Opinion No. 546. This contention relates to the propriety of imposing the moratorium in Opinion No. 546 and has nothing to do with the procedures to be followed in lifting the moratorium. It would therefore be inappropriate to decide this matter here.

Many sales are currently being made pursuant to certificate authorizations which contain prohibitions against filing for contractually authorized increases. The producers claim that it would be inequitable to continue the prohibition against increased rate filings for sales under such certificates while permitting them elsewhere. Some of these conditions were inserted prior to the issuance of Opinion No. 546 pending its issuance and the remainder were inserted pursuant to the moratorium provisions of that opinion. Absent a general waiver of these provisions, each rate increase filing involving such a provision would have to be accompanied by a request for waiver thereof pursuant to the provisions of § 1.7(b) of the Commission's rules. Since it is our intention that all Commission prohibitions of rate increase filings in Southern Louisiana be lifted, it is appropriate that a general waiver of such prohibitions be granted rather than the grant of a waiver in each individual case.

The Commission finds:

(1) Any proposed increased rate in excess of the applicable ceiling prescribed in Opinions Nos. 546 and 546-A may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. Accordingly, any above ceiling rate filed subsequent to the issuance of this order, and within the time limit prescribed herein, should be suspended pursuant to the terms and conditions of this order.

(2) Good cause exists for waiving § 154.63 of the Commission's regulations under the Natural Gas Act and § 2.52, Part 2, General Policy and Interpretations of the Commission's general rules and for waiving any conditions in a temporary or permanent certificate prohibiting a producer from filing for a contractually authorized rate increase with respect to sales from southern Louisiana.

The Commission orders:

(A) Increased rate filings made within 30 days of the date of issuance of this order by producers with respect to sales in southern Louisiana pursuant to the lifting of the moratorium shall become effective, subject to refund, 75 days after the date of issuance of this order without any further action by the producers involved or the Commission. The Secretary shall advise the filing party of the docket number of the proceeding.

(B) Any refunds which may hereinafter be ordered for any sales of natural gas made by any producer in southern Louisiana after the date of issuance of

this order shall be limited to amounts collected above the rate or rates as determined in Docket No. AR69–1, except for new gas sales under contracts dated after June 17, 1970. Any refunds which may hereafter be ordered for new gas sales under contracts dated after June 17, 1970, shall be limited to amounts collected above the rate or rates as determined in Docket No. AR69–1 or in Docket No. R–389A, "Initial Rates for Future Sales of Natural Gas for All Areas," whichever is higher.

(C) The provisions of § 154.63 of the Commission's regulations under the Natural Gas Act are waived to permit pipeline companies to file rate increase applications to track producer rate increases filed pursuant to the time limitations in this order; such tracking applications may be filed by pipeline purchasers or by pipelines purchasing from such pipeline purchasers which are not authorized to track rate changes of their suppliers with regard to gas from southern Louisiana: *Provided*, That pipelines filing such an adjustment submit working papers with the filing showing the computation thereof, and: *Provided further*, That the rate or rates as revised by such rate increase applications shall be collected subject to reduction and refund from the effective date of such increased rate or rates.

(D) Section 2.52, Part 2, General Policy and Interpretations, of the Commission's general rules is waived so as to permit the filing of a rate increase application to track producer rate increases filed pursuant to the time limitations in this order by a pipeline purchaser or by a pipeline purchasing from such a pipeline purchaser where the pipeline has a proposed increased rate or rates under suspension at the time of such tracking application.

(E) Notwithstanding any condition to the contrary in any temporary or permanent authorization issued with respect to any sale by a producer in the southern Louisiana area, the producer thereunder may file for any contractually authorized increase in rate after the issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14923; Filed, Nov. 4, 1970; 8:51 a.m.]

[Docket No. R–394; Order 413]

PART 154—RATE SCHEDULES AND TARIFFS

Termination of Moratorium Provisions in Southern Louisiana

OCTOBER 27, 1970.

The Commission on July 30, 1970, issued a notice of proposed rulemaking in this proceeding (35 F.R. 12559, August 6, 1970) proposing to terminate the moratorium provided in paragraphs (f) and (g) of § 154.105 of the Commission's regulations under the Natural Gas Act (18 CFR 154.105 (f) and (g)) and ordering paragraph (B) of Opinion No. 546–A (41 FPC 301 at 340).

In response to the notice comments have been filed by a number of independent producers and pipeline purchasers operating in southern Louisiana, by the Independent Natural Gas Association of America, by Associated Gas Distributors (AGD), by the Municipal Distributors Group (MDG), and by the Public Service Commission of the State of Wisconsin (Wisconsin).[1] All of the producers and pipelines favor the lifting of the moratorium. Only MDG, AGD, and Wisconsin oppose the proposed action.

MDG and Wisconsin contend that the moratorium provided in Opinion No. 546 and 546–A should not be lifted based on data which has not been tested in an evidentiary hearing. AGD urges that the moratorium issue be decided in Docket No. AR69–1, possibly utilizing an interim order procedure. AGD also requests that consideration be given to imposing limitations on producer price increases if the moratorium is lifted and suggests that the cost data in Docket No. AR69–1 might be appropriate for such purposes.

In the July 30 notice we noted that there are positive indications of a worsening supply situation with new findings of gas falling below production in 2 successive years, that there are also indications of a sharp drop in the level of gas exploration during 1968 and 1969 which has an adverse impact on future gas supplies, and finally that there are indications of cost increases which have affected the amount of funds devoted to the industry's exploratory effort. In view of these changed circumstances, we believe it important to lift the moratorium promptly. It is neither necessary nor desirable in this particular type of situation to await the results of an evidentiary hearing before taking positive action. Rate increases will continue to be collected subject to refund. Nor is there adequate justification for imposing any additional limitation on the level to which producers may file, aside from contract limitations inherent in the various producer contracts.

Shell Oil Co. in its supplemental comments requests the Commission to amend the increased rate level ceiling for all vintage contracts in southern Louisiana set forth in § 2.56, Part 2, General Policy and Interpretations, of the Commission's General Rules (18 CFR 2.56). Shell's proposal is outside the scope of the subject rulemaking proceeding. Accordingly, its request is denied.

The procedures which will be utilized as a result of the lifting of the moratorium will be discussed in a separate order issued concurrently with this order.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding through the submission, in writing, of data, views, comments, and suggestions are in accordance with all procedural requirements therefor as prescribed in section 553, title 5 of the United States Code. Since the action taken herein relieves a restriction previously imposed on producers, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, particularly sections 4, 5, 7 and 16 (52 Stat. 822, 823, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f and 717o) orders:

(A) Effective as of the date of issuance of this order, paragraphs (f) and (g) of § 154.105, *Area rates; Southern Louisiana area*, in Part 154, Chapter I, Title 18 of the Code of Federal Regulations, and ordering paragraph (B) of Opinion No. 546–A, 41 FPC 301 at 340, are revoked.

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14850; Filed, Nov. 4, 1970; 8:45 a.m.]

[1] Mobil Oil Corp. and Wisconsin filed their comments 2 days after the deadline prescribed in the July 30 notice. Despite the late filings, we shall consider their comments.

[Dockets Nos. R–371, etc.]

PART 154—RATE SCHEDULES AND TARIFFS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Appalachian Basin and Illinois Basin Area Rates; Small Producer Certificates of Public Convenience and Necessity; Correction

OCTOBER 15, 1970.

Area rates for the Appalachian and Illinois Basin areas, Docket No. R–371, Ashland Oil & Refining Co. et al., Docket No. RI66–211 et al.

In the opinion and order establishing just and resonable rates, issued October 2, 1970, and published in the FEDERAL REGISTER October 14, 1970, 35 F.R. 16077, page 16082, second full paragraph, line 9, change "Docket No. RI61–308" to read "Docket No. RI61–24". Change last sentence to read: "And we shall terminate the refund conditions in the initial certificates issued to Wyckoff Development Co.; Cabot Corp., and Commonwealth Gas Corp. in Dockets Nos. CI68–1097, G018118, and CI71–120, respectively, since the rates involved there do not exceed the ceilings established by this rulemaking."

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–14852; Filed, Nov. 4, 1970; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 50—NATIONAL CAPITAL PARKS REGULATIONS

Park-Use Permit System for Public Gatherings

By notice of rule making published in the FEDERAL REGISTER, October 2, 1970 (35 F.R. 15393), it was announced that the regulations governing public gatherings in the National Capital Parks at 36 CFR 50.19 would become effective 30 days from publication.

Pursuant to court proceedings on October 30, 1970, and in light of the preliminary injunction previously entered by the U.S. District Court for the District of Columbia in A Quaker Action Group v. Hickel (C.A. 688-69) on April 6, 1970 (see 35 F.R. 6599, April 24, 1970), the effective date of these new regulations is postponed to November 15, 1970. In the meantime, the holding of public gatherings in park areas under National Capital Parks administration remains subject to the 15-day advance notice requirement, on the appropriate form, specified by the U.S. District Court and the Court of Appeals in the Quaker Action litigation (see 35 F.R. 6599, Apr. 24, 1970).

Dated: October 30, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-14977; Filed, Nov. 4, 1970; 8:53 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-234]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Ceylon

OCTOBER 26, 1970.

The Department of State advised the Department of the Treasury on October 1, 1970, that the Department of State has obtained from the Government of Ceylon satisfactory evidence that no discriminating duties of tonnage or imposts have been imposed or levied in ports of Ceylon upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Ceylon 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 Ceylon, and the produce, manufactures, or merchandise imported into the United States in such vessels from Ceylon or from any other foreign country. This suspension and discontinuance shall take effect from October 1, 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 "Ceylon" 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. 70-14948; Filed Nov. 4, 1970; 8:52 a.m.]

Title 42—PUBLIC HEALTH

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

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

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

Jacksonville, Fla.-Brunswick, Ga., Interstate Region

On August 22, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13459) to amend Part 81 by designating the Jacksonville (Fla.)-Brunswick (Ga.) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on September 16, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.91, as set forth below, designating the Jacksonville (Fla.)-Brunswick (Ga.) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.91 Jacksonville (Florida)—Brunswick (Georgia) Interstate Air Quality Control Region.

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

In the State of Florida:

Alachua County.	Lafayette County.
Baker County.	Leon County.
Bradford County.	Liberty County.
Clay County.	Madison County.
Columbia County.	Marion County.
Dixie County.	Nassau County.
Duval County.	Putnam County.
Flagler County.	Saint Johns County.
Franklin County.	Suwannee County.
Gadsden County.	Taylor County.
Gilchrist County.	Union County.
Hamilton County.	Wakulla County.
Jefferson County.	

In the State of Georgia:

Camden County.	Glynn County.

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

Dated: October 9, 1970.

ROBERT PERMAN,
Acting Commissioner, National Air Pollution Control Administration.

Approved: October 27, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-14878; Filed, Nov. 4, 1970; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18801; FCC 70-1163]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sioux Center, Iowa; Caruthersville, Mo.; Kerrville, Tex.; Bradenburg, Ky.; Steamboat Springs, Colo.; Drew, Miss.; Weston, W. Va.; Chanute, Kans.; Mexia, Tex.; Rutland, Vt.; Boone, Iowa; Berlin, N.H.), RM-1491, RM-1511, RM-1517, RM-1527, RM-1533, RM-1539, RM-1502, RM-1534, and RM-1556.

Second report and order. 1. This document deals with the two matters remaining in the above-captioned FM "package" proceeding: the proposed assignment of Channel 237A as a first FM channel at Drew, Miss. (RM-1539),

and the Commission's own proposal to delete Channel 241 as a second channel at Berlin, N.H., since it is short spaced to an existing station and has not been sought since it was inadvertently included in the Table of Assignments in 1963. The latter proposal was supported in the only comment filed in response to the notice; the Drew proposal was the subject of a number of comments, including a vigorous opposition by Tony P. Conguista, the licensee of Stations WDSK (daytime AM) and WDSK-FM, at nearby Cleveland, Miss. Mr. Conguista later withdrew his opposition; but of course the factual matters advanced remain for consideration insofar as they are pertinent.

2. *RM-1539, Drew, Miss.* As discussed in footnote 1 of the notice of proposed rule making herein (FCC 70-176, released Feb. 20, 1970), the proposed assignment of Channel 237A at Drew presented two technical problems: (1) It would be short-spaced to the existing site of Station WFXM at Jackson, Miss. less than the required 105 miles to a station on adjacent Ch. 238C; and (2) it would be extremely close to the minimum cochannel 65-mile separation to Channel 273A if assigned to Senatobia, Miss., as a replacement for Channel 232A there proposed for deletion in another pending rulemaking petition (Millington, Tenn., RM-1469). The first of these problems has been resolved by the grant of WFXM's application (pending at the time of the notice) to change transmitter location, so that the distance is now over 105 miles. The Millington-Senatobia matter is still pending, now outstanding in Docket 18905; but, in any event, the Drew petitioner, Triangle Broadcasting Co. (Triangle) in its reply comments showed a new site west of Drew (3½ miles southwest of the site originally proposed) which is some 67.2 miles from the Senatobia reference point (farther from the site of the AM station there), and 105.4 miles from the new WFXM site at Jackson. Thus, these two technical problems have been resolved.

3. Triangle's request was simply for a first channel at Drew rather than any particular one, and two alternatives to 237A were suggested. Mr. Conguista, opposing the Drew assignment set forth in the notice, suggested that Channel 280A, the second FM channel assigned at Cleveland and up to now unoccupied (although applied for), could be moved to Drew and used there.[1] The licensees of WFXM, Jackson (Anne P. McLendon and the First National Bank of Jackson) suggested that, in view of the close spacing involved in use of Channel 237A at Drew, an alternative would be to reassign there Channel 232A, now assigned and unused at Leland. Channel 296A would be assigned at Leland as a replacement.[2] This counterproposal was in turn opposed by the licensee of the daytime AM station at Leland, expressing his intention to apply for the FM channel to bring fulltime local service to his area, particularly the large Negro population of the Delta country.

4. *Facts concerning Drew's size and importance, and available services.* Drew, Miss., is a community with a 1960 Census population of 2,143 and a preliminary 1970 Census population of 2,572,[3] with no local broadcast outlet. It is located in the northern part of Sunflower County (1960 Census population of 45,750, 1970 Preliminary population 36,425). The only broadcast outlets in that county are a commonly owned daytime AM and Class A FM station at Indianola, some 25 miles south, the county seat and largest community. Drew itself also receives service from one daytime and one Class IV station and Class A FM Station WDSK-FM, at Cleveland, which is some 12 miles away and the county seat of another county (Census population: 1960, 10,172; preliminary 1970, 13,079). As noted, there is also an unoccupied but applied-for Class A FM channel at Cleveland. In support of its proposal, Triangle, the Drew petitioner, urges that the proposal would bring a first primary nighttime service to an area to the northeast of Drew; this appears to be accurate as far as present AM and FM facilities are concerned, but ignores the possibility of increased antenna height for the Class C station at Greenwood, some 28 miles away, to the level used in FM rule making proceedings in evaluating claims of first primary service.[4]

5. Triangle is a group of Drew residents, formed for the purpose of seeking a local broadcast facility and, apparently, without ownership connections with other stations in the area. Its comments supporting the proposal urge that city's importance, as an agricultural center (Sunflower County is the second richest in the State, and the Associate County Agent's office is at Drew), retail center (78 stores with $1.5 million annual business), as a center of significance to a large surrounding area, for example with respect to schools, churches, civic organizations and a National Guard unit, and the location of Federal agencies (FHA and OEO). It also has a commercial airport built with the assistance of Federal funds. Some 12 letters were filed with the comments, urging the need for a local radio outlet (in addition to the Drew-originated programs presented by Cleveland stations) and local nighttime service. These included letters from a State Senator, the counsel for the city, the Chamber of Commerce, a bank, a farm supply house, a church, 4 civic organizations, and the Associate County Agent urging the value of a local station in disseminating agricultural information. It is urged that Drew has become, to a great extent, "the social, cultural, religious, educational and governmental center in the area which surrounds it."

6. In comments and reply comments opposing the notice proposal, Mr. Conguista vigorously disputes both the importance of Drew and its need for a local outlet. It is asserted that the city already is the source of some 27 hours a week of programs, including 2 hours 6 days a week on the Cleveland Class IV station and 3 hours 5 days a week on the Greenwood FM station, in addition to 10 hours per week on WDSK originated from nearby Ruleville, some 6 miles from Drew.[5] It is noted that the Cleveland Class IV station carries many Drew high school football and basketball games, sponsored sometimes by Drew businesses, and also a daily religious service by a Drew minister (with other Drew church services also presented by Cleveland stations). It is asked how Drew can be a "cultural" center when it has not even a movie house or a weekly newspaper, an "educational" center having no college or junior college, or a "governmental" center when Indianola is the county seat with all county and nearly all State and Federal offices. It is also claimed that Triangle misrepresents the importance of Drew in ignoring the larger center of Indianola, with its two stations, as well as claiming (in its petition) that a Drew station would serve a "community" with a population of more than 75,000. The airport mentioned is claimed to be simply a dirt runway actually outside of Ruleville. Mr. Conguista also asserts the declining population and agricultural importance of Sunflower County, as shown by Census and USDA statistics. In a later pleading Triangle disputes some of these factual statements, showing inter alia that: (1) The airport in question is a modern asphalt-paved facility; and (2) there is a weekly newspaper serving Drew

[1] Radio Cleveland, Inc., the licensee of the Class IV facility which is the other AM station at Cleveland, filed an application for Ch. 280A in 1968 (BPH-6473). As a Class IV licensee in a city of over 10,000, this party would not be eligible for an FM grant in the same city under the provisions of § 73.240 (a)(1) as amended in March 1970 in Docket 18110, the "one-to-a-market" proceeding. The Docket 18110 decision is the subject of pending petitions for reconsideration, including some to the effect that any Class IV station should be eligible for FM in the same city.

[2] Assignment of 232A at Drew, as long as it is also assigned at Senatobia, would present the same considerations as use of 237A in relation to the Senatobia reassignment, above.

[3] U.S. Bureau of the Census, 1970 Census of Population, Preliminary Report (PC(P1))-26, Mississippi. This gives preliminary figures for the State, each county and each incorporated community of 1,000 or more.

[4] The 1 mv/m contour of WDSK-FM, Cleveland, lies slightly beyond Drew, as would that of a station there using Ch. 280A. The Class IV AM station at Cleveland serves nighttime only a small part of the area a Drew FM station would have. With respect to the Greenwood Class C station, it appears that the engineering statement supporting Triangle's comments used the present facilities of the station (100 kw E.R.P., 220 feet a.a.t.). Where FM assignments are sought on the basis of a first or second primary (1 mv/m) service, the standard to be used with respect to Class C assignments is 75 kw. E.R.P. and 500 feet a.a.t. See the report and order in Docket 17095, Goldsboro and Roanoke Rapids, N.C., 10 R.R. 2d 1777 (1967). This would give a distance to the Greenwood station's 1 mv/m contour of 36 miles, instead of the 27 miles shown, and would leave very little area within 1 mv/m service.

[5] Census population of Ruleville: 1960, 1,902; 1970 preliminary, 2,292. An assignment to Drew could of course be used by a station at Ruleville.

and Ruleville, published in Drew. Triangle also points out that the 12 hours of Drew programing by the Cleveland Class IV station is of recent origin (since Apr. 20, 1970), although some had been presented in the past; and the 15 hours per week from the Greenwood FM station took place only in February and March 1970, not before or since.[6]

7. *Conclusions as to the Drew assignment.* Upon consideration of the foregoing, we conclude that the assignment of Channel 237A as a first FM assignment at Drew, Miss., is warranted and would serve the public interest. Despite the contentions of Conquista noted above, it appears that Drew is of sufficient size and importance to warrant the "first local outlet" preference which has traditionally been of great importance in the Commission's allocation and station assignment actions. When an assignment can be made consistent with mileage separations, without requiring the deletion of an assignment elsewhere, or, as far as we know, precluding any more needed assignment, we conclude that it should be adopted.[7] With respect to the claimed "local" service from stations in nearby communities, this may reduce somewhat the inherent need for a local outlet, but it does not remove it. One reason for this is the transitory nature of such service, which may be commenced and terminated by outside stations at any time they choose to do so, as the material in the last paragraph indicates. We believe, also, that it is not insignificant to provide for a second aural voice in Sunflower County, in addition to the two commonly owned Indianola stations, which in any event do not provide primary service to Drew at least at night.

8. As mentioned above, two other alternatives were suggested. One, assignment of Channel 280A now assigned at Cleveland, would reduce that substantial community to one assignment, as well as requiring the denial of a long-pending application which may ultimately prove to be acceptable even though it is not under the present multiple-ownership rules. We do not favor such a course when there is a practicable alternative. The second alternative proposed is to assign Ch. 232A, by deleting it at Leland and replacing it there with Ch. 296A. We do not find merit in this approach when there is a feasible alternative, especially since we now have no way of evaluating the potential uses of Ch. 296A which was suggested as the Leland replacement, and do not believe it appropriate to continue this proceeding while we make inquiry.

9. *Berlin, N.H.* The notice herein also proposed to delete the assignment of Ch. 241 at Berlin, N.H., where it is short-spaced to an existing station at Worcester, Mass., 153 miles compared to 170 required by the spacing rules (§ 73.207(a), cochannel Class B to Class C). The assignment in the original 1963 Table was inadvertent. Berlin, a city with a 1960 Census population of 17,821, has one Class C FM channel and station (WMOU–FM, Ch. 279) and two fulltime (Class IV) AM stations. There has been no demand for the Ch. 241 assignment.

10. The only comment concerning this matter was filed by a Rumford, Maine AM licensee, supporting the deletion because it wishes to have the channel assigned to Rumford (it has so petitioned, RM–1630). Accordingly, for the reasons stated in the notice, it appears appropriate to delete the assignment.

11. In view of the foregoing: *It is ordered*, That pursuant to sections 4(i), 303 (c), (d), (f), (h), and (r), and 307(b) of the Communications Act of 1934, as amended, effective December 7, 1970, § 73.202(b) of the rules, the Table of Assignments, FM Broadcast Stations, is amended: (a) By the addition of the entry:

City	*Channel*
Drew, Miss.	237A

(b) By changing the entry for Berlin, New Hampshire, to read as follows:

City	*Channel*
Berlin, N.H.	279

12. *It is further ordered*, That this proceeding, Docket 18801, is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 28, 1970.

Released: November 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 70–14933; Filed, Nov. 4, 1970; 8:52 a.m.]

* Commissioner Bartley absent.

[6] As can be gathered from the foregoing, the responsive pleadings in this matter have assumed somewhat of an ad hominem character, particularly those of Conguista. As we have pointed out before, allocation rule makings are not related to the identity or qualifications of any particular party. In our determination herein we assume the facts to be set forth in the text. Any other significance the statements made may have will be considered elsewhere. For the same reason, we do not treat herein later pleadings filed by the parties during the summer of 1970, relating to an alleged boycott which Conguista claims the principals of Triangle started against WDSK and WDSK–FM among Drew merchants.

[7] Another argument advanced by Conguista, and also in a supporting letter filed by the daytime AM licensee at Marianna, Ark., is that if not assigned to Drew, Ch. 237A could be assigned to Marianna, where there is only one daytime-only station in the county (Marianna is the county seat). While such an assignment appears to have merit, we doubt that it would outweigh the importance of providing Drew with a first outlet of any kind. Moreover, it does not appear that assigning the channel at Drew precludes its use at Marianna, since the two places are just over 65 miles apart.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1, Amdt. 1–39]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Airport and Airway Development

The purpose of this amendment is to reflect the repeal of the Federal Airport Act (49 U.S.C. 1101 et seq.), and to delegate certain of the Secretary's functions under the Airport and Airway Development Act of 1970 (Title I of Public Law 91–258) and the Airport and Airway Revenue Act of 1970 (Title II of Public Law 91–258) to the Assistant Secretary for Policy and International Affairs and to the Federal Aviation Administrator.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon is unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective October 27, 1970, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

a. Paragraph (a) of § 1.44 is amended by adding the following new subparagraphs at the end thereof:

§ 1.44 **Reservations of authority.**

* * * * *

(a) *General transportation matters.*

* * *

(6) Authority related to national transportation policy under section 3 of the Airport and Airway Development Act of 1970 (84 Stat. 219).

(7) Authority under section 16 (c)(1)(A), (c)(3), (c)(4), (d), (e), and (f) of the Airport and Airway Development Act of 1970 (84 Stat. 219, 226) with respect to projects as to which opposition is stated, whether expressly or by proposed revision, by any Federal, State, or local government agency, or by a substantial number of persons other than one of those agencies.

* * * * *

b. Paragraph (g) of § 1.47 is amended to read as follows:

§ 1.47 **Delegations to Federal Aviation Administrator.**

* * * * *

(g) Carry out the functions vested in the Secretary by—

(1) The Airport and Airway Development Act of 1970, except for the following:

(i) Sections 3 and 4 (84 Stat. 219, 220); and

(ii) Sections 16 (c)(1)(A), (c)(3), (c)(4), (d), (e), and (f) (84 Stat. 226) with respect to any project as to which opposition is stated, whether expressly or by proposed revision, by any Federal,

State, or local government agency, or by a substantial number of persons, other than one of those agencies; and

(2) Sections 208 and 209 of the Airport and Airway Revenue Act of 1970 (84 Stat. 250, 253).

c. Section 1.55 is amended by adding the following new paragraph at the end thereof:

§ 1.55 Delegations to Assistant Secretary for Policy and International Affairs.

* * * * *

(d) Carry out the functions vested in the Secretary by section 4 of the Airport and Airway Development Act of 1970 (84 Stat. 220).

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657).

Issued in Washington, D.C., on the 27th of October 1970.

JOHN A. VOLPE,
Secretary of Transportation.

[F.R. Doc. 70-14919; Filed, Nov. 4, 1970; 8:51 a.m.]

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte MC-67]

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210a(a) OF THE INTERSTATE COMMERCE ACT

Filing; Supporting Statements

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 7th day of October 1970.

It appearing that the Commission, by order dated November 24, 1969, instituted this rulemaking proceeding, under the authority of 5 U.S.C. 553 and 559 (the Administrative Procedure Act) and part II of the Interstate Commerce Act, to determine whether the proposed modification, described in that notice, which is designed to require the Department of Defense to file its supporting statements in temporary authority application proceedings with the Commission's field offices, should be adopted;

It further appearing that the notice of this proposed rulemaking invited the representations of all interested parties setting forth their views with regard to the proposed modification; and that notice to all interested parties was given through publication of said notice in the FEDERAL REGISTER of November 27, 1969 (34 F.R. 18953);

And it further appearing that various parties submitted their views and suggestions regarding the proposed modification, and the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That § 1131.2(c) of Part 1131 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1131.2 Filing of applications.

* * * * *

(c) *Supporting statements.* Each application for temporary authority must be accompanied by a supporting statement(s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each such shipper's statement must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for motor carrier service. Any such supporting statement must contain at least the following information:

(1) Description of the specific commodity or commodities to be transported (where the transportation of property is involved).

(2) Points or areas to, from, or between which such commodities or passengers are to be transported. (If service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested.)

(3) Volume of traffic involved, frequency of movement, and how transported now and in the past.

(4) How soon the service must be provided and the reasons for such time limit.

(5) How long the need for such service likely will continue, and whether the persons supporting the temporary application will support a permanent service application.

(6) Recital of the consequences if service is not made available.

(7) The circumstances which created an immediate and urgent need for the requested service.

(8) Whether efforts have been made to obtain the service from existing motor, rail, or water carriers, and the dates and results of such efforts.

(9) Names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal.

(10) Name and address of motor carrier who will provide service and is filing application for temporary authority.

(11) If the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and motor carrier docket number, if known, and state whether such application was granted or denied and the date of such action, if known.

* * * * *

It is further ordered, That this order shall become effective on December 14, 1970.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-14938; Filed, Nov. 4, 1970; 8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to §§ 932.149 and 932.153 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161; 35 F.R. 13772, 14436, 13877, 14381) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment of said rules and regulations was unanimously proposed by the members of the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The amendment would (1) correct the title of § 932.149 as set forth at 35 F.R. 14436, (2) revise the provisions of § 932.149 to except, from the current more stringent grade requirement, those olives processed prior to September 1, 1970, by specifying that until February 1, 1971, the grade requirement for such olives would be the same as that which was in effect prior to September 1, 1970, and (3) revise the provisions of § 932.153 to except, from the current more stringent size requirements, certain varieties of olives processed prior to September 1, 1970, which are used in the production of halved, sliced, chopped, or minced styles by specifying that until February 1, 1971, the size requirements for such olives, used as aforesaid, would be the same as the size requirements in effect prior to September 1, 1970.

A considerable tonnage of the 1969 crop of processed olives, and a small amount of such olives grown in 1968, has been carried over into the 1970 season in bulk storage. Much of the stored tonnage does not meet the current grade and size requirements for processed olives used in the production of canned ripe olives. Therefore, the committee has submitted a proposal to provide a period during which handlers will be permitted to retrieve the maximum economic value of such olives by converting them into canned ripe olives of the various styles under the same grade and size requirements that were in effect when they were processed.

The proposed amendments would be made effective on November 16, 1970, and are as follows:

1. The title of § 932.149, as set forth at 35 F.R. 14436, is corrected, the introductory text is amended, paragraph (g) is redesignated as paragraph (h) and a new paragraph (g) is added reading as follows:

§ 932.149 Modified grade requirements for specified styles of canned olives of the ripe type.

Except as hereinafter specified in paragraph (g) of this section, the grade requirements prescribed in § 932.52(a)(1) are modified as follows with respect to specified styles of olives of the ripe type:

* * * * *

(g) During the period November 16, 1970, through January 31, 1971, the grade requirement for processed olives used in the production of packaged olives of the ripe type shall be the grade requirement specified in § 932.52(a)(1) if such processed olives were processed prior to September 1, 1970, and are identified and kept separate and apart from any olives processed after August 31, 1970.

* * * * *

2. The introductory text of paragraph (a) of § 932.153 is amended, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added reading as follows:

§ 932.153 Establishment of sizes of processed olives for use in the production of halved, sliced, chopped, or minced styles of canned ripe olives.

(a) Except as hereinafter specified in paragraph (b) of this section, the minimum sizes of processed olives of the respective variety groups that may be used in the production of halved, sliced, chopped, or minced styles of canned ripe olives shall be not smaller than the following applicable minimum sizes:

* * * * *

(b) During the period November 16, 1970, through January 31, 1971, any handler may use processed olives of the respective variety groups in the production of halved, sliced, chopped, or minced styles of canned ripe olives if such processed olives meet the grade requirements specified in § 932.52(a)(1) and the following requirements:

(1) The olives shall have been processed prior to September 1, 1970;

(2) The olives shall be identified and kept separate and apart from any olives processed after August 31, 1970;

(3) Variety Group 1 olives, except the Ascolano, Barouni, and St. Agostino varieties, shall be of a size which individually weigh one eighty-eighth pound: *Provided*, That not to exceed 15 percent of the olives in any lot may be smaller than one eighty-eighth pound;

(4) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh one one-fortieth pound: *Provided*, That not to exceed 15 percent of the olives in any lot may be smaller than one one-fortieth pound;

(5) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh one one-hundred-eightieth pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than one one-hundred-eightieth pound;

(6) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh one one-hundred-fortieth pound: *Provided*, That not to exceed 10 percent of the olives in any lot may be smaller than one one-hundred-fortieth pound.

* * * * *

All persons who desire to submit data, views, or arguments for consideration in connection with the proposal may file the same with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 7th day after publication of this notice in in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 30, 1970.

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

[F.R. Doc. 70-14898; Filed, Nov. 4, 1970; 8:49 a.m.]

[7 CFR Part 1050]

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

MILK IN CENTRAL ILLINOIS AND SOUTHERN ILLINOIS MARKETING AREAS

Partial Decision on Proposed Amendments to Marketing Agreement and to Orders

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Central Illinois and Southern Illinois marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Peoria, Ill., May 13, 1970, pursuant to notice thereof issued on April 8, 1970 (35 F.R. 6009), April 23, 1970 (35 F.R. 6712) and April 30, 1970 (35 F.R. 7082).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on August 21, 1970 (35 F.R. 13660), filed with the Hearing

Clerk, U.S. Department of Agriculture, his partial recommended decision containing notice of the opportunity to file written exceptions thereto.

This decision deals only with the issues relating to the handling of milk in the Central Illinois marketing area. The issues relating to the Southern Illinois marketing area were considered in a previous decision and amendments made effective August 1, 1970.

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

1. Under the subheading "1. Expansion of the marketing area." the 22–25 paragraphs are deleted and a new paragraph is substituted therefor.

2. Under the subheading "2. Diversions of producer milk.", the first, 17 and 19 paragraphs are revised. Three new paragraphs are added immediately following the 17 paragraph and a new paragraph is added immediately following the 18 paragraph.

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

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

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

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

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

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

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

The uniformity of health standards permits free movement of fluid milk products throughout the proposed marketing area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is unlikely the expanded order will become effective prior to January 1, 1971, thus the question related to the application of the seasonal incentive plan during the pay back months of 1970 to the dairy farmers who deliver to the three plants that will become regulated as a result of this decision becomes moot. Since these plants probably will not become regulated due to the area expansion until after December 31, 1970, the deliveries of milk to their plants by dairy farmers will not be included in the computation of the monthly uniform price during the pay back months of 1970. Accordingly, the problem proponents cited as the reason for their proposal will no longer exist and no further action regarding this proposal needs to be taken on this record.

2. *Diversions of producer milk.* The provision relating to the diversion of producer milk should be revised to permit diversions in the month of July on the same basis as now provided for May and June. During the other 9 months of the year the number of days of diversion should not exceed the days of delivery of such producer's milk at a pool plant during the month, and the total quantity of milk that may be diverted by a handler or cooperative association should not exceed 35 percent of the receipts at pool plants.

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

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

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

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

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

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

The alternatives would:

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

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

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

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

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

production that must be utilized in manufactured dairy products.

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

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

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

Specifically, it is proposed herein that for each of the months of August through April, milk of an individual producer may be diverted to a nonpool plant that is not an other order plant, or to an other order plant if diverted for Class II uses, for not more days of production of such producer's milk than is received at a pool plant. However, the total quantity of milk that may be diverted by a handler operating a pool plant may not exceed 35 percent of the receipts at his pool plant during the month, exclusive of any milk of producers who are members of a cooperative association that is diverting milk during the month, unless the cooperative notifies the handler and the market administrator in writing prior to the first day of the month that designated member producer milk delivered to such handler's plant is not to be included in computing the cooperative association's diversion percentage. A cooperative association may divert for such period up to 35 percent of the milk of its producer members received at all pool plants during the month except the milk of member producers which the cooperative permits a handler to divert.

One exceptor stated that only milk actually diverted by a cooperative association from a pool plant should be deducted from the pool plant handler's total receipts when computing his diversion percentage so that, in computing his diversion percentage, he could include the milk received from members of a cooperative association which also diverts milk during the month.

Since each cooperative association is the agent for marketing its members' milk, deliveries to pool plants by member producers should be included in computing the cooperative association's diversion percentage. It is necessary, moreover, to insure that the milk of cooperative member producers who deliver to the pool plant of a handler who is diverting producer milk do not have their deliveries counted twice for purposes of computing the diversion percentage. On the other hand, the order should not impede a cooperative association and a handler from entering into an agreement whereby the handler will be responsible for diverting the milk of specified member producers. Thus, when the cooperative notifies the handler and the market administrator that milk of specified member producers will not be diverted by the cooperative and is not to be included in computing the cooperative association's diversion percentage, deliveries by such producers to the pool plant of a handler would be included in computing the pool plant handler's diversion percentage. Further, any milk of these producers that is diverted by the handler shall likewise be included in computing the handler's diversion percentage.

