

# FEDERAL REGISTER

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Agencies in this issue—

Agricultural Research Service  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Business and Defense Services  
Administration  
Civil Aeronautics Board  
Civil Service Commission  
Coast Guard  
Commodity Credit Corporation  
Consumer and Marketing Service  
Engineers Corps  
Federal Aviation Administration  
Federal Communications Commission  
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Federal Power Commission  
Federal Trade Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Food and Nutrition Service  
Interstate Commerce Commission  
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Just Released

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(Revised as of January 1, 1970)

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Director of Juvenile Delinquency, Social and Rehabilitation Service; one position of Special Assistant to the Commissioner of Education; and one position of Special Assistant to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning, are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (c) and subparagraph (14) of paragraph (n) are amended and subparagraph (7) is added to paragraph (o) of § 213.3316 as set out below.

#### § 213.3316 Department of Health, Education, and Welfare.

(c) *Office of Education.* (1) Four Special Assistants to the Commissioner of Education.

(n) *Office of the Assistant Secretary for Community and Field Services.* \* \* \*

(14) Two Special Assistants to the Deputy Assistant Secretary for Community Development and Director, Center for Community Planning.

(o) *Social and Rehabilitation Service.* \* \* \*

(7) One Confidential Assistant to the Director of Juvenile Delinquency.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[P.R. Doc. 70-5932; Filed, May 13, 1970;  
8:48 a.m.]

## Title 7—AGRICULTURE

### Subtitle A—Office of the Secretary of Agriculture

#### PART 19—LICENSING DEPARTMENT INVENTIONS

Subtitle A, Title 7, CFR, is hereby amended by adding the following new Part 19:

Sec.  
19.1 Definitions.  
19.2 Purpose and policy.

Sec.  
19.3 Types of licenses.  
19.4 Nonexclusive licenses.  
19.5 Exclusive licenses.  
19.6 Applications for licenses.  
19.7 Advertising and marking.  
19.8 Revocation of licenses.  
19.9 Reissuance.  
19.10 Disputes.  
19.11 Decisions on refusal to issue or re-  
issue licenses and revocations.  
19.12 Appeals.  
19.13 Mailing address.

**AUTHORITY:** The provisions of this Part 19 issued under 5 U.S.C. 301; President's Memorandum of Oct. 10, 1963 (Government Patent Policy) and Statement of Government Patent Policy, 28 P.R. 10943.

#### § 19.1 Definitions.

As used in this part:

(a) "Department invention" means an invention covered by a patent or patent application assigned to the Government as represented by the Secretary of Agriculture or in the custody of the Secretary for administrative purposes.

(b) "To the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(c) "To practice an invention" means to make, use, or sell any embodiment of the invention, or to use the process where the invention is a process.

(d) "Secretary" means the Secretary of Agriculture or his designee.

(e) "Administrator" means the Administrator of the Agricultural Research Service or his designee.

(f) "Government" means the Government of the United States of America.

(g) "Appeals Board" means a board appointed by the Secretary to hear an appeal made pursuant to this part.

(h) "Licensee" means the person, firm, or entity granted a license under a Department invention.

#### § 19.2 Purpose and policy.

This part sets forth the procedures for licensing Department inventions. Department inventions serve the interests of the Government by being developed to the point of practical application. It is the policy of the Department of Agriculture to encourage this by all suitable means, including the granting of licenses. Any Department invention will normally be made available to responsible applicants. Licenses will be granted on terms and conditions considered to be the most favorable to the public interest. The public interest will in most instances be best served by the granting of non-exclusive royalty-free licenses, but in other instances the incentive offered by an exclusive license may be needed for

speedy development and commercial adoption of the Department invention. In selecting licensees and types of licenses, due consideration will be given to the impact on general policies of the Government and the Department of Agriculture (e.g., rural area development, environmental quality, export market development).

#### § 19.3 Types of licenses.

Either nonexclusive or exclusive licenses under Department inventions may be issued by the Administrator. The Administrator, in the case of each Department invention made available for licensing, shall determine in accordance with this part which type shall be granted. The Administrator shall have published, in the FEDERAL REGISTER and the Official Gazette of the U.S. Patent Office, lists of Department inventions available for each type of license, including abstracts and technical information where appropriate, and shall keep such lists current. The listing of a Department invention as available for an exclusive license shall not preclude consideration of an application for a nonexclusive license for such invention if an exclusive license is not yet in effect.

#### § 19.4 Nonexclusive licenses.

(a) A Department invention shall be made available for nonexclusive licenses if the Administrator determines (1) that the invention has already been developed to, or substantially to, the point of practical application, and (2) that the incentive of an exclusive license is unnecessary to complete the development of the invention.

(b) The period of a nonexclusive license shall be the life of the patent, unless revoked as provided in this part.

(c) The license shall extend to subsidiaries and affiliates of the licensee, but shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains.

(d) The license shall reserve to the Administrator the right to require the licensee to submit reports not more often than annually on his efforts to practice the invention. The reports shall contain information within his knowledge, or which he may acquire under normal business practices, pertaining to the commercial use being made of the invention, and such other information relating to the license and invention as the Administrator determines pertinent.

(e) No royalties shall be charged on nonexclusive licenses.

#### § 19.5 Exclusive licenses.

(a) *Basic requirements.* A Department invention shall be made available for an exclusive license only if—

(1) The Administrator determines that:

(i) The invention has not already been developed to, or substantially to, the point of practical application.

(ii) The invention is not likely to be developed to such point by the Government or by means of nonexclusive licenses under the invention, and

(iii) The granting of an exclusive license will substantially accelerate its development to the point of practical application; or

(2) The Administrator determines that an invention made available for non-exclusive licenses at least 1 year previously, on the basis that it had been developed substantially to the point of practical application, has not been brought to the point of practical application, and that the granting of an exclusive license is necessary to completion of the development of the invention.

(3) With respect to both subparagraphs (1) and (2) of this paragraph, the following must also be complied with before the Administrator issues an exclusive license:

(i) At least 60 days notice by publication in the FEDERAL REGISTER and the Official Gazette of the Patent Office must have been given of the availability of the Department invention for an exclusive license;

(ii) At least 30 days notice by publication in the FEDERAL REGISTER and the Official Gazette of the Patent Office must have been given of the initial selection of the licensee, and final decision must have been rendered with respect to any application or protest filed pursuant to this part as a result thereof.

(b) *Matter for consideration in selecting licensee.* The Administrator, in selecting an exclusive licensee, shall take into consideration any factors deemed pertinent by him, including:

(1) Capability of applicants;

(2) Terms proposed by applicants;

(3) Whether applicants' businesses are located in a low-income rural area, labor-surplus area, or in an area designated by the Government as economically depressed;

(4) Whether the applicants have previously demonstrated interest in the invention by obtaining a nonexclusive license on it; and

(5) Whether applicants are U.S. citizens, or, in the case of a corporation, whether at least 51 percent of the stock is owned by U.S. citizens, and whether it is controlled by such citizens.

(c) *Terms and conditions.* The following shall be applicable with respect to exclusive licenses:

(1) The license may be granted to practice an invention in a limited or unlimited field of use either throughout the United States of America, its territories and possessions, or in only a part thereof.

(2) The period for the license will be negotiated; however, it will not extend for more than 5 years, except in unusual cases as determined by the Administrator. The period of the license shall not include the terminal portion of the patent, as determined by the Administrator.

(3) The license shall require the licensee to develop the invention, and there-

after to offer its benefits for the remaining period of the license to the public in accordance with a plan approved by the Administrator. Such plan may include fixing by the Administrator of the maximum price of sale.

(4) The license may require the payment of royalties when determined by the Administrator to be in the public interest.

(5) The license shall be subject to an irrevocable, nontransferable, royalty-free right of the Government to practice the invention by or on behalf of the Government, or any foreign government, international organization, or group of nations, pursuant to any treaty or agreement.

(6) The license shall reserve to the Government the right to require the granting of a sublicense on terms that are reasonable in the circumstances, including royalty-free, as determined by the Administrator to the extent that the invention is required for public use by Government regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the license.

(7) The license shall be subject to any rights of third parties established or derived directly or indirectly from a non-exclusive license previously granted under the invention.

(8) The license shall be nontransferable except to the successor of that part of the licensee's business to which the invention pertains.

(9) The licensee, subject to approval of the Administrator, may grant sublicenses, subject to the conditions of the license. Each sublicense shall refer to the rights retained by the Government under the license and a copy of each sublicense shall be furnished to the Administrator.

(10) The license shall require the licensee to submit reports not more often than annually on his efforts to practice the invention. The reports shall contain information within his knowledge, or which he may acquire under normal business practices, pertaining to the commercial use being made of the invention, and such other information relating to the license and invention as the Administrator determines pertinent.

(d) After initial selection of an exclusive licensee, notice thereof shall be published in the FEDERAL REGISTER and the Official Gazette of the U.S. Patent Office. Such notice shall include identification of the Department invention, identification of the contemplated licensee, the period of the contemplated license, a summary statement of the terms and conditions of the contemplated license, and a statement that the license will be granted unless:

(1) A nonexclusive licensee of the invention files a protest with the Administrator within 30 days after such publication, stating that he has already brought or is likely to bring the invention to the point of practical application without an exclusive license, and submitting documentation in support thereof; or

(2) An application for nonexclusive license on such invention is filed with

the Administrator within 30 days after such publication and such application states that the applicant is likely to bring the invention to the point of practical application without an exclusive license, and contains documentation in support thereof; or

(3) A protest is filed by any person with the Administrator within 30 days after such publication, setting forth reasons why it would not be in the public interest to grant the proposed exclusive license.

The Administrator shall make a decision with respect to any such application or protest under subparagraphs (1), (2), and (3) of this paragraph, which decision shall be final and conclusive unless appealed as provided in this part.

(e) *Exception to exclusivity.* Unless the exclusive license specifically limits the authority of the Administrator to do so, the Administrator may issue a non-exclusive license under a Department invention which is the subject of an exclusive license if he determines it in the public interest in connection with:

(1) Settlement of an interference with respect to such invention; or

(2) Obtaining the release of a claim of infringement with respect to such invention; or

(3) An exchange for a license to the Government under adversely held patents, including improvement patents and inventions, relating to such invention.

(f) *Litigation.* An exclusive licensee shall, during the period of the license, have the right to sue at his own expense infringers of the licensed patent. The licensee may join the Government, upon its consent, as a party complainant in such a suit, but without expense to the Government, and the licensee shall pay all costs, and any final judgment or decree that may be rendered against itself or the Government as a result of such suit. If, as a result of any litigation, the licensed patent is declared invalid, the licensee shall be relieved from any further obligation under the license.

#### § 19.6 Application for licenses.

(a) *Nonexclusive licenses.* An application for a nonexclusive license under a Department invention shall be addressed to the Administrator, and shall include:

(1) The name and address of the applicant;

(2) The identity of the invention;

(3) A request for a nonexclusive license on such invention; and

(4) The purpose for which the license is desired.

(b) *Exclusive licenses.* An application for an exclusive license under a Department invention shall be addressed to the Administrator, and shall include:

(1) The name and address of the applicant, the type of business engaged in, and information as to the nationality of the applicant, or, in the case of corporation, whether at least 51 percent of the stock is owned by citizens of the United States, and whether it is controlled by such citizens;

(2) The identity of the invention;

(3) A request for an exclusive license on such invention;

(4) The purpose for which the license is desired;

(5) A description of applicant's capabilities to undertake the industrial and market development required to develop the invention to the point of practical application;

(6) The time and expenditure which the applicant estimates is required to develop the invention to the point of practical application, and a statement of the applicant's intention to invest that sum of money in development of the invention if the license is granted;

(7) The amount which the applicant considers to be a fair return on his expenditure under the license;

(8) The period of exclusive license which the applicant believes to be the minimum necessary to give a reasonable expectation of said fair return;

(9) Whether the applicant would be willing to accept an exclusive license to practice the invention in a limited field of use and for a geographical area less than the entire United States of America, its territories and possessions. If so, define the geographic portion and/or limited field of use; and

(10) Any other facts which the applicant believes would show it to be in the interests of the Government to grant an exclusive license to the applicant.

(c) *Fees.* Each application for an exclusive license must be accompanied by a certified or cashier's check, or bank or other recognized money order, in the amount of One Hundred Dollars (\$100.00). Such fee is for the purpose of partially covering administrative expenses of issuing the license. The fee will be refunded in full if the applicant is not granted the license.

§ 19.7 Advertising and marking.

(a) No advertising shall refer to the license, the Department of Agriculture, or the Government.

(b) An exclusive license shall require the licensee to mark the article made under the license by fixing thereon the word "patent" or the abbreviation "pat.", together with the number or numbers of such patent or patents as may be applicable. Likewise, where applicable, the words "patent applied for" or the abbreviation "pat. appl." together with the number or numbers of such applications shall be marked on the article. When, from the character of the article, this cannot be done, the article shall have fixed to it or to the package wherein one or more of them are contained, a label containing a like notice.

§ 19.8 Revocation of licenses.

(a) Licenses and sublicenses thereunder may be revoked at any time by the Administrator if the Administrator determines that:

(1) The licensee or a sublicensee has made any false report or committed a breach of any covenant, agreement, or requirement contained in the license or in this part; or

(2) Satisfactory progress has not been made in developing the invention to the point of practical application; or

(3) There has been nonuse of the license.

§ 19.9 Reissuance.

A license, including a revoked or expired license, may be reissued upon the licensee showing to the satisfaction of the Administrator that he has developed the invention, or is likely to develop the invention, to the point of practical application within a reasonable period. Requests must be made to the Administrator prior to or within 30 days after the expiration or revocation of the license, or such longer period as the Administrator may fix for good cause shown in writing. The Administrator may require, as a condition of the reissuance, that the licensee develop the invention to the point of practical application within a specified period.

§ 19.10 Disputes.

Any dispute arising under a license which is not disposed of by mutual agreement shall be decided by the Administrator who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the licensee. His decision shall be final and conclusive, unless within 30 days after receipt thereof, or such longer period as the Secretary may determine, the licensee mails or otherwise furnishes to the Administrator a written appeal addressed to the Secretary of Agriculture.