This type of provision will allow handlers and cooperatives to enter into arrangements whereby the handler can be the sole diverter of milk from his pool plant. The above-described procedure is necessary, however, to maintain the integrity of the order and in this respect the intent of the recommended decision is not changed. For these reasons the exception is hereby denied.

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

The diversion percentage provided herein of 35 percent of milk received at pool plants is a change from the 33⅓ percent contained in the recommended decision. It was pointed out in the exceptions that the 35 percent limit is more comparable to the present 8-day diversion limitation per month. The present 8-day diversion limit per month is equivalent to slightly more than 35 percent of the milk received at pool plants during a 30-day month. Since it is not the purpose of this decision to reduce appreciably the quantity of milk that may be diverted monthly, it is hereby concluded that the percentage limitation should be increased to 35 percent from that 33⅓ percent contained in the recommended decision.

The diversion percentage of 35 percent of milk received at pool plants will exceed slightly the proposed diversion percentage of 25 percent of total milk receipts when both the milk delivered to pool plants and that diverted to nonpool plants are included. However, basing diversions on a percentage of actual receipts at pool plants provides a fixed quantity of milk each month to which the diversions can be related.

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

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

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

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

the farms which supply milk to this market are located more than 350 miles from Peoria, Ill., and could be diverted to nearby plants for manufacturing uses.

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

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

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

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

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

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

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

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

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

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

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

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

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

Presently, the order provides that any plant located outside the State of Illinois or in the State of Illinois but north of the northernmost boundaries of the counties of Henderson, Warren, Knox, Stark, Livingston, Ford, and Iroquois is subject to a location adjustment. (Warren, Knox, Stark, Livingston, and Ford are the northern boundary of the present marketing area while Henderson and Iroquois are adjacent to the marketing area lying to the west and east, respectively.) Because the six counties being added to the marketing area are north of the present marketing area and will have a 5-cent location adjustment, the variable location adjustment of 1.5 cents per 10-mile distance from Peoria, Ill., should begin to apply north of these counties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REFERENDUM ORDER TO DETERMINE PRODUCER APPROVAL; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the Central Illinois marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be August 1970.

The agent of the Secretary to conduct such referendum is hereby designated to be Mr. Fred L. Shipley.

Signed at Washington, D.C., on: October 30, 1970.

RICHARD E. LYNG,
Assistant Secretary.

Order [1] Amending the Order, Regulating the Handling of Milk in the Central Illinois Marketing Area

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Illinois marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production), (b) Other source milk allocated to Class I pursuant to § 1050.45(a) (4) and (8) and the corresponding steps of § 1050.45(b), except other source milk on which no handler obligation applies pursuant to § 1050.70 (f); and (c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceeds Class I milk specified in § 1050.62 (b) (2).

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Central Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 21, 1970, and published in the FEDERAL REGISTER on August 27, 1970 (35 F.R. 13660) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the revisions of § 1050.14.

1. Section 1050.6 is revised as follows:

§ 1050.6 Central Illinois marketing area.

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

ZONE I

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

ZONE II

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

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

§ 1050.12 Pool plant.

* * * * *

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

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

3. Section 1050.14 is revised as follows:

§ 1050.14 Producer milk.

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

(a) Received during the month:

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

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

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

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

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

(2) Subject to the conditions set forth in subparagraph (4) of this paragraph, during the months of August through April the operator of a pool plant may divert the milk of a producer for not more days of production of such producer's milk than it is physically received at the pool plant from which diverted: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk;

(3) Subject to the conditions set forth in subparagraph (4) of this paragraph, during the months of August through April a cooperative association may divert the milk of its individual member producers for not more days of production of each producer's milk than is physically received at a pool plant: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of its member milk physically received at pool plants during such month;

(4) In the case where a cooperative association has notified the market administrator and the handler in writing prior to the first day of the month that milk of specified member producers will not be diverted by the cooperative and is not to be included in computing the cooperative association's diversion percentage for the month, milk of such producers shall be deducted from the cooperative's total receipts of member milk for the purposes specified in subparagraph (3) of this paragraph and added to the total milk receipts included in computing the diversions of the pool plant handler who receives their milk for the purposes specified in subparagraph (2) of this paragraph;

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

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

4. In § 1050.43, paragraph (d) is deleted, the introductory text of paragraph

(e) preceding subparagraph (1) and paragraph (e)(3)(iii) are revised as follows:

§ 1050.43 Transfer and diversions.

* * * * *

(d) [Deleted]

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

* * * * *

(3) * * *

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

* * * * *

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

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

* * * * *

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

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

§ 1050.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

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

* * * * *

(4) * * *

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

* * * * *

(5) * * *

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

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

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

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

* * * * *

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

* * * * *

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

§ 1050.51 Class prices.

* * * * *

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

* * * * *

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

§ 1050.53 Location adjustments to handlers.

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

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

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

* * * * *

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

§ 1050.61 Plants subject to other Federal orders.

* * * * *

(e) * * *

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

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

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

* * * * *

(a) * * *

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

* * * * *

(b) * * *

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

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

(ii) From a nonpool plant that is not an other order plant (or producer-handler plant) to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by

handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

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

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

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

* * * * *

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

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

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

§ 1050.71 Computation of the uniform price.

* * * * *

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

* * * * *

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

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

* * * * *

13. Section 1050.82 is revised as follows:

§ 1050.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1050.80 the uniform price per hundredweight for producer milk received at a plant outside Zone I shall be adjusted according to the location of the plant at the rates set forth in § 1050.53.

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

14. Section 1050.87 is revised as follows:

§ 1050.87 Expense of administration.

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

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

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

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

[F.R. Doc. 70-14897; Filed, Nov. 4, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 70-WE-36-AD]

DOUGLAS MODEL DC-9 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Douglas DC-9 series airplanes. There has been a failure of the emergency evacuation slide to deploy properly during an emergency evacuation of a Douglas DC-9 series airplane because of entrance/service door jamming. The result was the loss of the use of an emergency exit and the loss of evacuation time during the emergency. Since this condition is likely to exist or develop in other airplanes of the same type, the proposed airworthiness directive would require rework to the evacuation slide cover latch assembly on Douglas DC-9 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before December 5, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

McDONNELL DOUGLAS. Applies to DC-9 series airplanes certificated in all categories.

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

To prevent failures in the deployment of the emergency evacuation slide, accomplish the following:

(a) Modify the Douglas Aircraft Co. P/N 3753213-39 latch clip in accordance with Douglas Aircraft Co. All Operators Letter (AOL) 9-370 dated November 17, 1969, to provide a notch in the latch clip at the point of interference with the clevis pin in the swaged head of the emergency evacuation slide deployment cable assembly, or

(b) Replace Douglas P/N 3753213-39 latch clip with Douglas P/N 3753213-99 latch clip or

(c) An equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, Calif., on October 27, 1970.

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

[F.R. Doc. 70-14893; Filed, Nov. 4, 1970; 8:48 a.m.]

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 1–5; Notice 3]

BRAKE HOSES AND BRAKE HOSE ASSEMBLIES

Proposed Motor Vehicle Safety Standard; Corrections

In 35 F.R. 13738 (Friday, Aug. 28, 1970), the following corrections should be made:

Page 13738: The fourth and fifth lines of the second complete paragraph in the last column are corrected to read "in SAE Standards J1402a (Air Brake Hose) and J1403 (Vacuum Brake Hose)".

Page 13739: The second line of the last paragraph of the preamble is corrected to read "is proposed that Standard No. 106 of". "S4.1.3.2(b)" is corrected to read "S4.1.3.1(b)".

Page 13740: The third from the last line under Type F is corrected to read "ant compound. Type F air brake hose". The first and second lines of the last paragraph in S4.2.1 are corrected to read "These constructions of hose embody a smooth bore tube of oil resisting". The first line of S4.2.2(e) is corrected to read "(e) *Length Change.* Type A, C, D and".

Page 13741: The second and third lines of S4.2.2(k) are corrected to read "specimen of tube Types A, B, C, D, E, and F air brake hose and cover Types A, B,". The example of S4.2.3.1(a) is corrected to place "(i)" under the numeral 1. "S4.2.3(b)" is corrected to read "S.4.2.3.1(b)".

Page 13742: The second line of S4.3.4 (b) is corrected to read "requirements of S4.3.2(i). (S6.3.10)". The third line of S4.3.4(e) is corrected to read "than 50 percent. (S6.2.11)". The second line of S4.3.4(f) is corrected to read "have a tensile strength not less than 700 p.s.i.". The seventh line of S4.3.5 is corrected to read "(S6.2.11). The brake hose itself shall". The first and second lines of S5.2 are corrected to read "Except for S6.1.8, S6.2.4, and S6.3.4 the test samples shall be stabilized". The third line in the third column is corrected to read "shall be tested for constriction. (S6.1.1)". The fifth and sixth lines of S6.1.1 are corrected to read "minimum for ⅛-inch hose, 0.120-inch minimum for 5/16-inch hose, and 0.165-".

Page 13743: The ninth line in S6.1.3 (a) is corrected to read "shall be made for filling the hose with". The reference to "1/16-in." in Table IX on the first line in the second column under "Slack, in." is corrected to read "5/16-in."

Page 13744: The eighth line of S6.1.4 (b) is corrected to read "as slack in Table IX. The reduction". The last line of S6.1.9 is corrected to read "from the oven, drain the brake hose assembly of brake fluid and immediately begin test S6.1.1 and S6.1.3, as appropriate." The eighth line of S6.1.11(d) is corrected to read "more than 0.1 percent of sodium iodide". The third line of S6.1.11(f)(i) is corrected to read "95° F.±3° F. Temperature within the". The fifth from the last line of S6.1.11(f)(ii) is corrected to read "be 5±1 percent by weight. The pH of the". The last line of the third column is corrected to read "38° C./100° F. and then immediately dry.".

Page 13745: The last line of S6.2.1 is corrected to read "while under 25±1 p.s.i. air pressure.". The eighth and ninth lines in the second column are corrected to read "Designation D573), and tested to 100±1° C./212±1.8° F. After removal from oven". The ninth line of S6.2.9(a) is corrected to read "of approximately 70 kg./cm.² (1,000", and the third from the last line of that same paragraph is corrected to read "2,000 p.s.i., apply pressure at 700 kg./cm.²".

Page 13746: The first line of S6.3.2 is corrected to read "*Salt spray test.* Conduct S6.1.11". The third line in S6.3.10 (c) is corrected to read "scribed in S6.3.7, except that no measure-".

Page 13747: The sixth line of S6.3.12 (iii) is corrected to read "ing the thickness to within 0.25 mm. (0.001 in.).".

Page 13748: The last line of subdivision (iii), in the second column, is corrected to read "that for tension test set (see (c)(i))." The seventh from the last line of paragraph (d), in the third column, is corrected to read "letting L in the above equation for elonga-".

This notice of corrections is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on October 29, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

[F.R. Doc. 70–14881; Filed, Nov. 4, 1970; 8:48 a.m.]

[49 CFR Part 571]

[Docket No. 2–10; Notice 3]

BUS WINDOW RETENTION AND RELEASE

Proposed Motor Vehicle Safety Standard; Extension of Time for Comments

A notice of proposed rule making on Bus Window Retention and Release was issued on August 6, 1970 (35 F.R. 13025). The closing date for comments is November 12, 1970. The National Association of Motor Bus Owners has requested an extension of time to submit comments to this docket, because of the time needed to study the effect the proposed regulation will have on its members, and so that more meaningful comments can be submitted. The time to submit comments on the above notice is accordingly extended from November 12, 1970, to the close of business on January 4, 1971. However, it is not anticipated that the standard's proposed effective date of January 1, 1972, will be extended.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392 and 1407, and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on October 29, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

[F.R. Doc. 70–14880; Filed, Nov. 4, 1970; 8:48 a.m.]

[49 CFR Part 571]

[Docket No. 4–3; Notice 2]

JACKING SYSTEMS IN PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, AND TRUCKS AND BUSES

Proposed Motor Vehicle Safety Standard

On October 14, 1967, the Federal Highway Administrator published an advance notice of a proposed motor vehicle safety standard, requesting interested persons to comment on the safety of operation of jacks provided as original equipment in passenger cars and multipurpose passenger vehicles (32 F.R. 14278). This is a notice proposing a new motor vehicle safety standard that would require motor vehicles, when equipped with jacking devices, to meet certain performance requirements.

The proposed standard is entitled "Jacking Systems," and its application would be extended beyond that proposed in the advance notice to include trucks and buses of 10,000 pounds or less gross vehicle weight rating, as well as passenger cars and multipurpose passenger vehicles. The phrase "jacking system" is used to illustrate the standard's purpose of regulating the performance of motor vehicles and motor vehicle jacking devices when used together, and to eliminate the possibility of new motor vehicles being equipped with unsuitable jacks.

The proposed inclusion of trucks and buses of 10,000 pounds or less gross vehicle weight rating results from the determination that vehicles of this type and class are generally designed so that the operator will be capable of making tire changes in transit, using equipment normally carried in the vehicle.

The proposed standard would not require the motor vehicle manufacturer to equip the vehicle with a jacking device. Some purchasers of motor vehicles to which the standard would apply may not wish to purchase vehicles equipped with spare tires or jacking devices, and it is felt that these purchasers should not be burdened with the additional cost of a jacking device. Fleet purchasers, for example, may prefer that their drivers rely on road service, rather than making on-the-road tire changes. The omission of a requirement that vehicles be supplied with a jack should not, however, be taken to mean that the Bureau recommends a change in the present practice whereby manufacturers provide a jacking device for most vehicles.

The proposed standard would require each vehicle equipped with a jacking device by its manufacturer, when tested with that device, to meet requirements for stability, strength, and durability. It would also require manufacturers to provide instructions, in the form of a label placed in the vehicle, on assembly of the jacking device and its use at all wheel positions. The proposed standard defines "jacking device" to include wheel chocks, if the manufacturer so desires, and allows the manufacturer to use wheel chocks in meeting most of the performance requirements. If the manufacturer does use wheel chocks in meeting the requirements, however, he must furnish them as part of the jacking device, and must also provide specific information in the label on their intended use.

The proposed stability requirements would require each vehicle, when jacked up on a ground surface of specified slope, to withstand static forces at each wheel position of 150 pounds applied for 30 seconds from various directions. While this requirement would be allowed to be met with wheel chocks when the vehicle is so equipped, the proposed standard would also require the vehicle to meet the same force requirements on a level surface without wheel chocks being used.

The strength and durability requirements would require that the jacking device be able to raise and lower the vehicle at least 100 times, and at the 100th cycle, to hold the vehicle in the raised position for 1 hour. Requirements for positive control of jacking device movement are also proposed, as well as a requirement which would prevent upward jacking that might result in the inadvertent jacking of the vehicle off the device. The standard would further require inflatable jacking devices to be able to operate under extreme temperature conditions. Finally, the standard proposes that the jacking device have a base of sufficient size to create no more pressure on the ground surface than that created by the maximum cold inflation pressure of any tire recommended for the vehicle.

Proposed effective date: January 1, 1972.

In consideration of the foregoing, it is proposed that § 571.21 of Title 49, Code of Federal Regulations, be amended by adding a new motor vehicle safety standard, "Jacking Systems," as set forth below.

Interested persons are invited to submit written data, views, and arguments concerning the proposed standard. Comments should refer to Docket No. 4-3, Notice 2, and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223A, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on February 2, 1971, will be considered, and will be available for examination in the docket room at the above address both before and after the closing date. To the extent possible, comments filed after the closing date will be considered by the Bureau. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Bureau will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. §§ 1392, 1401, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued on October 29, 1970.

RODOLFO A. DIAZ,
Acting Associate Director,
Motor Vehicle Programs.

§ 571.21 Federal motor vehicle safety standards.

* * * * *

JACKING SYSTEMS—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, AND TRUCKS AND BUSES OF 10,000 POUNDS OR LESS GROSS VEHICLE WEIGHT RATING

S1. *Purpose and scope.* This standard specifies requirements for motor vehicle jacking systems to minimize the likelihood of injury when the jacking device is used to raise and lower the vehicle.

S2. *Application.* This standard applies to each of the following, when equipped by the manufacturer with a jacking device:

(a) Passenger cars.

(b) Multipurpose passenger vehicles.

(c) Buses and trucks of 10,000 pounds or less gross vehicle weight rating.

S3. *Definitions.* "Inflatable Jacking Device" means a jacking device that raises the vehicle by using compressed air or gas which expands the size of the device.

"Jacking Cycle" means the movement of the jacking device from its lowest operable position to its highest operable position and then lowering it to its lowest operable position.

"Jacking Device" means an item of motor vehicle equipment, which may include wheel chocks, that is separate from the vehicle and is used to lift and hold one or more of the vehicle's wheels off the ground primarily for the purpose of enabling the user to change tires.

S4. *Requirements.* Each vehicle shall meet the requirements of this standard with the jacking device with which it is equipped by its manufacturer.

S4.1 *Stability.* When tested in accordance with S5.1 and S5.2:

(a) The vehicle shall not fall from the jacking device, and neither the jacking device nor any part of the vehicle shall collapse.

(b) The lowest point of the tire shall rise at least 2 inches from the surface each time the jacking device is raised to its highest operable position.

S4.2 *Strength and durability.* When tested in accordance with S5.1 and S5.3:

(a) The vehicle shall not fall from the jacking device, and neither the jacking device nor any part of the vehicle shall collapse.

(b) While the vehicle is retained at the highest operable position of the jacking device in accordance with S5.3.1(b), it shall not lower more than 2 inches, and the lowest point of the tire shall not lower to a point less than 2 inches from the surface.

S4.3 *Inflatable jacking devices.* When tested in accordance with S5.1 and S5.4, an inflatable jacking device shall perform two jacking cycles without leakage or rupture.

S4.4 *Bearing pressure.* When computed in accordance with S5.5, the average bearing pressure of the jacking device shall not exceed the maximum recommended cold inflation pressure of any tire recommended for the vehicle.

S4.5 *Labeling.* A label, which may include diagrams, shall be permanently affixed to each vehicle equipped with a jacking device in the general area where the device is carried. The label shall contain the following information, printed in the English language, in block capitals at least $\frac{3}{32}$-inch high and of a color that contrasts with their background:

(a) Instructions for assembly and operation of the jacking device, including identification of the recommended points of engagement between the jacking device and the vehicle, for each wheel.

(b) Instructions on the placement of the wheel chocks at each wheel position, where a manufacturer includes wheel chocks as part of the jacking device for the purpose of meeting the requirements of S4.

(c) Recommendations of the manufacturer as to application of vehicle brakes, chocking wheels, apart from the instructions furnished in (b), and any limitations on the intended use of the jacking device.

S4.6 A jacking device shall not begin to lower the vehicle from any position without manual actuation. A mechanical jacking device, when attached to the vehicle for jacking purposes, shall not lower the vehicle from any position without continuous manual operation at each level of downward movement.

S4.7 A mechanical jacking device shall not be operable in an upward direction beyond its intended highest operable position.

S4.8 Control positions for raising and lowering the jacking device shall be marked as "up" and "down" on the device in letters meeting the size and the language requirements of S4.5.

S5. *Test conditions and procedures.*

S5.1 *Test conditions.* The requirements of S4. shall be met under the following conditions.

(a) The vehicle is equipped with the largest recommended tire and wheel assembly for each wheel position, at its recommended cold inflation pressure.

(b) The vehicle is loaded to its gross vehicle weight rating, distributed in proportion to its gross axle weight ratings.

(c) The jacking device is assembled and used in accordance with the instructions provided on the label required pursuant to S4.5.

S5.2 *Stability test procedures.*

S5.2.1 *Sloped surface.* Using the jacking device with which the vehicle is equipped, apply the forces specified in S5.2.3—

(a) With the vehicle on an unyielding surface with an upward slope of 10 percent forward and 10 percent to the left; and

(b) With the vehicle on an unyielding surface with an upward slope of 10 percent rearward and 10 percent to the left.

S5.2.2 *Level surface.* Using the jacking device with which the vehicle is equipped, but without using any wheel chock furnished as part of the device, apply the forces specified in S5.2.3 with the vehicle on an unyielding level surface.

S5.2.3 *Force application.* (a) Using any recommended point of engagement, raise the vehicle to the highest operable position of the jacking device.

(b) Apply a 150-pound static force to the vehicle's surface for 30 seconds, in a direction parallel to the ground surface, through each of the following four points, in any order:

(1) The forwardmost and rearmost points on the intersection of a vertical plane through the vehicle's longitudinal axis, determined before raising the vehicle, with the vehicle exterior surface; and

(2) The points farthest outboard to the right and left on the intersection of a vertical plane through the vehicle's lateral centerline, determined before raising the vehicle, with the vehicle exterior surface that is below the daylight opening.

(c) Repeat the procedure specified in (a) and (b) with the jacking device raising the vehicle at each remaining wheel position.

S5.3 *Strength and durability test procedure.*

S5.3.1 With the vehicle and jacking device on an unyielding level surface—

(a) Using any recommended point of engagement, raise and lower the vehicle through 99 jacking cycles, which may include those cycles performed pursuant to S5.2.

(b) Raise the vehicle to the highest operable position of the jacking device and retain it in that position for 1 hour. Lower the vehicle. Each vehicle must be capable of meeting the requirements of S4.2 at each recomemnded point of engagement, but a given vehicle need not meet those requirements after being tested at one point.

S5.3.2 For the purposes of S5.3, inflatable jacking devices may be inflated by other than the inflation source with which the jacking device is normally equipped, but only at the vehicle manufacturer's recommended pressure levels for the device.

S5.4 *Temperature test procedure for inflatable jacking devices.* (a) Condition the inflatable jacking device and its inflation source for 4 hours at a temperature of −40° F.

(b) Remove the device from the conditioning chamber and complete one jacking cycle on an unyielding level surface at the recommended point of engagement that exerts the greatest load on the jacking device, with full inflation achieved within 3 minutes of removal from the conditioning chamber.

(c) Repeat the test, using a conditioning temperature of 150° F.

S5.5 *Bearing pressure determination procedure.* With the vehicle and jacking device on an unyielding level surface:

(a) Determine the greatest weight, among all recommended points of engagement, imposed upon the jacking device at its maximum point of upward travel.

(b) Measure the area of the projection onto the ground surface of the portion of the base of the jacking device that is beneath a horizontal plane ½ inch above the lowest point of the device.

(c) Divide the weight obtained in paragraph (a) by the area obtained in paragraph (b).

[F.R. Doc. 70-14884; Filed, Nov. 4, 1970; 8:48 a.m.]

[49 CFR Part 575]

[Docket No 28-3; Notice 5]

CONSUMER INFORMATION: SIDE DOOR STRENGTH IN PASSENGER CARS

Termination of Notice of Proposed Rule Making

The purpose of this notice is to terminate rulemaking proceedings on consumer information regulations dealing with side door strength. Notices of proposed rulemaking on this subject were published on December 11, 1968 (33 F.R. 18382), January 21, 1970 (35 F.R. 813) and July 14, 1970 (35 F.R. 11245).

The issuance of Motor Vehicle Safety Standard No. 214—Side Door Strength—Passenger Cars (35 F.R. 16801, Oct. 30, 1970) substantially reduces the usefulness of consumer information on the subject. This consideration, together with comments in the docket, supports a decision not to issue a consumer information regulation on side door strength. If changed conditions indicate a need for such regulations in the future, appropriate notices of proposed rulemaking will be issued and time will be afforded for comment.

This action is taken under the authority of sections 112 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1407), and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955), and 49 CFR 501.8 (35 F.R. 11126).

Issued on October 29, 1970.

RODOLFO A. DIAZ,
Acting Associate Director, Motor Vehicle Programs.

[F.R. Doc. 70-14883; Filed, Nov. 4, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 23]

[Docket No. 19073; FCC 70-1155]

INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

Notice of Proposed Rule Making

1. In this proceeding, the Commission proposes to amend Part 23 of the rules, International Fixed Public Radiocommunication Services, to bring certain sections concerned with the technical operation of radio stations into conformity with the most recent revisions of the International Radio Regulations, Geneva 1968, and to add rules with respect to certain matters not heretofore contained in this part. The proposed amendments are more fully described below, and are set forth in detail below.

2. Present §§ 23.1 through 23.10 are definitions of terms used in Part 23. These are being reorganized in a single § 23.1 containing the definitions of terms as used in this part, including some definitions not now contained in Part 23.

3. Present § 23.11, first paragraph, change § 23.10 to § 23.1.

4. Present § 23.12—no change.

5. Present § 23.13 does not include numbered forms applicable to the International Fixed Public Radiocommunication Services. It is proposed to delete this section and substitute a new § 23.50, which will contain a list of all numbered forms required by applicants under this part, and reference to the schedule of fees to be found in Part 1.

6. New § 23.18 sets forth a general requirement regarding the use of minimum power necessary to ensure a satisfactory service.

7. New § 23.19 sets forth a general requirement regarding use of directional antennas, wherever practicable, for both transmitting and receiving.

8. Present § 23.20—no change.

9. New § 23.21, titled *Communications by international control stations*, is proposed to describe what types of communications can be handled by international fixed public control stations and what frequencies will be available to them as stated in Part 2.

10. Present § 23.21, *Facsimile*, and § 23.22, *Bandwidth, multiple channel*, are proposed to be deleted since the substance of these rules is contained in the more inclusive new proposed §§ 23.13 23.14 and 23.15. Proposed new § 23.13, *Types of emission*, states that any of the types of emission described in Part 2 of the rules may be authorized subject to certain conditions. Proposed new § 23.14, *Emission, bandwidth, modulation, and transmission characteristics*, outlines how emissions will be classified and designated for stations discussed under this part. Proposed new § 23.15,

Emission limitations, sets forth limits for the out-of-band components of emissions which are equal to or more stringent than those currently recommended by the C.C.I.R. and follows closely limitations set forth in other parts of the Commission's Rules.

11. Present §§ 23.23, 23.24, 23.25, 23.26, 23.27, 23.28—no change.

12. Present § 23.29 is proposed to be revised to extend the specified license term from 2 to 5 years. In the past, when policy considerations were developing and when changes in these licenses such as new frequencies, emissions, points of communication, etc., occurred frequently, it was advantageous to renew the licenses and incorporate all changes in the new documents at frequent intervals. With the declining use of HF radio systems for international communications, there is less need for frequent revision of the licenses and hence it appears desirable to extend the term of these licenses to 5 years, the maximum permissible by the Act.

13. It is proposed to delete the present § 23.30, *Tolerances*, and substitute therefor a new § 23.16 titled *Frequency Stability*, which will specify frequency tolerances for frequency bands used in these services between 10 kHz and 40,000 MHz. The specified tolerances which will be applicable to all transmitters installed after January 1, 1971, and to all transmitters after June 1, 1971, are based on the Geneva 1968 Radio Regulations and in cases where the requirements of the Radio Regulations are exceeded, on current state of the art capabilities.

14. Present §§ 23.31 and 23.32—no change.

15. Present § 23.33, *Transmissions during international silent period*. It is proposed to delete this section since it appears to be no longer applicable to this service.

16. It is proposed to delete present § 23.34 and substitute therefor a new § 23.17 which contains the substance of the present rule and in addition will require records of frequency measurements to be kept.

17. Present §§ 23.35, 23.36, 23.37, 23.38, 23.39, and 23.40—no change.

18. Present § 23.41 is proposed to be deleted and new § 23.41 is proposed to take its place, consisting of revised requirements for the quarterly report of use of transmitted and received frequencies.

19. Present §§ 23.42, 23.43, 23.44, and 23.45—no change.

20. Present § 23.46, *Operators, place of duty*, is proposed to be deleted and new § 23.46 is proposed to include the requirements of the present sections plus a detailed outline specifying classes of licenses required, and general duties of operators. These details have not been contained in Part 23 before.

21. New § 23.47 is proposed to take the place of present § 23.47. This new section will give a more detailed description of the manner in which station records are to be kept and the requirements for retention of certain records.

22. Present §§ 23.48 and 23.49—renumber §§ 23.49 and 23.55, respectively.

23. New § 23.48, *Content of station records*, sets forth the technical data to be recorded in the station records.

24. Present §§ 23.51, 23.52—no change.

25. Present § 23.53. A sentence was omitted from this section in a 1962 revision. It is proposed to correct this by adding the ommitted sentence.

26. Present § 23.54—no change.

27. The proposed amendment to the rules, as set forth above, is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

28. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules. Interested persons may file comments on or before December 1, 1970 and reply comments on or before January 15, 1971. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

29. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: October 28, 1970.

Released: November 2, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 23 of the Commission's rules and regulations is amended as follows:

1. Section 23.1 is revised to read as follows:

§ 23.1 Definitions.

Authorized service. The term "authorized service" of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined herein subject to such special provisions as may be contained in the license of the station or in accordance with § 23.53.

Fixed public service. The term "fixed public service" means a radiocommunication service carried on between fixed stations open to public correspondence.

Fixed public press service. The term "fixed public press service" means a limited radiocommunication service carried on between point-to-point telegraph stations, consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of § 23.53.

NOTE: This section is not intended as a definition of any press classification. Correspondence admissible under any press classfication is determined by the tariffs of the various common carriers on file with the Commission.

Fixed station. The term "fixed station" in the fixed public or fixed public press service includes all apparatus used in rendering the authorized service at a particular location under a single instrument of authorization.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunications between any one of the contiguous 48 States (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between any U.S. possession and any other point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 States (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service: *Provided, however*, That communications solely between Alaska, or any one of the contiguous 48 States (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

International fixed public control service. A fixed service carried on for the purpose of communicating between transmitting stations, receiving stations, message centers, or control points in the international fixed public radiocommunication service.

Point-to-point telegraph station. The term "point-to-point telegraph station" means a fixed station authorized for radiotelegraph communication.

Point-to-point telephone station. The term "point-to-point telephone station" means a fixed station authorized for radiotelephone communication.

Point of communication. The term "point of communication" means a specific location designated in the license to which a station is authorized to communicate for the transmission of public correspondence.

Radiotelegraph. The term "radiotelegraph" as used in this part shall be construed to include types A0, A1, A2, A4, F1, F2, and F4 emission.

Radiotelephone. The term "radiotelephone" as used in this part, with respect to operation on frequencies below 30 MHz, means a system of radiocommunication for the transmission of speech or, in some cases, other sounds by means of amplitude modulation including double

[1] Commissioner Bartley absent.

sideband (A3), single sideband (A3A, A3H, or A3J) or independent sideband (A3B) transmission.

§§ 23.2–23.10 [Deleted]

2. Sections 23.2 through 23.10 are deleted.

§ 23.11 [Amended]

3. In § 23.11, reference to § 23.10 is changed to § 23.1.

4. Section 23.13 is revised to read as follows:

§ 23.13 Types of emission.

Stations in the international fixed public radiocommunication services may be authorized to use any of the types of emission or combinations thereof, described in Part 2 of this chapter, as well as new types which may be developed: *Provided*, That harmful interference to adjacent operations is not caused thereby; *And provided further*, That the intelligence to be transmitted will use the bandwidth requested to a degree of efficiency compatible with the current state of the art. A determination of the possibilities of interference will be made as outlined in § 23.20. In certain cases frequencies or emissions may be authorized on a temporary basis to determine if interference will occur. Emissions shall in all cases be centered around an assigned frequency.

5. Sections 23.14 through 23.19 are added to read as follows:

§ 23.14 Emission, bandwidth, modulation and transmission characteristics.

In the services under this part emissions are designated by their classification and their necessary bandwidth in accordance with the following procedures:

(a) Designation of emissions in applications. In applying for new frequency assignments for emissions not presently authorized, the emissions proposed to be used shall be described and their bandwidths specified as outlined in Part 2 of this chapter.

(b) Designation of emissions in authorizations. The emission designations used in authorizations will indicate only the maximum value of the necessary bandwidth for each type of modulation authorized.

(c) New types of emissions. If application is made for a type of emission not covered by Part 2 of this chapter, a full description of the emission must be provided and, if possible, measurements of its occupied bandwidth.

§ 23.15 Emission limitations.

(a) For transmitters operating on frequencies below 30 MHz:

(1) The occupied bandwidth of emission shall be confined within the least possible spectrum space consistent with the state of the art and the required quality of transmission, and in no event shall more than one-half of 1 percent of the total power of the emission be radiated above or below the assigned frequency band.

(2) Spurious emissions shall be attenuated at least 40 decibels below the mean power of the fundamental without exceeding the power of 50 milliwatts.

(b) For transmitters operating on frequencies above 30 MHz: The mean powers of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: at least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent and up to and including 250 percent of the assigned frequency band: at least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the assigned frequency band—at least 43 plus 10 log (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

(c) When an emission outside of the occupied bandwidth or the assigned frequency band as indicated in the section causes harmful interference, the Commission may, at its discretion, require greater attenuation than that specified in this section.

§ 23.16 Frequency tolerances.

The operating frequency of stations in the international fixed public radiocommunication services shall be maintained within the following percentage of the assigned frequency or an authorized reference frequency:

Frequency range	Tolerances applicable to new transmitters installed after Jan. 1, 1971, and to all transmitters after June 1, 1971	
	Percent	*Parts per million*
10–50 kHz	0.1	1000
50–535 kHz	.02	200
1605–30,000 kHz	.0015	15
30–50 MHz	.002	20
50–1000 MHz	.0005	5
1000–2500 MHz	.001	10
2500–10,500 MHz	.005	50
10,500–40,000 MHz	.05	500

§ 23.17 Frequency measurement.

Each station shall provide for the measurement of all frequencies assigned thereto, and establish a procedure for checking them regularly. These measurements shall be made by means independent of the frequency control of the transmitter and shall be of accuracy sufficient to detect deviation from the assigned frequency within one-half of the allowed tolerance. A record shall be kept of the results and dates of all frequency measurements.

§ 23.18 Authorization of power.

(a) *Authorized power.* Power, when designated in the respective station license for a particular transmitter or transmitters, is peak envelope power for transmitters having single sideband or independent sideband emissions, and carrier power for transmitters having other emissions, unless specifically expressed otherwise. Designation of effective radiated power may appear in the station license in addition to designation of power for a transmitter or transmitters, when deemed necessary by the Commission.

(b) *Use of minimum power.* In the interest of avoiding interference to other operations, all stations shall radiate only as much power as is necessary to ensure a satisfactory service.

§ 23.19 Use of directional antennas.

Insofar as is practicable, directional antennas, of type consistent with the current state of art, shall be used on all circuits for both transmitting and receiving.

6. Section 23.21 is revised to read as follows:

§ 23.21 Communications by international control stations.

Stations in the international fixed public control service are authorized to communicate between transmitting stations, receiving stations, message centers or control points operating in the international fixed public radio communication services for the purpose of handling service messages or international traffic between these points. Provided that only traffic originating in or destined to points outside the contiguous States may be handled. Frequencies designated for international control stations in Part 2 of this chapter may be assigned to these stations.

§ 23.22 [Deleted]

7. Section 23.22 is deleted.

§ 23.29 [Amended]

8. In § 23.29, substitute the figure 5 for the figure 2 where it appears in the first sentence.

§ 23.30 [Deleted]

9. Section 23.30 is deleted.

§§ 23.33–23.34 [Deleted]

10. Sections 23.33 and 23.34 are deleted.

11. Section 23.41 is revised to read as follows:

§ 23.41 Quarterly report of frequency usage.

(a) *Transmitted frequencies.* Each licensee in the international fixed radiocommunication services shall submit a report of frequency usage for all authorized frequencies below 30 MHz for each station. If more than one station is operated from a common control point, reports for the stations may be combined into one. This report shall be due 40 days after the close of each calendar quarter and shall contain the following information: Each frequency assigned to the station or stations and the number of hours it was used during the quarter to each point of communication for each class of service rendered (such as telegraph, telephone, program, or radiophoto), the types of emission normally used to each point of communication, and the total hours each frequency was used.

(b) *Received frequency report.* Upon specific request by the Commission, licensees in the international fixed public radiocommunication services shall furnish promptly the following information

regarding frequencies received from all points of communication. All frequencies received, including call signs, location of transmitting station, type and bandwith of emission normally employed, point of reception, and a symbol from the following table indicating the amount of usage of the particular received frequency.

Symbol	*Usage*
D	Daily regular use during business days.
O	Occasional use; not used daily, but offered frequently when required by propagation or operational conditions.
S	Seldom received; where records indicate light use during the past year.
L	Limited use; limited by solar activity to a part of the solar cycle or to a part of each year.

The following criteria shall be used to determine whether or not a frequency shall be reported as received:

(1) Report all frequencies regularly used during the period under consideration.

(2) Report frequencies received consistently during a substantial part of any cyclical change in frequency usefulness even though they may be unused for considerable periods of time during another part of the cycle.

(3) Do not report any frequency, the use of which is known to have been discontinued or transferred to another operation by a foreign correspondent.

(4) Do not report any frequency which has been inactive for a period of 6 months or longer, except as indicated in subparagraph (2) of this paragraph.

12. Section 23.46 is revised to read as follows:

§ 23.46 Operators, class required and general duties.

(a) The operation and control of all transmitting apparatus licensed at a station in the international fixed public radiocommunication services shall be carried on only by a person holding a valid operator license issued by the Commission, except as provided in other paragraphs of this section.

(b) Classes of operator licenses required are as follows:

(1) *Radiotelegraph stations.* Radiotelegraph or Radiotelephone first- or second-class license: *Provided, however:*

(i) If manual Morse code keying is used for transmitting public correspondence, the person manipulating the telegraph key shall be the holder of a radiotelegraph first- or second-class license except as provided by subdivision (iv) of this subparagraph;

(ii) If manual Morse code keying is used only for the purposes of identification or for sending service messages, the person manipulating the telegraph key shall be the holder of a radiotelegraph third-class permit or higher class of radiotelegraph license except as provided by subdivision (iv) of this subparagraph;

(iii) If automatic keying equipment is used, the operator of such equipment may send short service signals (requests for repeats, etc.) by manual Morse code without being the holder of a radio operator license.

(iv) Unlicensed telegraph operators of appropriate skill as determined by the radio station licensee may manipulate the telegraph key of radiotelegraph stations provided that properly licensed radiotelegraph operators are on duty at the transmitting station or authorized remote control point and that such licensed operators are fully responsible for the proper operation of the transmitting equipment.

(2) *Radiotelephone stations.* Radiotelephone first- or second-class license: *Provided, however,* That, if manual Morse code keying is employed in accordance with § 23.12, the person manipulating the telegraph key shall be the holder of a valid radiotelegraph third-class permit or higher class of radiotelegraph license.

(3) *Radiotelegraph - radiotelephone stations.* Provisions under subparagraph (1) of this paragraph are applicable.

(4) *International control stations.* Radiotelegraph or radiotelephone first- or second-class license.

(c) One or more licensed operators of the grade specified in paragraph (b) of this section shall be on duty at the place where the transmitting apparatus is located and in actual charge thereof when it is being operated: *Provided, however,* That:

(1) In case of stations in these services operating on frequencies above 30 MHz, the Commission may authorize unattended operation upon application therefor and showing that the equipment is so designed and constructed as to make such operation feasible. When such unattended operation is authorized, properly licensed operators shall be on duty at a terminal of the system of which the unattended station or stations are a part or shall be available on call to perform necessary maintenance duties.

(2) In the case of a station where remote control is used, the Commission may grant authority to employ an operator or operators at the control point in lieu of the place where the transmitting apparatus is located; *Provided,* That the following conditions are complied with:

(i) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

(ii) A device shall be provided at the remote control point which gives a continuous visual indication whenever the control circuits have been placed in a condition to activate the radio transmitting apparatus.

(iii) Provision shall be made to monitor aurally all transmissions originating under control of the responsible operator at the remote point.

(iv) The radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license or applicable provisions of this chapter.

(v) When remote control of a transmitter is performed from a separate location such as a message center or telephone exchange and manual morse code keying is not used, the operator(s) at that point need not be licensed by the Commission provided that licensed operator(s) are on duty at the transmitter location or authorized remote control point at all times that the station is in operation, and they are fully responsible for the proper operation of the transmitting equipment. If manual morse code keying is used at a remote control point, the provisions of paragraph (b)(1) of this section shall apply.

(3) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding the proper license, who shall be responsible for the proper functioning of the radio facilities. A radiotelephone station must be under the supervision of a person holding a radiotelephone or radiotelegraph first- or second-class license, and a radiotelegraph station must be under the supervision of a person holding a radiotelegraph first- or second-class license.

(4) When a radio station is not radiating, persons of appropriate technical skill, who are not licensed radio operators, may perform the functions described in subparagraph (3) of this paragraph without direct supervision after having been authorized to do so by the responsible licensed operator under whose immediate supervision the facilities shall thereafter initially be placed in operation and be determined to be operating properly.

13. Section 23.47 is revised to read as follows:

§ 23.47 Station records.

(a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations, or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be signed by a person qualified to do so and having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry, who shall strike out the erroneous portion, initial the corrections made, and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least 1 year: *Provided, that:*

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has

knowledge shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suit upon such claim.

14. Section 23.48 is revised to read as follows:

§ 23.48 Content of station records.

(a) For each station in the services under this part, except stations in the international fixed public control service, the licensee shall maintain a technical log of the station operation showing:

(1) Signature of each licensed operator responsible for the operation of the transmitting equipment and an indication of his hours of duty.

(2) Hours of use of each frequency assignment and type of emission indicating time of beginning and end of each period of operation and points of communication to which each frequency is used (or area if service is pursuant to § 23.53).

(3) Hours of use of each transmitter indicating time of beginning and end of each period of operation.

(4) Power input to the final stage of each transmitter.

(5) Dates and results of each frequency measurement.

(b) For stations in the international fixed public control service, the license shall maintain a technical log of the station operation showing:

(1) Normal hours of operation and dates and times of interruptions to service.

(2) Dates and results of each frequency measurement.

(3) When service or maintenance duties are performed, the responsible operator shall sign and date the station record giving pertinent details of all duties performed by him or under his supervision; his name and the class, serial number, and date of expiration of his license.

(c) For each station having an antenna structure which is required to be obstruction-lighted, appropriate entries shall be made in the station's technical log as required by § 23.39.

§§ 23.49, 23.55 [Redesignated]

15. Section 23.49, "Equal employment opportunities", is redesignated as § 23.55. Former § 23.48, "Discontinuance of operation", is redesignated as new § 23.49.

16. Section 23.50 is revised to read as follows:

§ 23.50 Place of filing application; fees and number of copies.

(a) Standard numbered forms applicable to the international fixed public radiocommunication services discussed within the subpart are as follows:

Form No.	*Description*
403	Application for radio station license or modification thereof.
405	Application for renewal of radio station license in specified services.
407	Application for radio station construction permit.
408	Application for temporary authorization in addition to authority contained in license.
701	Application for additional time to construct radio station.
702	Application for consent to assignment of radio station construction permit or license (for stations in services other than broadcast).
704	Application for consent to transfer of control of corporation holding common carrier radio station construction permit or license.
714	Supplement to application for new or modified radio station authorization (concerning antenna structure notification to FAA).

These forms may be obtained from the Secretary, Federal Communications Commission, Washington, D.C. 20554, or from any of the Commission's engineering field offices, the addresses of which are listed in § 0.121(a) of this chapter.

(b) Every application for a radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington, D.C. 20554.

(c) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(d) Each application shall be accompanied by a nonrefundable fee prescribed in Subpart G of Part 1 of this chapter.

§ 23.53 [Amended]

17. In § 23.53, the following proviso is added to the end of introductory paragraph (a): "*Provided, however,* That the licensee, upon institution of addressed press service to any person at any point, shall promptly notify the Commission of the following:"

CROSS REFERENCE TABLE TO AMENDED PART 23

Old number	*New number*
23.1	Revised 23.1.
23.2	23.1.
23.3	23.1.
23.4	23.1.
23.5	23.1.
23.6	23.1.
23.7	23.1.
23.8	23.1.
23.9	23.1.
23.10	23.1.
23.11	Amended 23.11.
23.12	23.12.
23.13	New 23.50.
	New 23.18.
	New 23.19.
23.20	23.20.
23.21	New 23.13, 23.14, 23.15.
	New 23.21.
23.22	New 23.13, 23.14, 23.15.
23.23	23.23.
23.24	23.24.
23.25	23.25.
23.26	23.26.
23.27	23.27.
23.28	23.28.
23.29	Amended 23.29.
23.30	New 23.16.
23.31	23.31.
23.32	23.32.
23.33	Delete 23.33.
23.34	New 23.17.
23.35	23.35.
23.36	23.36.
23.37	23.37.
23.38	23.38.
23.39	23.39.
23.40	23.40.
23.41	Revised 23.41.
23.42	23.42.
23.43	23.43.
23.44	23.44.
23.45	23.45.
23.46	Revised 23.46.
23.47	Revised 23.47.
	New 23.48.
23.48	Revised 23.49.
23.49	New 23.55.
23.51	23.51.
23.52	23.52.
23.53	Revised 23.53.
23.54	23.54.

[F.R. Doc. 70-14934; Filed, Nov. 4, 1970; 8:52 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-400]

LIMITATION ON PROVISIONS IN NATURAL GAS RATE SCHEDULES RELATING TO MINIMUM TAKE PROVISIONS

Notice of Proposed Rule Making; Correction

OCTOBER 9, 1970.

In the notice of proposed rulemaking, issued September 23, 1970, and published in the FEDERAL REGISTER September 29, 1970 35 F.R. 15163, insert "the first two years of" between the words "for" and "the" in the last line of § 154.103(b).

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14926; Filed, Nov. 4, 1970; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Notice of Proposed Rule Making

Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601), the Board of Governors is considering amending Part 226 in the following respects:

1a. By amending § 226.7(e) to read as follows:

§ 226.7 Open end credit accounts—specific disclosures.

* * * * *

(e) *Change in terms.* Not later than 15 days prior to the beginning date of the billing cycle in which any change is to be made in the terms previously disclosed to the customer of an open end credit account, the creditor shall mail or deliver a written disclosure of such change to each customer required to be furnished a statement under paragraph (b) of this section. Such disclosure shall be mailed or delivered to each other customer not later than the date of mailing or delivery of the next required billing statement on his account. However, if the periodic rate, or any minimum, fixed, check service, transaction, activity, or similar charge is increased, the increased amount may not be imposed on any customer without notice at least 15 days prior to the beginning date of the billing cycle in which the charge is imposed. No notice is necessary if the only change is a reduction in the periodic rate or rates applicable to the account.

* * * * *

b. The main purpose of the proposed amendment is to allow creditors of an open end credit account to modify the terms of the account without the necessity of notifying inactive as well as active customers. The present requirements of Regulation Z necessitate a costly notification process and have inhibited creditors from making changes advantageous to consumers. The proposed amendment would require prior notice to active accounts, but would cut the period to 15 days to allow notification to be included with the next previous billing statement. Accounts inactive at the time of the change would receive a notice when they became active. However, if the change involved an increase in the periodic rate or in any minimum, fixed, check service, transaction, activity, or similar charge, the increased amount may not be collected from any customer not receiving notice at least 15 days prior to the begininng of the billing cycle in which that increased amount is imposed. On October 23, 1970, the Board amended § 226.7(e) to permit creditors to reduce the periodic rate or rates applicable to open end credit accounts without the necessity of advance notice to the customer.

2a. By amending § 226.9(b) to read as follows:

§ 226.9 Right to rescind certain transactions.

* * * * *

(b) *Notice of opportunity to rescind.* Whenever a customer has the right to rescind a transaction under paragraph (a) of this section, the creditor shall give notice of that fact to the customer by furnishing the customer with two copies of the notice set out below, one of which may be used by the customer to cancel the transaction. Such notice shall be printed in capital and lower case letters of not less than 12 point bold-faced type on one side of a separate statement which identifies the transaction to which it relates. Such statement shall also set forth the entire paragraph (d) of this section, "Effect of rescission." If such paragraph appears on the reverse side of the statement, the face of the statement shall state: "See reverse side for important information about your right of rescission." Before furnishing copies of the notice to the customer, the creditor shall complete both copies with the name of the creditor, the address of the creditor's place of business, the date of consummation of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the customer may give notice of cancellation. Where the real property on which the security interest may arise does not include a dwelling, the creditor may substitute the word "homesite" for "home" where that word appears in the notice.

Notice to customer required by Federal law:

You have entered into a transaction on ---------- which may result in a lien, (Date)
mortgage, or other security interest on your home. You have a legal right under Federal law to cancel this transaction, if you desire to do so, without any penalty or obligation within 3 business days from the above date or any later date on which all material disclosures required under the Truth in Lending Act have been given to you. If you so cancel the transaction, any lien, mortgage, or other security interest on your home arising from this transaction is automatically void. You are also entitled to receive a refund of any downpayment or other consideration if you cancel. If you decide to cancel this transaction, you may do so by notifying ---------- at ----
(Name of creditor)
---------- by
(Address of creditor's place of business)
mail or telegram sent not later than midnight of ---------- You may also use any (Date)
other form of written notice identifying the transaction if it is delivered to the above address not later than that time. This notice may be used for that purpose by dating and signing below.

I hereby cancel this transaction.

---------- ----------
(Date) (Customer's signature)

b. The amendment consists of adding a sentence following the substantive part of § 226.9(b) and prior to the text of the required notice. The purpose of the amendment is to allow creditors in vacant lot transactions subject to the rescission provisions of the Truth in Lending Act and Regulation Z to substitute the word "homesite" in the specified notice for the word "home."

3a. By adding § 226.10(e) to read as follows:

§ 226.10 Advertising credit terms.

* * * * *

(e) *Advertising of FHA Section 235 financing.* No advertisement to aid, promote, or assist directly or indirectly the sale of residential real estate under title II, section 235, of the National Housing Act (12 U.S.C. 1715z) shall state the amount of any payment scheduled to repay the indebtedness in any extension of credit under that program or the amount of the finance charge expressed as an annual percentage rate. All other information specified in paragraph (d) (2) of this section shall be stated when required by that subparagraph. Any advertisement shall clearly identify those credit terms which apply to the FHA section 235 assistance program.

b. The purpose of the proposed amendment is to enable sellers to advertise the terms which are applicable to most qualified purchasers under the section 235 Federal assistance program of title II of the National Housing Act (such as the downpayment and number of payments) without having to show a figure for the amount of payments or annual percentage rate as presently required by § 226.10(d) of Regulation Z. The purpose of the prohibition against stating any payment amount and annual percentage rate is to prevent misleading advertisement caused by the wide variation in actual amounts and rates applicable to individual customers as a result of variation in the amount of the Federal subsidy.

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 4, 1970. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, October 23, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14856; Filed, Nov. 4, 1970; 8:46 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

[30 CFR Part 503]

PERMITS FOR NONCOMPLIANCE WITH ELECTRIC FACE EQUIPMENT STANDARD—NONGASSY MINES BELOW WATERTABLE

Notice of Proposed Rule Making

In the FEDERAL REGISTER on October 23, 1970 (35 F.R. 16548), there was published a proposed regulation to be identified as title 30, Part 503. The deadline for filing comments, suggestions or objections to that proposed regulation is November 23, 1970. Changes and additions to that proposed regulation are set forth below.

Interested persons may submit written comments, suggestions or objections regarding these proposed changes and additions to the Interim Compliance Panel,

Suite 800, 1730 K Street NW., Washington, D.C. 20006. Since failure promptly to adopt necessary procedures for filing applications for permits for noncompliance with section 305(a)(1)(D) would work to the detriment of those coal mine operators affected, the Panel finds that it is in the public interest that comments, suggestions or objections regarding these proposed changes and additions be submitted to the Panel no later than November 23, 1970.

Title 30 CFR, Part 503 would read as it was published in the FEDERAL REGISTER for October 23, 1970, except that those provisions set forth below would be substituted or added where appropriate:

Sec.
503.7 Issuance of renewal permits.
503.8 Hearings.

AUTHORITY: The provisions of this Part 503 issued under section 508, Public Law 91-173, 83 Stat. 803.

§ 503.5 Issuance of initial permits.

* * * * *

(b) In order to qualify for the issuance of a permit the application must show:

(1) That the mine has never been classified as gassy under any provision of Federal or State law and that it is below the watertable;

(2) That the item of electric face equipment was, at the time of the application and on March 30, 1970, nonpermissible and being used by the operator in connection with mining operations in the coal mine for which such a permit is sought;

(3) That the electric rating of such equipment exceeds 2,250 watts (3 horsepower); and

(4) That steps have been taken to achieve compliance with the provisions of section 305(a)(1)(D) of the Act since March 30, 1970, and that the operator has adopted an adequate plan including a schedule for achieving compliance by replacement of such nonpermissible equipment with permissible equipment or by conversion of such nonpermissible equipment to permissible status.

* * * * *

(f) [Deleted]

§ 503.7 Issuance of renewal permits.

(a) The Panel may renew a previously issued permit based upon an application which is timely filed and complete in all material respects in accordance with § 503.6.

(b) In order to qualify for the issuance of a renewal permit, an application must show that, despite his diligent efforts, the operator will be unable on or before the expiration date of his existing permit to comply with the provisions of section 305(a)(1)(D) of the Act. The application must also show that steps have been taken to achieve compliance since the issuance of the existing permit and that the operator has adopted an adequate plan including a schedule for achieving compliance by replacement of such nonpermissible equipment with permissible equipment or by conversion of such nonpermissible equipment to permissible status.

(c) Each renewal permit will be issued for the period specified by the Panel, but in no case will the period of noncompliance be extended beyond December 30, 1973. Each permit will specify the individual item of equipment which the operator will be entitled to use in a nonpermissible status.

(d) The permit and one copy will be mailed to the operator at the address specified in the application. The copy of the permit shall be delivered to the affected mine and shall be immediately posted on the bulletin board of such mine by the operator or his agent.

(e) The Panel shall mail a copy of any permit granted under this section immediately to a representative of the miners of the mine to which it pertains and to the public official or agency of the State charged with administering State laws relating to coal mine health and safety in such mine.

§ 503.8 Hearings.

Hearings pursuant to the Practice and Procedure for Hearings regulation of the Interim Compliance Panel (Part 505 of this chapter, 35 F.R. 11296, July 15, 1970) will be granted under the following circumstances:

(a) Where sufficient request is filed by the operator or a representative of the miners of an affected mine aggrieved by the decision within 15 days following the granting of an initial permit;

(b) Where a sufficient request is timely filed in response to a notice of opportunity for public hearing published in the FEDERAL REGISTER pursuant to § 503.6 (b) and (c); and

(c) Where no hearing has been held pursuant to publication of a notice of opportunity for public hearing, an operator aggrieved by a decision of the Panel may within 15 days after the date of mailing by the Panel of its decision on the application, request a hearing. Such a request for hearing shall describe the relief sought by the operator and the reasons why such relief should be granted. No request for hearing will be granted where the application was denied for failure to comply with the requirements of §§ 503.3, 503.4 or 503.6.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 30, 1970.

[F.R. Doc. 70-14861; Filed, Nov. 4, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte MC-7]

WASHINGTON, D.C., COMMERCIAL ZONE

Proposed Redefinition

OCTOBER 29, 1970.

At the request of Mr. Francis J. Aluisi, petitioner's representative, the time for filing written statements in the above-entitled proceeding has been extended from October 30, 1970, to December 15, 1970.

ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-14940; Filed, Nov. 4, 1970; 8:52 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-3733 A]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 30, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2420 and 2460, the public lands in paragraph 4 are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating all public lands described in paragraph 4 from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. Several comments were received after publication of the notice of proposed classification in the FEDERAL REGISTER (F.R. Doc. 70-9681 and F.R. Doc. 70-9682) on July 28, 1970. As a result of evaluation of the comments received, the following described lands have been eliminated from F.R. Doc. 70-9682 (Notice of Proposed Classification for Transfer out of Federal Ownership) and are included in this notice.

MOUNT DIABLO MERIDIAN

T. 11 N., R. 3 W.,
Sec. 7, SE¼SW¼;
Sec. 17, W½SW¼;
Sec. 18, SE¼NE¼, NE¼NW¼.
T. 7 N., R. 4 W.,
Sec. 20, NW¼NW¼;
Sec. 21, lot 5.
T. 13 N., R. 4 W.,
Sec. 15, SW¼SW¼.
T. 6 N., R. 5 W.,
Sec. 9, NW¼NE¼.
T. 12 N., R. 5 W.,
Sec. 17, E½SE¼;
Sec. 19, SW¼SE¼;
Sec. 20, SW¼NW¼;
Sec. 30, lot 3.
T. 16 N., R. 5 W.,
Sec. 19, lot 3;
Sec. 28, W½NW¼.
T. 7 N., R. 6 W.,
Sec. 13, NE¼SW¼.
T. 11 N., R. 6 W.,
Sec. 5, S½SW¼;
Sec. 6, SE¼SE¼.
T. 18 N., R. 6 W.,
Sec. 34, lot 2 and lot 7.
T. 14 N., R. 7 W.,
Sec. 20, SE¼SW¼.
T. 15 N., R. 9 W.,
Sec. 9, SW¼SW¼.

989.84 acres.

4. The public lands involved are located within the following described areas in Napa, Solano, Yolo, Lake, and Colusa Counties, Calif. These lands have been analyzed in detail and are described in documents and on maps available for inspection at the Ukiah District Office, Bureau of Land Management, 168 Washington Avenue, Ukiah, Calif. 95482.

MOUNT DIABLO MERIDIAN

NAPA, YOLO, SOLANO, LAKE, AND COLUSA COUNTIES

T. 7 N., R. 2 W.,
Sec. 27, NW¼NW¼.
T. 8 N., R. 2 W.,
Sec. 27, SE¼SW¼.
T. 5 N., R. 3 W.,
Sec. 11, lot 1.
T. 11 N., R. 3 W.,
Sec. 7, SE¼SW¼;
Sec. 17, W½SW¼;
Sec. 18, SE¼NE¼, NE¼NW¼;
Sec. 30, lot 2;
Sec. 31, lot 3, lot 4, SE¼SW¼.
T. 7 N., R. 4 W.,
Sec. 20, NW¼NW¼;
Sec. 21, lot 5.
T. 13 N., R. 4 W.,
Sec. 4, lot 9;
Sec. 5, lot 1, lot 2, W½SE¼, SE¼SE¼;
Sec. 6, lot 1;
Sec. 15, SW¼SW¼.
T. 14 N., R. 4 W.,
Sec. 5, lots 2, 3, 5, 6, 8, 9, 10, 13, and 14;
Sec. 8, W½NE¼, lots 3, 4, 5, and 6;
Sec. 17, lots 2, 3, 6, 7, N½SW¼, W½SE¼;
Sec. 20, N¼NE¼, S½NW¼, SW¼SE¼.
Sec. 21, SW¼SW¼;
Sec. 29, W½E½;
Sec. 32, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 33, W½W½, E½NW¼, NE¼SW¼.
T. 6 N., R. 5 W.,
Sec. 9, NW¼NE¼.
T. 12 N., R. 5 W.,
Sec. 17, E½SE¼;
Sec. 19, SW¼SE¼;
Sec. 20, SW¼NW¼;
Sec. 30, lot 3.
T. 13 N., R. 5 W.,
Sec. 2, lot 3, lot 4, S½NW¼, E½SW¼, S½SE¼;
Sec. 3, lot 2, SW¼NE¼, NW¼SE¼, SE¼SE¼;
Sec. 11, N½NE¼;
Sec. 22, NW¼NW¼;
Sec. 23, NE¼SW¼.
T. 14 N., R. 5 W.,
Sec. 26, SW¼SE¼;
Sec. 34, SW¼SE¼;
Sec. 35, S½NE¼, SE¼NW¼, NE¼SE¼.
T. 16 N., R. 5 W.,
Sec. 19, lot 3;
Sec. 20, lots 1, 9, 11, 15, and 16;
Sec. 28, W½NW¼.
T. 7 N., R. 6 W.,
Sec. 13, NE¼SW¼, Ptn. lot 40;
Sec. 24, lots 1, 2, 4, 5, 6, Ptn. lot 40, Ptn. lot 39, Ptn. lot 41.
T. 11 N., R. 6 W.,
Sec. 5, S½SW¼;
Sec. 6, SE¼SE¼.
T. 18 N., R. 6 W.,
Sec. 34, lot 2 and lot 7.
T. 9 N., R. 7 W.,
Sec. 24, Ptn. lot 42, Ptn. lot 43, Ptn. lot 44.
T. 11 N., R. 7 W.,
Sec. 1, lots 1, 2, 3, W½SE¼.
T. 14 N., R. 7 W.,
Sec. 20, SE¼SW¼.
T. 14 N., R. 8 W.,
Sec. 26, NE¼SW¼.
T. 15 N., R. 9 W.,
Sec. 9, SW¼SW¼;
Sec. 15, lots 1, 2, 3, 6, 7, 8, 11, 12, and 13.
T. 16 N., R. 9 W.,
Sec. 31, N½NE¼.
T. 15 N., R. 10 W.,
Sec. 5, W½ of lot 4, lots 7 and 8;
Sec. 6, lots 1, 2, 3, 6, 7, 8, E½ of lot 13.

The public lands being classified aggregate approximately 5,603.65 acres.

5. For a period of 30 days after publication of the classification in the FEDERAL REGISTER, the classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3.

J. R. PENNY,
State Director.

[F.R. Doc. 70-14842; Filed, Nov. 4, 1970; 8:45 a.m.]

[C-2285]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 28, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Part 2400, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating all the described public lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C., sec. 334), and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands described shall remain open to all other forms of appropriation including the mining and mineral leasing laws. As used herein "public lands" means any lands withdrawn or reserved under Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 13480). The following lands described in the notice of proposed classification are not subject to classification and are therefore deleted:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 96 W.,
Sec. 3, N½SW¼;
Sec. 4, W½SW¼;
Sec. 5, N½SE¼.

The public lands classified are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401, and the Colorado Land Office, Bureau of Land Management, Federal Building, Nineteenth and Stout Streets, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 96 W.,
Sec. 3, lots 1 to 4, inclusive, and S½NW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½, E½SW¼, and SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, SW¼, and SW¼SE¼;
Sec. 6, lots 1, 6, 7, SE¼NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 7;
Sec. 8, NW¼NW¼ and S½NW¼;
Sec. 9, NW¼NE¼;
T. 15 S., R. 97 W.,
Sec. 11, lots 1 to 5, inclusive;
Sec. 12, NE¼, E½NW¼, and N½SE¼;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, NE¼, E½W½, SW¼SW¼, and N½SE¼;
Sec. 21, N½;
Sec. 22, NE¼SW¼, S½SW¼ and SE¼;
Sec. 25, S½SW¼;
Sec. 26, NW¼NW¼, S½N½, and S½.
T. 14 S., R. 98 W.,
Sec. 1;
Sec. 2, lots 2, 3, 4, SE¼NE¼, and E½SE¼;
Sec. 11, lots 1 to 7, inclusive, and E½NE¼;
Sec. 12, lots 1 to 4, inclusive, and N½;
Sec. 28;
Sec. 29, NW¼SW¼, S½SW¼, and E½SE¼;
Sec. 30;
Sec. 32, lots 1 to 4, inclusive, S½NE¼, E½W½, and SE¼;
Sec. 33;
Sec. 34, SW¼.
T. 15 S., R. 98 W.,
Sec. 2, lots 5, 6, and SW¼;
Secs. 11, 12, 13, and 14.

UTE PRINCIPAL MERIDIAN

T. 3 S., R. 2 E.,
Sec. 35;
Sec. 36, NE¼, NE¼NW¼, S½NW¼, and S½.
T. 4 S., R. 3 E.,
Secs. 5, 6, 7, and 8;
Sec. 15, NE¼ and S½;
Secs. 16, 17, and 18;
Secs. 20, 21, 22, 23, 26, 27, and 28;
Sec. 29, NE¼;
Sec. 33, lots 1 to 8, inclusive;
Sec. 34, lots 1 to 8, inclusive;
Sec. 35, N½ and N½SE¼;
Sec. 36, N½, N½SW¼, SE¼SW¼, and SE¼.

The area described aggregates approximately 23,082 acres of public land in Delta and Mesa Counties, Colo.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-14843; Filed, Nov. 4, 1970; 8:45 a.m.]

[C-3898]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 28, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating all the described public lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. sec. 334), the Small Tract Act of June 1, 1938 as amended (43 U.S.C. 682 (a) and (b); the Recreation and Public Purposes Act of June 14, 1926 as amended (43 U.S.C. 869; 869–1 to 869–4); and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands described shall remain open to all other forms of appropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein "public lands" means any lands withdrawn or reserved under Executive Order No. 6910 of November 26, 1934 as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 13480). The following lands described in the notice of proposed classification are not subject to classification for retention for multiple-use management and are therefore deleted.

UTE PRINCIPAL MERIDIAN

T. 2 S., R. 1 E.,
Sec. 13, NE¼NE¼ and NW¼SE¼.

The public lands classified are described below and are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo. 81501, and the Colorado Land Office, Bureau of Land Management, Federal Building, 19th and Stout Streets, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

MESA COUNTY

T. 13 S., R. 99 W.,
Sec. 23, lots 1 to 4, inclusive, and W½.

UTE PRINCIPAL MERIDIAN, COLORADO

T. 3 S., R. 2 E.,
Sec. 1, lot 1, SW¼NW¼, SW¼SW¼, and S½SE¼;
Sec. 2, SE¼NE¼, SW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 7, lots 1 to 4, inclusive, W½E½, E½W½, and SE¼SE¼;
Sec. 8, W½, NW¼SE¼, and S½SE¼;
Sec. 9, NE¼ and E½SE¼;
Secs. 10, 11, 12, and 13;
Sec. 14, NE¼, E½NW¼, and S½;
Sec. 15, W½NE¼, NW¼, and S½;
Sec. 16, NW¼NW¼, S½NW¼, SW¼, W½SE¼;
Secs. 17 and 18;
Sec. 19, lots 1, 2, 7, and 8;
Secs. 20 and 21;
Sec. 22, NE¼, SW¼, and NE¼SE¼;
Sec. 23, W½;
Sec. 24, E½, N½NW¼, and E½SW¼;
Sec. 25, NW¼NW¼, S½N½, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 26, N½N½ and S½SW¼;
Sec. 27, NW¼NE¼, S½NE¼, NW¼ and S½;
Sec. 28, lots 1 to 10, inclusive, 15, and 16;

The area described aggregates approximately 11,681 acres of public lands.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-14844; Filed, Nov. 4, 1970; 8:45 a.m.]

[C-3899]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

OCTOBER 28, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Part 2400, the public lands within the area described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating all the described public lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9, 25 U.S.C. sec. 334), the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682 (a) and (b); the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands described shall remain open to all other forms of appropriation including the mining and mineral leasing laws; and exchanges under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g). As used herein "public lands" means any lands withdrawn or reserved under Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 13 S., R. 99 W.,
Sec. 28, S½;
Sec. 33.
T. 14 S., R. 99 W.,
Sec. 3, lots 7, 8, S½NW¼, and S½;

Sec. 11;
Sec. 12, SW¼;
Sec. 13, NW¼ and S½.

The area described aggregates approximately 2,720 acres of public land in Mesa County.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 13481).

The public lands classified are shown on maps on file in the Grand Junction District Office, Bureau of Land Management, Federal Building, Fourth and Rood, Grand Junction, Colo. 81501, and the Colorado Land Office, Bureau of Land Management, Federal Building, 19th and Stout Streets, Denver, Colo. 80202.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-14845; Filed, Nov. 4, 1970; 8:45 a.m.]

[Serial No. I-2345]

IDAHO

Notice of Classification of Public Lands In Jarbidge Upland for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2461, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice will (a) segregate all of the lands described in paragraph 3 from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and (b) further segregates that portion described in paragraph 4 from the operation of the general mining laws (30 U.S.C., Chapter 2), the Public Land Sale Act (43 U.S.C. 1411–18), Exchanges (43 U.S.C. 315g), and Indemnity Selections (43 U.S.C. 851 and 852). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, and which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received during the 60 days following publication of the notice of proposed classification (F.R. Doc. 70-10181). Comments were also received at the public hearing held on August 27, 1970, at Twin Falls, Idaho. The record showing reaction to the proposed notice of classification for multiple-use management made by members of the public attending or interested in the hearing is on file and can be examined in the Idaho Land Office, Boise, Idaho. All comments concerning the proposed classification were carefully considered and evaluated. Some of the lands that are classified in this decision may be potentially irrigable if water becomes available. Reclassification of such lands may be made when conditions warrant through new development or technology and private development outweighs public values.