§ 19.11 Decisions on refusal to issue or reissue licenses and revocations.

Any decision by the Administrator pursuant to § 19.5(d) in connection with issuance of an exclusive license, any revocation by the Administrator of a license or a sublicense pursuant to § 19.8, and any decision by the Administrator refusing a request pursuant to § 19.9 for reissuance of a license, shall be reduced to writing. The Administrator shall mail or otherwise furnish a copy of his decision to the applicant, licensee, sublicensee, or protestant. His decision shall be final and conclusive, unless within 30 days after receipt thereof, or such longer period as the Secretary may determine, the applicant, licensee, sublicensee, or protestant mails or otherwise furnishes to the Administrator a written appeal addressed to the Secretary of Agriculture.

§ 19.12 Appeals.

Any person filing an appeal pursuant to § 19.10 or § 19.11 shall be afforded an opportunity to be heard before an Appeals Board, and to offer evidence in support of his appeal. The procedures to be followed in any such matter shall be determined in any such matter shall be determined by the Secretary of Agriculture. The Appeals Board shall make findings of fact and recommendations with respect to disposition of the appeal. The decision on the appeal shall be made by the Secretary of Agriculture, and such decision shall be final and conclusive.

§ 19.13 Mailing address.

All applications, requests for information, appeals, and any other matter relating to this part, should be mailed to the Administrator, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

*Effective date.* This part shall become effective upon the date of its publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of May 1970.

CLIFFORD M. HARDIN,  
Secretary of Agriculture.

[F.R. Doc. 70-5928; Filed, May 13, 1970; 8:48 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—1970 Feed Grain Program

The regulations governing the 1970 Feed Grain Program, 35 F.R. 5082, are amended by adding the text of new §§ 775.1 through 775.24 and § 775.26 as follows:

- Sec. 775.1 General.
- 775.2 Definitions.
- 775.3 Administration.
- 775.4 Requirements for eligibility.
- 775.5 Maximum diversion acres.
- 775.6 Designation, use, and care of diverted acreage.
- 775.7 Farm conserving base.
- 775.8 Permitted acreage of feed grains.
- 775.9 Farm feed grain base.
- 775.10 County projected yields, farm projected yields, and diversion and price support payment rates.
- 775.11 Notice of base acreages, yields and payments rates.
- 775.12 Appeals.
- 775.13 Intention to participate in the program.
- 775.14 Transfer of farm feed grain acreage affected by a natural disaster.
- 775.15 Determinations of compliance.
- 775.16 Diversion payment and price support payment.
- 775.17 Division of payments and additional provisions relating to tenants and sharecroppers.
- 775.18 Successors-in-interest.
- 775.19 Scheme or device and fraudulent representation.
- 775.20 Setoffs and assignments.
- 775.21 Reconstitution of farms.
- 775.22 Performance based upon advice or action of county or State committee.
- 775.23 Supervisory authority of State committee.
- 775.24 Delegation of authority.
- 775.25 County projected yields and county rates.
- 775.26 Substitution of feed grains for wheat and wheat for feed grains, oats, and rye.

*AUTHORITY:* The provisions of this subpart issued under sec. 16(l), 79 Stat. 1190, as amended, 16 U.S.C. 590p(l); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note.

### § 775.1 General.

(a) The regulations in this subpart provide terms and conditions for the feed grain program for the 1970 crop of feed grains under which diversion and price support payments are made to producers who divert acreage from the production of barley, corn, grain sorghums, and feed wheat (herein called "feed grains") to approved conservation uses, and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil conserving crops or practices, including summer fallow and idle land (herein called "conserving base"), by an equal amount, except to the extent that they elect to devote the diverted acreage to approved alternate crops in lieu of conservation uses and agree to a reduction in payments as specified in § 775.16(h). The producer's election to produce the alternate crops on the diverted acreage shall constitute his agreement to the reduction in payments. Payments will be made by the actual or constructive delivery of negotiable certificates which Commodity Credit Corporation (CCC) will redeem in feed grains, and cash advances will be made to producers who request the assistance of CCC in marketing certificates earned by them.

(b) If the operator of the farm elects to participate in the program, diversion, and price support payments shall be made available to the producers on such farm only if such producers divert from the production of feed grains an acreage on the farm equal to the number of acres stated on Form ASCS-477, Intention to Participate and Payment Application (herein called "Form 477").

(c) The program is applicable throughout the United States, except in areas excluded by the Administrator, Agricultural Stabilization and Conservation Service (ASCS).

### § 775.2 Definitions.

In the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) The following words or phrases shall have the meaning assigned to them in The Regulations Governing Reconstitution of Farms, Allotments and Bases, Part 719 of this chapter, as amended: "acquired farm," "agency," "base period," "combination," "county," "community committee," "county committee," "county office," "county office manager," "cropland," "Department," "Deputy Administrator," "displaced owner," "division," "farm," "operator," "person," "reconstitution," "Representative of State Committee," "Secretary," "soil bank contract," "State executive director," "State committee," and "subdivision."

(b) "Barley acreage" means:

(1) For 1959 and 1960—Any acreage devoted to barley for harvest as grain in 1959 and 1960 and any acreage of barley used for silage. It does not include barley used for hay, pasture, green

manure, or as protective conservation cover, except where the county committee determines such acreage was seeded for harvest as grain, but harvesting was not carried out due to abnormal conditions over which the producer had no control.

(2) For current year—any acreage of barley harvested as grain and any other acreage seeded to barley, excluding:

(i) Barley prevented from reaching maturity by being clipped and left on the land, destroyed by mechanical means or natural causes, or used for other than grain not later than the farm disposal date;

(ii) Barley approved as a conservation use in Part 792 of this chapter, as amended;

(iii) Barley within the permitted acreage destroyed after farm disposal date and prior to harvest to the extent that no grain or forage crop remains, provided destruction is by:

(a) Natural causes, and the operator requests reclassification in writing, or

(b) Mechanical means, and the operator requests reclassification in writing, and the acreage is used to meet a deficiency in designated diverted acreage or conserving acreage;

(iv) Barley within the permitted acreage which the county committee determines was planted in an unworkmanlike manner solely for price support payments and not for harvest or was not cared for with the expectation of producing a normal crop under normal conditions; and

(v) Barley on a privately owned farm produced for experimental purposes only by a publicly owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

Notwithstanding any other provision of this subparagraph, barley acreage excluded under subdivision (i) of this subparagraph which has not been designated within the total intention as diverted under any land diversion program or used to meet the requirements in § 775.4(b) may be credited as barley acreage if a written request is signed by the farm operator, or if it is determined at time of final compliance that all or any portion of such excluded barley acreage, if credited as barley acreage, would earn additional price support payments or would be advantageous to the producers on the farm under the substitution provision for the farm: *Provided*, That barley within the permitted acreage destroyed by natural causes not later than the farm disposal date and followed by a different crop for harvest in the current year, may not be considered as barley acreage for any purpose unless the operator requests on Form ASCS-574 that the first crop be considered as barley and the county committee determines that it was planted in a workmanlike manner for harvest and that natural causes prevented the

replanting of barley during the normal planting period.

(3) An acreage devoted to a mixture of crops is considered to be barley acreage if the county committee determines the combined wheat and barley content is 25 percent or more by weight at harvest, and such acreage meets the requirements of subparagraph (1) or (2) of this paragraph as being barley acreage, except that an acreage devoted to a mixture which includes wheat shall not be considered as barley acreage if the crop is considered as wheat acreage under the regulations pertaining to farm acreage allotments, Part 728 of this chapter, as amended.

(c) "Corn acreage" means:

(1) For 1959 and 1960—Any acreage planted to field corn for harvest and any acreage of sweet corn harvested primarily for silage. It does not include:

(i) Close sown corn used for pasture or green manure;

(ii) Sweet corn harvested primarily for market even though the forage is used for silage;

(iii) Popcorn, irrespective of use; and

(iv) Corn not harvested but left on the land for wildlife feed on a farm consisting solely of Federal- or State-owned land.

(2) For current year—Any acreage planted to field corn and any acreage of other corn, including sweet corn, popcorn, and crosses pastured or harvested primarily for livestock or poultry feed, excluding:

(i) Close sown corn used for green manure;

(ii) Sweet corn or popcorn harvested primarily for human consumption, even though the forage is pastured or harvested;

(iii) Sweet corn planted for canning or freezing or popcorn planted for human consumption, from which no ears have been or will be harvested for human consumption because of adverse weather conditions, even though the forage is pastured or harvested;

(iv) Corn approved as a conservation use in Part 792 of this chapter as amended;

(v) Corn not harvested but left for wildlife feed on a farm consisting solely of Federal- or State-owned land;

(vi) Corn planted in a family garden plot solely for family use, even though the production in excess of family needs is given away, sold, or used for livestock or poultry feed;

(vii) Corn planted under contract from seed furnished by the contracting company for the sole purpose of processing the cornstalks into sugar;

(viii) Corn on a privately owned farm produced for experimental purposes only by a publicly owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station;

(ix) Corn within the permitted acreage which the county committee determines



was planted in an unworkmanlike manner solely for price support payment and not for harvest or was not cared for with the expectation of producing a normal crop under normal conditions;

(x) Corn in excess of the permitted acreage, destroyed not later than the farm disposal date to the extent that no grain or forage crop remains;

(xi) Corn within the permitted acreage destroyed by natural causes not later than the farm disposal date and followed by a different crop for harvest in the current year, unless the operator requests on Form ASCS-574 that the first crop be considered as corn and the county committee determines that it was planted in a workmanlike manner for harvest and that natural causes prevented the replanting of corn during the normal planting period;

(xii) Corn within the permitted acreage destroyed prior to harvest to the extent that no grain or forage crop remains, provided destruction is by:

(a) Natural causes, and the operator requests reclassification in writing, or

(b) Mechanical means, and the operator requests reclassification in writing, and the acreage is used to meet a deficiency in designated diverted acreage or conserving acreage.

(3) An acreage devoted to a mixture of crops is considered to be corn acreage if the county committee determines the feed grain content is 50 percent or more by weight at harvest, the predominant feed grain is corn and such acreage meets the requirements of subparagraph (1) or subparagraph (2) of this paragraph as being corn acreage.

(d) "Grain sorghum acreage" means:

(1) For 1959 and 1960—Any acreage planted to grain sorghums of a feed grain or dual purpose variety for harvest as grain, silage, or fodder and any acreage of sweet sorghums harvested for silage. It does not include sweet sorghums harvested for any purpose other than silage and grain sorghums not harvested but left on the land for wildlife feed on a farm consisting solely of Federal- or State-owned land.

(2) For current year—Any acreage planted to grain sorghums of a feed grain or dual purpose variety, including any cross involving a feed grain or dual purpose variety, and any acreage of sweet sorghums used for silage, excluding:

(i) Any sorghum-grass cross which, at all stages of growth, has most of the characteristics of the grass parent;

(ii) Sweet sorghums harvested for any purpose other than silage;

(iii) Sorghums approved as a conservation use in Part 792 of this chapter, as amended;

(iv) Grain sorghums not harvested but left for wildlife feed on a farm consisting solely of Federal- or State-owned land;

(v) Sorghums on a privately owned farm produced for experimental purposes only by a publicly owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator

and (b) all proceeds of the crop inure to the benefit of the experiment station;

(vi) Sorghums within the permitted acreage which the county committee determines were planted in an unworkmanlike manner solely for price support payment and not for harvest or were not cared for with the expectation of producing a normal crop under normal conditions;

(vii) Grain sorghums in excess of the permitted acreage, destroyed not later than the farm disposal date to the extent that no grain or forage crop remains;

(viii) Sorghums within the permitted acreage destroyed by natural causes not later than the farm disposal date and followed by a different crop for harvest in the current year, unless the operator requests on Form ASCS-574 that the first crop be considered as sorghums and the county committee determines that the crop was planted in a workmanlike manner for harvest and that natural causes prevented the replanting of sorghums during the normal planting period;

(ix) Sorghums within the permitted acreage destroyed prior to harvest to the extent that no grain or forage crop remains, provided destruction is by:

(a) Natural causes, and the operator requests reclassification in writing, or

(b) Mechanical means, and the operator requests reclassification in writing, and the acreage is used to meet a deficiency in designated diverted acreage or conserving acreage.

(3) An acreage devoted to a mixture of crops is considered to be grain sorghum acreage if the county committee determines the feed grain content is 50 percent or more by weight at harvest, the predominant feed grain is grain sorghums and such acreage meets the requirements of subparagraph (1) or subparagraph (2) of this paragraph as being grain sorghum acreage. Sweet sorghums and sorghum-grass crosses shall be considered as grain sorghums for purposes of this subparagraph when in a mixture with corn or grain sorghums.

(e) "Feed wheat acreage" means the average acreage of wheat produced on the farm during 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, as amended, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm wheat base established under § 728.17 of the Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years. Such acreage shall be credited to the commodity (barley, corn, or grain sorghums) with the largest base for the farm and shall lose its identity as feed wheat acreage. If there is no feed grain base for the farm, the acreage shall be credited to the predominant feed grain in the county.

(f) "Feed grain acreage" means the sum of the barley, corn, and grain sorghum acreages on the farm.

(g) "Total feed grain base" means the sum of the feed grain bases established for barley, corn, and grain sor-

ghums for the farm, except that each base shall be excluded that is diverted under CAP or CCP.

(h) "Oats and rye acreage" means:

(1) For 1959 and 1960—any acreage planted to oats or rye for harvest as grain in 1959 and 1960.

(2) For current year—Any acreage of oats or rye harvested as grain and any other acreage seeded to oats or rye, excluding:

(i) Oats or rye prevented from reaching maturity by being clipped and left on the land, destroyed by mechanical means or natural causes, or used for other than grain not later than the farm disposal date;

(ii) Oats or rye approved as a conservation use in Part 792 of this chapter, as amended;

(iii) Oats or rye within the permitted acreage, destroyed by mechanical means after farm disposal date and prior to harvest to the extent that no grain or forage crop remains, provided the operator requests reclassification in writing and the acreage is used to meet a deficiency in designated diverted acreage or conserving acreage;

(iv) Oats or rye within the permitted acreage destroyed by natural causes after farm disposal date and prior to harvest to the extent that no grain or forage crop remains, if the operator requests reclassification in writing; and

(v) Oats or rye on a privately owned farm produced for experimental purposes only by a publicly owned agricultural experiment station provided (a) the experimental acreage does not exceed the amount approved for such purpose for the farm by the State committee with the concurrence of the Deputy Administrator and (b) all proceeds of the crop inure to the benefit of the experiment station.

(3) An acreage devoted to a mixture which includes oats or rye shall be considered as oats and rye acreage only when the oats and rye content is more than 50 percent by weight at harvest, and the acreage is not considered as barley or wheat acreage.

(i) "Stated intention" means the total number of acres of the established total feed grain base for a farm which the operator of the farm intends to divert from the production of feed grains, as stated on Form 477.

(j) "Minimum diversion acres" means the smallest number of acres of the established total feed grain base for the farm which can be diverted from the production of feed grains as set forth in § 775.4(b)(2), in order for the farm to be eligible to participate in the program.

(k) "Conservation Reserve Program" (herein called CRP) means the program set forth in regulations issued pursuant to the Soil Bank Act, Part 750 of this chapter, as amended.

(l) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16 of the Soil Conservation and Domestic Allotment Act, as amended, under which farmers and ranchers enter into agreements providing for changes in cropping systems

and land uses, Part 751 of this chapter, as amended.

(m) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, Part 751 of this chapter, as amended.

(n) "Great Plains Conservation Program" means the program authorized by the Act of August 7, 1956, 70 Stat. 1115-1117 (16 U.S.C. 590p(b)), Part 601 of this title, as amended.

(o) "Wheat Diversion Program" and "Wheat Certificate Program" mean the programs authorized by sections 339 and 379c of the Agricultural Adjustment Act of 1938, as amended, Part 728 of this chapter, as amended.

(p) "Upland Cotton Program" means the program authorized under Title IV of the Food and Agriculture Act of 1965, as amended, Part 722 of this chapter, as amended.

(q) "Price support payment" means that part of the price support for the current year's crop of corn, grain sorghums, and barley made available to producers through payments in kind as authorized in section 105(e) of the Agricultural Act of 1949, as amended.

(r) "Representative of the county committee" means a member of the county committee or an employee of the county committee.

(s) "Alternate crop" means any of the crops of castor beans, crambe, guar, mustard seed, plantago ovata and sesame which may be produced in lieu of conservation uses on all acreage diverted under the program and the crops of safflower and sunflower which may be produced in lieu of conservation uses on acreage diverted in excess of the minimum acreage required to be diverted under § 775.4(b)(2).

(t) "Farm disposal date" means the disposal date set forth for each commodity in Part 718 of this chapter, as amended.

(u) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

(v) "Regional Conservation Programs" (herein called RCP) means the programs set forth in Part 755 of this chapter, as amended.

#### § 775.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, ASCS (Executive Vice President, CCC), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called State and county committees) and ASCS commodity offices. Notices of base acreages, yields, and payment rates shall be mailed to producers. Applications for payments shall be approved by the county committee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

#### § 775.4 Requirements for eligibility.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 477 must be filed for the farm by the operator in accordance with § 775.13.

(2) An acreage equal to at least 20 percent of the total feed grain base must be diverted from the production of feed grains. In the case of any farm which is participating in the CRP, CCP, CAP, or RCP, if the number of acres of non-conserving crops permitted is less than 20 percent of the total feed grain base, participation to the extent of such number of acres shall meet the minimum diversion acres requirement. Notwithstanding the provisions of the foregoing sentence, in the case of any farm which is participating in the CRP, CCP, CAP, or RCP, if the number of acres of non-conserving crops permitted is less than the total feed grain base, such number of acres shall, at the option of the farm operator filed not later than the final date specified in § 775.13(c) for filing Form 477, be deemed to be the total farm feed grain base for purposes of determining the minimum diversion acreage requirement and other participation requirements. The minimum diversion acreage requirement shall not apply if noncompliance with such provisions was caused solely by (i) an error made in good faith by producers in supplying data to the county committee, or (ii) an error, and the county committee determines that (a) producers on the farm were in no way responsible for the error, (b) the extent of the error was such that the producers would not reasonably be expected to question it, and (c) the producers in good faith complied with the program on the basis of the error.

(3) The acreage diverted from the production of feed grains as stated on Form 477 must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses also specified in such part. Acreage designated as diverted under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of feed grains, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion of such acreage will not be eligi-

ble for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(6) Producers on a farm on which a new farm feed grain base is established shall not be eligible for diversion payments under the program with respect to such farm but may earn price support payments by diverting the minimum acreage required in subparagraph (2) of this paragraph and complying with all other requirements of the program.

#### (c) Producer eligibility requirements.

(1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the barley, corn, or grain sorghums produced in the current year on a farm meeting the requirements of paragraph (b) of this section or would have shared in one or more of these commodities if feed grains had been produced on such farm in the current year on the acreage diverted under the program.

(2) On each other farm in which the producer has an interest, the acreage of feed grains shall not exceed the total feed grain base. For the purpose of this subparagraph, a producer shall not be considered as violating the foregoing requirements if he satisfies the county committee that he did not have control of the managerial operations of the other farm and did not share in the feed grain crops or proceeds thereof on the other farm. A State wildlife agency shall not be considered as violating the foregoing requirements on a State-owned farm if the acreage of feed grains in excess of the base is offset through the underplanting of an equivalent acreage of the feed grain base or permitted acreage on other State-owned farms in which the wildlife agency has an interest, provided a written request to produce the excess feed grains and make the corresponding reduction is filed with the State committee not later than the closing date specified in § 775.13(c) for filing Form ASCS-477 and written agreement to make such reduction is obtained prior to such closing date from the operators of the farms to be underplanted. Acreage underplanted under the provisions of the foregoing sentence shall not be considered underplanted for any other purpose. In applying the provisions of this subparagraph (2), a landowner or landlord cannot escape responsibility for any feed grain base being exceeded by leasing for cash or other consideration all or part of a farm. For purposes of this subparagraph, all persons or entities in each category listed below shall be considered as the same producer and fully responsible for the actions of any person or entity in that category:

(i) A partnership and any member of the partnership;

(ii) A corporation and the majority stockholder of such corporation (in applying this rule, a corporation can earn no payment if two or more stockholders with a combined majority interest in the

corporation exceed the feed grain base on other farms in which they have an interest; and two or more stockholders with a combined majority interest in the corporation, each of whom is participating in the program, can earn no payment if the corporation exceeds the feed grain base on any farm in which it has an interest;

(iii) An estate and an heir of the estate with over a 50 percent interest in the estate (in applying this rule, an estate can earn no payment if two or more heirs with a combined interest in the estate of over 50 percent exceed the feed grain base on other farms in which they have an interest; and two or more heirs with a combined interest in the estate of over 50 percent, each of whom is participating in the program, can earn no payment if the estate exceeds the feed grain base on any farm in which it has an interest);

(iv) A trust and a beneficiary of the trust with over a 50 percent interest in the trust (in applying this rule, a trust can earn no payment if two or more beneficiaries with a combined interest in the trust of over 50 percent exceed the feed grain base on other farms in which they have an interest; and two or more beneficiaries with a combined interest in the trust of over 50 percent, each of whom is participating in the program, can earn no payment if the trust exceeds the feed grain base on any farm in which it has an interest);

(v) Minor children and the parent, guardian, or other person legally responsible for the minor unless the person legally responsible for the minor does not occupy the same household as the minor and shares no interest in the farming operations of the minor;

(vi) Husband and wife, except that the husband and wife may be considered as separate producers if the spouse receiving benefits under the program does not share to any degree in crops or proceeds thereof from the other farm, managerial control of the other farm is not shared by such spouse, and there have been no changes in the operations or managerial control of the other farm which would tend to defeat the purpose of the provisions of this subparagraph. Any executor, trust officer, or farm manager responsible for the management of a farm shall be considered as a producer on the farm when he receives a percentage of the farm income exceeding 10 percent of the crops or proceeds thereof for such management service. Notwithstanding the foregoing:

(a) Any person who places land in a trust the beneficiary of which is such person's parent, brother, sister, spouse, child, or grandchild shall be considered a producer with an interest in the trust land for purposes of this subparagraph if he acts as the trustee or trust officer for the trust or in any other way retains management responsibility for the trust land even though he does not receive any share of the crops or proceeds thereof from the trust land;

(b) When the State committee, or the county committee with the approval of the State committee, determines that a

corporation or trust was formed, modified, or used for the purpose of circumventing the provisions of this subparagraph, the corporation and any stockholder of the corporation, or the trust and any beneficiary of the trust, shall be considered as the same producer and fully responsible for the actions of the corporation or trust or of any stockholder or beneficiary of the corporation or trust;

(c) Different corporations or trusts or estates having common stockholders or beneficiaries with a combined majority interest shall be considered as the same producer for purposes of applying the provisions of this subparagraph.

(3) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect ASCS from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

#### § 775.5 Maximum diversion acres.

The maximum number of acres which may be diverted under the program (herein called maximum diversion acres) shall be the larger of (a) 25 acres, but not to exceed the total feed grain base for the farm or (b) 50 percent of the total feed grain base for the farm; *Provided*, That in the case of a farm which is participating in the CRP, CCP, CAP, or RCF, the total number of acres which may be diverted under this program and the wheat diversion program, plus the acreage of all nonconserving crops on the farm other than approved crops on diverted acreage, shall in no event exceed the smallest number of acres of nonconserving crops permitted under the CRP, CCP, CAP, and RCF.

#### § 775.6 Designation, use, and care of diverted acreage.

The regulations governing the designation, use, and care of land diverted from the production of feed grains under this program and approved conservation uses thereon are set forth in Part 792 of this chapter, as amended.

#### § 775.7 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

#### § 775.8 Permitted acreage of feed grains.

The acreage of feed grains on the farm shall not exceed the acreage determined by subtracting the stated intention from the total feed grain base established for the farm. Notwithstanding the foregoing, in the case of any farm participating in the CRP, CCP, CAP, or RCF, the acre-

age of feed grains and other nonconserving crops other than approved crops on acreage diverted under this program and the wheat diversion program, plus the designated diverted acreages under such programs, shall not exceed the smallest number of acres of nonconserving crops permitted under the CRP, CCP, CAP, and RCF.

#### § 775.9 Farm feed grain base.

(a) *How obtained.* The base acreage for each of the commodities—barley, corn and grain sorghums—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, and soil and water conservation measures, and topography, plus any feed wheat acreage credited as provided in § 775.2(e). On farms with recognized history of irrigated and nonirrigated feed grain acreage in the base period for establishing yields, the base acreage for each applicable commodity shall be established separately for the irrigated acreage and for the nonirrigated acreage for the purpose of establishing a blended yield in accordance with § 775.10(b). Separate bases for irrigated acreage and for nonirrigated acreage shall not be established for farms where irrigation is used only in drier years. Commodity base acreages for farms determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon unanimous request of the State committee, authorize the State committee to adjust any feed grain base for farms within the State to the extent necessary to establish fair and equitable feed grain bases within such State.

(c) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under this program if there was no feed grain acreage on the farm in 1959 and 1960, unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain base was established in accordance with § 775.212(c)(2) of the 1963 feed grain program regulations, or (3) a new farm base has been established in accordance with paragraph (d) of this section.

(d) *New farm base.* (1) The State committee shall determine a base (herein called "new farm base") for each eligible farm for which a feed grain base is requested in writing before March 1 of the current year. Each request shall be made by the farm operator or owner on a form prescribed by the county committee which shall contain statements as to

location and identification of the farm, name and address of the farm operator and other data necessary to enable the State committee to determine whether the conditions of eligibility prescribed by subparagraph (2) of this paragraph have been met. Farms with a new farm base cannot qualify for a diversion payment under this program but may qualify for a price support payment by meeting the requirements in § 775.4(b). Producers must meet the requirements in § 775.4(c) to qualify on such farms for payments under this program.

(2) Eligibility for a new farm base shall be conditioned upon the following:

(i) The farm does not otherwise qualify for a feed grain base for any commodity.

(ii) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a feed grain base will be established for the current year.

(iii) The type of soil and topography of the land on the farm for which a base is requested is suitable for the production of the commodity and the production of the commodity on the farm will not result in an undue erosion hazard under continuous production.

(iv) The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) The operator expects to derive 50 percent or more of his livelihood in the current year from the production of agricultural commodities or products from the farm for which the feed grain base application is filed. In making this computation, no value will be allowed for the estimated return from the production of the requested base. However, in addition to the value of agricultural products sold from the farm, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. Where the farm operator is a partnership, each partner must expect to derive 50 percent or more of his livelihood in the current year from the production of agricultural commodities or products from the farm; where the farm operator is a corporation, it must have no major purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive 50 percent or more of their livelihood in the current year, including dividends and salaries, from the corporation. The provisions of this subdivision shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from the farm or otherwise, will not provide a reasonable standard of living for the operator and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number

of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family.

(vi) The applicant has at least 2 years' experience in the last 5 years producing the commodity for which a base is requested: *Provided*, That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow the feed grain commodity because the applicant was in the armed services or the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest.

(vii) In the case of a farm which includes land returned to agricultural production after being acquired by an agency having the right of eminent domain for which the total feed grain base was pooled pursuant to Part 719 of this chapter, at least 3 years have elapsed from the date the former owner was displaced from the acquired farm to the date the request for a new farm base is considered.

(3) In establishing a new farm base, the State committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography and the farming system to be followed by the operator, including the equipment and other facilities available for the production of feed grain under such system, and shall limit the base to the feed grain acreage planned for the farm for the current year.

(4) If the feed grain acreage for the year a new farm base is established is less than 75 percent of the base, or 75 percent of the feed grain permitted acreage if such farm is participating in the program, the total feed grain base for the succeeding year shall be limited to the prior year's feed grain acreage plus any acreage diverted under the program in the prior year. Bases by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) The total new farm bases approved in a State in the current year shall not exceed 1 percent of the total feed grain base acreages for all farms in the State.