3. The public lands affected by this classification are located in the following described area of Owyhee, Elmore, and Twin Falls Counties, and are shown on maps designated I-2345, on file in the Boise District Office, Bureau of Land Management, and in the Land Office, Bureau of Land Management, Boise, Idaho:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 6 E.,
Secs. 1, 2, 11, 12, 13;
Sec. 14, E½;
Secs. 24, 25;
Sec. 26, SE¼, SE¼SW¼.
T. 7 S., R. 7 and 8 E.
T. 8 S., R. 7 E.,
Secs. 1 through 15 inclusive;
Secs. 17, 18;
Secs. 20 to 29 inclusive;
Secs. 33 to 35 inclusive.
T. 8 S., R. 8 E.
T. 8 S., R. 9 E.,
Secs. 7, 8;
Secs. 17 to 35 inclusive.
T. 8 S., R. 10 E.,
Secs. 19 to 23 inclusive;
Secs. 26 to 35 inclusive.
T. 8 S., R. 11 E.,
Secs. 31, 32, 33.
T. 9 S., R. 7 E.,
Secs. 1 to 15 inclusive;
Secs. 17, 18;
Secs. 20 to 28 inclusive;
Secs. 33 to 35 inclusive.
T. 9 S., R. 8, 9, and 10 E.
T. 9 S., R. 11 E.,
Secs. 4 to 15 inclusive;
Secs. 17 to 35 inclusive.
T. 10 S., R. 7 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 13 inclusive.
T. 10 S., R. 8, 9, 10, and 11 E.
T. 10 S., R. 12 E.,
Sec. 4, S½;
Secs. 5 to 9 inclusive;
Sec. 10, W½, SE¼;
Sec. 11, SW¼SW¼;
Sec. 13, SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼;
Secs. 14 and 15;
Secs. 17 to 35 inclusive.
T. 10 S., R. 13 E.,
Sec. 17, S½;
Sec. 18, S½;
Sec. 19;
Sec. 20, W½, NE¼, N½SE¼, SW¼SE¼;
Sec. 29, W½, W½E½, SE¼SE¼;
Secs. 30 to 32 inclusive;
Sec. 33, W½NW¼.
T. 11 S., R. 7 E.,
Secs. 1, 12, 13, 24, 25, 35.
T. 11 S., R. 8, 9, 10, 11, and 12 E.
T. 11 S., R. 13 E.,
Sec. 4, W½SW¼;
Secs. 5 to 8 inclusive;
Sec. 9, W½NW¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 15, SW¼, SW¼SE¼;
Secs. 17 to 22 inclusive;
Sec. 23, W½, SE¼, S½NE¼;
Sec. 24, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Secs. 25 to 35 inclusive.
T. 11 S., R. 14 E.,
Sec. 30, W½NW¼, SE¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 31;
Sec. 32, W½, SE¼, SW¼NE¼.
T. 12 S., R. 7 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35.
T. 12 S., R. 8, 9, 10, 11, 12, and 13 E.
T. 12 S., R. 14 E.,
Sec. 4, W½NW¼, SE¼NW¼, SW¼;
Secs. 5 to 8 inclusive;
Sec. 9, W½, W½SE¼, SE¼SE¼, W½NE¼;
Sec. 14, W½SW¼, SE¼SW¼;
Sec. 15, S½NE¼, W½NW¼, SE¼NW¼, S½;
Secs. 17 to 23 inclusive;
Sec. 25, W½NW¼, SW¼, SW¼SE¼;
Secs. 26 to 35 inclusive.
T. 12 S., R. 15 E.,
Sec. 31, SW¼.
T. 13 S., R. 7 E.,
Secs. 1, 2;
Secs. 10 to 15 inclusive;
Secs. 21 to 29 inclusive;
Secs. 32 to 35 inclusive.
T. 13 S., R. 8, 9, 10, 11, 12, and 13 E.
T. 13 S., R. 14 E.,
Secs. 1 to 15 inclusive;
Secs. 17 to 24 inclusive;
Sec. 25, N½NE¼, SW¼NE¼, W½, W½SE¼;
Secs. 26 to 35 inclusive.
T. 13 S., R. 15 E.,
Sec. 6, W½;
Sec. 7, W½;
Sec. 18, N½NW¼, SW¼NW¼.
T. 14 S., R. 7 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 15 inclusive;
Sec. 17;
Secs. 20 to 28 inclusive;
Secs. 33 to 35 inclusive.
T. 14 S., R. 8, 9, 10, 11, 12, 13, and 14 E.
T. 14 S., R. 15 E.,
Sec. 7, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 18, W½, SE¼, S½NE¼, NE¼NE¼;
Sec. 19, W½NE¼, W½, NW¼SE¼;
Sec. 30, NW¼, W½SW¼, SE¼SW¼;
Sec. 31, W½NE¼, W½.
T. 15 S., R. 7 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 15 inclusive;
Secs. 21 to 28 inclusive;
Secs. 34, 35.
T. 15 S., R. 8, 9, 10, 11, 12, 13, and 14 E.
T. 15 S., R. 15 E.,
Sec. 6, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 7;
Sec. 8, NW¼SW¼;
Sec. 18, W½;
Sec. 19, NW¼SW¼.
T. 16 S., R. 7 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 14 inclusive;
Secs. 23 to 26 inclusive;
Sec. 35, N½N½;
T. 16 S., R. 8, 9, 10, 11, 12, 13, and 14 E.
T. 16 S., R. 15 E.,
Sec. 7, W½NW¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 18, W½, W½E½;
Sec. 19;
Sec. 20, SW¼NW¼, SW¼;
Sec. 29, W½, NW¼SE¼, W½NE¼;
Sec. 30.

The area described contains approximately 1,159,195 acres of public lands.

4. As provided in paragraph 1, the following recreation archaeological, or administrative sites are further segregated from appropriation under the general mining laws, the Public Land Sale Act, exchanges, and indemnity selections:

BOISE MERIDIAN, IDAHO

DEANS SITE

T. 15 S., R. 13 E.,
Sec. 25, NW¼;
Sec. 26, W½NE¼, SE¼NE¼, E½NW¼;
Sec. 23, SE¼, E½SW¼;
Sec. 24, SW¼.

760 acres.

MONUMENT SPRINGS

T. 15 S., R. 14 E.,
Sec. 19, S½;
Sec. 30, NE¼.

520 acres.

JARBIDGE COLUMNS

T. 16 S., R. 9 E.,
Sec. 33.

160 acres.

JARBIDGE FORKS

T. 16 S., R. 9 E.,
Sec. 3, W½;
Sec. 10, E½, E½NW¼;
Sec. 14.

1,360 acres.

DAVES CREEK

T. 16 S., R. 9 E.,
Sec. 24, SW¼, W½SE¼.

240 acres.

SALMON FALLS

T. 14 S., R. 15 E.,
Sec. 18, E½;
Sec. 19.

960 acres.

The total area of these sites is approximatey 4,000 acres.

5. Also, pursuant to the Act of September 19, 1964, the following described lands are hereby classified for multiple-use management to serve as livestock driveways. These driveways will provide livestock access between the Jarbidge Upland proper and ranch base properties situated along the Snake River to the north. Publication of this notice will segregate this land from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), or the Public Land Sale Act (43 U.S.C. 1411–18), the Recreation and Public Purposes Act (43 U.S.C. 315g), and Indemnity Selections (43 U.S.C. 851, 852).

T. 6 S., R. 6 E.,
Sec. 32, E½SE¼, NE¼NW¼, NE¼;
Secs. 33 to 35, inclusive.
T. 6 S., R. 10 E.,
Secs. 4, 9;
Sec. 10, SW¼, W½SE¼;
Sec. 14, S½SW¼;
Sec. 15, W½NE¼, SE¼NE¼, NW¼, S½;
Sec. 22, NE¼NW¼, E½;
Sec. 23, W½;
Sec. 26, W½;
Sec. 27, E½;
Sec. 34, E½;
Sec. 35, W½;
T. 7 S., R. 10 E.,
Sec. 1, W½;
Sec. 12, W½;
Sec. 13, W½;
Sec. 24, W½W½;
Sec. 25, W½W½;
Sec. 26, SE¼SE¼;
Sec. 35, E½E½.
T. 8 S., R. 10 E.,
Sec. 2, E½;
Sec. 11, E½;
Sec. 14, E½.
T. 6 S., R. 12 E.,
Secs. 14, 23, 26;
Sec. 31, S½SE¼;
Sec. 32, S½SW¼, E½;
Secs. 33 to 35, inclusive.
T. 7 S., R. 12 E.,
Sec. 4;
Sec. 5, E½;
Sec. 7, S½NE¼, SE¼;
Sec. 8, S½NW¼, E½;
Sec. 9;
Sec. 17, W½;
Sec. 18, E½;
Sec. 19;
Sec. 20, W½;
Secs. 30, 31.
T. 8 S., R. 12 E,
Secs. 6 to 10 inclusive;
Sec. 11, S½;
Sec. 12, S½;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, NE¼;
Secs. 18, 19, 30, 31.
T. 9 S., R. 11 E.,
Sec. 1.
T. 9 S., R. 12 E.,
Sec. 6.
T. 8 S., R. 13 E.,
Sec. 7, S½;
Secs. 8, 9, 10;
Sec. 11, N½;
Sec. 17, N½;
Sec. 18, N½.

The area described above contains approximately 30,114 acres.

6. For a period of thirty (30) days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

WILLIAM G. RETTER,
Acting State Director.

[F.R. Doc. 70–14846; Filed, Nov. 4, 1970; 8:45 a.m.]

[OR 6409–A]

OREGON

Notice of Proposed Classification of Public Lands; Correction

OCTOBER 28, 1970.

In F.R. Doc. 70–13421; appearing on pages 15856–57 of the issue for Thursday, October 8, 1970, the following changes should be made in the land descriptions:

WILLAMETTE MERIDIAN

T. 13 S., R. 28 E.,
Sec. 33, delete W½NW¼, add E½NW¼.
T. 14 S., R. 31 E.,
Sec. 32, delete NW¼SW¼, add NW¼SE¼.

ARTHUR W. ZIMMERMAN,
Assistant State Director.

[F.R. Doc. 70–14847; Filed, Nov. 4, 1970; 8:45 a.m.]

[New Mexico 435]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

OCTOBER 30, 1970.

F.R. Doc. No. 70–12514 which appeared in the FEDERAL REGISTER issue of September 22, 1970, at page 14732, is hereby corrected as follows:

The land description, "T. 26 S., R. 4 E., Sec. 31, lots 2, 3, 4, and SE¼NW¼" should be inserted under Group I and eliminated from Group II. The acreage in Group I should be changed to 1,327.22 and in Group II to 359.85.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70–14920, Filed, Nov. 4, 1970; 8:51 a.m.]

Office of Hearings and Appeals

[Docket No. NORT 71–18]

BLACK DIAMOND COAL MINING CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173, 83 Stat. 24), notice is given that the Black Diamond Coal Mining Co. has filed a petition to modify the application of section 308(b) to its Black Diamond mine (No. 01–00324–0).

The petition seeks modification of the application of the following portion of section 308(b):

> High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, * * *.

Petitioner proposes that its mine be excepted from the application of the quoted portion of section 308(b) on the ground that its presently constructed system is as safe as any high-voltage distribution system for the remaining life of the mine, which is estimated at 3 years.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at this same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

OCTOBER 29, 1970.

[F.R. Doc. 70–14912; Filed, Nov. 4, 1970; 8:50 a.m.]

National Park Service

GLEN CANYON NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Fort Lee Co., authorizing it to provide concession facilities and services for the public at Glen Canyon National Recreation Area for a period of 20 years from January 1, 1971, through December 31, 1990.

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

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 28, 1970.

THOMAS FLYNN,
Acting Director,
National Park Service.

[F.R. Doc. 70-14918; Filed, Nov. 4, 1970; 8:51 a.m.]

Southwestern Power Administration

CERTAIN OFFICIALS

Redelegations of Authority

The redelegations of authority set forth herein as pertinent portions of the Southwestern Power Administration Manual supersede the redelegations contained in SPA General Order No. 218, Revised, as published in 30 F.R. 11926, No. 180, September 17, 1965, and Amendment No. 1 thereto, as published in 32 F.R. 7466, No. 97, May 19, 1967, and shall become effective on publication in the FEDERAL REGISTER.

Part 205, Chapter 10—Real Property Management:

.8 *Leases.* With respect to acquisition by lease of space in buildings and land located in the United States and its territorial possessions, the officials listed below may exercise the authority delegated to the Secretary of the Interior by FPMR 101-18.106, as redelegated in 205 DM 10.8:

(1) Chief, Division of Administrative Services;

(2) Chief, Branch of General Services;

(3) Chief, Procurement Section;

(4) Contract Specialist, Branch of General Services.

Chapter 11—Procurement and Contracting:

.1 *Contracts—property and services.* A. *Redelegation.* The officials listed below are designated Contracting Officers and are authorized to enter into procurement contracts and amendments or modifications thereof (except for authority to award and administer contracts relating to construction projects as hereinafter assigned to others in 205.11.3), as delegated to the Administrator by 205 DM 11.1:

(1) Chief, Division of Administrative Services;

(2) Chief, Branch of General Services;

(3) Chief, Procurement Section;

(4) Contract Specialist, Branch of General Services.

B. *Exercise of authority.* Contracts may be entered into under this authority unless specifically prohibited by statute, by the provisions of Title 41 of the United States Code (Public Contracts), or by Chapter 1 of Title 41 of the Code of Federal Regulations (the Federal Procurement Regulations).

.2 *Negotiated purchases and contracts for property and services—redelegation.* The officials listed above in 205.11.1A, are authorized to make determinations and decisions required to support contract negotiation, and except as hereinafter designated to be performed by others, to exercise the authority of the Secretary of the Interior (as delegated to the Administrator by 205 DM 11.2A) to negotiate contracts without advertising under sections 302(c) and 307 (a) and (b) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c) and 257), subject to the limitations hereinafter set forth.

.3 *Award and administration of contracts relating to construction projects—redelegation.* The officials listed below are designated contracting officers and are authorized to make awards and administer contracts and amendments or modifications thereof, developed through advertisement or negotiation for property and services relating to construction projects, as delegated to the Administrator by 205 DM 11.1 and 205 DM 11.2:

(1) Chief, Division of Power Facilities;

(2) Chief, Branch of Construction;

(3) Contract Specialist, Branch of Construction.

.4 *Bureau limitations.* Amendments or modifications to contracts authorized under the redelegations of 205.11.1, .2, and .3 involving an increase of over $2,500 shall not be executed without prior written approval of the Administrator or his designated representative.

.5 *Small purchases of $500 or less.* Employees occupying the position titles of Chief Office Services Section, Purchasing Agent, Area Engineer, Foreman, Clerk (Maintenance Depots), Chief Dispatcher, Realty Officer, Realty Specialist, and Construction Inspector are authorized to purchase property and nonpersonal services in amounts not to exceed $500 by small purchase procedures to meet emergency, occasional, or special needs.

Part 270, Chapter 2—Marketing of Electric Power and Energy:

.3 *Contracts.* A. *Sale or interchange of electric power and energy.* The officials listed below are designated Contracting Officers and are authorized to enter into contracts for the sale or interchange of electric power and energy, including amendments or modifications thereof, as delegated to the Administrator by 270 DM 2.3:

(1) Chief, Division of Power Marketing;

(2) Chief, Branch of Power Contracts and Customer Service.

B. *Real estate acquisitions.* The officials listed below are designated Contracting Officers and are authorized to exercise the authority of the Secretary of the Interior (as delegated to the Administrator by 270 DM 2.3 and Secretary's Order No. 2840 dated April 28, 1959) to:

(1) Negotiate and execute agreements for acquisition of real estate, interests in real estate, and other rights and privileges pertaining thereto (exclusive of electric utility system real properties), necessary to the Administration's programs; and

(2) Determine reimbursements to which owners and tenants of lands acquired for the Administration's programs may be entitled for expenses, losses, and damages incurred by them for moving as is directly occasioned by such acquisition and approve payment therefor:

(a) Chief, Division of Administrative Services;

(b) Chief, Branch of Land Acquisition.

Dated: October 20, 1970.

PETER C. KING,
Administrator.

[F.R. Doc. 70-14922; Filed, Nov. 4, 1970; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1048) has been filed by the Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances (21 CFR Part 120) for negligible residues of the herbicide 2-*tert*-butylamino - 4 - ethylamino-6-methylthio-*s*-triazine in or on the raw agricultural

commodities sorghum grain, forage, and fodder at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a flame photometric detector with a sulfur filter at 394 nanometers.

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14913; Filed, Nov. 4, 1970; 8:50 a.m.]

WITCO CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1043) has been filed by Witco Chemical Corp., 400 North Michigan Avenue, Chicago, Ill. 60611, proposing the establishment of an exemption from the requirement of a tolerance (21 CFR Part 120) for residues of ammonium and isopropylammonium salts of oleoyl isopropanolamide sulfosuccinate, isopropylamine and hydroxyethyl isopropylamine salts of nonylphenyl tetra(oxyethylene) sulfosuccinate, isopropylamine and hydroxyethyl isopropylamine salts of alkyl (C_{12}-C_{15}) tri(oxyethylene) sulfosuccinate, and isopropylamine and hydroxyethyl isopropylamine salts of alkyl (C_{12}-C_{15}) deca(oxyethylene) sulfosuccinate when used as inert ingredients in pesticide formulations to be emulsified in liquid fertilizer solutions before application.

The analytical method proposed in the petition for determining residues of the inert ingredients is a technique where the determination of quantities of the sulfosuccinates is based on the formation of a benzene-soluble color complex with methyl green. Spectrophotometer readings at 615 nanometers are compared with a standard curve.

Dated: October 28, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14914; Filed, Nov. 4, 1970; 8:50 a.m.]

[DESI 5694]

MEPHENYTOIN WITH PHENOBARBITAL

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug: Hydantal Tablets; containing mephenytoin and phenobarbital, marketed by Sandoz Pharmaceuticals Division, Sandoz-Wander, Inc., Route 10, Hanover, N.J. 07936 (NDA 5-694).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that mephenytoin with phenobarbital is probably effective as a secondary agent for the control of grand mal, focal, Jacksonian, and psychomotor seizures.

B. *Marketing status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration in a supplemental or original new-drug application data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows:

INDICATIONS

This drug is indicated for the control of grand mal, focal, Jacksonian, and psychomotor seizures that are refractory to other drugs.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

Any person marketing such drug without an approved new-drug application should provide for labeling in accord with this announcement to be put into use within 60 days following the publication hereof.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5694, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14916; Filed, Nov. 4, 1970; 8:50 a.m.]

[DESI 10024]

CERTAIN ANTIFUNGAL DERMATOLOGIC PREPARATIONS; AMPHOTERICIN B, NYSTATIN, NYSTATIN AND IODOCHLORHYDROXYQUIN

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antifungal dermatologic drugs for topical use:

1. Fungizone Lotion containing amphotericin B (NDA 12-961);

2. Mycostatin Topical Powder containing nystatin (NDA 10-719); and

3. Mycostatin Ointment and Mycostatin Cream containing nystatin (NDA 10-024); all marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903.

4. Nysta-Dome Lotion containing nystatin (NDA 50-233); and

5. Nystaform Ointment containing nystatin and iodochlorhydroxyquin (NDA 50-235); both marketed by Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023.

The Food and Drug Administration concludes that the preparations containing amphotericin B or nystatin are effective for the treatment of cutaneous and mucocutaneous mycotic infections caused by Candida species (Monilia). When these infections are complicated by iodochlorhydroxyquin sensitive bacteria, the preparation containing nystatin and iodochlorhydroxyquin is effective.

Preparations containing amphotericin B, nystatin, or nystatin and iodochlorhydroxyquin are subject to the antibiotic procedures pursuant to section 507 of the Federal Food, Drug, and Cosmetic Act. Requests for certification or release of the drugs in the dosage forms described above should provide for labeling information in accord with this reevaluation of the drug as published in this announcement.

The above-named firms and any other holders of applications approved for a drug of the kinds described above are requested to submit, within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Such labeling should comply with all requirements of the Act and regulations, bear adequate information for safe and effective use of the drug, and be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. For the preparations containing nystatin or amphotericin B, the indications section should be as follows:

INDICATIONS

For the treatment of cutaneous or mucocutaneous mycotic infections caused by Candida species (Monilia).

For preparations containing nystatin and iodochlorhydroxyquin, the indications section should be as follows:

INDICATIONS

For the treatment of cutaneous or mucocutaneous mycotic infections caused by Candida species (Monilia) complicated by iodochlorhydroxyquin-sensitive bacteria.

The Food and Drug Administration concludes that nystatin with iodochlorhydroxyquin ointment is possibly effective for its other labeled indications. Batches of the drug which bear labeling with these indications and are otherwise in accord with the labeling conditions herein will be accepted for release by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in the conditions for which it has been evaluated as possibly effective.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10024, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Division of Anti-Infective Drugs (BD-140), Office of Scientific Evaluation, Bureau of Drugs.

Other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14917; Filed, Nov. 4, 1970; 8:50 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, OKLAHOMA CITY, OKLA., AREA OFFICE AND ACTING DIRECTOR, TULSA, OKLA., INSURING OFFICE

Designations

Travis W. Miller, Assistant Regional Administrator for Metropolitan Planning and Development, Region VI (Fort Worth) Office, is designated Acting Director, Oklahoma City, Okla., Area Office, for the period August 24, 1970, through September 24, 1970, inclusive, with all the powers, functions, and duties redelegated or assigned to the Director, Oklahoma City Area Office.

Robert H. Gardner, Director of the Tulsa, Okla., Insuring Office, is designated to serve as Acting Director, Oklahoma City Area Office, beginning September 25, 1970, during the present vacancy in the position of Director, Oklahoma City Area Office, with all the powers, functions, and duties redelegated or assigned to the Director, Oklahoma City Area Office.

Alonzo W. Taylor, Deputy Director of the Tulsa Insuring Office, is designated to serve as Acting Director, Tulsa Insuring Office, beginning September 25, 1970, during the present vacancy in the position of Director, with all the powers, functions, and duties redelegated or assigned to the Director, Tulsa Insuring Office.

(Redelegation by Assistant Secretary for Administration to Regional Administrators effective May 4, 1969)

Effective date: The effective date of this designation is August 24, 1970.

RICHARD L. MORGAN,
Regional Administrator, Region VI (Fort Worth) Office.

[F.R. Doc. 70-14946; Filed, Nov. 4, 1970; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20522]

AGREEMENTS ADOPTED BY IATA RELATING TO NORTH ATLANTIC CARGO RATES

Notice of Reassignment of Place of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a Prehearing Conference in the above-entitled proceeding assigned to be held on November 20, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned, is hereby reassigned to be held in Room 911 of said building on November 20, 1970, at 10 a.m.

Dated at Washington, D.C., November 2, 1970.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 70-14944; Filed, Nov. 4, 1970; 8:52 a.m.]

[Docket No. 22136]

TRANS WORLD AIRLINES, INC.

Notice of Oral Argument Regarding Acquisition of Sun Line Companies

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on November 18, 1970, at 10 a.m., e.s.t., in Room 1027, Universal

Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 30, 1970.

[SEAL] THOMAS L. WRENN, *Chief Examiner.*

[F.R. Doc. 70-14945; Filed, Nov. 4, 1970; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 516]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 2, 1970.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

2225-C2-TC-71—Radiopaging, Inc. Consent to transfer of control from Benjamin Cutler and Murray Gordon, transferors, to: Gerald Klugerman, Transferee, Station KIE367, Miami, Fla.

2226-C2-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new 2-way station to be located at 201 North High, Uvalde, Tex., to operate on frequency 152.63 MHz.

2227-C2-P-71—Intrastate Radio Telephone, Inc., of Los Angeles (KMA200), C.P. to add frequency 152.18 MHz at a new site described as location No. 3: Oat Mountain, Calif.

2235-C2-P-71—Radio Relay Corp. (KQC884), C.P. to add frequency 43.58 MHz. Station location: Broderick Tower Building, 10 Witherell Street, Detroit, Mich.

2247-C2-P-71—Kidd's Communications, Inc. (New), C.P. for a new 1-way station to be located at 107 Asher Street, Taft, Calif., to operate on frequency 158.70 MHz.

2248-C2-P-71—Jack Loperena (KLF648), C.P. to change the base frequency to 75.42 MHz at location No. 2: 238 North Fresno Street, Calif.

2249-C2-P-(3)71—Golden West Telephone Co. (KMM637), C.P. to add frequency 152.72 MHz and change the antenna system operating on frequencies 152.57 and 152.81 MHz located at 400 East Rice Street, Blythe, Calif.

2250-C2-MP-71—Waco Communications, Inc. (KKJ453), Modification of C.P. to change frequency to 152.15 MHz; replace transmitter and change the antenna system at location No. 2: Off Highway 81, approximately 5 miles south of city limits of Waco, Tex.

2251-C2-P-71—Cincinnati Radio Telephone Systems, Inc. (KLF476), C.P. for additional facilities to operate on frequency 43.22 MHz at new site location No. 3: 11316 Williamson Road, Blue Ash, Ohio.

2261-C2-P-(2)71—Utah Telephone Co. (KLF906), C.P. to change the antenna system operating on frequencies 152.60 and 152.72 MHz. Station location: 40 West First North, Tremonton, Utah.

RURAL RADIO SERVICE

2228-C1-P-71—The Mountain States Telephone & Telegraph Co. (KPH69), C.P. to replace transmitter operating on frequency 157.77 MHz communicating with station KPQ20, Casper, Wyo. Station location: Matador Cattle Co., 49.6 miles southwest of Casper, Wyo.

2241-C1-P/L-71—Cameron Telephone Co. (New), C.P. and license for a new rural subscriber station to be located at approximately 38 miles southeast of Cameron, La. (Gulf of Mexico, East Cameron Block 17), to operate on frequency 157.95 MHz.

2262-C1/L-71—Jim Mayfield (New), C.P. and license for a new rural subscriber station to be located at Clayton, N. Mex., to operate on frequency 158.55 MHz communicating with station KLB710, Clayton, N. Mex.

Major Amendments

196-C1-MP-71—The Midland Telephone Co. (WAY70), Change frequency to 459.40 MHz. All other particulars to remain same as reported on public notice dated July 27, 1970.

197-C1-MP-71—The Midland Telephone Co. (WAY71), Same as above, except, change frequency to 454.40 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

931-C1-R-71—New York Telephone (KEH95), Renewal of a developmental license expiring Nov. 1, 1970. Term: Nov. 1, 1970 to Nov. 1, 1971.

2229-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at Alpine Hill, Alpine, Tex. Frequencies: 6034.2 and 6152.8 MHz toward Chancellor, Tex.

2230-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 1.4 miles northwest of Chancellor, Tex. Frequencies: 6286.2 and 6404.8 MHz toward Alpine, Tex., and 6286.2 and 6404.8 MHz toward Fort Stockton, Tex.

2231-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 2.4 miles east-southeast of Fort Stockton, Tex. Frequencies: 6034.2 and 6152.8 MHz toward Chancellor, Tex., and 6034.2 and 6152.8 MHz toward Imperial, Tex.

2232-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 4.5 miles northeast of Imperial, Tex. Frequencies: 6286.2 and 6404.8 MHz toward Stockton, Tex., and 6286.2 and 6404.8 MHz toward Crane, Tex.

2233-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 13.9 miles north of Crane, Tex. Frequencies: 6034.2 and 6152.8 MHz toward Imperial, Tex., and 6034.2 and 6152.8 MHz toward Midland, Tex.

2234-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at IH 20 and State Highway 349, Midland, Tex. Frequencies: 6286.2 and 6404.8 MHz toward Crane, Tex.

2236-C1-P-71—Western States Telephone Co., Inc. (KTQ96), C.P. to add frequencies 6286.2 and 6404.8 MHz toward Lobato Ridge, N. Mex., a new point of communication. Location: Off U.S. Highway Nos. 84 and 285, east of Rio Grande River, Espanola, N. Mex.

2237-C1-P-71—Western States Telephone Co., Inc. (New), C.P. for a new station to be located at 100 northwest of Highway 96, El Rito, N. Mex. Frequency: 2127.0 MHz toward Lobato Ridge, N. Mex.

2238-C1-P-71—Western States Telephone Co., Inc. (New), C.P. for a new station to be located at approximately 7 miles south of Abiquiu, Lobato Ridge, N. Mex. Frequencies: 6093.5 and 5974.8 MHz toward Espanola, N. Mex.; 5945.2 and 6063.8 MHz toward Microwave Site, N. Mex., and 2177.0 MHz toward El Rito, N. Mex.

2239-C1-P-71—Western States Telephone Co., Inc. (New), C.P. for a new station to be located at approximately 4 miles northwest of Echo Amphitheatre, Microwave Site, N. Mex. Frequencies: 6375.2 and 6256.5 MHz toward Lobato Ridge, N. Mex., and 6286.2 and 6404.8 MHz toward Chama, N. Mex. via passive reflector.

2240-C1-P-71—Western States Telephone Co., Inc. (New), C.P. for a new station to be located at 1 mile south of business district, east side Highway 19, Chama, N. Mex. Frequencies: 5974.8 and 6093.5 MHz toward Microwave Site, N. Mex., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

2244-C1-P/ML-71—The Pacific Telephone & Telegraph Co. (KMA38), C.P. and modification of license to add frequency 3850.0 MHz toward Padua Hills, Calif. Station location: 434 South Grand Avenue, Los Angeles, Calif.

2245-C1-P/ML-71—The Pacific Telephone & Telegraph Co. (KMW74), C.P. and modification of license to add frequency 3810.0 MHz toward Strawberry Peak, and Los Angles, Calif. Station location: Padua Hills, 3 miles north of Claremont, Calif.

2246-C1-P/ML-71—The Pacific Telephone & Telegraph Co. (KMQ33), C.P. and modification of license to add frequency 3850.0 MHz toward Padua Hills, Calif. Station location: Strawberry Peak, 9 miles north of San Bernardino, Calif.

2252-C1-P-71—The Mountain States Telephone & Telegraph Co. (KVU54), C.P. to change frequency 454.50 MHz to 2178.4 MHz toward Baxter Pass, Colo. Station location: 800 Main Street, Grand Junction, Colo.

2253-C1-P-71—The Mountain States Telephone & Telegraph Co. (KBC96), C.P. to change frequency 459.50 MHz to 2128.4 MHz toward Grand Junction, Colo. Station location: 22.5 miles north-northwest of Mack, Colo.

2255-C1-P-71—The Chesapeake & Potomac Telephone Co. of West Virginia (KVI29), C.P. to add frequency 5974.8 MHz toward Cox's Mill, W. Va. Station location: 2 miles north-northeast of Elizabeth, W. Va.

2256-C1-P-71—The Chesapeake & Potomac Telephone Co. of West Virginia (KVI30), C.P. to add frequency 6226.9 MHz, Wolf Summit, W. Va., and Elizabeth, W. Va. Station location: 2 miles northwest of Cox's Mill, W. Va.

2257-C1-P-71—The Chesapeake & Potomac Telephone Co. of West Virginia (KVI31), C.P. to add frequency 5974.8 MHz toward Clarksburg, W. Va., and Cox's Mill, W. Va. Station location: 1.5 miles south-southwest of Wolf Summit, W. Va.

2258-C1-P-71—The Chesapeake & Potomac Telephone Co. of West Virginia (KVI32), C.P. to ad frequency 6226.9 MHz toward Wolf Summit, W. Va. Station location: 428 West Main Street, Clarksburg, W. Va.

2263-C1-P-71—American Telephone & Telegraph Co. (KGH83), C.P. to add frequency 6256.5 MHz toward Finland, Pa. Station location: 2.5 miles east-southeast of Lionville, Pa.

2264-C1-P-71—American Telephone & Telegraph Co. (KGP40), C.P. to add frequency 6004.5 MHz toward Lionville, Pa. Station location: 0.95 mile northwest of Finland, Pa.

Correction

2224-C1-MP-71—The Mountain States Telephone & Telegraph Co. (KZA53), Modification of C.P. to change frequencies from 10,795 and 11,245 MHz to: 10,835 and 10,995 MHz toward Northfield, Colo. Location: 17 North Weber Street, Colorado Springs, Colo. Modification of C.P. filed by the Mountain States Telephone & Telegraph Co. for Station KZA53 was erroneously omitted from Public Notice dated Oct. 26, 1970.

Major Amendment

1750—C1-P-71—New England Telephone & Telegraph Co. (KCL54), Major amendment: change frequency from: 6356.5 MHz to: 6256.5 MHz. Location: 185 Franklin Street, Boston, Mass. All other particulars same as reported in Public Notice dated Oct. 5, 1970.

797-C1-P-71—Western Tele-Communications, Inc. (New), Major amendment: Correct azimuth toward Almagre Mountain, Colo., to 329°06'.

798-C1-P-71—Western Tele-Communications, Inc. (New), Correct azimuth toward Pueblo, Colo., to 148°52'.

799-C1-P-71—Western Tele-Communications, Inc. (New), Correct azimuth toward Almagre Mountain, Colo., to 348°30'. All other particulars same as reported in Public Notice dated Aug. 10, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

2204-C1-P-71—United Video, Inc. (New), C.P. for a new station at 1 mile north of Onarga, Ill., to transmit on frequencies 10,735 MHz, 10,815 MHz, 10,895, and 10,975 MHz, via power split, toward Fairbury, Ill., on azimuth of 270°57'.

2205-C1-P-71—United Video, Inc. (New), C.P. for a new station at Tuscola, Ill., to (a) transmit on frequencies 11,265 and 11,665 MHz via power split, toward Urbana, Ill., on azimuth of 16°36''; (b) transmit on frequencies 11,265, 11,345, 11,425, 11,505, and 11,585 MHz toward Paris, Ill., on azimuth of 111°41'; and (c) transmit on frequencies 11,265, 11,345, 11,425, 11,505, 11,585, and 11,665 MHz via power split, toward Decatur, Ill., on azimuth of 272°04'.

2206-C1-P-71—United Video, Inc. (New), C.P. for a new station at Mattoon, Ill., to (a) transmit frequency 10,735 MHz toward Tuscola, Ill., on azimuth of 12°07'; and (b) transmit frequencies 10,795, 10,875, 10,955, 11,035, and 11,115 MHz toward Effingham, Ill., on azimuth of 198°17'.

(Informative: Applicant proposes merely to reestablish the points of communication which were severed, pursuant concurrently filed amendment, from its applications bearing file Nos. 2619, 2621 and 2623-C1-P-66.)

[F.R. Doc. 70-14932; Filed, Nov. 4, 1970; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP71-117]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 29, 1970.

Take notice that on October 19, 1970, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP71-117 a budget-type application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing:

(a) The construction, during the calendar year 1971, and operation of natural gas sales facilities, or the operation of existing sales facilities, where available, for the direct sale and delivery from applicant's Southern Division System of natural gas for uses associated with the production of oil or gas (and not exempt from specific certification as direct drilling gas sales facilities under § 157.22(b) of the Commission's said regulations); and

(b) The construction, during the calendar year 1971, and operation of natural gas facilities, or the operation of existing sales facilities, where available, and, by means thereof, the sale from applicant's Southern Division System of natural gas for resale for uses associated with the drilling of oil or gas wells;

all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it anticipates, during the calendar year 1971, requests for short-term direct gas service for such purposes as pumping, injection, pressure maintenance, equipment fuel, various lease and camp uses, and emergency standby service, as well as requests for both direct and resale gas service for use in drilling oil or gas wells. In addition to the certificate authorizations requested, Applicant requests authorization to file annually with the Commission data required by §§ 157.7(c)(8) and 157.22(e) of the Commission's regulations, respecting each new project supplied with gas pursuant to the instant authorization sought herein.

Applicant states that under the budget-type construction authorizations requested, it would not, during the term therefor, install more than 25 separate sales facility installations, and their aggregate installed cost would not exceed $42,500.

Applicant states that the grant of the authorization requested will assure prompt availability of natural gas and will materially aid in the expeditious conduct of activities for the discovery, development and production of petroleum resources. Moreover, the time and expense inherent in filing numerous, minor certificate and abandonment applications will be obviated by issuance of all of such requested authorizations.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14928; Filed, Nov. 4, 1970; 8:51 a.m.]

[Docket No. CP71-121]

TRANSWESTERN PIPELINE CO.

Notice of Application

OCTOBER 29, 1970.

Take notice that on October 22, 1970, Transwestern Pipeline Co. (applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP71-121 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations for a budget-type certificate of public convenience and necessity authorizing applicant to construct and alter, during the calendar year 1971, and operate gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the day to day operations on its system require Applicant to construct, install, operate, alter and relocate gas purchase facilities in order to meet contractual requirements, prevent drainage and possible loss of producer leases, acquire gas, and more economically operate its pipeline system. Applicant states that the authorization requested herein will assure applicant of necessary operating flexibility during the calendar year 1971 and permit applicant to proceed promptly with the installation and operation of necessary facilities and the physical attachment and marketing of gas supplies from producers who have been or will be authorized to sell to Applicant.

Applicant states that the total cost of the facilities covered by this application will not exceed a maximum of $3 million and no single project will exceed a cost of $750,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14929; Filed, Nov. 4, 1970; 8:51 a.m.]

[Docket No. CP71-120]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 29, 1970.

Take notice that on October 22, 1970, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP71-120 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain measuring facilities located on its Lone Star-Lehigh Cement Branch Line in Jefferson County, Ala., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that said facilities have been used for the sale of gas to the Lehigh Portland Cement Co. (Lehigh) pursuant to a contract dated May 15, 1970. Lehigh has used the gas so purchased from applicant for firing kilns used in connection with the manufacture of cement in Lehigh's plant at Tarrant, Ala.

Applicant proposes to abandon the above-described facilities as a result of Lehigh's cancellation of the May 15, 1970, service contract. Applicant states that service through these facilities was discontinued on September 30, 1970.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14930; Filed, Nov. 4, 1970; 8:51 a.m.]

[Docket No. CP71-118]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

OCTOBER 29, 1970.

Take notice that on October 20, 1970, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP71-118 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate facilities for the receipt into its pipeline system of supplies of natural gas purchased from Warren Petroleum Corp. (Warren) pursuant to a contract dated October 14, 1970, between applicant and Warren, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct approximately 4.75 miles of 8-inch pipeline, a side tap connection on its existing transmission pipeline, a compressor station, two meter stations and miscellaneous appurtenant facilities to receive natural gas from Warren in Lea County, N. Mex. Applicant states that the estimated cost of the proposed facilities is $2,131,000, which is to be financed from funds on hand.

Applicant states that it will compress the gas for Warren for a charge of 2.4 cents per Mcf which will be deducted from applicant's monthly payment to Warren for the residue gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14931; Filed, Nov. 4, 1970; 8:51 a.m.]

[Docket No. CP68-166 etc.]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

OCTOBER 28, 1970.

Take notice that on October 21, 1970, Tennessee Gas Pipeline Co. (petitioner), Tenneco Building, Houston, Tex. 77002, filed in Dockets Nos. CP68-166, CP69-222 (Phase II), and CP70-185 a petition to amend the Commission's orders in said dockets so as to authorize a reallocation of natural gas sold to two of petitioner's customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by the Commission's orders dated May 1, 1968, in Docket No. CP68-166, and August 27, 1969, in Docket No. CP69-222 (Phase II) to, inter alia, serve Concord Natural Gas Co. (Concord Natural) a maximum daily quantity (MDQ) of 5,224 Mcf for its Concord Service Area and 218 Mcf for its Suncook Service Area, each sale being under petitioner's Rate Schedule GS-6.

Petitioner states that it was also authorized by the Commission's orders dated August 27, 1969, in Docket No. CP69-222 (Phase II), and June 22, 1970, in Docket No. CP70-185, to, inter alia, serve The Connecticut Gas Co. (Connecticut Gas) a MDQ of 2,767 Mcf for its Winsted Service Area under petitioner's Rate Schedule GS-6, and 16,013 Mcf for its Derby-Shelton Service Area under petitioner's Rate Schedule G-6.

Petitioner states that both Concord Natural and Connecticut Gas now desire a permanent reallocation of natural gas to the areas served, commencing with the 1970-71 winter season. Concord Natural requests a transfer of 174 Mcf from the Concord Service Area to the Suncook Service Area. Following such transfer, Concord Natural's MDQ for the Concord Service Area would be 5,050 Mcf and its MDQ for the Suncook Service Area would be 392 Mcf. There would be no increase in the total MDQ of Concord Natural.

Connecticut Gas requests a transfer of 454 Mcf from the Winsted Service Area to the Derby-Shelton Service Area. Following such transfer, Connecticut Gas' MDQ for the Winsted Service Area would be 2,313 Mcf and its MDQ for the Derby-Shelton Service Area would be 16,467 Mcf. There would be no increase in the total MDQ of Connecticut Gas.

Petitioner requests that the Commission authorize this reallocation of natural gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 17, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14853; Filed, Nov. 4, 1970; 8:45 a.m.]

[Dockets Nos. CS71-13, etc.]

WICHITA RESOURCES, INC., ET AL.

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

OCTOBER 28, 1970.

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

Any person desiring to be heard or to make any protest with reference to said applications, should on or before November 23, 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
CS71-13	10- 5-70	Wichita Resources, Inc., 723 Western United Life Bldg., Midland, Tex. 79701.
CS71-14	10- 8-70	W. L. Hartman, Post Office Box 54, Wichita, Kans. 67201.
CS71-15	10- 8-70	Lester Wilkonson, 204 Insurance Bldg., Wichita, Kans. 67202.
CS71-16	10- 9-70	Mountain States Petroleum Corp., Post Office Box 1936, Roswell, N. Mex. 88201.
CS71-17	10- 6-70	Mana Resources, Inc., 1216 Hartford Bldg., Dallas, Tex. 75201.
CS71-18	10- 7-70	W. E. Bakke, doing business as W. E. Bakke Oil Co., c/o Henry W. Sebesta, Jr., attorney, Suite D-300, Petroleum Center 900 Northeast Loop Expressway San Antonio, Tex. 78209.
CS71-19	10-15-70	Bruce Anderson, 600 Southwest Tower, Houston, Tex. 77002.
CS71-20	10-15-70	Hanson Oil Corp., Post Office Box 1515, Roswell, N. Mex. 88201.

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

[F.R. Doc. 70-14854; Filed, Nov. 4, 1970; 8:46 a.m.]

[Dockets Nos. RP70-29, RP71-12]

TEXAS EASTERN TRANSMISSION CORP.

Order Suspending Proposed Substitute Tariff Sheets and Consolidating Proceedings

OCTOBER 26, 1970.

Texas Eastern Transmission Corp. (Texas Eastern) on September 29, 1970, filed a petition requesting authorization to use liberalized depreciation with normalization for accounting and rate purposes on all utility property effective November 1, 1970. This petition was assigned Docket No. RP71-12; it was not accompanied by revised tariff sheets.

On October 1, 1970, Texas Eastern filed tariff sheets which it proposes to substitute in place of those tariff sheets filed on April 16, 1970, in Docket No. RP70-29, which were suspended until November 1, 1970.[1] The proposed substitute sheets would reduce by $4,303,586 Texas Eastern's current $60,150,000 rate increase pending in Docket No. RP70-29, effective on November 1, 1970. The $4,303,586 reduction reflects the increase resulting from the use of liberalized depreciation with normalization, the reduction resulting from expiration of the Federal income tax surcharge, and the reduction in the cost of gas purchased from Southern Natural Gas Co., Texas Gas Transmission Corp. and United Gas Pipe Line Co.

Texas Eastern states that it has reflected the normalization method of accounting for rate and tax purposes with respect to its post-1969 expansion property pursuant to the provisions of the Tax Reform Act of 1969, and the Commission's Order No. 404 and the rationale underlying the Commission decision in Texas Gas Transmission Corp., Opinion No. 578 (June 3, 1970).

In order to coincide with the proposed effective date in Docket No. RP70-29, Texas Eastern requests that the proposed substitute tariff sheets be made effective on November 1, 1970, subject to refund. Texas Eastern requests waiver of the provision of section 154.66 of the Commission's regulations under the Natural Gas Act and such other waiver as may be necessary to permit the proposed substitute tariff sheets to become effective November 1, 1970.

[1] The proposed substitute tariff sheets are as follows: Second Revised Volume No. 1—Substitute First Revised Sheet No. 10-B; Substitute Fourth Revised Sheets Nos. 25, 57, 65-K; Substitute Seventh Revised Sheet No. 10-A; Substitute Eighth Revised Sheets Nos. 12-A, 65-L; Substitute Ninth Revised Sheet No. 8; Substitute Eleventh Revised Sheets Nos. 15, 21, 22, 28-A, 31, 37, 38, 44-B, 47, 53, 54; Substitute Twelfth Revised Sheets Nos. 7, 9, 10, 11; Substitute Fourteenth Revised Sheets Nos. 65-G, 65-H; Substitute Fifteenth Revised Sheets Nos. 14, 16, 17, 19, 23, 30, 32, 33, 35, 39, 41, 44, 46, 48, 49, 51, 55, 65-B, 65-F; Substitute Sixteenth Revised Sheets Nos. 27, 56, 59; Substitute Seventeenth Revised Sheet No. 24; Substitute Eighteenth Revised Sheet No. 61; Original Volume No. 2—Substitute Second Revised Sheet No. 241; Substitute Sixth Revised Sheets Nos. 232, 235; Substitute Seventh Revised Sheet No. 322.

It also appears appropriate under the circumstances to consolidate the proceedings in Dockets Nos. RP70-29 and RP71-12.

The Commission finds:

(1) Good cause exists for waiving § 154.66 (b) of the Commission's regutions to permit the filing of the proposed substitute tariff sheets.

(2) The motion of Texas Eastern to allow the proposed substitute tariff sheets filed on October 1, 1970, is in satisfactory compliance with section 4(e) of the Natural Gas Act, and the increased rates should become effective as of November 1, 1970, subject to the conditions hereinafter set forth.

The Commission orders:

(A) The provisions of § 154.66(b) of the Commission's regulations under the Natural Gas Act are waived in order to permit the filing of the substitute tariff sheets tendered by Texas Eastern on October 1, 1970.

(B) Texas Eastern, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in the above-described substitute tariff sheets for all gas sold and delivered under the rate schedules contained therein on or after November 1, 1970.

(C) Texas Eastern shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7.5 percent per annum from the date of payment to Texas Eastern until refunded; shall bear all cost of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of November 1, 1970, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and delivered under the above-described substitute tariff sheets, and the revenues resulting therefrom as computed under the rates in effect immediately prior to November 1, 1970, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(D) Within 15 days from the date of issuance of this order, Texas Eastern shall execute and file with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (C) above, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedules as follows:

AGREEMENT AND UNDERTAKING OF TEXAS EASTERN TRANSMISSION CORPORATION, TO COMPLY WITH THE TERMS AND CONDITIONS OF THE ORDER ISSUED BY THE FEDERAL POWER COMMISSION, DOCKETS NOS. RP70-29 AND RP71-12, ON ----------

In conformity with the requirements of the order issued ---------- in Dockets Nos. RP70-29 and RP71-12, Texas Eastern Transmission Corp. hereby agrees and undertakes to comply with the terms and conditions of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ---------- 1970.

TEXAS EASTERN TRANSMISSION CORP.
By ----------

Attest:

(E) Unless notified to the contrary by the Secretary of this Commission within 30 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(F) If Texas Eastern in conformity with the terms and conditions of paragraph (C) of this order makes the refunds, if any, as required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) The proceedings in Dockets Nos. RP70-29 and RP71-12 are consolidated for hearing and decision.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70-14927; Filed, Nov. 4, 1970; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

SHAWMUT ASSOCIATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Shawmut Association, Inc., Boston, Mass., for approval of acquisition of up to 100 percent of the voting shares (less directors' qualifying shares) of The Framingham National Bank, Framingham, Mass.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Shawmut Association, Inc., Boston, Mass. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of up to 100 percent of the voting shares (less directors' qualifying shares) of The Framingham National Bank, Framingham, Mass. (Bank).

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

Notice of receipt of the application was published in the FEDERAL REGISTER on August 27, 1970 (35 F.R. 13673), providing an opportunity for interested persons to submit comments and views with

respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the largest bank holding company and second largest banking organization in Massachusetts, has 11 subsidiary banks with $1.2 billion in deposits, which represents 12.7 percent of the total deposits of all commercial banks in the State. (All banking data are as of December 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) In the Boston Standard Metropolitan Statistical Area, as in the State, Applicant is the second largest banking organization, holding 15 percent of the area's deposits; the largest and third largest banking organizations in the Boston area, both independent banks, hold 33 and 12 percent of the area's deposits, respectively.

Bank (deposits $28.7 million) has seven offices, all of which are located in the Framingham area, 21 miles west of Boston, and primarily serves that area; it is less than one-half as large as the only other bank located in Framingham. The closest offices of Applicant's subsidiary banks are 7 miles from any office of Bank; there is no significant competition between those subsidiaries and Bank, primarily because of the presence of competing banks in the intervening areas. Applicant's largest subsidiary, The National Shawmut Bank of Boston, does derive some business from the Framingham area. However, part of this business is represented by accounts of companies with banking needs which Bank could not meet, and for which it is not competitive, and the remainder consists of accounts of persons who commute from Framingham to Boston. Although consummation of the proposal would eliminate a banking alternative for these commuters, the significance of this fact is minimized by the large number of alternatives available to such commuters in Boston. In addition, by breaking a close relationship that presently exists among Bank and other financial institutions in Framingham, competition would be increased in that area, since Bank would represent a competitive force in the area separate from its immediate competitors. It does not appear that significant competition would be eliminated, or significant potential competition foreclosed by consummation of Applicant's proposal, or that there would be undue adverse effects on any other bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Bank are regarded as consistent with approval. Applicant proposed to expand many of Bank's present services, to make international services available through Applicant's principal bank in Boston, and to assist Bank in meeting larger credit needs through participations with Applicant's subsidiary banks; these considerations provide some weight in support of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,[1] October 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14858; Filed, Nov. 4, 1970; 8:46 a.m.]

PAN AMERICAN 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)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Pan American Bancshares, Inc., which is a bank holding company located in Miami, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of at least 80 percent of the voting shares of First Bank of Plantation, Plantation, Fla.

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

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

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

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

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

By order of the Board of Governors, October 30, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14859; Filed, Nov. 4, 1970; 8:46 a.m.]

COLORADO CNB BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Colorado CNB Bankshares, Inc., Denver, Colo., for approval of acquisition of at least 80 percent of the voting shares of Arapahoe Colorado National Bank, Arapahoe County, Colo., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Colorado CNB Bankshares, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of Arapahoe Colorado National Bank, Arapahoe County, Colo., a proposed new bank.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 30, 1970 (35 F.R. 12240), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of

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

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

this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order: *And provided further*, That (c) Arapahoe Colorado National Bank shall be opened for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] October 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14857; Filed, Nov. 4, 1970; 8:46 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

PRESERVATION OF THE AMERICAN FALLS

Public Notice

The International Joint Commission announces that the Governments of Canada and the United States have requested the Commission to extend its current investigation of measures necessary to preserve or enhance the beauty of the American Falls at Niagara, which it has been conducting pursuant to the Reference of the two Governments dated March 31, 1967, to the following questions:

(1) Are the immediate areas of the American Falls and of the Goat Island Flank of the Horseshoe Falls endangered by the possibility of erosion and other geological conditions?

(2) If so, what measures are feasible and desirable to protect these areas, in order to eliminate any hazard to persons or property or to the scenic beauty in the region?

The Commission has been asked to determine the specific costs involved in the carrying out of the work and construction under this extension of the 1967 Reference, and to include these costs in the costs that it will be allocating to the United States under the terms of the 1967 Reference.

Copies of the letter of Reference are available on request to the undersigned.

WILLIAM A. BULLARD,
Secretary, United States Section, International Joint Commission, Washington, D.C. 20440.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission, Room 850, 151 Slater Street, Ottawa 4, Ontario.

OCTOBER 29, 1970.

[F.R. Doc. 70-14921; Filed, Nov. 4, 1970; 8:51 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BROWNIES CREEK COLLIERIES, INC., AND VALLEY CAMP CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.[3]) have been accepted for consideration as follows:

(1) ICP Docket No. 10200, Brownies Creek Collieries, Inc., Mason No. 2 Mine, USBM ID No. 15 00225 0, Balkan, Bell, Ky., Section ID No. 003 (Main Headings).

(2) ICP Docket No. 10445, The Valley Camp Coal Co., Valley Camp No. 1 Mine, USBM ID No. 46 01483 0, Short Creek, Ohio, W. Va., Section ID No. 001 (2 No. Off West Mains), Section ID No. 013 (East Mains), Section ID No. 002 (2 Rt. Off 2 No. (Right Side)), Section ID No. 011 (2 So. Off East Mains (Right Side)), Section ID No. 014 (3 So. Off East Mains (Right Side)).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

OCTOBER 31, 1970.

[F.R. Doc. 70-14860; Filed, Nov. 4, 1970; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 2, 1970.

On October 28, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Socialist Republic of Romania that it was renewing for an additional 12-month period beginning October 31, 1970, and extending through October 30, 1971, the restraint on imports into the United States of cotton textile products in Category 63, produced or manufactured in Romania. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to Category 63 for the preceding 12-month period.

There is published below a letter of October 30, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 63, produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 31, 1970, be limited to the designated level.

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

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

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

OCTOBER 30, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective October 31, 1970, and for the 12-month period extending through October 30, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Romania, in excess of a level of restraint for the period of 210,000 pounds.

In carrying out this directive, entries of cotton textile products in Category 63, produced or manufactured in Romania, which have been exported to the United States from

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action: Governor Robertson.

Romania prior to October 31, 1970, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period October 31, 1969, through October 30, 1970. In the event that the level of restraint established for such goods for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 63 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 directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

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

[F.R. Doc. 70-14943; Filed, Nov. 4, 1970; 8:52 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AART COMMUNICATIONS CORP., INC.

Order Suspending Trading

OCTOBER 29, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of AART Communications Corp., Inc. (a Colorado corporation), and all other securities of AART Communications Corp., Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 30, 1970, through November 8, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-14862; Filed, Nov. 4, 1970; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 30, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 2, 1970, through November 11, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-14863; Filed, Nov. 4, 1970; 8:46 a.m.]

[File No. 500-1]

PICTURE ISLAND COMPUTER CORP.

Order Suspending Trading

OCTOBER 30, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Picture Island Computer Corp. (a New York corporation), and all other securities of Picture Island Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 2, 1970, through November 11, 1970 both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-14864; Filed, Nov. 4, 1970; 8:46 a.m.]

[811-1552]

BOWFUND CORP.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 29, 1970.

Notice is hereby given that Bowfund Corp. (applicant), 188 West Randolph Street, Chicago, Ill. 60601, a management closed-end diversified investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized on July 18, 1891, under the laws of the State of Illinois, and registered under the Act on October 25, 1967. Applicant was merged into Baldwin Piano & Organ Co., an Ohio corporation, on December 31, 1969. The latter corporation is a wholly owned subsidiary of D. H. Baldwin Co., also an Ohio corporation. Applicant represents that both Baldwin Piano & Organ Co. and D. H. Baldwin Co. are primarily engaged in businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Section 3(b)(1) of the Act excludes from the definition of an investment company any issuer primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

Section 8(f) of the Act provides that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 19, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-14865; Filed, Nov. 4, 1970; 8:47 a.m.]

[70-4923]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA LNG CORP.

Notice of Proposed Issuance and Sale of Common Stock and Notes by Newly-Formed Nonutility Company and Acquisition Thereof by Holding Company

OCTOBER 29, 1970.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, Del. 19807, a registered holding company, and Columbia LNG Corp. (LNG Corp.), a Delaware corporation recently organized by Columbia, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 and Rules 41, 43, 44, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The proposed transactions relate to a program of Columbia to seek new sources of gas supply to supplement its present sources. As part of this program, Columbia, through LNG Corp., has entered into two agreements involving the importation of liquified natural gas, aggregating approximately 725,000 Mcf per day. It is proposed that LNG Corp. will develop a marine terminal for the receipt, storage, and regasification of the imported liquified natural gas and will construct an 80-mile pipeline from such terminal to Loudoun County, Va., to transport the gas to another Columbia subsidiary company.

The following table indicates the amounts and uses for the estimated investments required by LNG Corp.:

Land	$2,500,000
Terminal	90,000,000
Pipeline	28,500,000
Gas Inventory	1,000,000
Material and Supplies	1,500,000
Working Capital	16,500,000
Total	140,000,000

It is estimated that of the total indicated capital requirements, LNG Corp. will need $1,500,000 in 1970 and $4,500,000 in 1971. In order to meet these requirements, Columbia presently proposes to acquire in 1970, 27,000 shares of LNG Corp. common stock, $25 par value per share, and $825,000 of LNG Corp. installment promissory notes, and in 1971, 81,000 of such shares and $2,475,000 of such notes. The installment notes of LNG Corp. will bear interest on the date of issuance at a rate based on a cost of money to Columbia in respect of its most recent sales of senior debentures. The notes will be due in 20 equal installments on October 1 of each of the years 1976 to 1996. Upon the acquisition of the common stock, LNG Corp. will become a subsidiary company of Columbia.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated to be $6,800 for LNG Corp. and $200 for Columbia, of which $6,700 and $100 respectively will be paid to the system service company for services rendered at cost.

Notice is further given that any interested person may, not later than November 23, 1970, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-14866; Filed, Nov. 4, 1970; 8:47 a.m.]

[70-4538]

MICHIGAN POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Bank by Subsidiary Company and Open Account Advances by Holding Company

OCTOBER 28, 1970.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, N.Y. 10004, a registered holding company, and its public-utility subsidiary company, Michigan Power Co. (MPC), formerly known as Michigan Gas and Electric Co., have filed with this Commission, pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 45 promulgated thereunder, a fourth posteffective amendment to the declaration in this matter. All interested persons are referred to the declaration as now amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated October 16, 1967 (Holding Company Act Release No. 15872), this Commission authorized the issue and sale by MPC to National Bank of Detroit (National) of up to $850,000 of notes outstanding at any one time and maturing on June 30, 1968. At the time of said order, there were also outstanding $2,750,000 of MPC's notes which were issued to National prior to AEP's acquisition of MPC. The Commission's order of October 16, 1967, also authorized AEP to make open account advances to MPC of up to $4,500,000 outstanding at any one time. By a first supplemental order dated May 2, 1968 (Holding Company Act Release No. 16051), MPC was authorized to reissue, from time to time prior to June 30, 1969, its notes to National outstanding in the amount of $2,950,000 and to issue and reissue, from time to time prior to June 30, 1969, additional notes to National in an aggregate amount not to exceed $650,000 outstanding at any one time. The notes were to mature on or prior to June 30, 1969. The first supplemental order also authorized AEP to make open account advances to MPC, from time to time during the same period, not to exceed $7,500,000 outstanding at any one time. Such advances were to be repaid on or before June 30, 1969, except that, unless otherwise authorized by the Commission, such repayment was not to be made before the outstanding preferred stock of MPC was retired. By a second supplemental order dated May 26, 1969 (Holding Company Act Release No. 16383), the Commission granted authorization for an extension from June 30, 1969, to December 31, 1969, of the time in which MPC could issue and sell its notes to National and of the time for repayment of the open account advances from AEP, provided that the advances were not to be repaid before the preferred stock of MPC was retired. The notes to National were to mature on or prior to December 31, 1969. By a third supplemental order dated December 16, 1969 (Holding Company Act Release No. 16559), the Commission granted authorization for an extension from December 31, 1969, to December 31, 1970, of the time in which MPC may issue and sell its notes to National and of the time for repayment of the open account advances from AEP: *Provided*, That the advances will not be repaid before the preferred stock of MPC has been retired. The notes to National will mature on or prior to December 31, 1970. The third supplemental order also authorized an increase of the amount of the open account advances from AEP to MPC from $7,500,000 to $8,500,000.

The fourth posteffective amendment requests authorization for an extension from December 31, 1970, to December 31, 1971, of the time in which MPC may issue and sell its notes to National and of the time for repayment of the open account advances from AEP, provided that the advances will not be repaid before the preferred stock of MPC has been retired. The notes to National will mature on or prior to December 31, 1971, will bear interest at the prime rate in effect from time to time at National, and will be prepayable, in whole or in part, at any time by MPC, without premium or penalty. It is also requested that the authorization of the amount of the notes outstanding at any one time be increased from $2,950,000 to $4 million and the authorization of the amount of the open account advances from AEP to MPC be increased to $10 million.

The proceeds from the proposed issue and sale of notes and from the proposed open account advances will be used by MPC in connection with its construction program, which for the last quarter of 1970 and for the year 1971 is expected to amount to approximately $4 million, to repay bank loans the proceeds of which were used in connection with past expenditures in connection with MPC's construction program, and for other corporate purposes. It is proposed that the open-account advances will be repaid with a portion of the proceeds to be realized by MPC in connection with the divestment by MPC of its gas assets and that the bank loans will be repaid from internal cash sources or the issuance of such securities by MPC as the Commission may authorize. It is stated that the authorization is required because of the termination of the proposed sale of MPC's gas assets to a new subsidiary company of Michigan Gas Utilities Co. (MGU), a nonassociated gas utility company.

No fees or commissions are to be incurred in connection with the proposed transactions and no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 19, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-14867; Filed, Nov. 4, 1970; 8:47 a.m.]

[70-4939]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Transfer From Retained Earnings Account To Common Stock Capital Account

OCTOBER 30, 1970.

Notice is hereby given that Mississippi Power & Light Co. (MP&L), Post Office Box 1640, Jackson, Miss. 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

MP&L proposes to transfer from the retained earnings account to the common stock capital account the sum of $3,100,000—the equivalent of $1 for each of the 3,100,000 shares of common stock, no par value, now outstanding. At August 31, 1970, common stock capital and retained earnings of MP&L amounted to $65,100,000 and $17,668,392, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $68,200,000, and retained earnings would be reduced to $14,568,392. The transaction is proposed for the purpose of strengthening MP&L's capital structure.

It is stated that the fees and expenses in connection with the proposed transaction are estimated not to exceed $1,000. It is further stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 19, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-14868; Filed, Nov. 4, 1970; 8:47 a.m.]

[70-4938]

OHIO POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 29, 1970.

Notice is hereby given that Ohio Power Co. (Ohio), an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), 301 Cleveland Avenue SW., Canton, Ohio 44701, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $40 million aggregate principal amount of its first mortgage bonds in one or more new series maturing in not less than 3 and not more than 30 years. The number of new series of bonds and the maturity of the bonds will be determined not less than 72 hours prior to the bidding date. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Ohio (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the mortgage and deed of trust dated as of October 1, 1938, between Ohio and Manufacturers Hanover Trust Co., as trustee, as

heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of the first day of the month in which the bonds are to be issued.

Ohio will apply the proceeds from the sale of the bonds towards the payment, at maturity, of its commercial paper which is estimated to be outstanding in an amount not exceeding $68 million at the time of issuance of the bonds.

The application states that The Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business, has jurisdiction over the issue and sale of the bonds. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Ohio in connection with the proposed issue and sale of bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than November 18, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[F.R. Doc. 70-14869; Filed, Nov. 4, 1970; 8:47 a.m.]

[Files Nos. 7-3494—3500]

FEDERATED DEPARTMENT STORES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 29, 1970.

In the matter of applications of the Midwest Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Federated Department Stores, Inc.	7-3494
First National City Corp.	7-3495
Florida Power Corp.	7-3496
Halliburton Co.	7-3497
H. J. Heinz Co.	7-3498
Hilton Hotels Corp.	7-3499
International Industries, Inc.	7-3500

Upon receipt of a request, on or before November 13, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14870; Filed, Nov. 4, 1970; 8:47 a.m.]

[Files Nos. 7-3501, 3506]

INTERNATIONAL TELEPHONE & TELEGRAPH CORP. AND LEASCO DATA PROCESSING EQUIPMENT CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 29, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
International Telephone & Telegraph Corp., $2.25 convertible preferred stock Series N, no par value	7-3501
Leasco Data Processing Equipment Corp., $2.20 convertible preferred stock, Series B, $1 par value	7-3506

Upon receipt of a request, on or before November 13, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14871; Filed, Nov. 4, 1970; 8:47 a.m.]

[File Nos. 7-3502-3508]

JOHNSON & JOHNSON ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 29, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Johnson & Johnson	7-3502
Kentucky Fried Chicken Corp.	7-3503
Walter Kidde & Co.	7-3504
Kinney National Service, Inc.	7-3505
Eli Lilly & Co.	7-3507
Louisiana Land & Exploration Co.	7-3508

Upon receipt of a request, on or before November 13, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means

of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14872; Filed, Nov. 4, 1970; 8:47 a.m.]

[Files Nos. 7-3509—8514]

LUMS, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 29, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Lums, Inc.	7-3509
The May Department Stores Co.	7-3510
McGraw-Hill, Inc.	7-3511
Memorex Corp.	7-3512
Mohawk Data Sciences Corp.	7-3513
J. P. Morgan & Co., Inc.	7-3514

Upon receipt of a request, on or before November 13, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 70-14873; Filed, Nov. 4, 1970; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

GRINNELL BROTHERS

Notice of Determinations on Petition of Workers for Certification of Eligibility To Apply for Adjustment Assistance

Under date of August 13, 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 United Furniture Workers of America, AFL-CIO, on behalf of workers of the Holly, Mich., piano plant of Grinnell Brothers. 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. 13409; 29 CFR Part 90). The Director reported that a significant number or proportion of the workers at the plant of Grinnell Brothers in Holly, Mich., became unemployed or underemployed when the company ended production of pianos in March 1970. He further reported that although there were increased imports of pianos of the types manufactured by Grinnell Brothers, these increased imports were not the major factor in causing the unemployment or underemployment of workers from the plant. The competitive problems of Grinnell label pianos began before imports became a significant factor in the American market. As a result of these problems, and for reasons of economy and efficiency not related to imports, American Music Stores, of which Grinnell Brothers is a wholly owned subsidiary, arranged to have Grinnell label pianos produced by another domestic manufacturer rather than produce them itself.

After due consideration, I have concluded that the increased imports have not been the major factor in causing the unemployment or underemployment of the workers of the Grinnell Brothers piano plant at Holly, Mich., and, accordingly I make no certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 29th day of October 1970.

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

[F.R. Doc. 70-14875; Filed, Nov. 4, 1970; 8:47 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year.

Ann & Hope Factory Outlet, Inc., variety-department store; Mill Street, Cumberland, R.I.; 9-17-71.

The Baby Shop, Inc., apparel store; 404 Main, Evansville, Ind.; 9-2-71.

Ball Stores, Inc., variety-department store; 400 South Walnut Street, Muncie, Ind.; 9-2-71.

Byck Bros. & Co., apparel store; 532 South Fourth Street, Louisville, Ky.; 8-31-71.

Capin's El Paso Store, variety-department store; 125–129 Morley Avenue, Nogales, Ariz.; 9–3–70 to 8–31–71.

Cat & Fiddle Super Market, Inc., foodstores, 9–2–71: 714 South Main Street, Danville, Va.; Riverside Drive, Danville, Va.

Colonial Mortuary, Inc., funeral home; 20 Northeast 14th Avenue, Portland, Oreg.; 8–27–70 to 7–31–71.

Cooper & Ratcliff, Inc., foodstores, 8–31–71: Bassett, Va.; Collinsville, Va.

Eagle Stores Co., Inc., variety-department store; 1–11 West Main Street, Martinsville Va.; 9–2–71.

Fruit & Vegetable Fair, Inc., foodstore; 29220 North Campbell Road, Madison Heights, Mich.; 8–26–71.

Gloss Bros., Inc., variety-department store; Franklin and Locust Streets, Johnstown, Pa.; 9–15–71.

Goldblatt Bros., Inc., variety-department store; 5206 Hohman Avenue, Hammond, Ind.; 8–21–71.

Golden Good Shepherd Home, nursing home; Golden, Ill.; 8–25–71.

Good Samaritan Hospital, hospital; East Norwegian and Tremont Streets, Pottsville, Pa; 9–3–71.

W. T. Grant Co., variety-department stores, 9–2–71, except as otherwise indicated: 201 South Adams, Peoria, Ill. (9–28–71); No. 683, Zion, Ill. (9–17–71); No. 3086, Gary, Ind.; No. 718, Indianapolis, Ind.; No. 853, Middlesex, N.J. (8–31–71); No. 724, Parsippany, N.J. (8–31–71); No. 173, Paterson, N.J.; No. 393, Roselle, N.J. (8–31–71); No. 770, Altoona, Pa.; No. 463, Bridgeville, Pa. (9–14–71); No. 751, Broomall, Pa. (8–20–71); No. 3187, Lansdale, Pa. (9–17–71); No. 905, Norristown, Pa. (8–31–71); No. 399, Philadelphia, Pa.; No. 555, Phoenixville, Pa. (9–9–71); No. 466, Pittsburgh, Pa.; No. 841, Pittsburgh, Pa. (9–15–71); Nos. 28 and 747, Reading, Pa.; No. 154, Sunbury, Pa.; No. 240, Williamsport, Pa. (9–7–71); No. 581, Fredericksburg, Va. (8–31–71).

Greenfield Search Foods Store, Inc., foodstore; South Side, Greenfield, Ill.; 8–24–71.

Hoffman's, Inc., apparel store; 200 Union Street, Lynn, Mass.; 9–2–71.

J. I. Ippel Co., variety-department store; 423 Court Street, Saginaw, Mich.; 8–26–71.

K. C. Super Market, foodstore; Eighth Street and Ohio Avenue, Etowah, Tenn.; 8–31–71.

Karson's Inn., Inc., restaurant; 5100 Holabird Avenue, Baltimore, Md.; 8–25–71.

Kenley's Super Markets, Inc., foodstore; 1107 South 10th Street, Noblesville, Ind.; 9–2–71.

S. S. Kresge Co., variety-department stores, 9–2–71, except as otherwise indicated: No. 254, Aurora, Ill.; No. 34, Bloomington, Ill.; No. 54, Bridgeview, Ill.; No. 164, Canton, Ill.; Nos. 174 and 690, Champaign, Ill.; Nos. 8, 236, 416, 445, 480, 594, 599, 627, and 4613, Chicago, Ill.; No. 261, Danville, Ill.; Nos. 201 and 641, Decatur, Ill.; No. 50, Deerfield, Ill.; No. 4612, Freeport, Ill.; No. 179, Galesburg, Ill.; No. 130, Joliet, Ill.; No. 417, Kankakee, Ill.; No. 918, La Grange, Ill.; No. 497, Mattoon, Ill.; No. 4623, Oak Lawn, Ill.; No. 630, Park Forest, Ill.; No. 4630, Pekin, Ill.; No. 242, Peoria, Ill.; No. 321, Quincy, Ill.; No. 318, Rockford, Ill.; No. 136, St. Charles, Ill.; No. 4592, Streator, Ill.; No. 483, Bedford, Ind.; No. 237, Elkhart, Ind.; No. 568, Fort Wayne, Ind.; Nos. 462 and 618, Gary, Ind.; Nos. 7, 583, and 672, Indianapolis, Ind.; No. 589, Kokomo, Ind.; Nos. 31 and 204, Lafayette, Ind.; No. 85, Muncie, Ind.; No. 251, New Castle, Ind.; No. 2217, Vincennes, Ind.; No. 56, Louisville, Ky.; No. 457, Louisville, Ky. (9–3–71); No. 624, Louisville, Ky. (8–31–71); No. 112, Paducah, Ky. (8–31–71); No. 20, Baltimore, Md.; No. 485, Adrian, Mich.; No. 605, Allen Park, Mich.; Nos. 74 and 160, Ann Arbor, Mich.; No. 296, Berkley, Mich.; Nos. 16, 350, and 580, Dearborn, Mich.; Nos. 1, 208, 289, 290, 340, 369, 395, 456, 521, 527, 533, 620, and 652, Detroit, Mich.; No. 166, Detroit, Mich. (9–7–71); No. 241, Detroit, Mich. (9–8–71); No. 550, Detroit, Mich. (9–15–71); No. 507, Escanaba, Mich.; No. 185, Ferndale, Mich.; Nos. 12 and 272, Flint, Mich. (9–14–71); No. 214, Flint, Mich. (9–15–71); No. 642, Flint, Mich.; No. 59, Grand Rapids, Mich.; No. 276, Hazel Park, Mich.; Nos. 211 and 365, Highland Park, Mich.; No. 403, Iron Mountain, Mich. (9–7–71); No. 103, Jackson, Mich.; Nos. 245 and 685, Lincoln Park, Mich.; No. 27; Livonia, Mich.; No. 529, Monroe, Mich.; No. 535, Mount Clemens, Mich. (9–6–71); No. 626, Muskegon, Mich.; No. 623, Plymouth, Mich.; Nos. 13 and 684, Pontiac, Mich.; No. 2, Port Huron, Mich. (9–16–71); No. 677, Rochester, Mich.; No. 415, Roseville, Mich.; No. 530, Royal Oak, Mich.; No. 428, Saginaw, Mich.; No. 123, Southfield, Mich.; No. 687, Southgate, Mich.; No. 499, Traverse City, Mich. (9–12–71); No. 566, Wayne, Mich.; No. 4578, Faribault, Minn.; Nos. 176 and 694, Minneapolis, Minn.; No. 683, St. Paul, Minn.; No. 52, Winona, Minn.; No. 608, Morristown, N.J.; No. 75, Plainfield, N.J.; No. 658, Barberton, Ohio (9–15–71); No. 298, Cleveland, Ohio; No. 538, Cuyahoga Falls, Ohio; No. 628, Dayton, Ohio; No. 362, Marion, Ohio (9–18–71); No. 646, Toledo, Ohio (9–16–71); No. 595, Youngstown, Ohio; No. 309, Camp Hill, Pa.; No. 76, Erie, Pa.; No. 460, Harrisburg, Pa. (9–9–71); No. 64, Lancaster, Pa.; No. 543, Monroeville, Pa. (9–12–71); No. 378, Oil City, Pa. (9–15–71); Nos. 53 and 675, Pittsburgh, Pa.; No. 282, Pittston, Pa. (9–7–71); No. 18, Reading, Pa. (9–9–71); No. 92, Scranton, Pa. (9–17–71); No. 475, Uniontown, Pa.; No. 509, Upper Darby, Pa.; No. 342, Danville, Va. (8–31–71); No. 660, Norfolk, Va. (9–9–71); No. 425, Bluefield, W. Va. (8–31–71); No. 391, Charleston, W. Va. (8–31–71); No. 202, Appleton, Wis.; No. 607, Eau Claire, Wis.; No. 611, Fond du Lac, Wis.; Nos. 162 and 268, Madison, Wis.; No. 420, Manitowoc, Wis.; Nos. 446 and 617, Milwaukee, Wis.; No. 181, Oshkosh, Wis.; No. 86, Racine, Wis.; No. 78, Superior, Wis.; No. 119, Watertown, Wis.; No. 493, Wausau, Wis.