(e) A feed grain base determined for any farm under the preceding provisions of this section shall, for the current year only, be reduced to the extent the sum of the total feed grain base, oats-rye base, total allotments, and sugar proportionate shares exceeds the cropland for the farm, unless the operator requests in writing that the reduction be in an allotment or in the sugar proportionate shares. Land established to trees under a CRP contract that has expired and with respect to which the cropland status has been preserved may at the operator's request be considered as noncropland for the purpose of applying the foregoing provision.

(f) A feed grain base determined for any commodity under the preceding provisions of this section shall for the cur-

rent year only, be reduced to the acreage permitted under a restrictive lease on land owned by the Federal Government.

(g) A feed grain base established for a farm no longer operated as a grain producing farm may be reduced to zero upon written request of the operator and owner.

§ 775.10 County projected yields, farm projected yields, and diversion and price support payment rates.

(a) *County projected yields.* The county projected yields for barley, corn, and grain sorghums are contained in § 775.25(c).

(b) *Projected farm yields.* Except as otherwise provided in § 775.12(b) the per acre projected farm yield for barley, corn, and grain sorghums shall be the county projected yield for the commodity, adjusted to reflect the farm productivity for the commodity and established in accordance with instructions issued by the Deputy Administrator.

(c) *Minimum acre diversion payment rates.* The minimum acre diversion payment rate for a farm shall be 20 percent of the result obtained by multiplying the estimated county total support rate for the commodity as set forth in § 775.25(c) by the projected farm yield established for the commodity. Except as otherwise provided in paragraph (e) of this section, the minimum acre diversion payment rate shall apply to the minimum acreage required to be diverted under § 775.4(b)(2) for farms with a total feed grain base of 25 acres or less. No diversion payment for minimum diversion shall be made for farms with total feed grain bases in excess of 25 acres: *Provided*, That a farm with a total feed grain base in excess of 25 acres but not in excess of 125 acres shall be eligible for a diversion payment on 25 acres if the farm operator makes a request therefor, such acreage is actually diverted, and no feed grains are produced on the farm; and, for purposes of computing the diversion payment, such farms shall be deemed to have a total feed grain base of 25 acres.

(d) *Additional acre diversion payment rates.* The additional acre diversion payment rate for a farm shall be the smaller of (1) 45 cents for barley, 60 cents for corn, and 55 cents for grain sorghums or (2) 40 percent of the estimated county total support rate for the commodity as set forth in § 775.25(c) multiplied by the projected farm yield established for the commodity. Except as otherwise provided in paragraph (e) of this section, the additional acre diversion payment rate shall apply to acreage diverted for payment in excess of the minimum acreage required to be diverted under § 775.4(b)(2).

(e) *Diversion payment rates for land cash rented from governmental units.* The rate of diversion payment under the program with respect to land which is leased or rented on a cash-rent basis from the Federal, State, county, or local government, or subdivisions thereof, if such land is not otherwise ineligible for participation in the program, shall be

the smaller of (1) the average per acre payment rate for which the farm would have qualified if the exception for land-cash-rented from a governmental unit were not in effect, or (2) one-half the average per acre payment determined in subparagraph (1) of this paragraph plus the actual cash rent per acre of the land, adjusted to take into account the quality of the acres actually diverted when compared with the total acres rented and the services performed and capital improvements made at the producer's expense which are in addition to rent.

(f) *Price support payment rates.* The per acre farm price support payment rate for barley, corn, and grain sorghums shall be determined by multiplying the projected farm yield established for the commodity as provided in paragraph (b) of this section by 20 cents for barley, 30 cents for corn, and 29.68 cents for grain sorghums.

#### § 775.11 Notice of base acreages, yield and payment rates.

Each operator interested in the feed grain crop on a farm for which a feed grain base is established shall be notified in writing of the commodity base acreage, the established yield per acre, and the additional acre diversion payment rate, for barley, corn, and grain sorghums, as applicable, and the conserving base for the farm: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice, but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of the notice. Such notice will be on Form ASCS-477-1, Notice of Yields, Allotment, Base Acreages, and Rates (herein called Form 477-1).

#### § 775.12 Appeals.

(a) A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

(b) To the extent that a producer proves the actual yields for the farm for 1966, 1967, and 1968, either prior to receipt of Form 477-1 or pursuant to paragraph (a) of this section, the yields so proven shall be used in establishing yields: *Provided*, That the producer whose production records are used to prove yields on the farm shall be required to furnish production data for all other farms in the county or adjoining counties in which he had an interest in any of the years for which the yields are proven (unless there is conclusive evidence that the records presented are in fact for the specific farm).

#### § 775.13 Intention to participate in the program.

(a) *Who may file.* A Form 477 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 477 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 477 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish to the satisfaction of the county committee that they intended to participate in the program and the failure to file by such date was not due to the fault or negligence of the producers.

(d) *Contents.* The operator or owner shall provide on Form 477 the acreage which is intended to be diverted from the production of barley, corn, and grain sorghums for the farm for which the form is filed.

(e) *Withdrawal and revision.* The operator may, upon approval of the county committee, withdraw Form 477 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Part 718 and Part 791 of this chapter, as amended. If Form 477 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 477. If the farm is reconstituted or if a revised allotment or feed grain base notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice or reconstitution or revised allotment or feed grain base to file a new Form 477.

#### § 775.14 Transfer of farm feed grain acreage affected by a natural disaster.

(a) *General authority.* Upon a determination for any year that because of a natural disaster a portion of the farm feed grain bases in a county cannot be timely planted or replanted in such year, a transfer of such acreage may be authorized in States and counties designated by the Deputy Administrator.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of feed grain acreage, within the total feed grain base, for such year to another farm in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee for the county in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the total feed grain base established less such acreage planted to feed grains and not destroyed by the

natural disaster, or (2) the smallest permitted acreage of nonconserving crops under the CRP, CCP, RCP and CAP, or (3) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the total feed grain base for the farm from which the acreage is to be transferred could not timely be planted or replanted because of the natural disaster and planting was not prohibited by the lease in the case of lands owned by the Federal Government.

(2) One or more producers of feed grains on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of feed grains on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds therefrom. Such sharing shall be in the manner customary in the area in order to establish the status of such producer as a bona fide producer on the farm to which the acreage is to be transferred.

(e) *Cancellation of transfer.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (e) of this section have not been met, the county committee, State committee or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Transferred acreage.* Transferred acreage which is planted shall be deemed planted on the farm from which transferred.

#### § 775.15 Determinations of compliance.

(a) Determination of the acreage devoted to feed grains and of the acreage designated as diverted acreage shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and the acreage which the operator designated as being devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

#### § 775.16 Diversion payment and price support payment.

(a) Payments of any amounts due the producers on a farm shall be made after they sign Form 477, the farm operator certifies that the farm is in compliance with the requirements of the program, and the county committee determines that the producers and the farm are in compliance with such requirements. The certification of compliance after May 1,

1971, shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, no diversion payment shall be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) The total diverted acreage of feed grains shall be determined by subtracting the feed grain acreage on the farm from the total feed grain base. The total acreage diverted from feed grains on which diversion payments shall be based shall be the smallest of:

- (1) The stated intention.
- (2) The total underplanted (diverted) acreage of feed grains.
- (3) The increased acreage devoted to approved conservation uses and alternate crops.
- (4) The designated diverted acreage.
- (5) If the farm is participating in the CRP, CCP, CAP, or RCP, the smallest number of acres of nonconserving crops permitted minus the acreage devoted to such crops other than approved crops on diverted acreage, and minus acreage diverted under the wheat diversion program.

(d) For farms with a total feed grain base of more than 25 acres, no diversion payment shall be made with respect to the minimum diversion acreage except as provided in § 775.10(e).

(e) The total acreage eligible for payment shall be credited first to the commodity with the largest applicable payment rate to the extent of the actual underplanted acreage of such commodity, and the remaining acreage, if any, eligible for payment shall be credited to other commodities in high to low payment rate order to the extent of the actual underplanting of such commodities: *Provided*, That for farms also complying with the wheat diversion program the total acreage eligible for payment shall be credited as provided in § 728.507a of the regulations governing the wheat program for 1968-70 (Part 728 of this chapter).

(f) The total earned diversion payment due each eligible producer under the program shall be determined by multiplying the total earned diversion payment for the farm by the producer's share of such payment.

(g) A farm shall be eligible for a price support payment if producers on the farm file a Form 477 for the current year and comply with all of the regulations in this subpart. The amount of the price support payment for each commodity shall be determined by multiplying the acreage of the commodity as defined in paragraphs (b), (c), and (d) of § 775.2 by the applicable price support payment rate per acre as determined in accordance with § 775.10(g): *Provided*, That the total acreage of feed grains upon which price support payments are made shall in no event exceed the smaller of the permitted acreage or 50 percent of the total feed grain base, and if the feed grain acreage is not less than 90 percent of this maximum acreage, the farm shall be credited with the maximum acreage

for price support payment. For purposes of the preceding sentence, any acreage on the farm which the county committee determines was not planted to feed grains because of flood, drought, or other natural disaster shall, within the permitted acreage, be deemed feed grains in accordance with instructions issued by the Deputy Administrator provided such acreage is not subsequently planted in the current year to any other crops for which there are marketing quotas or voluntary adjustment programs in effect. The total earned price support payment due each eligible producer shall be determined by multiplying the total earned farm price support payment for the farm by the producer's share of such payment.

(h) If a producer elects to devote the diverted acreage to approved alternate crops in accordance with §§ 775.1(a) and 775.2(s), a reduction shall be made in the diversion and price support payments otherwise computed for the farm. The per acre reduction for diverted acreage devoted to castor beans, crambe, guar, mustard seed, plantago ovata, and sesame shall be equal to 50 percent and for safflower and sunflower 100 percent of the applicable additional acre diversion payment rate for the farm.

(i) If a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(j) Payments to any producer which exceed the total payment he earned under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any wheat diversion payments or wheat marketing certificates for the farm in 1970.

#### § 775.17 Division of payments and additional provisions relating to tenants and sharecroppers.

Regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

#### § 775.18 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 477, the diversion or price support payment due him shall be made to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who would have had an interest as producer (herein called "predecessor") in feed grains if they had been produced on the diverted acreage has been succeeded on the farm

by another producer (herein called "successor") after Form 477 has been filed, the share of the diversion payment to which they are entitled shall be divided between them on such basis as the predecessor and successor agree is fair and equitable. If such persons are unable to agree to a division of the payments, the county committee shall determine the division of the payments, taking into consideration the following, among other factors it deems pertinent:

(1) The respective interests which the predecessor and successor would have had in feed grains if they had been produced on the diverted acreage;

(2) The respective contributions to the diversion acreage which have been made by the predecessor and by the successor; and

(3) The respective contributions of the predecessor and successor to the establishment and maintenance of the conservation uses on the designated diverted acreage.

(c) Notwithstanding the foregoing, if a tenant or sharecropper who would have had an interest in feed grains if they had been produced on the diverted acreage leaves a farm after Form 477 has been filed for the farm, but before the diversion payment has been made and is not succeeded on the farm by another person, his name shall be included in Part IV of Form 477 and the division of payment to which he is entitled shall be determined as provided in § 775.17.

(d) The price support payment to the predecessor and successor shall be divided on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the price support payment, the price support payment shall be issued to the producer who has the interest in the crop at the time of harvest, and if the crop is completely destroyed prior to harvest, the price support payment shall be issued to the producer who had the interest at the time of destruction of the crop.

(e) In any case where any diversion or price support payment due any successor producer has previously been paid to the producer who filed Form 477, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

#### § 775.19 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the program shall not be entitled to receive diversion or price support payments and shall refund to the Commodity Credit Corporation any payments received by him.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining diversion or price support payments shall render the person liable for a refund to the Commodity Credit Corporation of the payments received

by him with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) made a false report of the feed grain, wheat, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified that he did not exceed the feed grain bases, wheat allotments, or upland cotton allotments for other farms in which he has an interest, (3) falsely certified compliance with other provisions of the feed grain, wheat, or upland cotton program, or (4) obstructed the county committee's efforts to determine compliance with the feed grain, wheat, or upland cotton program by failing to disclose his interest in other farms, shall not be entitled to receive program benefits under the feed grain program, the upland cotton program, and the wheat program and shall refund any payments and return any wheat marketing certificates received by him, or in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 775.20 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

(b) *Assignments.* Diversion and price support payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 775.21 Reconstitution of farms.

Farms shall be reconstituted and feed grain bases established therefor in accordance with the regulations governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) *Combination:* Multiply the commodity base by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of bases for the commodity on the parent farms.

(b) *Division:* Determine a yield in accordance with § 775.10. The weighted average yields for all the farms resulting from the division is limited to the yield for the parent farm, except for rounding.

(c) Any Form 477 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form(s) 477 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 477 as specified in § 775.13(c).

§ 775.22 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter relating to performance based upon

action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 775.23 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.24 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 775.25 County projected yields and county rates.

NOTE: For text of section, see 35 F.R. 5082.

§ 775.26 Substitution of feed grains for wheat and wheat for feed grains, oats, and rye.

Substitution of feed grains for wheat and wheat for feed grains, oats, and rye shall be governed by the provisions of § 728.507a of the regulations governing the wheat program for 1970, Part 728 of this chapter, as amended.

Effective date: Upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-5907; Filed, May 13, 1970; 8:46 a.m.]

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

[Navel Orange Reg. 209]

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

Limitation of Handling

§ 907.509 Navel Orange Regulation 209.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recom-

mendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 12, 1970.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period May 15, 1970, through May 21, 1970, are hereby fixed as follows:

- (i) District 1: 600,000 cartons;
- (ii) District 2: Unlimited;
- (iii) District 3: Unlimited.

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

(Secs. 1-10, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 12, 1970.

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

[F.R. Doc. 70-6060; Filed, May 13, 1970; 11:18 a.m.]

[Valencia Orange Reg. 313]

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

**Limitation of Handling**

**§ 908.613 Valencia Orange Regulation  
313.**

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 12, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California

which may be handled during the period May 15, 1970, through May 21, 1970, are hereby fixed as follows:

- (i) District 1: 252,000 cartons;
  - (ii) District 2: 301,000 cartons;
  - (iii) District 3: 147,000 cartons.
- (2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: May 13, 1970.

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

[F.R. Doc. 70-6061; Filed, May 13, 1970;  
11:18 a.m.]

[Grapefruit Reg. 10, Amdt. 7]

**PART 944—FRUIT; IMPORT  
REGULATIONS**

**Grapefruit**

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the introductory language and subparagraph (2) of paragraph (a) in Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898, 11135, 14383; 35 F.R. 5462, 6747), are hereby amended to read as follows:

**§ 944.106 Grapefruit Regulation 10.**

(a) On and after May 11, 1970, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet;

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

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

Dated May 8, 1970, to become effective May 11, 1970.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Consumer and  
Marketing Service.

[F.R. Doc. 70-5908; Filed, May 13, 1970;  
8:46 a.m.]

**Chapter XIV—Commodity Credit Cor-  
poration, Department of Agriculture**

**SUBCHAPTER B—LOANS, PURCHASES AND  
OTHER OPERATIONS**

[CCC Texas Flaxseed Bulletin, 1970 Supp.]

**PART 1421—GRAINS AND SIMILARLY  
HANDLED COMMODITIES**

**Subpart—1970 Texas Flaxseed  
Purchase Program**

**PURCHASE PRICE, PREMIUMS, AND  
DISCOUNTS**

A special purchase program has been authorized for 1970 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1970 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1970 Texas Flaxseed Purchase Program.

**§ 1421.3101 Purchase prices, premiums,  
and discounts.**

(a) *1970 basic county purchase prices.* Basic purchase prices per bushel for flaxseed grading No. 1 and containing from 9.1 to 9.5 percent moisture produced in the counties listed below are as follows:

TEXAS			
County	Rate per bushel	County	Rate per bushel
Atascosa	\$2.36	Hidalgo	\$2.32
Bee	2.45	Jackson	2.36
Bell	2.29	Jim Wells	2.44
Bexar	2.35	Karnes	2.42
Caldwell	2.33	Lamar	2.19
Calhoun	2.38	Live Oak	2.43
Comal	2.33	McMullen	2.38
De Witt	2.37	Matagorda	2.37
Dimmit	2.25	Nueces	2.47
Duval	2.39	Refugio	2.46
Frio	2.32	San Patricio	2.47
Goliad	2.43	Victoria	2.40
Gonzales	2.35	Wharton	2.39
Guadalupe	2.34	Wilson	2.39

(b) *Application of basic purchase prices—(1) Deliveries to country locations.* The basic purchase price for flaxseed delivered by truck to authorized dealers at country locations shall be the price established for the county where the flaxseed is delivered.

(2) *Deliveries by truck to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by truck to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding 7 cents per bushel to the basic purchase price established for Nueces County, Tex.

(3) *Deliveries by rail to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by rail to an



authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding to the basic purchase price for the county from which the flaxseed was shipped, the amount of freight per bushel actually paid in plus the current Uniform Grain Storage Agreement truck receiving and rail loading out charges of 8½ cents per bushel.

(c) *Premium for low moisture content.* A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades No. 1 or No. 2 and contains 9 percent or less moisture.

(d) *Grade discounts.* The following discounts shall be applied to eligible flaxseed which grades No. 2 or Sample Grade:

(1) No. 2—6 cents per bushel.  
 (2) Sample Grade—6 cents per bushel plus the following discounts, as applicable:

Percent:	Cents
9.6-10.0	1
10.1-10.5	2
10.6-11.0	3
Above 11.0	13

\* Plus 1 cent for each ½ percent of moisture in excess of 11.0 percent.

(ii) *Test weight:* 3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) *Other factors:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

(Sec. 4, 62 Stat. 1070, as amended; sec 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

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

KENNETH E. FRICK,  
*Executive Vice President,*  
*Commodity Credit Corporation.*

[F.R. Doc. 70-5926; Filed, May 13, 1970; 8:48 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

PART 1485—DAIRY PRODUCTS

Revocation

Part 1485 of Chapter XIV of Title 7 of the Code of Federal Regulations is revoked.

Effective date: Upon publication in the FEDERAL REGISTER.

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

CLIFFORD G. PULVERMACHER,  
*Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.*

[F.R. Doc. 70-5925; Filed, May 13, 1970; 8:48 a.m.]

Chapter XVI—Food and Nutrition Service (Food Stamp Program), Department of Agriculture

PART 1600—GENERAL INFORMATION AND DEFINITIONS

Addresses for Northeast and Southeast Regional Offices

Food and Nutrition Service Regional Offices for the Northeast and Southeast Regions have moved since the Food Stamp Program regulations were originally published. Therefore, to reflect the current addresses of these offices and the establishment of the Food and Nutrition Service, Part 1600 of Chapter XVI of Title 7 of the Code of Federal Regulations is amended as follows:

In § 1600.5, the introductory language of paragraph (b) and subparagraphs (1) and (2) thereof are amended to read as follows:

§ 1600.5 Miscellaneous provisions.

(b) Persons or agencies desiring information concerning the Program should write to the appropriate Food and Nutrition Service Regional Office as follows:

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia: U.S. Department of Agriculture, Food and Nutrition Service, Northeast Region, 26 Federal Plaza, Room 1611, New York, N.Y. 10007;

(2) For project areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia: U.S. Department of Agriculture, Food and Nutrition Service, Southeast Region, 1795 Peachtree Road NE., Room 302, Atlanta, Ga. 30309.

(Public Law 88-525, 78 Stat. 703, as amended; 7 U.S.C. 2011-2025)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

ELVIN A. ADAMSON,  
*Deputy Assistant Secretary.*

MAY 11, 1970.

[F.R. Doc. 70-5927; Filed, May 13, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Missouri thereto and a new paragraph (e) (19) relating to the State of Missouri is added to read:

(19) *Missouri.* That portion of Stoddard County bounded by a line beginning at the northwestern corner of Stoddard County at the junction of the Stoddard-Wayne and Stoddard-Butler County lines; thence, following the Stoddard-Wayne County line in an easterly direction to State Highway T; thence, following State Highway T in a generally northeasterly direction to the northern boundary of sec. 2, of T. 26 N., R. 8 E.; thence, following the northern boundary of secs. 2 and 1, of T. 26 N., R. 8 E., in an easterly direction to the northeastern corner of sec. 1, of T. 26 N., R. 8 E.; thence, following the eastern boundary of secs. 1, 12, and 13, of T. 26 N., R. 8 E., in a southerly direction to State Highway J; thence, following State Highway J in a northeasterly direction to State Highway WW; thence, following State Highway WW in a generally southeasterly direction to U.S. Highway 60; thence, following U.S. Highway 60 in a southwesterly direction to the St. Francis River (also the Stoddard-Butler County line); thence, following the east bank of the St. Francis River (also the Stoddard-Butler County line) in a northwesterly direction to its junction with the Stoddard-Wayne County line at the northwestern corner of Stoddard County.

2. In § 76.2, paragraph (e) (7) relating to the State of Minnesota is amended to read:

(7) *Minnesota.* The adjacent portions of Chippewa and Kandiyohi Counties bounded by a line beginning at the junction of U.S. Highway 71 and County Road 23; thence, following County Road 23 in an easterly direction to County

Road 86; thence, following County Road 86 in an easterly direction to County Road 134; thence, following County Road 134 in a southerly direction to the southern boundary of sec. 24, of T. 118 N., R. 34 W.; thence, following the southern boundaries of secs. 24, 23, 22, 21, and 20, of T. 118 N., R. 34 W., in a westerly direction to County Road 3; thence, following County Road 3 in a westerly direction to U.S. Highway 71; thence, following U.S. Highway 71 in a southerly direction to State Highway 7; thence, following State Highway 7 in a westerly direction to County Road 1; thence, following County Road 1 in a southerly direction to the Kandiyohi-Renville County line; thence, following the Kandiyohi-Renville County line in a westerly direction to the Chippewa-Renville County line; thence, following the Chippewa-Renville County line in a westerly direction to the western boundary of Rheiderland Township; thence, following the western boundary of Rheiderland Township in a northerly direction to County Road 2; thence, following County Road 2 in a northerly direction to County Road 12; thence, following County Road 12 in an easterly direction to the Kandiyohi-Chippewa County line; thence, following the Kandiyohi-Chippewa County line in a southerly direction to County Road 85; thence, following County Road 85 in an easterly direction to U.S. Highway 71; thence, following U.S. Highway 71 in a northerly direction to its junction with County Road 23.

3. In § 76.2, in paragraph (e) (15) relating to the State of Texas, subdivision (ix) relating to Smith County is deleted, and subdivision (i) is amended to read: (15) Texas. (i) Dallas County.

4. In § 76.2, in paragraph (e) (14) relating to the State of South Carolina, subdivision (i) relating to Hampton County is deleted.

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

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

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

The amendments also exclude Henderson and a portion of Smith Counties in Texas and a portion of Hampton County, S.C., from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded

areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from non-quarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

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

Done at Washington, D.C., this 8th day of May 1970.

F. R. MANGHAM,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-5924; Filed, May 13, 1970;  
8:48 a.m.]

## Title 14—AERONAUTICS AND SPACE

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

[Docket No. 10301; Amdt. 702]

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

##### Miscellaneous Amendments

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is pay-

able in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

3. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective June 11, 1970:

Minneapolis, Minn.—Minneapolis-St. Paul International Airport; NDB(ADF) Runway 11L, Orig.; Established.

Minneapolis, Minn.—Minneapolis-St. Paul International Airport; NDB(ADF) Runway 29R, Orig.; Established.

4. Section 97.17 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 11, 1970:

Flint, Mich.—Bishop Airport; LOC Runway 9, Orig.; Canceled.

Minneapolis, Minn.—Minneapolis-St. Paul International Airport; LOC (BC) Runway 11L, Orig.; Established.

Minneapolis, Minn.—Minneapolis-St. Paul International Airport; LOC Runway 29R, Orig.; Established.

5. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective June 11, 1970:

Albany, N.Y.—Albany County Airport; VOR Runway 1, Amdt. 10; Revised.

Albany, N.Y.—Albany County Airport; VOR Runway 19, Amdt. 10; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; VOR Runway 22L, Amdt. 10; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; VOR Runway 27, Amdt. 9; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; VOR Runway 33L, Amdt. 10; Revised.

Flint, Mich.—Bishop Airport; VOR Runway 9, Amdt. 10; Revised.

Flint, Mich.—Bishop Airport; VOR Runway 18, Amdt. 5; Revised.

Flint, Mich.—Bishop Airport; VOR Runway 27, Amdt. 5; Revised.

Flint, Mich.—Bishop Airport; VOR Runway 36, Amdt. 1; Revised.

Albany, N.Y.—Albany County Airport; VOR/DME Runway 1, Amdt. 1; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; VOR/DME Runway 15R, Amdt. 7; Revised.

Houston, Tex.—Intercontinental Airport; VOR/DME Runway 32, Amdt. 1; Revised.

Patterson, La.—Harry P. Williams Memorial Airport; VOR/DME-1, Amdt. 2; Revised.

6. Section 97.25 is amended by establishing, revising or canceling the following LOC-LDA SIAPs, effective June 11, 1970:

Albany, N.Y.—Albany County Airport; LOC (BC) Runway 1, Amdt. 2; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; LOC (BC) Runway 22L, Amdt. 3; Revised.  
 Flint, Mich.—Bishop Airport; LOC (BC) Runway 27, Amdt. 2; Revised.

7. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective June 11, 1970:

Albany, N.Y.—Albany County Airport; NDB (ADF) Runway 19, Amdt. 8; Revised.  
 Auburn-Lewiston, Maine—Auburn-Lewiston Municipal Airport; NDB (ADF) Runway 4, Amdt. 3; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; NDB (ADF) Runway 4R, Amdt. 16; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; NDB (ADF) Runway 22L, Amdt. 2; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; NDB (ADF) Runway 33L, Amdt. 5; Revised.

Flint, Mich.—Bishop Airport; NDB (ADF) Runway 9, Amdt. 10; Revised.

Patterson, La.—Harry P. Williams Memorial Airport; NDB (ADF) Runway 5, Amdt. 1; Revised.

8. Section 97.29 is amended by establishing, revising or canceling the following ILS SIAPs, effective June 11, 1970:

Albany, N.Y.—Albany County Airport; ILS Runway 19, Amdt. 9; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; ILS Runway 4R, Amdt. 19; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; ILS Runway 33L, Amdt. 7; Revised.

Flint, Mich.—Bishop Airport; ILS Runway 9, Amdt. 1; Revised.

9. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 11, 1970:

Albany, N.Y.—Albany County Airport; Radar-1, Amdt. 3; Revised.

Boston, Mass.—General Edward Lawrence Logan International Airport; Radar-1, Amdt. 19; Revised.

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

Issued in Washington, D.C., on May 6, 1970.

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

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

[P.R. Doc. 70-5835; Filed, May 13, 1970; 8:45 a.m.]

## Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission  
 [Docket No. C-1726]

### PART 13—PROHIBITED TRADE PRACTICES

Astra Furs, Inc., and  
 George Pologeorgis

Subpart—Invoicing products falsely:  
 § 13.1108 *Invoicing products falsely:*

13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling; § 13.1185 *Composition*: 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Astra Furs, Inc., et al., New York City, N.Y., Docket C-1726, Apr. 16, 1970]

*In the Matter of Astra Furs, Inc., a Corporation, and George Pologeorgis, Individually and as an Officer of Said Corporation*

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Astra Furs, Inc., a corporation, and its officers, and George Pologeorgis, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

*It is further ordered*, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered*, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
 Secretary.

[P.R. Doc. 70-5898; Filed, May 13, 1970; 8:45 a.m.]