Latonia 5/1.00 Store, variety-department store; 3925 Winston Avenue, Covington, Ky.; 9–17–71.

La Ville de Paris, variety-department store; 101–103 Morley Avenue, Nogales, Ariz.; 9–3–70 to 8–31–71.

Wm. A. Lewis Clothing, apparel stores, 9–2–71; 2301 West 95th Street, Chicago, Ill.; Hillside Shopping Center, Hillside, Ill.; Harlem–Irving Store Plaza, Norridge, Ill.

The Mart, Inc., apparel store; 180 Main Street, Paterson, N.J.; 8–31–71.

McCrory-McLellan-Green Stores, variety-department stores, 9–2–71, except as otherwise indicated: No. 580, Tucson, Ariz. (8–31–71); No. 1119, Bridgeport, Conn.; No. 649, Westport, Conn. (9–5–71); No. 1114, Wilmington, Del. (9–16–71); No. 676, Pekin, Ill.; No. 44, Anderson, Ind.; No. 195, Indianapolis, Ind.; No. 305, Lexington, Ky. (8–31–71); No. 1204, Lexington, Ky.; No. 1135, Louisville, Ky. (9–16–71); No. 620, Waterville, Maine; Nos. 234 and 314, Baltimore, Md.; No. 1111, Baltimore, Md. (9–4–71); No. 1202, Baltimore, Md. (9–15–71); No. 21, Cumberland, Md.; No. 68, Easton, Md.; No. 46, Frederick, Md.; No. 31, Hagerstown, Md.; No. 631, Boston, Mass.; No. 556, Alpena, Mich.; No. 668, Grand Haven, Mich.; No. 541, Petoskey, Mich.; No. 1056, St. Paul, Minn.; No. 308, Clifton, N.J. (9–10–70 to 9–2–71); No. 1006, Plainfield, N.J. (8–27–71); No. 189, Canton, Ohio (9–4–71); No. 1207, Cleveland, Ohio; No. 1035, Columbus, Ohio (9–16–71); No. 180, Dayton, Ohio (9–4–71); No. 1065, Dayton, Ohio; No. 684, Delaware, Ohio; No. 26, East Liverpool, Ohio; No. 1059, Portsmouth, Ohio (9–5–71); No. 24, Springfield, Ohio; No. 1124, Uhrichsville, Ohio; No. 185, Youngstown, Ohio (9–4–71); No. 8, Allentown, Pa.; No. 9, Altoona, Pa.; No. 151, Barnesboro, Pa. (9–8–71); No. 155, Cannonsboro, Pa. (9–8–71); No. 155, Cannonsburg, Pa.; No. 45, Chambersburg, Pa. (9–14–71); No. 28, Chester, Pa.; No. 1116, Chester, Pa. (9–16–71); No. 220, Connellsville, Pa.; No. 87, Du Bois, Pa.; No. 147, Ebensburg, Pa. (9–9–71); No. 316, Edwardsville, Pa.; No. 325, Fairless Hills, Pa. (9–13–71); No. 39, Hanover, Pa.; No. 323, Hazelton, Pa.; No. 1122, Hollidaysurg, Pa. (9–4–71); No. 51, Indiana, Pa.; No. 80, Lancaster, Pa.; No. 42, Lebanon, Pa.; No. 1046, Lebanon, Pa. (9–4–71); No. 273, Lewiston, Pa.; No. 1029, McKeesport, Pa. (9–4–71); No. 201, Philadelphia, Pa.; Nos. 1052 and 1012, Philadelphia, Pa. (9–4–71); No. 104, Phillipsburg, Pa.; No. 53, Pittsburg, Pa. (9–4–71); No. 1037, Pottsville, Pa. (9–4–71); No. 85, Waynesboro, Pa.; No. 14, York, Pa.; No. 317, York, Pa. (9–13–71); No. 139, Bristol, Tenn.; No. 429, Chattanooga, Tenn.; No. 497, Columbia, Tenn.; No. 430, Jackson, Tenn. (8–31–71); No. 297, Kingsport, Tenn. (9–15–71); No. 307, Memphis, Tenn; No. 417, Murfreesboro, Tenn.; No. 507, Nashville, Tenn.; No. 292, Oak Ridge, Tenn. (8–31–71); No. 320, Whitehaven, Tenn. (9–16–71); No. 1117, Alexandria, Va. (8–31–71); No. 309, Arlington, Va.; No. 296, Front Royal, Va.; No. 142, Harrisonburg, Va.; No. 505, Roanoke, Va. (8–31–71); No. 47, Winchester, Va. (8–31–71); No. 13, Charleston, W. Va. (9–13–71); No. 1133, Charleston, W. Va. (8–31–71); No. 214, Clarksburg, W. Va. (9–13–71); No. 32, Fairmont, W. Va. (8–31–71); No. 40, Grafton, W. Va. (8–31–71); Nos. 15 and 1131, Huntington, W. Va.; No. 83, Martinsburg, W. Va. (9–15–71); No. 33, Morgantown, W. Va.; No. 451, La Crosse, Wis; No. 454, Marshfield, Wis. (9–7–71); No. 578, Marinette, Wis.; No. 579, Monroe, Wis.; No. 694, Oconomowoc, Wis.

Meyer Brothers, variety-department store; 181 Main Street, Paterson, N.J.; 8–31–71.

Moreland Drug, Inc., drugstore; 110 Shelby Street, Palmouth, Ky.; 8–24–71.

G. C. Murphy Co., variety-department stores, 9–2–71, except as otherwise indicated: No. 417, Goshen, Ind.; No. 119, Greencastle, Ind.; Nos. 104 and 215, Indianapolis, Ind.; No. 411, Noblesville, Ind.; No. 422, Peru, Ind.; No. 443, Salem, Ind.; No. 17, Ashland, Ky.; No. 239, Louisville, Ky.; No. 111, Maysville, Ky.; No. 149, Annapolis, Md.; Nos. 153, 148, 224, 147, 151, 152, and 138, Baltimore, Md.; Nos. 134, 238, and 267, Baltimore, Md. (9–11–71); No. 179, Cumberland, Md.; No. 268, Glen Burnie, Md. (9–11–71); No. 273, Hyattsville, Md.; No. 236, Oxon Hill, Md.; Nos. 248 and 266, Rockville, Md.; No. 199, Silver Spring, Md.; No. 242, Suitland, Md.; No. 95, Westminster, Md.; No. 117, Aliquippa, Pa.; No. 27, Ambridge, Pa.; No. 78, Bangor, Pa.; No. 188, Barnesboro, Pa.; No. 68, Beaver, Pa.; No. 32, Beaver Falls, Pa.; No. 130, Bedford, Pa.; No. 144, Bellefonte, Pa.; No. 115, Bellevue, Pa.; No. 271, Bethlehem, Pa. (9–11–71); No. 178, Brookville, Pa.; No. 30, Brownsville, Pa.; No. 160, Burgettstown, Pa.; No. 92, Butler, Pa.; No. 55, California, Pa.; No. 54, Carnegie, Pa.; No. 11, Charlerol, Pa.; No. 88, Clairton, Pa.; No. 66, Clarion, Pa.; No. 158, Clearfield, Pa.; No. 201, Connellsville, Pa.; No. 169, Corry, Pa.; No. 46, Elizabeth, Pa.; Nos. 175 and 225, Erie, Pa.; No. 124, Everett, Pa.; No. 58, Farrell, Pa.; No. 44, Ford City, Pa.; No. 184, Franklin, Pa.; No. 129, Gettysburg, Pa.; No. 3, Greensburg, Pa.; No. 43, Greenville, Pa.; No. 13, Grove City, Pa.; No. 28, Hanover, Pa.; No. 165, Harrisburg, Pa.; No. 228, Havertown, Pa.; No. 211, Hollidaysburg, Pa.; No. 143, Huntingdon, Pa.; No. 126, Indiana, Pa.; No. 23, Irwin, Pa.; No. 45, Jeannette, Pa.; No. 9, Kittanning, Pa.; No. 6, Latrobe, Pa.; No. 79, Lehighton, Pa.; No. 232, Lemoyne, Pa.; No. 59, Lewiston, Pa.; No. 116, Ligonier, Pa.; No. 202, McDonald, Pa.; No. 1, McKeesport,

Pa.; No. 16, Meadville, Pa.; No. 70, Mechanicsburg, Pa.; No. 108, Mercer, Pa. (9–12–71); No. 186, Meyersdale, Pa.; No. 84, Midland, Pa.; No. 31, Monessen, Pa.; No. 146, Mount Union, Pa.; No. 233, Natrona Heights, Pa.; No. 193, Nazareth, Pa.; No. 48, New Bethlehem, Pa.; No. 106, New Castle, Pa.; No. 4, New Kensington, Pa.; No. 157, North East, Pa.; Nos. 229 and 246, Philadelphia, Pa.; Nos. 12, 29, 57, 61, 83, 163, 170, 221, 237, and 258, Pittsburgh, Pa.; No. 183, Punxsutawney, Pa.; No. 127, Red Lion, Pa.; No. 247, Ridgway, Pa.; No. 7, Rochester, Pa.; No. 85, St. Mary's, Pa.; No. 128, Sharon, Pa.; No. 118, Shippensburg, Pa.; No. 145, State College, Pa.; No. 64, Tarentum, Pa.; No. 73, Titusville, Pa.; No. 164, Uniontown, Pa.; No. 159, Vandergrift, Pa.; No. 60, Warren, Pa.; No. 155, Washington, Pa.; No. 177, Waynesburg, Pa.; No. 47, West Newton, Pa.; No. 39, Wilkinsburg, Pa.; No. 227, Willow Grove, Pa.; No. 205, York, Pa.; No. 180, Richwood, Va.; No. 209, East Rainelle, W. Va.; No. 172, Fairmont, W. Va.; No. 137, Hinton, W. Va.; No 194, Logan, W. Va.; No. 185, Philippi, W. Va.; No. 19, Sistersville, W. Va.; No. 133, Welch, W. Va.; No. 14, Wellsburg, W. Va.

Neisner Bros. Inc., variety-department stores, 9–2–71: Nos. 30, 31, 52, 54, 57, 65, 74, and 97, Chicago, Ill.; No. 37, Waukegan, Ill.; Nos. 32, 43, 63, and 82, Detroit, Mich.; No. 58, Escanaba, Mich.; No. 13, Hamtramck, Mich.; No. 101, Lincoln Park, Mich.; No. 17, Pontiac, Mich.; No. 107, Royal Oak, Mich.; No. 73, Wyandotte, Mich.; No. 129, Rochester, Minn.; No. 127, East Paterson, N.J.; No. 149, Middletown, N.J.

J. J. Newberry Co., variety-department stores, 9–2–71, except as otherwise indicated: No. 254, Harlan, Ky. (8–31–71); No. 197, Somerset, Ky. (8–31–71); No. 154, Elkton, Md.; No. 31, Hagerstown, Md.; No. 107, Freehold, N.J.; No. 187, Vineland, N.J.; No. 204, Berwick, Pa.; No. 9, Chambersburg, Pa.; No. 226, Kennett Square, Pa. (9–14–71); No. 127, Lewisburg, Pa.; No. 106, Lock Haven, Pa.; No. 129, Milton, Pa.; No. 5, Shamokin, Pa. (9–10–71); No. 1, Stroudsburg, Pa.; No. 90, Sunbury, Pa.; No. 95, West Warwick, R.I. (9–7–71); No. 467, Front Royal, Va. (8–31–71); No. 229, Salem, Va. (8–31–71); No. 435, Waynesboro, Va. (8–31–71); No. 261, Winchester, Va. (8–31–71).

The New York Store, variety-department store; 238–244 High Street, Pottstown, Pa.; 9–2–71.

Okolona Department Store, variety-department store; 7821 Preston Highway, Louisville, Ky.; 8–23–71.

One Stop Pharmacy, Inc., drugstore; 3824 Auburn, Rockford, Ill.; 7–29–71.

Rayiasa Department Store, variety-department stores: 335 Main Street, Danville, Va., 9–2–71; 312–320 East Broad Street, Richmond, Va., 8–31–71; 307 Main Street, South Boston, Va., 9–2–71.

Rockford Dry Goods Co., variety-department store; 305 West State Street, Rockford, Ill.; 9–13–71.

Rose's Stores, Inc., variety-department stores, 9–2–71, except as otherwise indicated: No. 135, Somerset, Ky.; No. 62, Greenville, Tenn.; No. 44, Newport, Tenn.; No. 79, Charlottesville, Va. (9–4–71); No. 57, Christiansburg, Va.; No. 31, Farmville, Va.; No. 7, Franklin, Va.; No. 15, Galax, Va. (9–4–71); No. 70, Marion, Va.; Nos. 123, 129, and 142, Norfolk, Va.; Nos. 109 and 20, Portsmouth, Va. (9–4–71); No. 146, Roanoke, Va. (9–4–71); No. 144, Richmond, Va.; No. 17, Suffolk, Va.; Nos. 107 and 137, Virginia Beach, Va.; No. 56, Waynesboro, Va. (9–4–71); No. 65, Williamsburg, Va.

Roth Bros. Co., variety-department store; 1321–27 Tower Avenue, Superior, Wis.; 9–2–71.

Scott Store, variety-department store; No. 9293, Chicago, Ill.; 8–26–71.

Seitner Brothers, Inc., variety-department store; 302 Federal Street, Saginaw, Mich.; 9–12–71.

Skippers Table, Inc., restaurant; 7030 West Seven Mile Road, Detroit, Mich.; 8–31–70 to 7–29–71.

Thomas Grocery, foodstore; Robbins Road and Perry Street, Grand Haven, Mich.; 8–26–71.

Victory Villa Variety, variety-department store; 201 Ballard Avenue, Baltimore, Md.; 9–13–71.

Whitehall Search Food Stores, Inc., foodstore; South Main Street, Whitehall, Ill.; 8–24–71.

Wytheville Crest 5–10–25¢ Stores Co., variety-department store; Wytheville, Va.; 8–31–71.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Ann & Hope Factory Outlet, Inc., variety-department store; 1689 Post Road, Warwick, R.I.; bagger; 2 to 3 percent; 9–17–71.

Arizona Drumstick, Inc., restaurant; 2240 North Scottsdale Road, Tempe, Ariz.; waiter-waitress, takeout clerk, bus boy (girl), counter clerk, kitchen helper, hostess (host); 38 to 63 percent; 9–3–71.

The Baby Shop, Inc., apparel store; 1120 Washington Square Mall, Evansville, Ind.; salesclerk, marker, stock clerk, wrapper; 1 to 11 percent; 9–2–71.

Byrds Food Center, Inc., foodstore; Haw River, N.C.; bagger, carryout, stock clerk, cashier, janitorial; 18 percent; 9–13–71.

Conley's variety-department stores, for the occupations of salesclerk, stock clerk, cashier, marker, carryout, 9 to 20 percent, 9–15–71, except as otherwise indicated: 101 Grant Street, Chardon, Ohio (9 to 30 percent); 212 North Wooster Avenue, Dover, Ohio; 985 Ashland Road, Mansfield, Ohio; 3839 Pearl Road, Medina, Ohio (9 to 32 percent); Route 250, Midvale, Ohio; Route 170, North Kingsville, Ohio (9 to 32 percent); 250 North Main Street, Rittman, Ohio (9 to 32 percent).

Convenient Food Mart Inc., foodstore; No. 320, Parma, Ohio; stock clerk, janitorial; 10 percent; 9–17–71.

Cooke's Food Store, Inc., foodstore; 17 Broad Street SW, Cleveland, Tenn.; stock clerk, produce clerk, bagger, carryout; 9 to 10 percent; 8–31–71.

Cooper & Ratcliff, foodstore; Martinsville, Va.; bagger, carryout; 10 percent; 8–31–71.

Eagle Stores, variety-department store; No. 27, Collinsville, Va.; salesclerk, stock clerk; 12 to 50 percent; 9–2–71.

Falls Super Market, Inc., foodstore; 405 South Mill Street, Redwood Falls, Minn.; stock clerk, carryout; 7 to 24 percent; 9–2–71.

Food Fair Inc., foodstore; Mount Vernon, Ky.; bagger, carryout, cleanup, pricing clerk, tagging clerk, stock clerk; 4 to 21 percent; 9–2–71.

W. T. Grant Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, cashier, 9–2–71, except as otherwise indicated: No. 1157, Evansville, Ind., 4 to 24 percent; No. 189, Baltimore, Md., 7 to 15 percent (9–17–71); No. 1082, Baltimore, Md., 7 to 15 percent; No. 1131, Baltimore, Md., 7 to 15 percent (9–11–71); No. 69, St. Paul, Minn., 8 to 10 percent; No. 66, Pompton Plains, N.J., 8 to 33 percent (salesclerk, office clerk, stock clerk, 8–20–71); No. 974, West Caldwell, N.J., 5 to 18 percent (8–31–71); No. 1143, Folcroft, Pa., 8 to 35 percent; No. 1077, Newtown Square, Pa., 10 to 25 percent; No. 1071, Southampton, Pa., 0 to 9 percent (salesclerk, stock clerk, 9–7–71); No. 729, Kingsport, Tenn., 3 to 14 percent (8–31–71); No. 209, Vienna, Va., 4 to 11 percent.

Haan's Super Market, Inc., foodstore; 919 36th Street, Wyoming, Mich.; stock clerk, checker, package clerk; 21 to 35 percent; 9–1–71.

S. S. Kresge Co., variety-department stores, for the occupations of stock clerk, salesclerk, office clerk, maintenance, food preparation, cashier, customer service, 10 percent, 9–2–71, except as otherwise indicated: No. 4031, Bloomington, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 3 to 21 percent); No. 4019, Champaign, Ill. (salesclerk, office clerk, checker-cashier, stock clerk, maintenance, 4 to 21 percent); No. 4562, Chicago, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 16 to 41 percent); No. 4624, Chicago, Ill. salesclerk, stock clerk, checker-cashier, office clerk, 17 to 26 percent); No. 429, Des Plaines, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 17 to 26 percent); No. 220, Evanston, Ill. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, 12 to 23 percent, 9–19–71); No. 4610, Lincoln, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 13 to 36 percent); No. 25, Markham, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 18 to 33 percent); No. 4546, Moline, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 3 to 22 percent); No. 503, Oak Brook, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 12 to 20 percent); No. 4005, Peoria, Ill. (salesclerk, stock clerk, checker-cashier, office clerk, 4 to 18 percent); No. 4079, Fort Wayne, Ind. (stock clerk, office clerk, salesclerk, checker-cashier, maintenance, 5 to 10 percent, 8–25–71); No. 4014, Kokomo, Ind. (salesclerk, stock clerk, checker-cashier, office clerk); No. 4008, Lafayette, Ind. (salesclerk, stock clerk, checker-cashier, office clerk, 2 to 10 percent); No. 466, Mishawaka, Ind. (salesclerk, stock clerk, checker-cashier, office clerk, 9–6–71); No. 4571, Peru, Ind. (salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent); No. 597, Richmond, Ind. (salesclerk, stock clerk, checker-cashier, office clerk); No. 450, Braintree, Mass. (salesclerk); No. 504, Alpena, Mich. (9–6–71); No. 131, Ann Arbor, Mich.; No. 468, Ann Arbor, Mich.; No. 21, Battle Creek, Mich. (3 to 10 percent); No. 4036, Benton Harbor, Mich.; No. 4516, Detroit, Mich.; No. 4083, Flint, Mich. (8 to 10 percent, 8–23–71); No. 571, Fraser, Mich.; No. 4405, Fraser, Mich. (9–8–71); No. 465, Grosse Pointe, Mich.; No. 679, Kalamazoo, Mich.; No. 353, Madison Heights, Mich.; No. 516, Pontiac, Mich.; No. 667, Roseville, Mich.; No. 433, Saginaw, Mich. (9–13–71); No. 4074, Southfield, Mich.; No. 4021, Southgate, Mich. (9–13–71); Nos. 364 and 4002, Warren, Mich.;

No. 323, Rochester, Minn. (salesclerk, checker-cashier, office clerk, stock clerk, maintenance, 14 to 27 percent); No. 4266, Brooklyn, Ohio (9–11–71); No. 4567, Cleveland, Ohio (5 to 10 percent, 9–15–71); No. 4597, Maple Heights, Ohio; No. 4556, Zanesville, Ohio (5 to 10 percent); No. 4045, Butler, Pa. (bagger, salesclerk, checker-cashier, 6 to 10 percent, 9–5–71); No. 189, Middletown, Pa. (salesclerk); No. 545, Philadelphia, Pa. (salesclerk); No. 4513, Philadelphia, Pa. (salesclerk, 3 to 10 percent); No. 504, Reading Pa.

(salesclerk, 5 to 10 percent, 9–15–71); No. 4050, Johnson City, Tenn. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 2 to 17 percent, 8–31–71); No. 196, Alexandria, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 14 to 25 percent, 9–1–71); No. 4062, Danville, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 8–31–71); No. 4548, Petersburg, Va. (cashier, salesclerk, 7 to 18 percent, 8–31–71); No. 561, Winchester, Va. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, customer service, 11 to 34 percent, 8–31–71); No. 4503, Wheeling, W. Va.; No. 4542, Beloit, Wis. (salesclerk, stock clerk, checker-cashier, office clerk, 5 to 10 percent); No. 4051, Eau Claire, Wis. (salesclerk, stock clerk, checker-cashier, office clerk, 2 to 6 percent); No. 222, Green Bay, Wis. (salesclerk, stock clerk, checker-cashier, office clerk, 6 to 24 percent); No. 4089, La Crosse, Wis. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, 3 to 10 percent); No. 4321, Madison, Wis. (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, 11 to 29 percent, 9–1–71); No. 442, Neenah, Wis. (salesclerk, stock clerk, checker-cashier, office clerk).

Larson's Big Star, food stores, for the occupations of stock clerk, bagger, 9–17–71: No. 60, Oxford, Miss., 15 percent; No. 114, Water Valley, Miss., 8 percent.

Wm. A. Lewis Clothing Co., apparel store; Randhurst Center, Mount Prospect, Ill.; receptionist, check writer, wrapper, stock clerk; 10 percent; 9–2–71.

McCrory-McClellan-Green Stores, variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, except as otherwise indicated: No. 375, Phoenix, Ariz., 9 to 20 percent, 9–6–70 to 8–31–71; No. 709, Sierra Vista, Ariz., 4 to 17 percent, 9–14–70 to 8–31–71; No. 360, East Alton, Ill., 11 to 19 percent, 9–2–71; No. 1318, Louisville, Ky., 0 to 11 percent, 9–16–71; No. 346, LaVale, Md., 1 to 6 percent, 9–2–71 (salesclerk, office clerk, stock clerk, porter); No. 354, Salisbury, Md., 1 to 10 percent, 9–13–71 (salesclerk); No. 231, Lansing, Mich., 10 to 27 percent, 8–9–71; No. 447, Lapeer, Mich., 10 to 27 percent, 9–2–71 (salesclerk, stock clerk); No. 679, Sturgis, Mich., 10 to 27 percent, 9–2–71; No. 1072, Succasunna, N.J., 11 to 32 percent, 9–14–71; No. 362, Fairborn, Ohio, 6 to 20 percent, 9–4–71; No. 372, Troy, Ohio, 6 to 20 percent, 9–7–71; No. 90, Bristol, Pa., 14 to 30 percent, 9–19–71; No. 1066, Lancaster, Pa., 6 to 18 percent, 9–11–71 (salesclerk, office clerk); No. 326, North York, Pa., 7 to 22 percent, 9–10–71 (salesclerk); No. 167, Pottstown, Pa., 1 to 18 percent, 9–10–71 (salesclerk, stock clerk, office clerk, porter); No. 254, York, Pa., 22 to 27 percent, 8–21–71 (salesclerk, office clerk, stock clerk, porter); No. 337, Murfreesboro, Tenn., 2 to 31 percent, 9–13–71 (salesclerk, office clerk, porter); No. 249, Arlington, Tex., 11 to 15 percent, 9–13–71; No. 341, Moundsville, W. Va., 5 to 22 percent, 9–2–71.

G. C. Murphy Co., variety department stores, for the occupations of salesclerk, office clerk, stock clerk, janitorial, 9–2–71, except as otherwise indicated: No. 430, Madison, Ind., 0.1 to 5 percent; Nos. 91 and 285, Baltimore, Md., 16 to 31 percent; No. 301, Glen Burnie, Md., 14 to 23 percent; No. 309, Oxon Hill, Md., 9 to 25 percent (9–11–71); No. 302, Carlisle, Pa., 17 to 29 percent; No. 280, McKeesport, Pa., 3 to 23 percent; No. 293, Pittsburgh, Pa., 9 to 22 percent; No. 8, Washington, Pa., 3 to 23 percent (8–25–71); No. 94, York, Pa., 5 to 19 percent (8–21–71); No. 319, Richmond, Va., 9 to 17 percent (8–25–71).

Neisner Bros., Inc., variety-department stores, 9–2–71: No. 202, Crystal Lake, Ill., salesclerk, stock clerk, office clerk, 6 to 22 percent; No. 142, Trenton, N.J., salesclerk, stock clerk, 13 to 24 percent.

J. J. Newberry Co., variety-department stores, 9–2–71: No. 549, Bricktown, N.J., stock clerk, office clerk, salesclerk, janitorial, window trimmer, marker, 9 to 17 percent; 1–15 North Jefferson Street, Martinsville, Ind., salesclerk, stock clerk, 10 to 20 percent.

One Stop Pharmacy, Inc., drugstore; 517 Marchesano Drive, Rockford, Ill.; clerk, stock clerk; 5 to 11 percent; 7–29–71.

Raylass Department Store, variety department store; 908–12 Main Street, Lynchburg, Va.; office clerk, salesclerk, stock clerk, marker, cleanup; 13 to 34 percent; 8–31–71.

Rose's Stores, Inc., variety-department stores, for the occupation of salesclerk, 3 to 16 percent, 9–4–71, except as otherwise indicated: Nos. 6 and 115, Louisville, Ky.; No. 136, Clarksville, Tenn. (9–16–71); No. 156, Kingsport, Tenn. (salesclerk, stock clerk, office clerk, checker, 4 to 8 percent); No. 165, Murfreesboro, Tenn.; No. 66, Blacksburg, Va. (salesclerk, stock clerk, office clerk, checker, 6 to 16 percent); No. 89, Charlottesville, Va.; No. 54, Danville, Va. (salesclerk, stock clerk, office clerk, checker, 5 to 9 percent, 9–2–71); No. 167, Hampton, Va. (salesclerk, stock clerk, 11 to 39 percent); No. 168, Hopewell, Va.; No. 84, Lexington, Va.; No. 158, Martinsville, Va. (salesclerk, checker, 5 to 9 percent); No. 141, Newport News, Va. (13 to 31 percent); No. 128, Norfolk, Va. (13 to 27 percent, 9–9–71); No. 58, Pulaski, Va. (salesclerk, stock clerk, office clerk, checker, 6 to 24 percent); No. 55, Radford, Va. (9–16–71); No. 151, Roanoke, Va. (salesclerk, office clerk, stock clerk, checker, 0 to 5 percent); No. 113, Virginia Beach, Va. (13 to 26 percent).

Schensul's Cafeteria, restaurant; West Main Street, Kalamazoo, Mich.; busboy (girl), coffee girl (boy), counter helper, dishwasher, food preparer, short order cook; 49 to 77 percent; 8–17–71.

T. G. & Y. Stores Co., variety-department store; No. 765, Memphis, Tenn.; office clerk, salesclerk, stock clerk; 8 to 30 percent; 9–16–71.

Tersteeg's Super Valu, foodstore; Redwood Falls, Minn.; carryout, stock clerk; 15 to 28 percent; 9–9–71.

Lee Wilson & Co., agriculture; Lee, Nev.; seeder, fence mender, cattle feeder; 14 to 50 percent; 8–31–71.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 28th day of October 1970.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 70–14876; Filed, Nov. 4, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 100]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 30, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

of May 3, 1966. This assignment will be by Commissioner order which will be served on each party of record.

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

No. MC 2962 (Sub-No. 43), filed October 7, 1970. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) serving Hopkinsville, Ky., in connection with applicant's regular route authority in certificate MC 2962 (Sub-No. 42), restricted against the transportation of traffic moving from, to, or through Nashville, Tenn., and its commercial zone, on the one hand, and, on the other, Hopkinsville, Ky., and its commercial zone; (2) serving the plantsite of the Princeton Co. located at or near Princeton, Ky., as an off-route point in connection with applicant's presently authorized regular route operations to and from Princeton, Ky.; and (3) serving the plantsite of the Ensign Bickford Co. located at or near Graham, Muhlenburg County, Ky., in connection with applicant's regular route authority in certificate MC 2962 (Sub-No. 42). NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 4405 (Sub-No. 482), filed October 12, 1970. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquid; machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids and parts, attachments, and accessories* for use in the installation and operation of the above named items, from Jackson, Tenn., to points in the United States including Alaska, but excluding Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 5326 (Sub-No. 12), filed October 6, 1970. Applicant: WILSON B. DILL, CARL M. DILL SR. AND ARTHUR B. DILL, a partnership, doing business as DILL BROS. COMPANY, Galena, Md. 21635. Applicant's representative: Arthur B. Dill (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry feed*, from Sudlersville, Md., to points in Wilmington, Del. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 7585 (Sub-No. 4), filed October 6, 1970. Applicant: ANTHONY SPARACINO, JOHN SPARACINO, AND RALPH SPARACINO, a partnership, doing business as SPARACINO BROS., 2819 Cedar Avenue, Scranton, Pa. 18505. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Berks, Bradford, Bucks, Carbon, Columbia, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Montgomery, Montour, Monroe, Northumberland, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 10761 (Sub-No. 248), filed October 12, 1970. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naidow (same address as applicant), and A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, livestock, household goods as defined by the Commission and commodities requiring special equipment), serving the plantsite and/or shipping facilities of Mobay Chemical Co. at or near Baytown, Chambers County, Tex., as an off-route point in connection with carrier's authorized regular route service to Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Dallas, Tex.

No. MC 29120 (Sub-No. 121), filed October 12, 1970. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Mead Bailey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), between Indianapolis, Ind., and Fargo, N. Dak., from Indianapolis over Interstate Highway 65 to junction Interstate Highway 90 at or near Gary, Ind., thence over Interstate Highway 90 to junction Interstate Highway 94 at or near Tomah, Wis., thence over Interstate Highway 94 to Fargo, and return over the same route as an alternate route for operating convenience only in connection with applicant's present authority, serving no intermediate points with service at Indianapolis for purpose of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 29886 (Sub-No. 266), filed October 12, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling or freezing machines, air coolers, blowers or fans combined, air-handling or ventilating equipment and building construction wall sections*, from the plantsite and warehouse facilities of Westinghouse Electric Corp., Air Conditioning Division, at or near Staunton (Verona), Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin. NOTE: Applicant states it has no affirmative intention to tack the authority sought herein and therefore does not identify points or areas which could be served. However applicant does object to a restriction against tacking unless shown to be warranted. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 411), filed October 14, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuelers and accessories, attachments, and parts therefor*, when moving therewith, from North Kansas City, Mo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31237 (Sub-No. 7), filed October 8, 1970. Applicant: JOSEPH M. DIGNAN & SON, INC., 3210 Hammonds Ferry Road, Post Office Box 7463, Baltimore, Md. 21227. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Newsprint and groundwood paper* in rolls and in sheets, from railroad ramps at or near Alexandria, Va., to Aberdeen, Annapolis, Bel Air, Cambridge, Centerville, Chestertown, Denton, Elkton, Ellicott City, Frederick, Hagerstown, Havre de Grace, La Plata, Leonardtown, Ocean City, Pocomoke City, Salisbury, Upper Marlboro, and Westminster, Md., and Dover, Del. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42261 (Sub-No. 107), filed October 12, 1970. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Boston, Mass., to points in New York, N.Y., and refuse and rejected shipments on return. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 45656 (Sub-No. 15), filed October 8, 1970. Applicant: ANDERSON TRUCK LINE, INC., Drawer 191–531, West Harper Avenue, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts*, except in bulk, from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County, to points in Georgia, South Carolina, Virginia, that part of Tennessee on and east of U.S. Highway 27, the District of Columbia, and Baltimore, Md.; and (2) *materials, equipment and supplies* used in the manufacture of plastic products and plastic byproducts, except in bulk, from destinations in (1) above, to the origin point. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 48844 (Sub-No. 9), filed October 12, 1970. Applicant: MALDWYN JAMES, doing business as JAMES TRANSFER, 1134 East Hawthorne Avenue, St. Paul, Minn. 55106. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Omaha, Nebr., to Minneapolis and St. Paul, Minn., under contract with Grain Belt Breweries, Inc. Applicant holds common carrier authority under MC 125370 therefore, dual operations may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 52709 (Sub-No. 312), filed October 5, 1970. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Colorado Springs, Colo., and Kansas City, Kans., from Colorado Springs over U.S. Highway 24 to junction Interstate Highway 70 at or near Limon, thence over Interstate Highway 70 to Kansas City; (b) also over Interstate Highway 25 to junction Interstate Highway 225, thence over Interstate Highway 225 to its junction with Interstate Highway 70 to Kansas City, and return over the same route, serving the intermediate points of junction Interstate Highways 225 and 25, junction Interstate Highway 70 and U.S. Highway 77, and Strasburg, Colo., for purpose of joinder only, and serving Salina, Kans., for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (c) between Strasburg, Colo., and Marysville, Kans., from Strasburg over U.S. Highway 36 to Marysville, serving the intermediate point of the junction of Kansas Highway 181 and U.S. Highway 36 and the termini for purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's regular-route authority,

(d) Between the junction of Interstate Highway 35 and U.S. Highway 77 (near El Dorado, Kans.) and Beatrice, Nebr., from junction Interstate Highway 35 and U.S. Highway 77 over U.S. Highway 77 to Beatrice, serving the intermediate points of junction Interstate Highway 70 and U.S. Highway 77 and the junction of U.S. Highway 24 and U.S. Highway 77, junction U.S. Highway 77 and U.S. Highway 50, junction Interstate Highway 35 and U.S. Highway 77 for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular route authority; (e) between Chillicothe, Mo., and Des Moines, Iowa, from Chillicothe over U.S. Highway 65 to Des Moines, serving no intermediate points, but with service at Chillicothe for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (f) between Cameron, Mo., and Des Moines, Iowa, from Cameron over U.S. Highway 69 and/or Interstate Highway 35 to Des Moines, and return over the same route, serving no intermediate points, but with service at Cameron for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (g) between Kansas City, Mo., and Cameron, Mo., from Kansas City over Interstate Highway 35 to Cameron, serving no intermediate points, but with service at Cameron for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority and (h) between Colorado Springs and Limon, Colo., from Colorado Springs over U.S. Highway 24 to Limon, serving no intermediate points, but with service at Limon for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority.

(2) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Ogden, Utah, and Echo Junction, Utah, from Ogden over Interestate Highway 80N to Echo Junction, serving no intermediate points, but with service at Echo Junction for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (b) between Green River and Salina, Utah, from Green River over Interstate Highway 70 to junction Utah Highway 4, thence over Utah Highway 4 to Salina, and return over the same route, serving no intermediate points, but with service at the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (c) between Vernal, Utah, and Junction Interstate Highway 80 (near Green River, Wyo.), from Vernal over Utah Highway 44 to junction Wyoming Highway 530, thence over Wyoming Highway 530 to junction Interstate Highway 80, serving the intermediate points in Utah only, and serving the junction of Wyoming Highway 530 and Interstate Highway 80 for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (d) between Barstow, Calif., and Ash Fork, Ariz., from Barstow over Interstate Highway 40 (or U.S. Highway 66) to Ash Fork, serving the intermediate point of Kingman, Ariz., and with service at Ash Fork for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority;

(e) Between Beaumont and Riverside, Calif., from Beaumont over California Highway 60 to Riverside, serving no intermediate points, but with service at Beaumont for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (f) between junction U.S. Highway 395 and California Highway 14 (near Inyokern, Calif.), and junction U.S. Highway 395 and Interstate Highway 15 (near Cajon Summit, Calif.), from junction U.S. Highway 395 and California Highway 14 over U.S. Highway 395 to junction with Interstate Highway 15, serving the

intermediate point of Beechers Corners for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (g) between Salina, Utah, and junction Interstate Highway 15 and Utah Highway 63 at or near Scipio, Utah, from Salina over Utah Highway 63 to junction Interstate Highway 15, serving no intermediate points, with service at the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (h) between Holden and Delta, Utah, from Holden over Utah Highway 26 to Delta, serving no intermediate points, with service at the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (i) between junction Interstate Highway 15 and U.S. Highway 50 at or near Santaquin, Utah, and Fallon, Nev., from junction Interstate Highway 15 and U.S. Highway 50 over U.S. Highway 50 to Fallon, serving the intermediate points of Austin and Ely, Nev., and Delta, Utah, with service at the termini for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority;

(j) Between Boulder City, Nev., and Kingman, Ariz., from Boulder City over U.S. Highway 93 to Kingman, serving no intermediate points, with service at Kingman for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (k) between Loveland and Greeley, Colo., from Loveland over U.S. Highway 34 to Greeley, serving the intermediate points of junction U.S. Highway 34 and Interstate Highway 25, for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; and (l) between Walsenburg, Colo., and Santa Fe, N. Mex., from Walsenburg over Interstate Highway 25 (or U.S. Highway 85) to Santa Fe, serving no intermediate points, with service at the termini for purpose of joinder only for operating convenience only, as an alternate route, in connection with applicant's regular-route authority; (3) *explosives*, (a) between the junction of Interstate Highway 25 and Colorado Highway 14, approximately 4 miles east of Fort Collins, Colo., and Salt Lake City, Utah, from junction Interstate Highway 25 and Colorado Highway 14 over Colorado Highway 14 to Fort Collins, thence over U.S. Highway 287 to junction with Interstate Highway 80 and/or U.S. Highway 30 at or near Rawlins, Wyo., thence over Interstate Highway 80 (and pending completion of Interstate Highway 80, over U.S. Highway 30) to Salt Lake City and return over the same route, as an alternate route for operating convenience only, serving the intermediate point of Echo Junction, Utah, for purpose of joinder only, and the intermediate point of Fort Collins, with service at the termini of junction Interstate Highway 25 and Colorado Highway 14 for purpose of joinder only, in connection with applicant's regular-route authority;

(b) Between Cheyenne and Laramie, Wyo., from Cheyenne over Interstate Highway 80 to Laramie, serving no intermediate points and serving Laramie for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (c) between Casper, Wyo., and junction Interstate Highway 80 and U.S. Highway 287 at or near Rawlins, Wyo., from Casper over Wyoming Highway 220 to junction U.S. Highway 287 at or near Muddy Gap, Wyo., thence over U.S. Highway 287 to junction Interstate Highway 80 at or near Rawlins, Wyo., and return over the same route, with no service at intermediate points, serving junction Interstate Highway 80 and U.S. Highway 287 for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority; (d) between Denver, Colo., and Los Angeles, Calif., from Denver over Interstate Highway 25 to junction U.S. Highway 160 at or near Walsenburg, Colo., thence over U.S. Highway 160 to junction Colorado Highway 159 at or near Fort Garland, Colo., thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to junction U.S. Highway 64 at or near Taos, N. Mex., thence over U.S. Highway 64 to Santa Fe, N. Mex., thence over Interstate Highway 25 (and pending completion of Interstate Highway 25, over U.S. Highway 85 and New Mexico Highway 422) to Albuquerque, N. Mex., thence over Interstate Highway 40 (and pending completion of Interstate Highway 40, over U.S. Highway 66) to junction U.S. Highway 89 near Ash Fork, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points except for purpose of joinder only as hereinbefore provided, in connection with applicant's regular-route authority; and

(e) Between Denver, Colo., and Los Angeles, Calif., from Denver over U.S. Highway 285 to junction Colorado Highway 112 near Center, Colo., thence over Colorado Highway 112 to junction U.S. Highway 160 at or near Del Norte, Colo., thence over U.S. Highway 160 to junction U.S. Highway 164 at or near Cortez, Colo., thence over U.S. Highway 164 to junction U.S. Highway 89 approximately 11 miles west of Tuba City, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles, Calif., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except for the purpose of joinder only as hereinbefore provided, in connection with applicant's regular-route authority and (4) *iron and steel articles*, (a) from the plant and warehouse sites and storage yards of CF&I Corp. at or near Pueblo, Colo., to the junction of U.S. Highway 50 and U.S. Highway 285, serving the intermediate points of the junction of Interstate Highway 25 and U.S. Highway 50 for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority and (b) from the plant and warehouse sites and storage yards of CF&I Corp. at or near Pueblo, Colo., over city street or Interstate Highway 25 to junction Interstate Highway 25 and U.S. Highway 50 and U.S. Highway 285, serving the junction of U.S. Highway 50 and U.S. Highway 285 for purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's regular-route authority, restricted to traffic originating at named facilities of CF&I Corp. at or near Pueblo, Colo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55889 (Sub-No. 36), filed October 8, 1970. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004, and Kenneth A. Roberts, 1026 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lanett, Ala., and Columbus, Ga., from Lanett over U.S. Highway 29 to Opelika, Ala., thence over combined U.S. Highways 280 and 431 junction to Columbus, Ga., and return over the same routes, serving Columbus, Ga., for purposes of joinder only and serving points in Lee County, Ala., and those in Chambers County, Ala., on the south of Alabama Highway 50 as intermediate and off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga., or Montgomery, Ga.

No. MC 61231 (Sub-No. 52), filed October 8, 1970. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, Ninth Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and

warehouse facilities of North Star Steel Co. at Newport, Minn., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 61592 (Sub-No. 187), filed October 7, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, and wood products*, from Tunica, Miss., and Memphis, Tenn., to points in Wisconsin, Illinois, Indiana, Iowa, Missouri, Ohio, Minnesota, North Dakota, and South Dakota. Common control may be involved. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 62110 (Sub-No. 14), filed October 8, 1970. Applicant: BILLINGS TRUCKING CORPORATION, 509 Cherry Street, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County to points in Alabama, Florida, Georgia, Kentucky, Tennessee, Virginia, West Virginia, Pennsylvania, Washington, D.C., South Carolina, the New York, N.Y., commercial zone, Camden and Trenton, N.J.; Wilmington, Del.; Baltimore, Cumberland, and Hagerstown, Md.; and (2) *materials, equipment, and supplies* used in the manufacture of plastic products and plastic byproducts (except in bulk), from points in Alabama, Florida, Georgia, Kentucky, Tennessee, Virginia, West Virginia, Pennsylvania, Washington, D.C., South Carolina, the New York, N.Y., commercial zone, Camden and Trenton, N.J., Wilmington, Del., Baltimore, Cumberland, and Hagerstown, Md., to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 76266 (Sub-No. 119), filed October 7, 1970. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Louis R. Cernjar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Western Electric Co., Inc., located at Adams County, Colo. (near Northglenn, Colo.), as an off-route point in connection with carriers regular-route operations to and from Denver, Colo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Denver, Colo.

No. MC 78687 (Sub-No. 29), filed October 8, 1970. Applicant: LOTT MOTOR LINES, INC., Route 6 and 92, Rural Delivery No. 4, Tunkhannock, Pa. 18657, 118 Monell Street, Penn Yan, N.Y. 14527. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Myers and Retsof, N.Y., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate as a contract carrier under MC 2505, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80428 (Sub-No. 74), filed September 28, 1970. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, Goshen, N.Y. 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar, corn syrup and blends of liquid or invert sugar and corn syrup, and flavoring syrups*, in bulk, from New York, N.Y., and Yonkers, N.Y., to points in Maryland, Delaware, and Pennsylvania (except Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, and Wilkes-Barre), and Alexandria, Va. NOTE: Applicant states that the requested authority is not requested for the transportation of (a) blends or mixtures of corn syrup and liquid or invert sugar, and blends or mixtures of corn syrup and liquid and invert sugar, in bulk, in tank vehicles, from Long Island City, N.Y., to Annapolis, Md.; (b) flavoring syrup used in the manufacturing of carbonated beverages from Long Island City, N.Y., to Baltimore, Md., and Pittsburgh, Pa.; (c) flavoring syrup and invert and liquid sugar from Long Island City, N.Y., to Annapolis, Md. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 83539 (Sub-No. 302), filed October 8, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors and compressor parts and accessories; pulp and paper machinery, plastic injection molding machinery, papermill cylinder molds, and parts and accessories* for the aforenamed commodities, when moving in connection therewith, from Nashua, N.H., to points in the United States (except New Hampshire and Hawaii). Common control may be involved. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 85696 (Sub-No. 7) filed October 5, 1970. Applicant: DIAMOND FREIGHTWAYS, INC., Box 145, Friend, Nebr. 68359. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those requiring special equipment; (1) between McCool Junction and Omaha, Nebr., from McCool over U.S. Highway 81 to Fairmont, Nebr., thence over U.S. Highway 6 to Omaha, serving all intermediate points and the off-route points of Cordova, Beaver Crossing, and York, Nebr.; (2) between the junction of U.S. Highway 6 and Nebraska Highway 33 and Lincoln, Nebr., over Nebraska Highway 33 to junction U.S. Highway 77, thence over U.S. Highway 77 to Lincoln, serving the intermediate point of Crete, Nebr. NOTE: Applicant states that the requested authority will be joined with regular route authority. The purpose of the instant application is to convert its certificates of registration to certificates of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 91306 (Sub-No. 16), filed October 8, 1970. Applicant: JOHNSON BROTHERS TRUCKERS, INC., Post Office Box 530, Elkin, N.C. 28621. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County, to points in Delaware, New Jersey, New York, Pennsylvania, the District of Columbia, points in

that part of Virginia on and east of U.S. Highway 220 starting at the North Carolina-Virginia State line to Roanoke and that part of Virginia on and east of U.S. Highway 11 to the Virginia-West Virginia State line, and points in Maryland on and east of U.S. Highway 11; and (2) *materials, equipment, and supplies* used in the manufacture of plastic products and plastic byproducts (except in bulk) from the destinations points in (1) above to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 98964 (Sub-No. 10), filed October 14, 1970. Applicant: PALMER BROTHERS, INCORPORATED, 1434 South Third West, Salt Lake City, Utah 84115. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *General commodities* (except commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment and handling), (1) between Fredonia, Ariz., and Kanab, Utah, over U.S. Highway 89A, (2) between Salt Lake City, Utah, and Fillmore, Utah, over U.S. Highway 91, serving all intermediate points between Levan and Fillmore, including Levan, (3) between Salt Lake City and Delta, Utah, serving points within the area of Delta extending 50 miles on the west, 32 miles on the north, 20 miles on the east, 13 miles on the south of Delta, as follows: (a) Between Salt Lake City and Santaquin over U.S. Highway 6, (b) between Salt Lake City and Holden over U.S. Highway 91, thence to Delta over Utah Highway 26, (c) between Salt Lake City and Nephi, over Highway 91, thence to Delta over Utah Highways 132 and 148, and return over the same route, serving all intermediate points and the off-route point of Jericho, Utah, (4) between Salt Lake City, Utah, and Silver City, Utah, over U.S. Highway 91 to Santaquin, Utah, and U.S. Highway 6 from Santaquin, Utah, to Silver City, Utah, and all intermediate points between Payson, Utah, and Silver City, Utah, (5) between Payson, Utah, and Santaquin, Utah, over U.S. Highway 91, serving all intermediate points, (6) between Santaquin, Utah, and Jericho, Utah, serving all intermediate points, over U.S. Highway 6, service to off-route points south of Payson, Utah.

(7) Between Delta, Utah, and the Utah-Nevada State line, over U.S. Highway 6, serving all off-route points 25 miles on either side of said Highway 6, (8) between Salt Lake City, Utah, and Provo, Utah, over U.S. Highway 91, serving all intermediate points in Utah County, (9) between Salt Lake City, Utah, on the one hand, and points and places including and lying between (a) Fairview and Kanab and (b) Mona and Pigeon Hollow Junction on the other hand, over the following routes: (a) Between Salt Lake City and Spanish Fork over U.S. Highway 91; (b) Between Springville and junction of U.S. Highways 50 and 6, about 4 miles east of Spanish Fork, over U.S. Highway 50; (c) Between Spanish Fork and Thistle over U.S. Highway 6; (d) Between Thistle and Utah-Arizona State line over U.S. Highway 89, and alternate U.S. Highway 89; (e) Between Salina and, but not including, Emery over Utah Highway 10; (f) Between Spanish Fork and Nephi over U.S. Highway 91; (g) Between Nephi and Pigeon Hollow Junction over Utah Highway 11; (h) Between Moroni and Mount Pleasant over Utah Highway 116; (i) Between Nephi and Gunnison over U.S. Highway 91 and Utah Highway 28; serving all intermediate points and all off-route points which are located in Sanpete County, and the off-route points of Auroro, Sigurd, Venice, Glenwood, Annabella, Austin, and Monroe in Sevier County; and points between the junction of U.S. Highway 89 and Utah Highway 22, over Utah Highways 22 and 54 to and including Escalante, and serving Ruby's Inn and all off-route points within 10 miles of U.S. Highway 89 in Kane County.

(10) Between Salt Lake City, Utah, and points intermediate between Salt Lake City and Sigurd, Utah, on the one hand, and points in Wayne County, Utah, on the other, over U.S. Highways 91 and 89 and Utah Highways 28, 24, and 117, serving the off-route points of Burrville, Koosharem, and Greenwich on Utah Highway 62 and Fish Lake on Utah Highway 25; and between Green River, Utah, and Hanksville, Utah, over Utah Highway 24, (11) between Richfield, Utah, and Sigurd, Utah, and all points in Wayne County, Utah; and between all points in Wayne County over U.S. Highway 89 and Utah Highways 28, 24, and 117; also serving the off-route points of Burrville, Koosharem, and Greenwich on Utah Highway 62 and Fish Lake on Utah Highway 25; also serving between Green River, Utah, and Hanksville, Utah, over Utah Highway 24; also the right to use Utah Highways 50 and 24 as an alternate route in serving points in Wayne County, particularly Hanksville, in case of emergency only, such emergency being an event which would make the use of Utah Highway 24 between U.S. Highway 89 and points to be served by applicant impassable. Over irregular routes between all points and places in Kane, Garfield, Sevier, Piute, Millard, and Juab Counties in Utah: *Provided, however*, That such service is restricted against transportation service to all points situated on U.S. Highway 91 or Interstate 15 in Millard County south of the town of Fillmore. (B) *Coal:* Over regular routes from Salt Lake City, Utah, to Dugway, Utah, as follows: From Salt Lake City to Mills Junction, Tooele County, over U.S. Highway 40, from Mills Junction to the intersection of the road going to St. John and Utah Highway 36 over said Highway 36; thence to St. John, Utah, over Utah Highway 58; thence to Dugway, Utah, over Army access road, and return, together with service from railroad at St. John and/or Stockton, Utah, to Dugway Proving Grounds, together with the alternate route from Salt Lake City to Timpie, Utah, over Highway U.S. 40, thence over unnumbered State Highway to Dugway, and return, with the right to serve the intermediate point of Timpie, Utah, and

(C) *Salt:* From the plants of Morton Salt Co. at Saltair, Utah, to points and places including and lying between (a) Fairview and Marysvale and (b) Mona and Pigeon Hollow Junction, Utah, over U.S. Highway 40 between Saltair and Salt Lake City and thence over U.S. Highway 89. No local service shall under this certificate be rendered between Saltair or Salt Lake City on the hand, and points north of Fairview and Mona on the other hand. NOTE: Applicant states that the requested authority can be tacked with its Sub-7 at Richfield, Utah, and with its Sub-8 at Nephi, Fillmore, Salina, and Kanab. Applicant requests cancellation of certificate of registration simultaneously with grant of a certificate for the same service. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 99859 (Sub-No. 7), filed October 12, 1970. Applicant: ROBERT O'NAN, doing business as O'NAN TRANSPORTATION COMPANY, Post Office Box 308, Carrollton, Ky. 41008. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe or tubing, with or without covering or lining of other materials, with or without couplings and other related accessories*, from the plantsite of Phelps-Dodge Aluminum Corp. at or near Carrollton, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 105457 (Sub-No. 71), filed October 12, 1970. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Post Office Box 10638, Charlotte, N.C. 28201. Applicant's representative: J. V. Luckadoo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies* used in the installation thereof, from the plant and warehouse sites of Evans Products Co., at or near Doswell, Va., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with

its existing authority. Applicant also states that it now holds common carrier authority to serve all points in North Carolina, Tennessee, Virginia, Georgia, and points in Russell County, Ala., through certain gateways. The purpose of this application is to require authority to serve points in States not authorized to be served and to eliminate Gateway restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 107010 (Sub-No. 41), filed October 5, 1970. Applicant: BULK CARRIERS, INC., Auburn, Nebr. 68305. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Kansas City, Kans.-Kansas City, Mo., commercial zone, Eldorado, Kans., Augusta, Kans., Phillipsburg, Kans., and Salina, Kans., to points in Iowa and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 109397 (Sub-No. 241), filed October 12, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filters and filter parts*, from Whittier, Calif., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128814 (Sub-No. 5), therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110525 (Sub-No. 987), filed October 8, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Toledo, Ohio, and Detroit, Mich., to points in Indiana, Michigan, and Ohio, restricted to traffic having an immediately prior movement by rail. NOTE: Applicant states that requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 72) (Correction), filed September 25, 1970, published FEDERAL REGISTER, issue of October 15, 1970 under No. MC 119778 Sub No. 125, and republished as corected, this issue. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers, mounted or not mounted, and *empty cargo containers*, mounted or not mounted, between Port Everglades (Broward County), Fla., on the one hand, and, on the other, points in Florida, restricted to traffic having a prior or subsequent movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to show the correct docket number assigned to this case, No. MC 111045 (Sub-No. 72), in lieu of No. MC 119778 (Sub-No. 125), which was in error. If a hearing is deemed necessary, applicant requests it be held at Miama or Tampa, Fla.

No. MC 111548 (Sub-No. 10), filed October 8, 1970. Applicant: SHARPE MOTOR LINES, INC., Post Office Box 517, Hildebran, N.C. 28637. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk) from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County, to points in New York, Pennsylvania, New Jersey, Illinois, Ohio, Indiana, West Virginia, Kentucky, Michigan, Connecticut, Rhode Island, Massachusetts, New Hampshire, that portion of Maryland north of the Chesapeake Bay and Delaware Canal and west of Elk River and the Chesapeake Bay, those in Virginia west of Chesapeake Bay, the District of Columbia, and Wilmington, Del.; and (2) *materials, equipment, and supplies* used in the manufacture of plastic products and plastic byproducts (except in bulk), from the destinations listed in (1) above to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115793 (Sub-No. 12), filed October 8, 1970. Applicant: CALDWELL FREIGHT LINES, INC., Post Office Box 372, U.S. Highway 321 South, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County, to points in Tennessee, Missouri, and points in Washington, Scott, Lee, Russell, Wise, and Dickerson Counties, Va.; and (2) *materials, equipment, and supplies* used in the manufacture of plastic products and plastic byproducts (except in bulk), from points in Tennessee, Missouri, and points in Washington, Scott, Lee, Russell, Wise, and Dickerson Counties, Va., to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 111812 (Sub-No. 410), filed October 7, 1970. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Whipped toppings and coffee whiteners* from Dearborn, Mich., to points in Washington, Oregon, and Idaho; and (2) *frozen bakery products*, from Lavonia, Mich., to points in Washington, Oregon, Idaho, Montana, California, North Dakota, South Dakota, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant states that he has no preference to location.

No. MC 113267 (Sub-No. 247), filed October 12, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bags and wrapping paper*, from Crossett, Ark., to points in Oklahoma and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 113678 (Sub-No. 404), filed October 12, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating

at Scottsbluff, Nebr., and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 405), filed October 12, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from the storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Colorado, Oregon, Washington, California, Utah, Texas, Oklahoma, South Dakota, New Mexico, North Dakota, Montana, Wyoming, Arizona, Nevada, and Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Denver, Colo.

No. MC 114028 (Sub-No. 18), filed October 13, 1970. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 1717 Maple Street, Dubuque, Iowa 52001. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* between Dubuque, Iowa, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114084 (Sub-No. 15), filed October 8, 1970. Applicant: S AND S TRUCKING COMPANY, a corporation, 118 South Oakland Avenue, Statesville, N.C. 28677. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts* (except in bulk), from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County to points in Maine, New Hampshire, and Vermont, and points in New York on and north of a line beginning at the New York-Massachusetts State line and extending west along U.S. Highway 20 to Albany, N.Y., thence along New York Highway 5 to the southern corporate limits of Buffalo, N.Y., thence west along the southern corporate limits of Buffalo, N.Y., to Lake Erie; and (2) *materials, equipment, and supplies* used in the manufacture of plastic products and plastic byproducts (except in bulk), from points in Maine, New Hampshire, and Vermont, and points in New York on and north of a line beginning at the New York-Massachusetts State line and extending west along U.S. Highway 20 to Albany, N.Y., thence along New York Highway 5 to the southern corporate limits of Buffalo, N.Y., and thence west along the southern corporate limits of Buffalo, N.Y., to Lake Erie and to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 114389 (Sub-No. 14), filed October 9, 1970. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, Iowa 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Car crushers, office machine crushers, motor block breakers, engine pullers, and related parts and accessories*, from the plantsite and facilities of Al-Jon, Inc., near Ottumwa, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *motor and engine puller tractors* from Omaha, Nebr., to the plantsite and facilities of Al-Jon, Inc., near Ottumwa, Iowa, under contract with Al-Jon, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 114734 (Sub-No. 21), filed October 9, 1970. Applicant: D AND J TRANSFER CO., a corporation, Sherburn, Minn. 56171. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, Nebr. 68051. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (a) from Spencer, Iowa, to points in Indiana, Kansas, Kentucky, Michigan, Missouri, North Dakota, Ohio, South Dakota, and Wyoming; (b) from Sioux Falls, S. Dak., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Dakota, Ohio, South Dakota, and Wyoming; (c) from warehouse and storage facilities utilized by Spencer Foods, Inc., at Fremont, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; (d) from warehouse storage facilities utilized by Spencer Foods, Inc., at Worthington, Minn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, North Dakota, Nebraska, Ohio, South Dakota, Wisconsin, and Wyoming; and (2) *such commodities* as are used by meatpackers in the conduct of their businesses when destined to and for use by meatpackers, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, North Dakota, Nebraska, Ohio, South Dakota, Wisconsin, and Wyoming, to Spencer, Hartley, and Cherokee, Iowa, Schuyler and Fremont, Nebr., Sioux Falls, S. Dak., and Minneapolis and Worthington, Minn., restricted to the transportation of traffic destined to the plantsites of or warehouse and storage facilities utilized by Spencer Foods, Inc. The operations in (1) and (2) above are restricted to those performed under continuing contract or contracts with Spencer Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 115311 (Sub-No. 114), filed October 9, 1970. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials* (except liquid commodities in bulk) from the plantsite and storage facilities of the United States Gypsum Co. at New Orleans, La., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 115322 (Sub-No. 80), filed October 14, 1970. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: David C. Venable, 701 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Pet, Inc., Frozen Foods Division at or near Allentown and Chambersburg, Pa., to points in North Carolina and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115491 (Sub-No. 120), filed October 14, 1970. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, molding and accessories* used in the installation of plywood when

moving in the same vehicle with plywood, from points in Manatee County, Fla., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 115491 (Sub-No. 121), filed October 14, 1970. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having an immediately prior or immediately subsequent movement by rail, between points in Orange County, Fla., on the one hand, and on the other, points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states that no duplicate authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 115669 (Sub-No. 116), filed October 12, 1970. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Fairbury, Nebr., to points in Iowa, Kansas, and Missouri, restricted to the transportation of traffic originating at Fairbury, Nebr., and destined to the States specified above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 116073 (Sub-No. 140), filed October 12, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* complete or in sections, from points in Douglas County, Kans., to points in the United States (including Alaska but excepting Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116073 (Sub-No. 141), filed October 12, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* complete or in sections, from points in Morgan County, Ala., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116519 (Sub-No. 11), filed October 14, 1970. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Maumee and Toledo, Ohio, to ports of entry along the United States-Canada boundary line along the St. Clair, Detroit, and Niagara Rivers. Restriction: The traffic involved here is restricted to foreign commerce only. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Detroit, Mich.

No. MC 116544 (Sub-No. 118), filed October 12, 1970. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in sections B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Mansfield, Mo., on the one hand, and, on the other, points in Kentucky, Tennessee, Indiana, and Illinois. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Mansfield, Mo., to serve points in Missouri, Arkansas, Oklahoma, and Kansas. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 118159 (Sub-No. 104), filed October 12, 1970. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except in bulk), from storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Oklahoma City, Okla.; Washington, D.C., or New Orleans, La.

No. MC 118288 (Sub-No. 37), filed October 9, 1970. Applicant: STEPHEN P. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are used by meat packinghouses* in the conduct of their business (except meat), from points in Michigan, Ohio, Indiana, Missouri, Arkansas, Texas, Oklahoma, Minnesota, Kansas, Colorado, Illinois, Wisconsin, Iowa, Nebraska, North Dakota, and South Dakota to points in Montana. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Montana, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, Ill.

No. MC 118959 (Sub-No. 92), filed October 7, 1970. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, cement asbestos pipe, fittings, compounds, joint sealer, bonding cement, plastic siding, and materials and supplies* used in the installation of plastic and plastic products, between Social Circle, Ga., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, and West Virginia. NOTE: Applicant presently holds contract carrier authority under its No. MC 125664, therefore dual operations may be involved. Applicant states it intends to tack the requested authority with its existing authority, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or St. Louis, Mo.

No. MC 118989 (Sub-No. 55), filed October 12, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Portland, Ind., to points in Arkansas, Illinois, Kentucky, Michigan, Ohio, Mississippi, Tennessee, Virginia, West Virginia, Alabama, Georgia, South Carolina, Pennsylvania, Wisconsin, Missouri, Iowa, Minnesota, North Carolina, Florida, and New York. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 250), filed October 12, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, Post

Office Box 188, Pleasant Prairie, Wis. 53148. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Rochelle, De Kalb, and Mendota, Ill., to points in Indiana, Kentucky, Michigan, and Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119789 (Sub-No. 40) (Correction), filed October 2, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished in part as corrected this issue. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. 75222. Applicant's representative: James T. Moore (same address as applicant). NOTE: The sole purpose of this partial republication is to add the States of New York and Maryland to the destination territory, which States were inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 120872 (Sub-No. 6), filed October 14, 1970. Applicant: COLORADO CARTAGE COMPANY, INC., 5275 Quebec Street, Mail: Post Office Box 7176, Park Hill Station, Denver, Colo. 80207, Commerce City, Colo. 80022. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media;* (2) *exposed and processed film and prints, complimentary replacement film, cameras and camera components, and incidental dealer handling supplies and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition); (3) *denistry materials and supplies;* (4) *ophthalmic goods and order forms;* (5) *drugs, pharmaceuticals, radiopharmaceuticals, medical isotopes, narcotics, blood and blood derivatives, biological specimens and related records, X-ray films and materials, and drug store proprietaries, sundries and toiletries;* and (6) *electrical and electronic parts* for computers, data processing equipment, photocopy equipment, and office machines, between points in Larimer, Weld, Boulder, Denver, Adams, Arapahoe, Jefferson, Douglas, El Paso, and Pubelo Counties, Colo. Restrictions: (1) Restricted to traffic having an immediately prior or subsequent movement by air; and (2) no service shall be performed for the transportation of any shipment weighing more than 75 pounds from one consignor to one consignee at one location on any one day. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicating authority is being sought. Applicant has pending in MC 135000 an application for contract carrier authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 123048 (Sub-No. 181) (Correction), filed October 2, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished, as corrected, this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snowmobile chassis and parts of snowmobile chassis*, from ports of entry on the United States-Canada boundary at Detroit and Port Huron, Mich., to points in Calumet County, Wis., restricted to foreign commerce; and, (2) (a) *lawn and garden equipment;* (b) *snow throwers;* (c) *snowmobiles;* (d) *attachments* for the commodities described in (a) through (c) above; and (e) *parts* for the commodities described in (a) through (d) above, from points in Calumet County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C. The purpose of this republication is to redescribe the commodity description, a portion of which was inadvertently omitted in the previous publication.

No. MC 123091 (Sub-No. 9) (Correction), filed October 1, 1970, published in the FEDERAL REGISTER issue October 29, 1970, and republished as corrected this issue. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, Ohio 44403. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel pipe, tubing, conduit fittings, and accessories therefor*, from Sharon and Wheatland, Pa., to points in Alabama; that part of Tennessee east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 31 to the Tennessee-Alabama State line; and points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this republication is to reflect conduit fittings in the commodity descriptions. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 123294 (Sub-No. 20) (Correction) filed October 1, 1970, published FEDERAL REGISTER issue of October 29, 1970, corrected and republished as corrected, this issue. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Post Office Box 784, Warsaw, Ind. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper mill products*, from points in Miami, Champaign, Montgomery and Warren Counties, Ohio, to Milwaukee, Racine, and Beloit, Wis.; St. Louis, Mo.; points in Michigan on and south of Michigan Highway 21; that part of Illinois on and north of U.S. Highway 40; and that part of Indiana on and north of U.S. Highway 40; (2) *materials and supplies* used in the manufacture of paper mill products, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include a portion of the territorial description in (1) above, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123392 (Sub-No. 27) (Amendment), filed September 10, 1970, published in the FEDERAL REGISTER issue of October 1, 1970, and republished as amended this issue. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, Tex. 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products*, prestressed, precast, or reinforced, which by reason of size or other physical characteristics, require the use of special devices, facilities, and equipment for their loading, unloading, or transportation; (1) from points in Potter and Randall Counties, Tex., to points in New Mexico on and east of U.S. Highway 85, points in Colorado on and east of U.S. Highway 85; (2) from the Colorado-New Mexico State line to junction with U.S. Highway 50 and on and south of U.S. Highway 50 to the Colorado-Kansas State line, to points in Kansas on and south of U.S. Highway 50; and (3) from the Kansas-Colorado State line to the junction of U.S. Highway 81 and on and west of U.S. Highway 81 to the Kansas-Oklahoma State line and points in Oklahoma on and west of U.S. Highway 81. NOTE: Applicant states that the requested authority. The purpose of this republication is to redescribe the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No MC 124174 (Sub-No. 81), filed October 5, 1970. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Post Office Box 309, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glue stock;* (2) *hides, skins, and pieces therefrom;* and (3) *tannery products and byproducts*, between points in Kentucky, Maine, Massachusetts, New Hampshire; Pownal, Vt.; Buffalo, Gloversville, Gowanda, and Johnstown, N.Y.; Virginia, West Virginia; Ashtabula, Girard, and Toledo, Ohio; Detroit, Mich.; Chicago, Ill.; and Oak Creek, Wis. NOTE: Applicant states it proposes to tack at any point now authorized to the applicant where the commodities and geographical area presently authorized are common to the instant application. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124333 (Sub-No. 14), filed October 12, 1970. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Claymont, Del., to Bridgeton and Millville, N.J., restricted to the season November 1st to March 31st of each year, under contract with Paragon Oil. Co., Division of Texaco, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125362 (Sub-No. 2), filed October 8, 1970. Applicant: THOMAS P. SMITH, 10045 East Michigan Avenue, Parma, Mich. 49269. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine*, (1) *malt beverages* from La Crosse and Sheboygan, Wis., and South Bend, Ind., to Jackson, Mich., and (2) *wine* from Chicago, Ill., to Jackson, Mich., under contract with Stadelman Distributing Co. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Lansing or Detroit, Mich.

No. MC 125624 (Sub-No. 13), filed October 5, 1970. Applicant: EVERGREEN FREIGHT LINES, INC., 5205 East Union, Spokane, Wash. 99206. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment), between Davenport and Grand Coulee, Wash.; from Davenport over U.S. Highway 2 to Coulee City, Wash., thence over U.S. Highway 2 to its junction with Washington Highway 155, thence over Washington Highway 155 to Grand Coulee, and return over the same route, serving the intermediate points of Creston, Wilbur, Govan, Almira, Hartline, Coulee City, and Electric City. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane or Grand Coulee, Wash.