[Docket No. C-1727]

### PART 13—PROHIBITED TRADE PRACTICES

B & J Fabrics, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, B & J Fabrics, Inc., et al., New York, N.Y., Docket C-1727, Apr. 16, 1970]

*In the Matter of B & J Fabrics, Inc., a Corporation, and Robert Cohen and Melvin Cohen, Individually and as Officers of Said Corporation*

Consent order requiring a New York City distributor of textile fiber fabrics to cease marketing any textile product which fails to conform to the standards prescribed pursuant to the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents B & J Fabrics, Inc., a corporation, and its officers, and Robert Cohen and Melvin Cohen, individually and as officers of said corporation and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as "commerce", "fabric", "product" and "related material" are defined in the Flammable Fabrics Act, as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered*, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action

taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since August 15, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon, cotton, or combinations thereof, or acetate and nylon, in a weight of 2 ounces or less per square yard of fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

*It is further ordered.* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondents shall maintain complete and adequate records concerning all fabrics subject to the Flammable Fabrics Act, as amended, which are sold or distributed by them.

*It is further ordered.* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-5899; Filed, May 13, 1970;  
8:45 a.m.]

[Docket No. C-1729]

### PART 13—PROHIBITED TRADE PRACTICES

#### Julius B. De Vera et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 *Textile Fiber Products Identification Act:* § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72

Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Julius B. De Vera et al., Carmel, Calif., Docket C-1729, Apr. 16, 1970]

#### *In the Matter of Julius B. De Vera, Individually and Doing Business as The Philippine Shop, and Jossie J. De Vera, Individually and as Manager of The Philippine Shop*

Consent order requiring a Carmel, Calif., importer and retailer of novelty and gift items including mantillas to cease misbranding its textile fiber products and marketing dangerously flammable fabrics.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered.* That respondents Julius B. De Vera, individually and doing business as The Philippine Shop or under any other name, and Jossie J. De Vera, individually and as manager of said business, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as "commerce," "fabric," "product," and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered.* That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof, and (3) any disposition of such product since October 6, 1969. Such report shall further inform the Commission whether respondents have in inventory any of the subject mantillas or any other fabric, product or related material having a plain surface and made of silk, rayon and acetate, nylon and acetate, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface and made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product, or related material with this report.

*It is further ordered.* That respondents Julius B. De Vera, individually and doing business as The Philippine Shop or under any other name, and Jossie J. De Vera, individually and as manager of said business, and respondents' representatives, agents, and employees, directly or

through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transporting or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix a stamp, tag, label or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

*It is further ordered.* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-5901; Filed, May 13, 1970;  
8:45 a.m.]

[Docket No. C-1728]

### PART 13—PROHIBITED TRADE PRACTICES

#### Harold Wagner Furs, Inc., et al.

Subpart—Furnishing false guarantees: § 13.1053 *Furnishing false guarantees:* 13.1053-35 *Fur Products Labeling Act.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 *Fur Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 170; 15 U.S.C. 45, 691) [Cease and

desist order, Harold Wagner Furs, Inc., et al., New York, N.Y., Docket C-1728, Apr. 16, 1970]

*In the Matter of Harold Wagner Furs, Inc., a Corporation, Formerly Trading as Dworkin-Wagner Furs, Inc., a Corporation, and Harold S. Wagner, Individually and as an Officer of Said Corporation, and as a Former Officer of Dworkin-Wagner Furs, Inc., and Sydney S. Dworkin, Individually and as a Former Officer of Dworkin-Wagner Furs, Inc.*

Consent order requiring a New York City manufacturing furrier to cease misbranding, falsely invoicing, and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Harold Wagner Furs, Inc., a corporation, formerly trading as Dworkin-Wagner Furs, Inc., a corporation, and its officers, and Harold S. Wagner, individually and as an officer of said corporation, and as a former officer of Dworkin-Wagner Furs, Inc., and Sydney S. Dworkin, individually and as a former officer of Dworkin-Wagner Furs, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act and in accordance with the requirements of Rule 19(g) of the rules and regulations promulgated under the said Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act and in accordance with the requirements of Rule 19(g) of the rules and regulations promulgated under the said Act.

*It is further ordered*, That respondents Harold Wagner Furs, Inc., a corporation, formerly trading as Dworkin-Wagner Furs, Inc., a corporation, and its officers, and Harold S. Wagner, individually and as an officer of said corporation, and as a former officer of Dworkin-Wagner Furs, Inc., and Sydney S. Dworkin, individually and as a former officer of Dworkin-

Wagner Furs, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

*It is further ordered*, That respondents Harold Wagner Furs, Inc., a corporation, and its officers, and Harold S. Wagner, individually and as an officer of said corporation, notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation of dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[P.R. Doc. 70-5900; Filed, May 13, 1970; 8:46 a.m.]

[Docket No. C-1725]

**PART 13—PROHIBITED TRADE PRACTICES**

**Hirschman Fur Corp. et al.**

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108-45 Fur Products Labeling Act.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Hirschman Fur Corp., et al., New York, N.Y., Docket C-1725, Apr. 16, 1970]

*In the Matter of Hirschman Fur Corp., a Corporation, Hirschman-Barnett Corp., a Corporation, Irving Hirschman and Joseph Hirschman, Individually and as Officers of Said Corporations, and Sydney Barnett, Individually and as an Officer of Hirschman-Barnett Corp.*

Consent order requiring New York City corporations engaged in the fur business to cease falsely and deceptively invoicing their furs and fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Hirschman Fur Corp., a corporation, and its officers, Hirschman-Barnett Corp., a corporation, and its officers, Irving Hirschman and Joseph Hirschman, individually and as officers of said corporations, and Sydney Barnett, individually and as an officer of Hirschman-Barnett Corp., and respondents' representatives, agents, and employees directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation and distribution in commerce of furs, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing furs or fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed under section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication, on invoices that the fur contained in the furs or fur products is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Describing fur products or furs which have been bleached, dyed or otherwise artificially colored by the name of mink or by any other animal name or names without disclosing that the said fur products or furs were bleached, dyed or otherwise artificially colored.

4. Failing when a fur or fur product is pointed or contains or is composed of bleached, dyed or otherwise artificially colored fur, to disclose such facts as a part of the required information on invoices pertaining thereto.

*It is further ordered*, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

*It is further ordered*, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing,

setting forth in detail the manner and form in which they have complied with this order.

Issued: April 16, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-5897; Filed, May 13, 1970;  
8:45 a.m.]

[Docket No. C-1723]

### PART 13—PROHIBITED TRADE PRACTICES

#### Jet Party Favors, Inc. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Jet Party Favors, Inc. et al., Stamford, Conn., Docket C-1723, Apr. 8, 1970]

*In the Matter of Jet Party Favors, Inc., a Corporation, and Louis Schneider and Joel Cohen, Individually and as Officers of Said Corporation*

Consent order requiring a Stamford, Conn., manufacturer of party favors including wearing apparel in the form of paper leis to cease marketing dangerously flammable products and paper leis not flame proofed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Jet Party Favors, Inc., a corporation, and its officers, and Louis Schneider, and Joel Cohen, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any fabric, product or related material as "commerce", "fabric", "product" and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered*, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product or related material which gave rise to the complaint (1) the amount of such fabric, product or related material in inventory (2) any action taken to notify customers of the flammability of such fabric, product or related material and the results thereof

and (3) any disposition of such fabric, product or related material since September 8, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon, or cotton or combinations thereof in a weight of 2 ounces or less per square yard of fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report.

*It is further ordered*, That respondents Jet Party Favors, Inc., a corporation, and its officers, and Louis Schneider, and Joel Cohen, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from the advertising, offering for sale, sale or distribution of paper leis in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless and until said paper leis are flame proofed to such an extent that they will not ignite, burn or glow.

*It is further ordered*, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered*, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered*, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 8, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-5896; Filed, May 13, 1970;  
8:45 a.m.]

[Docket No. C-1721]

### PART 13—PROHIBITED TRADE PRACTICES

#### Knits Internationale, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-75 *Textile Fiber Products Identification Act*; § 13.73 *Formal regulatory and statutory requirements*: 13.73-90 *Textile Fiber Products Identification Act*. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-80 *Textile Fiber Products Identification Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 *Textile Fiber Products Identification Act*; 13.1185-90 *Wool Products Labeling Act*; § 13.1212

*Formal regulatory and statutory requirements*: 13.1212-90 *Wool products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Knits Internationale, Inc., et al., Miami Beach, Fla., Docket C-1721, April 8, 1970]

*In the Matter of Knits Internationale, Inc., a Corporation, and David Brandy and Joy Brandy, Individually and as Officers of said Corporation*

Consent order requiring a Miami Beach, Fla., importer and seller of ladies' ready-to-wear knitwear to cease misbranding its woolen and textile products and falsely advertising and deceptively guaranteeing its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That respondents Knits Internationale, Inc., a corporation, and its officers, and David Brandy and Joy Brandy, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

*It is further ordered*, That respondents Knits Internationale, Inc., a corporation, and its officers, and David Brandy and Joy Brandy, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or

contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding such products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

B. Falsely and deceptively advertising textile fiber products by making any representations, by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

*It is further ordered.* That respondents Knits Internationale, Inc., a corporation, and its officers, and David Brandy and Joy Brandy, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provision of the Textile Fiber Products Identification Act.

*It is further ordered.* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 8, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-5894; Filed, May 13, 1970;  
8:45 a.m.]

[Docket No. C-1722]

**PART 13—PROHIBITED TRADE PRACTICES**

Party Time Manufacturing Co. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Im-*

*porting, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Party Time Manufacturing Co. et al., Pittston, Pa., Docket C-1722, Apr. 8, 1970]

*In the Matter of Party Time Manufacturing Co., a partnership, and James J. Rosentel, and Ruth Rosentel, Individually and as Copartners trading as Party Time Manufacturing Co.*

Consent order requiring a Pittston, Pa., manufacturer of party favors including wearing apparel in the form of paper leis to cease marketing dangerously flammable products and paper leis not flameproofed.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered.* That respondents Party Time Manufacturing Co., a partnership, and James J. Rosentel and Ruth Rosentel, individually and as copartners trading as Party Time Manufacturing Co., and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce any fabric, product or related material as "commerce," "fabric," "product," and "related material" are defined in the Flammable Fabrics Act as amended, which fabric, product or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

*It is further ordered.* That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product or related material which gave rise to the complaint, (1) the amount of such fabric, product or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product or related material and the results thereof and (3) any disposition of such fabric, product or related material since September 8, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report.

*It is further ordered.* That respondents Party Time Manufacturing Co., a partnership, and James J. Rosentel, and Ruth

Rosentel, individually and as co-partners trading as Party Time Manufacturing Co., and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from the advertising, offering for sale, sale or distribution of paper leis in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless and until said paper leis are flame proofed to such an extent that they will not ignite, burn or glow.

*It is further ordered.* That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 8, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-5895; Filed, May 13, 1970;  
8:45 a.m.]

**Title 18—CONSERVATION OF POWER AND WATER RESOURCES**

**Chapter I—Federal Power Commission**

[Docket No. R-386; Order 402]

**PART 2—GENERAL POLICY AND INTERPRETATIONS**

**Temporary Emergency Sales and Deliveries of Natural Gas for Resale in Interstate Commerce**

MAY 6, 1970.

The Commission has been apprised that natural gas distribution companies, which have been exempted from the provisions of the Natural Gas Act under section 1(c) thereof, have received an increasing number of requests from distribution companies located in other States and interstate pipeline companies for short-term supplies of natural gas to meet temporary emergencies caused by weather conditions, acts of God, breakdown of facilities, or other unforeseen occurrences or to replenish depleted storage reservoirs in order to meet consumer needs in a forthcoming heating season. In order to facilitate responses to such requests, it is appropriate that we should express and adopt a Commission policy which would make clear that the recipients of such requests will not jeopardize their exempt status under the Act if they sell or transport natural gas for resale in interstate commerce to the extent that such gas will enable companies confronted with emergency gas supply situations to meet their system requirements. Accordingly, it is appropriate in these circumstances that the Commission promulgate the Statement of Policy as set forth hereinbelow:

The Commission finds:

(1) The statement issued herein concerns a matter of general policy which

does not require notice or hearing under section 553 of title 5 of the United States Code.

(2) Early dissemination of the Commission's statement of general policy referred to herein is in the public interest. Good cause therefore exists to bring it to the immediate attention of persons affected thereby.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 1(c), 7(c), and 16 thereof (68 Stat. 36, 52 Stat. 825, 56 Stat. 83, 52 Stat. 830; 15 U.S.C. 717(c), 15 U.S.C. 717f(c), 15 U.S.C. 717o), orders:

(A) Effective upon issuance of this statement, Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.68 to read as follows:

§ 2.68 Policy with respect to temporary emergency sales and deliveries of natural gas for resale in interstate commerce by persons with exemptions under the Natural Gas Act, pursuant to section 1(c).

With respect to persons exempt from the provisions of the Natural Gas Act pursuant to section 1(c) thereof, it will be the general policy of the Commission to encourage such persons, if requested, to aid natural gas distribution companies and pipeline companies in need of temporary emergency gas supplies, by making short-term sales or deliveries of natural gas in interstate commerce for periods up to and including 60 consecutive days without any express authorization by the Federal Power Commission; provided that the seller (the exempt company) or transporter (a jurisdictional natural gas company) files with the Commission, in Docket No. R-386, within 10 days after the emergency commences, a statement in writing and under oath, together with four (4) conformed copies thereof, briefly outlining the nature of the emergency. Within 10 days after the termination of the emergency, a further sworn statement, and four (4) conformed copies thereof, shall be filed setting forth the volume of gas delivered and indicating the reimbursement received by the seller. A transporter shall, of course, receive adequate compensation for any additional transportation services rendered in connection with its participation in the delivery of the emergency volumes of gas and, upon termination of the emergency, shall inform the Commission, in writing, of the amount of compensation received, if any. If the emergency responded to is

expected to have a duration longer than 60 consecutive days, the seller or the transporter shall obtain an advance statement from the Commission, prior to termination of the 60-day period, that the seller's status under section 1(c) of the Act will not be affected as a result of the contemplated emergency sales or deliveries, as the circumstances of such sales are described in a written communication to be addressed to the Commission.