No. MC 126039 (Sub-No. 16), filed October 8, 1970. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter P. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum alloys*, between Chicago, Ill., and points in Iowa, Wisconsin, Indiana, Michigan, Ohio, Missouri, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 126286 (Sub-No. 11), filed October 12, 1970. Applicant: NIX TRANSPORTATION, INC., 335 West Queen, Post Office Box 721, Albany, Oreg. 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Josephine, Jackson, Washington, Columbia, Coos, Jefferson, Yamhill, Lincoln, Clackamas, Multnomah, Douglas, Klamath, Tillamook, and Clatsop Counties, Oreg., and Clark County, Wash., to Astoria, Coos Bay, Yaquina Bay, and Portland, Oreg., and points in Clark and Cowlitz Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 127156 (Sub-No. 2) (Amendment), filed October 1, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished as amended, this issue. Applicant: E. J. BRADLEY, doing business as ED'S FUEL AND TRANSFER, Box 139, Wrangell, Alaska 99929. Applicant's representative: Robin L. Taylor, 111 Stedman Street, Post Office Box 1769, Ketchikan, Alaska 99901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (a) between points on Mitkof Island, Alaska, (b) between points on Mitkof Island, Alaska, on the one hand, and, on the other, points within that part of Alaska south of the Alaska-Canada border north of Haines, and (c) between points on Mitkof Island, Alaska, on the one hand, and on the other, points on the Mitkof Highway between Mitkof Island (Petersburg), Alaska, and the Alaska-British Columbia, Canada boundary line along the Stikine River. NOTE: The purpose of this republication is to redescribe part (b) of the territorial description. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Petersburg, Wrangell, Ketchikan, or Juneau, Alaska.

No. MC 127689 (Sub-No. 41), filed October 5, 1970. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 701 East Pine Street, Post Office Box 987, Hattiesburg, Miss. 39401. Applicant's representative: Harvey E. West (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration equipment, walk-in-type refrigeration units, and parts, accessories and assemblies for walk-in-type refrigeration units*, from Laurel, Miss., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Iowa, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, handling rejected shipments of above commodities and/or pallets on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 128294 (Sub-No. 7), filed October 8, 1970. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs, canning factory and frozen food plant materials and supplies and equipment*, in truck load quantities, between (1) plantsites of Green Giant Co. at Blue Earth, Montgomery, Glencoe, Cokato, Winsted, Le Sueur, Minn.; Rosendale, Ripon, Beaver Dam, Fox Lake, Wis.; Belvidere, Ill.; on the one hand, and, on the other, plantsites of Green Giant Co. at the township of West Sunbury, Pa.; Tucker, Ga.; and Garland and Denton, Tex.; and (2) from the plantsites of Green Giant Co. at Fruitland, Md.; and Woodside, Del.; and storage facilities of Green Giant Co. at Salisbury, Md., and Dover, Del., to plantsites of Green Giant Co. at Belvidere, Ill., and Glencoe, Minn., under contract with Green Giant Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128413 (Sub-No. 4), filed September 30, 1970. Applicant: SEASONALL TRANSPORTATION CO., a corporation, Route 119 South, Indiana, Pa. 15701. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, commodities in bulk, and those requiring special equipment), between points in Allegheny County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, under contract with Action Industries, Inc., Associated Hardware Supply Co., Dollar-ama, Inc., Action Dollars, Inc., Lobeco, Inc., Action Lobeco Imports, Ltd., and Action International, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129219 (Sub-No. 5), filed October 12, 1970. Applicant: C.M.D. TRANSPORTATION, Route 1, Box 103, Clackamas, Oreg. 97015. Applicant's representative: Philip G. Skofstad, 4410 Northeast Fremont, Portland, Oreg. 97213. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric storage batteries and allied components*, for the account of E.S.B., Inc., over irregular routes, between Los Angeles and San Jose, Calif., on the one hand, and, on the other, points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; and (2) *scrap and junk electric storage batteries*, for the account of E.S.B., Inc., over irregular routes, from points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington to Los Angeles, Calif., Portland, Oreg., and Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 129498 (Sub-No. 4), filed October 12, 1970. Applicant: DIAMOND CARGO, INC., 555 Ocean Avenue, Brooklyn, N.Y. 11226. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimwear and materials and supplies* used in the manufacture thereof, between New York, N.Y., and New Haven, Conn., under contract with Robby Len, Division of Genesco. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Washington, D.C.

No. MC 129713 (Sub-No. 4), filed October 12, 1970. Applicant: CHESTERFIELD STEEDE and EDWIN STEEDE, a partnership, doing business as, STEEDE TRUCKING, 194–55 111th Road, Hollis, N.Y. 11412. Applicant's representative: William J. Hanlon, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scientific instruments and photographic equipment*, for the account of E. Leitz, Inc., between Rockleigh, N.J., and the New York commercial zone. NOTE: If a hearing is deemed necessary, applicant requests that it be held at Newark, N.J., or New York, N.Y.

No. MC 133240 (Sub-No. 10), filed October 12, 1970. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, N.J. 07102. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used or useful in the sale or distribution of wearing apparel (such as price tickets, pins, hangers, cartons, etc.) in cartons, between Secaucus, N.J., and New York, N.Y., on the one hand, and, on the other, points in St. Louis, Florissant, Bridgeton, Springfield, Kansas City, Independence, and Columbia, Mo., and Merriam, Kans., and Belleville and Collinsville Ill., restricted to the transportation service to be performed under a contract or continuing contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 134070 (Sub-No. 4), filed October 12, 1970. Applicant: LEW ROSE, doing business as LEW ROSE PETROLEUM TRANSPORT, 855 South Fort, Detroit, Mich. 48226. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Detroit, Mich., to Fostoria, Ohio. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 134080 (Sub-No. 1), filed October 6, 1970. Applicant: CERTIFIED HEATING OILS, INC., 2970 Amboy Road, Staten Island, New York, N.Y. 10306. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, from Elizabeth, N.J., to Staten Island, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 134279 (Sub-No. 1) (Correction), filed September 23, 1970, published in the FEDERAL REGISTER issue of October 15, 1970, and republished as corrected this issue. Applicant: DAVID E. ROWELL, 7 North 93d Avenue West, Duluth, Minn. 55808. Applicant's representative: Thomas R. Thibodeau, 811 First American National Bank Building, Duluth, Minn. 55802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products*, including *wood lath, snow fence, wood stakes, rough and finish lumber*, from the port of entry on the international boundary line between the United States and Canada at or near Grand Portage, Minn., to points in Minnesota, Wisconsin, Illinois, Iowa, and Michigan. The purpose of this republication is to reflect the correct docket number as 134279 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 134289 (Sub-No. 4), filed October 8, 1970. Applicant: CALDWELL TRUCK RENTALS, INC., 625 South Boulevard, Lenoir, N.C. 28645. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products and plastic byproducts*, except in bulk, from the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County to points in Connecticut, Massachusetts, Rhode Island, Virginia, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia; and (2) *materials, equipment, and supplies* used in the manufacture of plastic products and plastic byproducts, except in bulk, from points in Connecticut, Massachusetts, Rhode Island, Virginia, Maryland, Pennsylvania, New Jersey, New York, and the District of Columbia to the plantsite of Polymer Processing, Inc., a subsidiary of Broyhill Furniture Industries, Inc., at or near Lenoir, N.C., in Caldwell County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 134400 (Sub-No. 3), filed October 7, 1970. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 345 South Main Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Shelters, dock or vehicle, dock enclosures, canopies, awnings, protective shields, screens, or garments, kits, partitions, protective blankets, visibility belts, cable and hose protectors, and related accessories*, from Dubuque, Iowa, to points in the United States (except Alaska, Hawaii, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); and (2) *materials and supplies*, used in the manufacture and distribution of products listed above, from points in the United States (except Alaska, Hawaii, Arizona, California, Nevada, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming), to Dubuque, Iowa, under contract with Frommelt Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Des Moines, Iowa.

No. MC 134532 (Sub-No. 1), filed October 12, 1970. Applicant: ALPHONSE DENTLINGER, Box 85, Halbur, Iowa 51444. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa pellets*, from Fremont, Nebr., to points in Carroll County, Iowa, under contract with Fremont Elevator Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134739 (Sub-No. 1), filed September 25, 1970. Applicant: FRANK SINNOTT, 358 West Putnam Avenue, Greenwich, Conn. 06830. Applicant's representative: Reubin Kaminsky, 342 North Main Street, Post Office Box 17-056, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, trade letters, nonnegotiable commercial documents, financial records, letters of authorization, transmittal letters, and supplies and materials* used in the preparation of printed matter, between points in Connecticut on and west of that portion of Connecticut Highway 124 between the Connecticut-New York State line and Darien, Conn., on the one hand, and, on the other, New York, N.Y.; and (2) *printed matter* from Greenwich, Conn., to La Guardia Airport, Long Island, N.Y., restricted to traffic having an immediately subsequent movement by air. Restriction: All of the above traffic shall be limited to packages or parcels not exceeding 100 pounds in weight each package or parcel and shipments consisting of such packages or parcels not exceeding an aggregate of 500 pounds. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Hartford, Conn.

No. MC 134806 (Sub-No. 1), filed October 12, 1970. Applicant: B-D-R TRANSPORT, INC., Post Office Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boots, shoes, and other footwear* from Wilton, Maine, and Brattleboro, Vt., to Chicago, Ill.; Cheyenne, Wyo.; Salt Lake City, Utah; and Reno, Nev., under contract with Dunham Brothers Co. and G. H. Bass & Co.; (2) *tanned leather* from Milwaukee and Fond du Lac, Wis., and Chicago, Ill., to Wilton, Maine, under contract with G. H. Bass & Co.; and (3) *boots and shoes and other footwear*, from Brunswick and North Berwick, Maine; Manchester, Nashua, and Rollinsford, N.H., to Brattleboro, Vt., under contract with Dunham Brothers Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt.

No. MC 134853 (Sub-No. 2), filed October 14, 1970. Applicant: CHARLES M. WILSON AND RICHARD R. REEVES, a partnership, doing business as W. R. TRUCKING CO., 9003 Weathervane Garth, Baltimore, Md. 21234. Applicant's representative: Harold P. Boss, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty cylinders*, used for propane and/or other liquified petroleum gas, between the plantsites and facilities of Cyl-Con, Inc., at or near Catonsville, Md., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Virginia, and the District of Columbia; points in that part of Pennsylvania on and east of U.S. Highway 119 extending from the West Virginia-Pennsylvania State line (near Point Marion, Pa.) to junction U.S. Highway 219 (near Du Bois, Pa.) and on and east of U.S. Highway 219 extending from said junction to the Pennsylvania-New York State line, and points in that part of West Virginia on and east of U.S. Highway 19, limited to a service to be performed under a continuing contract or contracts with Cyl-Con, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134859 (Sub-No. 2), filed October 8, 1970. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, Ill. 62896. Applicant's representative: Donald Russell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in shipper-owned trailers, for account of Reiss Viking Corp., from site of Meramec Mining Co., near Sullivan, Mo., to coal mines in Illinois, Indiana, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 134889 (Correction) filed August 27, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished as corrected, this issue. Applicant: CITRUSALES, INC., 12200 State Road 84, Davie, Fla. 33314. Applicant's representative: Paul Deutsch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, in bulk, in tank vehicles, from points in Florida to points in Delaware, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Wisconsin, and Georgia. NOTE: The purpose of this republication is to correctly set forth destination States from erroneous manner previously published. If a hearing is deemed necessary, applicant requests it be held at Miami, Fort Lauderdale, or Orlando, Fla.

No. MC 134984, filed October 5, 1970. Applicant: ALL SERVICE MOVING & STORAGE CO., INC., 2753 Monroe Avenue, Baton Rouge, La. 70802. Applicant's representative: Howard Choate (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Baton Rouge, La., on the one hand, and, on the other, points in the parishes of Point Coupee, West Feliciana, East Feliciana, St. Helena, Livingston, Ascension, Iberville, East Baton Rouge, West Baton Rouge, La., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) New Orleans, La., or (2) Baton Rouge or Alexandria, La.

No. MC 134985, filed October 5, 1970. Applicant: ROBERT W. BOURG AND FRANCIS O. BOURG, a partnership, doing business as BOURG BROTHERS MOVING & STORAGE COMPANY, 601 West Park Avenue, Houma, La. 70360. Applicant's representative: Francis O. Bourg (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Houma, La., on the one hand, and, on the other, points in the parishes of St. Mary, Lafourche, Terrebonne, Assumption, and St. James west of the Mississippi River, La., under contract with Western Electric Co., Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, Baton Rouge, or Alexandria, La.

No. MC 134986, filed October 5, 1970. Applicant: ELLINGTON TRANSFER & WAREHOUSE CO., INC., 406 North 10th Street, Monroe, La. 71201. Applicant's representative: Clifford L. Lawrence, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies;* (1) between Monroe, La., on the one hand, and, on the other, points in the parishes of Morehouse, Ouachita, Union, Franklin, Tensas, Madison, Richland, East Carroll, West Carroll, Caldwell, Jackson, and Lincoln, La.; and (2) between Alexandria, La., on the one hand, and, on the other, points in the parishes of Natchitoches, Winn, La Salle, Catahoula, Concordia, Avoyelles, Rapids, and Grant, La., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, Baton Rouge, or Alexandria, La.

No. MC 134988, filed October 5, 1970. Applicant: JESS M. HARPER, doing business as HARPER TRANSFER & WAREHOUSE CO., 109 Widgeon, Lake Charles, La. 70601. Applicant's representative: Jess M. Harper (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Lake Charles, La., on the one hand, and, on the other, points in the parishes of Vernon, Beauregard, Allen, Calcasieu, Jefferson Davis, and Cameron, La., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, Baton Rouge, or Alexandria, La.

No. MC 134989, filed October 5, 1970. Applicant: JOHN J. HAZARD DRAYAGE & CONSTRUCTION CO., INC., 701 South Alexander Street, New Orleans, La. 70119. Applicant's representative: Virgil M. Wheeler, Jr., 712 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between New Orleans, La., on the one hand, and, on the other, points in the parishes of Tangipahoa, St. Tammany, Washington, St. John the Baptist, St. Charles, Jefferson, Plaquemines, St. Bernard, and St. James east of the Mississippi River, La., under contract with Western Electric Co., Inc. NOTE: If a

hearing is deemed necessary, applicant requests it be held at (1) New Orleans, La., or (2) Baton Rouge or Alexandria, La.

No. MC 134991, filed October 5, 1970. Applicant: WILLIS J. LANDRY, doing business as BOB LANDRY & SON, 201 South Chestnut Street, Lafayette, La. 70501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Lafayette, La., on the one hand, and, on the other, points in the parishes of Iberia, St. Martin, Vermilion, St. Landry, Acadia, and Evangeline, La., under contract with Western Electric Co., Inc., NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, Baton Rouge, or Alexandria, La.

No. MC 134992, filed October 5, 1970. Applicant: STEEL ERECTORS, INC., 5903 Dillman Street, Shreveport, La. 71106. Applicant's representative: D. A. Barbaree, 5370 Prentiss, Shreveport, La. 71108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Shreveport, La., on the one hand, and, on the other, points in the parishes of Caddo, Bossier, Webster, Claiborne, Bienville, Red River, De Soto, and Sabine, La., under contract with Western Electric Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests that it be held at either New Orleans, Baton Rouge, or Alexandria, La.

No. MC 134993, filed October 1, 1970. Applicant: JOSEPH M. SHAHAN, doing business as SHAHAN & SONS COMPANY, 8016 West 125th Street, Palos Park, Ill. 60464. Applicant's representatives: T. A. Graham and P. J. Maton, 10 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass rods, brass blanks, brass wire, copper, nickel silver rods, nickel silver blanks, and brass scrap* for remelting purposes only, from Cicero, Ill., on the one hand, and, on the other, to points in Iowa, Missouri, Indiana, Michigan, Ohio, North Carolina, Kentucky, Wisconsin, Minnesota, Tennessee, South Carolina, Arkansas, Pennsylvania, West Virginia, and New York, under contract with Chicago Extruded Metal Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134994, filed October 5, 1970. Applicant: JAVIER ZALDUONDO, doing business as RICO SHIPPING COMPANY, 1997 Third Avenue, New York, N.Y. 10029. Applicant's representative: Paul Savad, 20 Old Nyack Turnpike, Nanuet, N.Y. 10954. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, between points in the New York, N.Y., commercial zone as defined in the Fifth Supplemental Report 53 M.C.C. 451, wherein exempt operations may be conducted. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135000, filed October 14, 1970. Applicant: COLORADO CARTAGE COMPANY, INC., 5275 Quebec Street, Commerce City, Colo. 80022. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* as are used in the business of banks and banking institutions, between points in Mesa, Delta, Montrose, Ouray, San Juan, La Plata, and Montezuma Counties, Colo., and points in that part of Colorado located in and east of Larimer, Boulder, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas Counties, restricted to a transportation service to be performed under a continuing contract or contracts, with banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 120872 and subs thereunder. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135001 (Correction) filed September 25, 1970, published in the FEDERAL REGISTER of October 15, 1970, under No. MC 114239 Sub 25 and republished as corrected this issue. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by chain retail and mail-order department stores, from St. Joseph, Mo., to points in Brown, Nemaha, Doniphan, and Atchison Counties, Kans., and that part of Jackson County, Kans., on and north of Kansas Highways 16 and 166; (2) *used and repossessed shipments* of the above-specified commodities and *traded-in merchandise*, from points in Brown, Nemaha, Doniphan, and Atchison Counties, Kans., and that part of Jackson County, Kans., on and north of Kansas Highways 16 and 116, to St. Joseph, Mo.; (3) *Urea*, in dry form, in bulk, except in tank or hopper type vehicles, from the site of the plant of W. R. Grace & Co., at or near Woodstock, Tenn., and from the warehouses of W. R. Grace & Co., at Memphis, Tenn., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming;

(4) *Urea*, in dry form, in bags, from the site of the plant of W. R. Grace & Co., at or near Woodstock, Tenn., and from the warehouses of W. R. Grace & Co., at Memphis, Tenn., to points in Colorado, Idaho, Iowa, Michigan, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, Indiana (except points in Indiana within the Chicago, Ill., commercial zone as defined by the Commission), Kansas (except Kansas City, Kans., and points in Kansas within the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), Missouri (except St. Louis, Mo., and Kansas City, Mo., and points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, and those within the Kansas City, Mo.-Kansas City, Kans., commercial zone as defined by the Commission), Texas (except Dallas, Tex., and points in the commercial zone of Dallas), Wisconsin (except Milwaukee and Racine, Wis., and points in the commercial zone of Racine and Milwaukee), and Illinois (except Chicago, Ill., and points in Illinois within the Chicago, Ill., commercial zone as defined by the Commission, East St. Louis, Ill., and points in Illinois within the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, and except points in that part of Illinois on, south, and east of a line beginning at Alton, Ill., and extending along Illinois Highway 140 to junction U.S. Highway 66, thence along U.S. Highway 66 to Springfield, Ill., thence along Illinois Highway 29 through Peoria, Ill., to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 34 near Mendota, Ill., thence along U.S. Highway 34 to junction Illinois Highway 47, thence along Illinois Highway 47 to Illinois-Wisconsin State line);

(5) *Urea* (except agricultural grade urea), in dry form, in bags, from the site of the plant of W. R. Grace & Co., at or near Woodstock, Tenn., and from the warehouses of W. R. Grace & Co., at Memphis, Tenn., to points in Arizona, California, and New Mexico; (6) *Feed*, in bulk and in bags, and *flour*, in bags, when moving in mixed loads with shipments of feed, from Kansas City, Mo., to points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma; and *damaged shipments* of feed and flour, from points in Kansas, Colorado, Wyoming, New Mexico, Nebraska, South Dakota, and Oklahoma, to Kansas City, Mo.; (7) *agricultural pesticides*, dry, in containers and in bulk (other than in tank vehicles), and agricultural pesticides, liquid, in drums, from St. Joseph, Mo., to points in Arkansas, Iowa, Illinois, Kansas, Minnesota, and Nebraska; (8) *agricultural pesticides and ingredients thereof*, dry, in containers and in bulk (other than in tank vehicles), and liquid, in containers; (a) from St. Joseph, Mo., to points in Colorado, Indiana, Iowa, Kentucky, Michigan, Montana, North Dakota, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; (b) from points in Arkansas, California, Colorado, Florida, Illinois, Iowa, Michigan, Mississippi, Nevada, New Jersey, New Mexico, Ohio, and Tennessee, to St. Joseph, Mo.;

(9) *Fertilizer* (except in tank vehicles), from the plantsite of Illinois Nitrogen Co., at Marseilles, Ill., to points in Indiana, Michigan, Wisconsin, Minnesota, Ohio, Iowa, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission), Kansas, Nebraska,

South Dakota, and Kentucky; (10) *agricultural pesticides and ingredients therefor*, in containers; (a) from St. Joseph, Mo., to points in Mississippi, Louisiana, Alabama, Georgia, Florida, Arizona, California, and New York; (b) from points in Texas, Louisiana, Alabama, Georgia, Arizona, and Indiana, to St. Joseph, Mo.; (c) from the plantsite of Missouri Chemical Co., at Los Angeles, Calif., to points in Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and New York; (d) from Orlando, Fla., to points in Georgia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, Indiana, Ohio, Kentucky, Texas, Oklahoma, and California; (e) from Denver, Colo., to points in Nebraska, Wyoming, South Dakota, North Dakota, Minnesota, Wisconsin, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, Missouri, Kansas, and Iowa; and

(f) From Lubbock, Tex., to points in Arkansas, Oklahoma, Louisiana, Missouri, Tennessee, Mississippi, Alabama, Georgia, Florida, Colorado, Kansas, North Dakota, South Dakota, Wyoming, New Mexico, Montana, Nebraska, and Minnesota; *dry fertilizer, materials, urea, and pesticides* (except liquid in tank vehicles); (a) from the plantsites of W. R. Grace & Co., at or near Henry, Ill., to points in Ohio, Michigan, Kentucky, Tennessee, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, Kansas, Indiana, Arkansas, Oklahoma, North Dakota, and South Dakota; (b) from the plantsites of W. R. Grace & Co., at or near Perry, Iowa, to points in Minnesota, Wisconsin, Nebraska, Kansas, and Illinois; (c) from the plantsites of W. R. Grace & Co., at or near Lansing, Mich., to points in Ohio, Indiana, and Illinois; (d) from the plantsites of W. R. Grace & Co., at or near New Albany, Ind., to points in Ohio, Illinois, Kentucky, and Tennessee; (e) from the plantsites of W. R. Grace & Co., at Columbus, Ohio, to points in Michigan, Indiana, Illinois, Kentucky, and Tennessee; (f) from the plantsite of W. R. Grace & Co., located at or near Henry, Ill., to points in Iowa, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin; and (12) *dry fertilizer and dry fertilizer materials*, in bulk or in bags, and *pesticides and herbicides* in containers, from the plantsite of W. R. Grace & Co., at or near Atlas, Mo., to points in Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone as defined by the Commission), Kentucky, Tennessee, and Texas (except points in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties). NOTE: The purpose of this republication is to show the correct docket number assigned thereto and also to set forth the corrected proposed authority requested. Applicant states that the requested authority cannot be tacked with its existing authority. It further states the purpose of this application is to seek conversion of contract carrier authority to that of a common carrier. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 135004, filed October 7, 1970. Applicant: GRIFFIN MOBILE HOME TRANSPORTING CO., a corporation, 9000 Southeast 29th, Oklahoma City, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, damaged, and repossessed vehicles, and their replacement vehicles and parts therefor*, by use of wrecker equipment only, between points in Oklahoma, Texas, New Mexico, Colorado, Kansas, Missouri, Arkansas, Arizona, Louisiana, and Nebraska. NOTE: Applicant holds contract carrier authority under MC 124190, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Dallas, Tex., or Washington, D.C.

No. MC 135012, filed October 5, 1970. Applicant: AERO DISTRIBUTING CO., a corporation, 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., Suite D, Waters Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in production of Amway Corp. products *including but not limited to colloidal silica; stripped fatty acid diethanolamide; isopropyl alcohol, anhydrous; linoleic diethanolamide mono; detergent concentrate; sodium alkyl aryl sulfonate 60 percent; secondary alkyl ethyleneoxy ethanol; styrene/acrylic latex and polyethylene; ethyl alcohol (anhydrous) denatured with brucine surfate; 2-ethoxyethyl acetate*, from points in Cook County, Ill., Lake and Vigo Counties, Ind., and Bergen and Passaic Counties, N.J., to Ada, Mich., these services are restricted to the transportation services in tank-type vehicles to be performed under a continuing contract, with Amway Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich., or Chicago, Ill.

No. MC 135014, filed October 12, 1970. Applicant: SPEADMARK, INC., 132 West 31st Street, New York, N.Y. 10001. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, from carrier's terminal in New York, N.Y., to shipper's stores at points in Nassau and Suffolk Counties, N.Y., and to shipper's stores at points in Bergen and Middlesex Counties, N.J., returned shipments, in the opposite direction under contract with Abraham & Strauss. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 157) (Correction), filed October 1, 1970, published FEDERAL REGISTER issue of October 22, 1970, corrected in part and republished as corrected, this issue. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Room 1900, Chicago, Ill. 60606. Applicant's representative: Linwood C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. NOTE: The purpose of this partial republication is to change the tacking note to read as follows: Applicant states that the requested authority will be tacked with its existing regular route authority. The rest of the application remains the same.

No. MC 47495 (Sub-No. 11), filed October 13, 1970. Applicant: MOUNTAIN VIEW COACH LINES, INC., Post Office Box 305, West Coxsackie, N.Y. 12192. Applicant's representatives: Beverly S. Simms, 1100 17th Street NW., Washington, D.C. 20036, and James A. Warren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations consisting of all expense sightseeing or pleasure tours, beginning and ending at points in Albany, Columbia, Dutchess, Greene, and Rensselaer Counties, N.Y., and extending to points in the continental United States, including Alaska. NOTE: Applicant states that all duplicating authority shall be eliminated. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 134987, filed October 5, 1970. Applicant: WILLIAM HENRY HANDY, Route 5, Springhill Road, Salisbury, Md. 21801. Applicant's representative: Lloyd O. Whitehead, 132 East Main Street, Salisbury, Md. 21801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, from points in Wicomico County, Md., to points in Virginia, Pennsylvania, New Jersey, Delaware, New York, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salisbury, Md., Washington, D.C., or Baltimore, Md.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 158), filed October 7, 1970. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations only, between Nebraska City, Nebr., and Lincoln, Nebr., over Nebraska Highway 2. NOTE: Applicant seeks by the instant application to revised Sheet No. 45, MC 1515 (Sub-No. 71) and Route No. 9 to reflect the above inclusion. Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14828; Filed, Nov. 4, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 2, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42072—*Liquid caustic soda from St. Gabriel, La.* Filed by O. W. South, Jr., agent (No. A6204), for interested rail carriers. Rates on caustic soda (sodium hydroxide), liquid, in tank carloads, as described in the application, from St. Gabriel, La., to Jacksonville, South Jacksonville, and Quinlan, Fla., also Brunswick and Savannah, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 153 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14937; Filed, Nov. 4, 1970; 8:52 a.m.]

[Sec. 5a Application 2, Amdt. 17]

WESTERN RAILROAD TRAFFIC ASSOCIATION

Petition for Approval of Amendments to Agreement

OCTOBER 27, 1970.

The Commission is in receipt of a petition in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed October 19, 1970 by: Mr. J. M. Souby, Jr., Attorney-in-Fact, 224 Union Station Building, Chicago, Ill. 60606.

The amendments involve: Changes in the Articles of Organization and Procedure so as to provide: (1) Joint consideration of divisional arrangements with express companies; and (2) procedures governing the filing, processing and disposition of section 22 proposals.

The petition is docketed and may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14939; Filed, Nov. 4, 1970; 8:52 a.m.]

[Notice 610]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 2, 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-72440. By order of October 30, 1970, the Motor Carrier Board approved the transfer to Farthing & Weidman, Inc., 1701 Grand Street, Joplin, Mo. 64801, of the operating rights in certificate No. MC-74623 issued May 14, 1969, to G. W. Farthing, doing business as Farthing & Bottorff, 1701 Grand Street, Joplin, Mo. 64801, authorizing the transportation of such commodities, which because of size or weight require the use of special equipment and machinery between points in that part of Missouri, Kansas, and Oklahoma within 100 miles of Joplin, including Joplin.

No. MC-FC-72444. By order of October 30, 1970, the Motor Carrier Board approved the transfer to William Buist, Palisades Park, N.J., of the operating rights in certificate No. MC-114873 issued March 22, 1961, to Siebold & Lozel, Inc., Teaneck, N.J., authorizing the transportation of plate glass, window glass and mirrors from New York, N.Y., to points in Connecticut and New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-72445. By order of October 29, 1970, the Motor Carrier Board approved the transfer to Sigma-4 Express, Inc., Latrobe, Pa., of the operating rights in certificates Nos. MC-125023, MC-125023 (Sub-No. 6), MC-125023 (Sub-No. 8), MC-125023 (Sub-No. 9), and MC-125023 (Sub-No. 10) issued June 5, 1963, September 20, 1963, September 28, 1964, April 19, 1968, and August 16, 1965, respectively, to Norman A. Bast and George F. Carter, a partnership, doing business as Sigma-4 Express, Latrobe, Pa., authorizing the transportation of malt beverages, in containers, and related advertising materials moving therewith, from Milwaukee, Wis., to Butler, Kittanning, Lewistown, Washington, Blairsville, Brandy Camp, Belle Vernon, Carrolltown, Warren, Canonsburg, Johnstown, Somerset, Indiana, Greensburg, Punxsutawney, McKeesport, Uniontown, State College, Altoona, Lock Haven, Meadville, and Chambersburg, Pa.; malt beverages, in containers, and related advertising materials moving therewith, from the plantsite of Pabst Brewing Co., at Newark, N.J., to specified points in Pennsylvania; malt beverages, in containers, and related advertising matter moving therewith, from Chicago, Ill., to points in Pennsylvania; malt beverages, in containers, and related advertising materials, from Peoria, Ill., to Chambersburg, Pa., and canned vegetables, from Oconomowoc, Wis., to Punxsutawney, Erie, and Warren, Pa. Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-72452. By order of October 29, 1970, the Motor Carrier Board approved the transfer to Wilbert Ochsner, doing business as Wing Truck Line, Wing, N. Dak. 58494, of the certificate of registration in No. MC-120245 (Sub-No. 1) issued December 18, 1963, to Calvin Wagner, doing business as Wing Truck Line, Wing, N. Dak. 58494, evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of North Dakota, corresponding in scope to the service authorized by certificate of public convenience and necessity No. 99 dated February 27, 1959, authorizing class A Motor Carrier Service, issued by the North Dakota Public Service Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14941; Filed, Nov. 4, 1970; 8:52 a.m.]

[Notice 185]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 2, 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 1855 (Sub-No. 17 TA), filed October 28, 1970. Applicant: SCHWENZER BROS., INC., 775 St. George Avenue, Post Office Box 336, Woodbridge, N.J. 07095. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are ordinarily used or distributed by wholesale or retail suppliers, marketers or distributors of petroleum products, from Shell Oil Co. plants at Brooklyn, Rensselaer, Syracuse, Inwood, and Mount Vernon, N.Y., Fall River and Waltham, Mass., East Hartford, Conn., South Portland, Maine, Macungie, Pa., and Wagners Point, Md., to Shell Oil Co. terminal at Sewaren, N.J., for 180 days. Supporting shipper: Shell Oil Co., Shell Building, Post Office Box 2099, Houston, Tex. 77001. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 5819 (Sub-No. 1 TA), filed October 27, 1970. Applicant: J.D. TRANSPORTATION, INC., 48 Southwest Cutoff, Worcester, Mass. 01604, Mlg: Post Office Box 83, Turnpike Station, Shrewsbury, Mass. 01545. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, Mass. 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Penetration grade asphalt cement*, liquid, in bulk, from international boundary line between the United States and Canada, at Highgate Springs, Vt., to Oxford, Mass., for 150 days. Supporting shipper: Ricciardi and Sons Construction, Inc., Old Webster Road, Oxford, Mass. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 8535 (Sub-No. 32 TA), filed October 28, 1970. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Post Office Box 3969, Baltimore, Md. 21222. Applicant's representative: James B. Nestor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, wood fiberboard faced or finished with decorative and/or protective materials, and accessories and supplies*, used in the installation thereof (except commodities in bulk), from the plant and warehouse sites of Evans Products Co. at or near Doswell, Hanover County, Va., to points in Connecticut, Delaware, Kentucky, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 150 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 111729 (Sub-No. 301 TA) (Correction), filed September 29, 1970, published in the FEDERAL REGISTER, October 10, 1970, corrected and republished as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). NOTE: The purpose of this partial republication is to correctly set forth the commodity description in (4) to read: Aircraft seat: castings, cloth, forgings, glue, paint, parts, tools, tubing, finished *parts* and plastic sheets * * * the word parts was omitted in the previous publication, the rest of the application remains the same.

No. MC 124078 (Sub-No. 460 TA), filed October 28, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246 (Wis. Corp.). Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in shipper-owned vehicles, from Toledo, Ohio, to points in Michigan, Indiana, Pennsylvania, and New York, for 180 days. Supporting shipper: Air Reduction Co., Inc., 150 East 42d Street, New York, N.Y. 10017, W. G. Melville, Assistant Director of Traffic. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129764 (Sub-No. 2 TA), filed October 28, 1970. Applicant: HENRY ALLEN HASTINGS, doing business as H. A. HASTINGS, 110 Howard Avenue, Post Office Box 361, Hebron, Md. 21830. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Salisbury, Md., to Philadelphia, Pa., for the account of Celotex Corp., for 180 days. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. James J. Klein, Supervisor of Transportation. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 133240 (Sub-No. 11 TA), filed October 28, 1970. Applicant: WEST END TRUCKING CO. INC., 530 Duncan Avenue, Jersey City, N.J. 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by discount houses or department stores, between the facilities of Unishops, Inc., their divisions and subsidiaries located in Jersey City, N.J., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin, for 150 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, N.J. 07305. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 135025 TA, filed October 28, 1970. Applicant: DAVID W. HURST, doing business as HURST TRUCKING COMPANY, Route No. 40, Pulaski Highway, North East, Md. 21901. Applicant's representative: David W. Hurst (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., Latrobe and Norristown, Pa., and Brooklyn, N.Y., to Aberdeen, Md., and Norristown, Pa., to Havre de Grace, Md., for 180 days. Supporting shipper: H & S Distributing Co., 6 Post Road, Aberdeen, Md. 21001, Richard R. Samuels, Partner. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 135026 TA, filed October 28, 1970. Applicant: D. E. ROBERTS, doing business as ROBERTS TRUCK CO., 6005 Southeast 145th Avenue, Portland, Oreg. 97236. Applicant's representative: Seymour L. Coblens, Corbett Building, Portland, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, for Northwest Packing Co., from its plantsite at Portland, Oreg., to the Los Angeles, San Francisco, and Bay of California, for 180 days. Supporting shipper: Northwest Packing Co., 440 North Columbia Boulevard, Portland, Oreg. 97211. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commisison.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 70-14942; Filed, Nov. 4, 1970; 8:52 a.m.]

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