(Secs. 1(c), 7(c), 16 (68 Stat. 36, 52 Stat. 825, 56 Stat. 83, 52 Stat. 830; 15 U.S.C. 717(c), 15 U.S.C. 717f(c), 15 U.S.C. 717o))

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

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

[P.R. Doc. 70-5892; Filed, May 13, 1970; 8:45 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

#### PART 207—NAVIGATION REGULATIONS

##### Chesapeake Bay, Md., and St. Marys Falls Canal and Locks, Mich.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.115 governing the use and navigation of seaplane restricted areas in the Chesapeake Bay near Annapolis, Md., is hereby revoked, effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.115 Chesapeake Bay near Annapolis, Md.; seaplane restricted areas.  
[Revoked]

[Regs., Apr. 29, 1970, 1522-01 (Chesapeake Bay, Md.)—ENGW-ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.441 governing the administration of the security of St. Marys Falls Canal and Locks is hereby amended revoking paragraph (b) (3), effective upon publication in the FEDERAL REGISTER, as follows:

§ 207.441 St. Marys Falls Canal and Locks, Mich.; security.

(b) Restrictions on transit of vessels.

(3) [Revoked]

[Regs., Apr. 29, 1970, 1522-01 (St. Marys Falls Canal and Locks, Mich.)—ENGW-ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

RICHARD B. BELNAP,  
Special Advisor to TAG.

[P.R. Doc. 70-5890; Filed, May 13, 1970; 8:45 a.m.]

## Title 49—TRANSPORTATION

### Chapter X—Interstate Commerce Commission

#### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 37]

#### PART 1001—INSPECTION OF RECORDS

##### Availability of Commission Records for Public Inspection at Field Offices

MAY 5, 1970.

To reflect changes of address of certain Commission area offices, the list of the Commission's field offices following § 1001.4 of Chapter X of Title 49 of the Federal Regulations is amended to read as follows:

Fargo, N. Dak. 58102, Federal Building and U.S. Post Office, 657 Second Avenue North, Post Office Box 2340.

Pittsburgh, Pa. 15222, 2111 Federal Building, 1000 Liberty Avenue.

Miami, Fla. 33155, 105 Cox Building, 5720 Southwest 17th Street.

San Antonio, Tex. 78205, Room 206, 301 Broadway Building.

Cincinnati, Ohio 45202, 5514-B Federal Building, 550 Main Street.

Columbia, S.C. 29201, 300 Columbia Building, 1200 Main Street.

Raleigh, N.C. 27611, Room 624, Federal Building, 310 New Bern Avenue, Post Office Box 26896.

These amendments are effective upon publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 70-5921; Filed, May 13, 1970; 8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[ 33 CFR Part 117 ]

[ CGFR 70-66 ]

### HACKENSACK RIVER, LITTLE FERRY, N.J.

#### Drawbridge Operation

1. The Commandant, U.S. Coast Guard is considering a request by the New Jersey Department of Transportation to revise the special operation regulations for the Route 46 drawbridge at Little Ferry, N.J. The present regulations governing the operation of this drawbridge require 48 hours' advance notice. The proposed regulations would require 6 hours' advance notice. Authority for this action is set forth in section 5, 28 Stat. 362, as amended (33 U.S.C. 499), section 6(g)(2) of the Department of Transportation Act (49 U.S.C. 1655(g)(2)) and 49 CFR 1.46(c)(5).

2. Accordingly, it is proposed to revise 33 CFR 117.225(f)(1-b) to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of drawtenders is not required.

(f) \* \* \*

(1-b) Hackensack River, New Jersey Department of Transportation bridge at Little Ferry. At least 6 hours' advance notice is required.

3. Interested persons may participate in this proposed rule making by submitting written data, views, arguments, or comments as they may desire on or before June 15, 1970. All submissions should be made in writing to the Commander, Third Coast Guard District, Governors Island, New York, N.Y. 10004.

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

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

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

Dated: May 8, 1970.

P. E. TRIMBLE,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[F.R. Doc. 70-5923; Filed, May 13, 1970;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 221 ]

[ Docket No. 20853; EDR-182 ]

### AIR CARRIERS AND FOREIGN AIR CARRIERS

#### Written Notice of Limitations on Baggage Liability

MAY 7, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 221 of its economic regulations (14 CFR Part 221) which would require air carriers and foreign air carriers availing themselves of limitations on liability to passengers for loss of or damage to baggage to give written notice in terms of U.S. dollars to passengers of international, domestic, and overseas limitations on baggage liability.

The principal features of the proposed amendment are described in the Explanatory Statement below and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204, 401, 402, 403, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143), 757, 758 (as amended by 74 Stat. 445), 760 and 769; 49 U.S.C. 1324, 1371, 1372, 1373, 1374, and 1381).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 12, 1970, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room

712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[ SEAL ] PHYLLIS T. KAYLOR,  
Acting Secretary.

*Explanatory statement.* A rule making petition has been filed by a member of the public<sup>1</sup> requesting that carriers availing themselves of the Warsaw Convention liability limitations for loss of or damage to baggage be required to give clear and conspicuous notice of such limitations, as well as limitations for personal injury; to indicate on the tickets whether or not they are parties to the Interim Agreement<sup>2</sup> providing death benefits or \$75,000; and to express liability limitations in terms of U.S. dollars.

Section 221.175 of Part 221 of the Board's economic regulations presently requires that passengers whose transportation is governed by the Warsaw Convention be furnished, at the time of delivery of their tickets, a written notice regarding the limitation of liability for personal injury or death contained in the Warsaw Convention and, if applicable, notice of the higher limits provided for in the Interim Agreement. The section, in addition, requires the posting of the notice or an abbreviated form thereof at each desk, station, etc. Originally, that section required that the notice and posting refer to limitations of liability for loss of or damage to baggage. Subsequent to amending that section to allow the use of the notice prescribed by the Interim Agreement (under which death benefits are raised to \$75,000),<sup>3</sup> the Board deleted the required reference to baggage liability on the notice given to passengers because the Interim Agreement notice did not refer to baggage liability.<sup>4</sup> At that time, the Board reminded the carriers of their duty to give adequate notice, and reserved the right to specify the form of giving notice if the carriers' own steps were insufficient. Moreover, in approving revised Conditions of Contract (which deleted prior references to the amount of the limitation on liability for baggage) to be printed on tickets by IATA carriers, the Board reiterated the carriers' duty to give adequate notice and advised the carriers of the Board's continuing interest in this matter.<sup>5</sup>

<sup>1</sup> Mr. Stanley E. Cohen of Advertising Age.

<sup>2</sup> Approved by the Board by Order E-23680, dated May 13, 1966 (31 F.R. 7302, May 19, 1966).

<sup>3</sup> ER-496, adopted June 1, 1967.

<sup>4</sup> ER-523, adopted Dec. 13, 1967.

<sup>5</sup> Orders 69-2-65, Feb. 13, 1969, and 69-5-6, May 2, 1969.

We believe § 221.175 affords sufficient notice to passengers of limitations on liability for death or personal injury, and accordingly we have determined to deny the request insofar as it relates to notice for death or personal injury.

As for limitations on baggage liability, however, it appears that adequate notice continues to be a problem for passengers, particularly those subject to the Warsaw Convention. Inadequate notice of the limitations is a source of recurring passenger complaints to the Board. It appears that the only explicit notice given by some carriers is that appearing in fine print "Conditions of Contract" on the back of the ticket and expressed in terms of "French gold francs (consisting of 65½ milligrams of gold with a fineness of nine hundred thousandths) or its equivalent." Even this fine print notice is no longer required by IATA in its recently amended conditions of contract. Moreover, the Warsaw Convention limit of approximately \$330 for economy class passengers is significantly below the \$500 limit required by the Board in the Baggage Liability Rules Case<sup>6</sup> for interstate air transportation performed by trunk and local service carriers within the 48 contiguous States and the District of Columbia. It may be expected that passengers subject to the Warsaw Convention carry baggage of greater value than domestic passengers and, therefore, these passengers have relatively greater need to be aware of the liability limits so that they can take measures to protect themselves. Furthermore, while the Board in the Baggage Liability Rules Case, supra, noted that passengers having baggage valued in excess of \$500 could be expected to inquire about baggage liability limits and to purchase additional protection, this assumption could not be expected to hold where much lower limits are in force.

The Board has already adopted means of giving notice—for death or personal injury to international passengers—and it seems reasonable to use this means for baggage liability as well. Therefore, in light of the relatively low limit on liability for baggage under the Warsaw Convention and the attendant need for giving passengers adequate notice of these limitations so that they may take further steps to protect the value of their property, and because of an apparent failure on the part of the carriers to provide such notice on their own initiative, the Board has determined to grant the request for rule making as it relates to baggage liability.

In the Baggage Liability Rules Case, supra, the Board declined to require a specific form of baggage liability notice for domestic transportation. However, we believe that it would be inappropriate to require notice of international baggage liability limits without notice of domestic and overseas limits as well, because the public might be misled into the belief that there are no such limits. In addition,

to further avoid confusing and misleading passengers, we believe that notice of domestic limits should be physically combined with the notice of the Warsaw Convention limits. Finally, it appears that the practices of some carriers with respect to providing notice of domestic limits have not measured up to the standards the Board assumed the carriers would establish when it considered the Baggage Liability Rules Case. Accordingly, we have tentatively determined to require notice to passengers of limitations on liability for loss of or damage to baggage in interstate and overseas air transportation as well.

The proposed amendment, therefore, amends § 221.175(a) to provide an additional statement, to be given to passengers, concerning baggage liability. The additional statement provides for expression of the liability limits in terms of U.S. dollars and gives passengers notice that special rules may apply to such items as money, jewelry, and other valuables. The proposed amendment also provides that carriers may substitute a notice of different wording, upon approval by the Board, for the prescribed form. Such a notice must at the minimum conform to the standards proposed herein. The present requirements in § 221.175(a) concerning the size of type and method of issuance to the passenger will apply to the additional statement as well.

In the past, we have been reluctant to require a specific form of notice because it might prove to be too inflexible in special circumstances where another form of notice would be more practical for the carriers and more effective for the passenger. In recognition of this factor, we have tentatively determined to grant waiver of the proposed baggage notice requirements on application and a showing by the carrier that special and unusual circumstances render the enforcement of the regulation impractical and unduly burdensome and that adequate alternative means of giving notice are employed.<sup>7</sup>

We have tentatively determined that the baggage liability notice need not be posted in accordance with the present paragraph (b). Accordingly, we propose to amend § 221.175(b) in such a manner as to leave the present posting requirements unchanged.

*Proposed rule.* It is proposed to amend Part 221 of the economic regulations (14 CFR Part 221) as follows:

1. Amend the Table of Contents by modifying § 221.175 as follows:

Sec. 221.175	Special notice of limited liability for death or injury or property loss under the Warsaw Convention and for baggage loss for transportation not covered by the Warsaw Convention.
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2. Amend § 221.175 to read as follows:

<sup>7</sup> One situation where waiver might prove to be appropriate would be in the case of shuttle-type services which do not involve the usual ticketing procedures.

§ 221.175 Special notice of limited liability for death or injury or property loss under the Warsaw Convention and for baggage loss for transportation not covered by the Warsaw Convention.

(a) In addition to the aforesaid requirements of this subpart—

(1) Each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention and whose place of departure or place of destination is in the United States, the following statement in writing:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATION OF LIABILITY

Passengers embarking upon a journey involving an ultimate destination or a stop in a country other than the country of departure are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to their entire journey including the portion entirely within the countries of departure and destination. The Convention governs and in most cases limits the liability of carriers to passengers for death or personal injury to approximately \$8,290.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention. For further information please consult your airline or insurance company representative.

*Provided, however,* That when the carrier elects to agree to a higher limit of liability to passengers than that provided in Article 22(1) of the Warsaw Convention, such statement shall be modified to reflect the higher limit.

(2) Each air carrier and foreign air carrier which, to any extent, avails itself of limitations on liability for loss or damage to baggage, shall, at the time of delivery of the ticket, furnish to each passenger whose place of departure or place of destination is in the United States, the following statement in writing:

NOTICE OF LIMITED LIABILITY FOR BAGGAGE

*International travel.* Where the passenger's journey involves an ultimate destination or a stop in a country other than the country of departure, the provisions of a treaty known as the Warsaw Convention may be applicable to the entire journey including the portion entirely within the countries of departure and destination. The Convention limits liability for loss of or damage to baggage to approximately \$7.50 per pound in the case of checked baggage, and approximately \$330 per passenger in the case of unchecked baggage or other property unless a higher value is declared in advance and additional charges are paid pursuant to carrier's tariffs or regulations. In that event, the liability of the carrier shall be limited to such higher declared value. In no event shall the carrier's liability exceed the actual loss suffered by the passenger.

*Domestic travel.* For transportation not subject to the Warsaw Convention, the liability of [carrier's name] for loss of or

<sup>6</sup> Order E-24198, Sept. 19, 1966.

damage to baggage is limited to [the carrier shall insert its limits for such transportation herein], unless a higher valuation is declared at time of check-in and an extra charge is paid. Excess valuation may not be declared for [carrier shall list such items herein]. [Carrier's name] assumes no liability for [carrier shall list such items herein]. The above limits are applicable only over routes of [carrier's name] and do not necessarily apply to other carriers.

Additional information with respect to all of the foregoing is available on request.

*Provided, however,* That any air carrier or foreign air carrier which wishes to use a notice of its own wording, but containing the substance of the prescribed language, may substitute a notice of its own wording upon approval by the Board.

(3) The statements prescribed in subparagraphs (1) and (2) of this paragraph shall be printed in type at least as large as 10-point modern type and in ink contrasting with the stock on (i) each ticket; (ii) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (iii) the ticket envelope;

*Provided, however,* That with respect to the statement required in subparagraph (2) of this paragraph, the foregoing requirements as to the time and method of delivery of the notice (including the size of type) of this section may be waived upon application and a showing by the carrier that special and unusual circumstances render the enforcement of the regulation impractical and unduly burdensome and that adequate alternative means of giving notice are employed.

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall also cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to passengers whose transportation may be governed by the Warsaw Convention and whose place of departure or destination may be in the United States, a sign which shall have printed thereon the statement

prescribed in paragraph (a)(1) of this section: *Provided, however,* That an air carrier or foreign air carrier which provides a higher limitation of liability than that set forth in the Warsaw Convention and has signed a counterpart of the agreement among carriers providing for such higher limit, which agreement was approved by the Board by Order E-23680, dated May 13, 1966 (31 F.R. 7302, May 19, 1966), may use the following notice in the manner prescribed above in full compliance with the posting requirements of this paragraph:

ADVICE TO INTERNATIONAL PASSENGERS ON  
LIMITATION OF LIABILITY

Passengers traveling to or from a foreign country are advised that airline liability for death or personal injury and loss or damage to baggage may be limited by the Warsaw Convention and tariff provisions. See the notice with your ticket or contact your airline ticket office or travel agent for further information.

Such statements shall be printed in bold face type at least one fourth of an inch high.

[F.R. Doc. 70-5929; Filed, May 13, 1970;  
8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[R-1658; S-1795]

#### CALIFORNIA

### Notice of Classification of Public Lands for Multiple-Use Management

MAY 6, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the Regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The description of lands in Block No. 4 of F.R. Doc. 69-4509, 34 P.R. 6621 of April 17, 1969, erroneously included lands which are proposed for transfer out of Federal ownership (F.R. Doc. 69-4508, 34 P.R. 6620, Apr. 17, 1969) and lands which are not being classified at this time. These erroneously listed lands described below are hereby deleted from this classification and the segregative effect of the proposed classification is hereby terminated:

#### MOUNT DIABLO MERIDIAN

T. 31 S., R. 37 E.,  
Sec. 24.  
T. 32 S., R. 37 E.,  
Sec. 12, N $\frac{1}{2}$ .  
T. 31 S., R. 38 E.,  
Secs. 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34.  
T. 32 S., R. 38 E.,  
Secs. 2, 4, 6, 8, 10, 12, 20.  
T. 31 S., R. 39 E.,  
Sec. 30, N $\frac{1}{2}$ ;  
Sec. 32, W $\frac{1}{2}$ .  
T. 32 S., R. 39 E.,  
Sec. 6, W $\frac{1}{2}$ .

3. The following described land is not needed in Federal ownership and is hereby deleted from the Classification for Multiple-Use Management. The segregative effect of the proposed classification is hereby terminated as to these lands:

#### MOUNT DIABLO MERIDIAN

T. 31 S., R. 33 E.,  
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

4. Following publication of the notice of proposed classification in 34 P.R. 6621, April 17, 1969, and at the public hearing at California City on May 28, 1969, two protests were received to the public sale segregation of sec. 30, T. 31 S., R. 35 E., M.D.M. These two protests have been carefully considered and no reason is found to alter the classification. Access to private land through public land is not adversely affected by this classification. The record showing the comments received and other information is on file and can be examined at the Bakersfield District Office.

5. The public lands affected by classification are located within the following described areas and are shown on maps designated 2412-04-01-32 (R-1658, S-1795), Cache Peak Planning Unit, in the Bakersfield District Office, and at the Land Offices of the Bureau of Land Management, 1414 University Avenue, Riverside, Calif. 92502, and 2800 Cottage Way, Sacramento, Calif. 95825.

#### MOUNT DIABLO MERIDIAN

##### KERN COUNTY

All public land in:

##### Block No. 1

T. 28 S., R. 32 E.,  
Sec. 21.  
T. 29 S., R. 32 E.,  
Secs. 4, 8, 16, and 18.  
T. 28 S., R. 33 E.,  
Secs. 7, 8, 17, 18, 19, and 32.  
T. 29 S., R. 33 E.,  
Secs. 8, 9, 10, 11, 13, 16, 26, 28, 34, and 36.  
T. 30 S., R. 33 E.,  
Secs. 2, 14, 15, 16, 19, 20, 21, 22, 28, 29,  
30, and 31.  
T. 29 S., R. 33 $\frac{1}{2}$  E.,  
Secs. 13 and 24.  
T. 29 S., R. 34 E.,  
Sec. 32.

##### Block No. 2

T. 28 S., R. 34 E.,  
Sec. 35, SE $\frac{1}{4}$ ;  
Sec. 36, S $\frac{1}{2}$ .  
T. 29 S., R. 34 E.,  
Secs. 12 and 24.  
T. 30 S., R. 34 E.,  
Secs. 2 and 12.  
T. 29 S., R. 35 E.,  
Secs. 2, 3, 4, 6, 7, 8, 10, 12, 14, 18, 20, 22,  
24, 26, 28, 30, and 32.  
T. 30 S., R. 35 E.,  
Secs. 2, 10, 14, 18, 23, 27, 28, 30, 32, and 34.  
T. 29 S., R. 36 E.,  
Secs. 2, 4, 5, 6, 8, 10, 12, 14, 15, 18, 19, 20,  
22, 23, 24, 26, 28, 29, 30, 32, and 34.  
T. 30 S., R. 36 E.,  
Secs. 2, 4, 8, 10, 12, 14, 16, 18, 20, 22, 24,  
26, 28, 30, 32, and 34.  
T. 30 S., R. 36 $\frac{1}{2}$  E.,  
Secs. 1, 12, 13, 24, 25, and 36.  
T. 30 S., R. 37 E.,  
Secs. 1, 2, 3, 4, 6, 8, 10, 11, 12, 14, 15, 18, 20,  
21, 22, 28, 30, 32, 33, and 34.

##### Block No. 3

T. 31 S., R. 33 E.,  
Secs. 1 and 11;  
Secs. 12 to 14, inclusive;  
Secs. 28 and 24.  
T. 30 S., R. 34 E.,  
Secs. 26, 34, and 36.

T. 31 S., R. 34 E.,  
Secs. 1 to 6, inclusive;  
Secs. 8 and 9;  
Secs. 11 to 16, inclusive;  
Secs. 18, 20, 21, 23, 24, and 26.  
T. 32 S., R. 34 E.,  
Secs. 2, 12, 14, and 24.  
T. 31 S., R. 35 E.,  
Secs. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24,  
26, 28, 30, 32, and 34.  
T. 32 S., R. 35 E.,  
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24,  
26, 28, 30, 32, and 34.  
T. 31 S., R. 36 E.,  
Secs. 1 to 6, inclusive;  
Secs. 8 to 10, inclusive;  
Secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, 32,  
and 34.  
T. 32 S., R. 36 E.,  
Secs. 4, 6, 8, and 18.  
T. 31 S., R. 36 $\frac{1}{2}$  E.,  
Secs. 12, 13, and 24.  
T. 31 S., R. 37 E.,  
Secs. 5 and 6.

##### Block No. 4

T. 30 S., R. 38 E.,  
Secs. 1, 2, and 3, unsurveyed;  
Sec. 4;  
Secs. 8 to 16, inclusive, unsurveyed;  
Secs. 21 to 24, inclusive, unsurveyed;  
Secs. 26, 27, and 28, unsurveyed;  
Sec. 34.  
T. 31 S., R. 38 E.,  
Secs. 1 to 5, inclusive;  
Secs. 8 to 12, inclusive.  
T. 32 S., R. 38 E.,  
Secs. 14, 22, 24, 26, 28, and 34.

The public lands in the area described aggregate approximately 143,376 acres.

6. 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 2411.2c.

J. R. PENNY,  
State Director.

[F.R. Doc. 70-5903; Filed, May 13, 1970;  
8:46 a.m.]

[ES 4078]

## FLORIDA

### Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Eastern States Land Office, Silver Spring, Md., effective at 10 a.m. on July 6, 1970:

#### TALLAHASSEE MERIDIAN

T. 31 S., R. 39 E.,  
Sec. 4, lots 7 to 14, inclusive;  
Sec. 5, lot 1;  
Sec. 8, lots 1 and 2;  
Sec. 9, lots 4 to 14, inclusive; and the  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 10, lots 12 and 13;  
Sec. 15, lots 11 to 16, inclusive;  
Sec. 16, lots 2 to 11, inclusive;  
Sec. 21, lots 7, 8 and 9;  
Sec. 22, lots 8 to 11, inclusive;  
Sec. 26, lots 14 to 17, inclusive;  
Sec. 27, lots 3, 4 and 5;  
Sec. 34, lot 7;  
Sec. 35, lot 13.

The areas described aggregate 862.59 acres.

2. These plats, in 3 sheets, represent a dependent resurvey and extension survey, including lands erroneously omitted from the original survey, and the survey of 30 islands.

3. The resurveyed lands lie along the Barrier Island which separates the Indian River from the Atlantic Ocean. The soil is sandy loam in the central and eastern portions and muck in the western portions along the Indian River. The timber is citrus, with Australian pine along the apparent property lines in the central portions, palmetto in the eastern portions and red and black mangrove in the western portions along the shore and on the islands in the Indian River.

4. The omitted land area designated as lot 9, sec. 9, was found to be over 50 percent upland in character within the meaning and interpretation of the Swampland Grant Act of September 28, 1850 (9 Stat. 519). All other subdivisions of the surveyed sections are classified as being over 50 percent swamp in character within the meaning and interpretation of that Act. Title to these swamplands inured to the State of Florida under the 1850 Act; and these lands are, therefore, open only to selection by the State under that Act. They will not be open to any other applications for use or disposition under the public land laws, including the mining and mineral leasing laws.

5. Lot 9, sec. 9, is occupied by a well maintained citrus grove. Subject to valid existing rights, this land will be opened to petition-application under the public land laws on the effective date of the filing of these plats.

6. Inquiries concerning these lands should be addressed to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue Silver Spring, Md. 20910.

DORIS A. KOIVULA,  
Manager.

MAY 8, 1970.

[F.R. Doc. 70-5909; Filed, May 13, 1970;  
8:46 a.m.]

[Montana 11512]

## MONTANA

### Notice of Classification of Public Lands for Transfer Out of Federal Ownership

MAY 7, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) it is proposed to classify for transfer out of Federal ownership, the public lands within the areas described below. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. One comment was received in response to the notice of proposed classification published in the FEDERAL REGISTER (34 F.R. 189) dated September 26, 1969. This comment, from the Chief Field Agent, State of Montana, Department of State Lands and Investments, requested that certain additional lands be considered for transfer out of Federal ownership through State selection (43 U.S.C. 851, 852). The additional lands in this request that were proposed for classification for transfer out of Federal ownership through public sale under section 2455 of the revised statute (43 U.S.C. 1171) are considered suitable for transfer through State selection. The additional lands in the State's request that were proposed for classification for transfer out of Federal ownership through exchange under authority of section 8 of the Taylor Grazing Act (43 U.S.C. 315g) will not be changed because of previous exchange commitments consistent with an on-going Federal program.

3. Information obtained from field data, discussions with the public and other sources indicate that the lands described in paragraph 6 meet the criteria of 43 CFR 2410.1-3(c)(3) authorizing classification for sale under the Recreation and Public Purposes Act (43 U.S.C. 869); that the lands described in paragraph 7 meet the criteria of 43 CFR 2410.1-3(c)(2) which authorizes classification for transfer to a State in satisfaction of a State land grant (R.S. 2275, 2276); that the lands described in paragraph 8 meet the criteria of 43 CFR 2410.1-3(e) which authorizes classification for sale under the public sale act (R.S. 2455) (43 U.S.C. 1171); and that the lands described in paragraph 9 meet the criteria of 43 CFR 2410.1-3(c)(4) which authorizes classification for disposal by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

4. Publication of this notice segregates the affected lands from all forms of disposal under the Public Land Laws, including general mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their vegetative and mineral resources, other than under the general mining laws.

5. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Dillon District Office, 228 North Idaho Street, Dillon, Mont., and in the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont.

6. It is proposed to classify the public lands described in this paragraph for transfer out of Federal ownership under provisions of the Recreation and Public Purposes Act (43 U.S.C. 869).

#### PRINCIPAL MERIDIAN, MONTANA

T. 1 N., R. 1 W.,  
Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$  (that portion in Gallatin County).  
T. 2 N., R. 1 E.,  
Sec. 26, lot 1.  
T. 2 S., R. 2 E.,  
Sec. 6, lots 2, 3, 7, 10, and 13.

The land described aggregates 192.75 acres.

7. It is proposed to classify the public lands described in this paragraph for transfer out of Federal ownership through State Selection (43 U.S.C. 851, 852).

#### PRINCIPAL MERIDIAN, MONTANA

T. 3 N., R. 3 E.,  
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NW $\frac{1}{4}$ , and SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 4 N., R. 3 E.,  
Sec. 12, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 26, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 3 N., R. 4 E.,  
Sec. 6, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, E $\frac{1}{2}$ .  
T. 4 N., R. 4 E.,  
Sec. 6, W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, SE $\frac{1}{4}$  and E $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ ;  
Sec. 18, lots 1 to 4 inclusive, E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, N $\frac{1}{2}$  and SW $\frac{1}{4}$ ;  
Sec. 29, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 30, lots 1 to 4 inclusive, NE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 1 S., R. 2 E.,  
Sec. 33, E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 2 S., R. 2 E.,  
Sec. 18, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 5 N., R. 5 E.,  
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$   
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$   
NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The land described aggregates 4,449.40 acres.

8. It is proposed to classify the public lands described in this paragraph for transfer out of Federal ownership through public sales under section 2455 of the Revised Statute (43 U.S.C. 1171).

#### PRINCIPAL MERIDIAN, MONTANA

T. 1 N., R. 1 W.,  
Sec. 34, S $\frac{1}{2}$ S $\frac{1}{2}$ .  
T. 1 S., R. 1 W.,  
Sec. 2, lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 4, lot 1 and W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 1 S., R. 1 E.,  
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 1 N., R. 2 E.,  
Sec. 14, W $\frac{1}{2}$ W $\frac{1}{2}$ .  
T. 2 N., R. 2 E.,  
Sec. 12, N $\frac{1}{2}$ .  
T. 2 S., R. 2 E.,  
Sec. 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 2 N., R. 3 E.,  
Sec. 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 20, NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 4 N., R. 5 E.,  
Sec. 4, lots 1 and 2.  
T. 5 N., R. 5 E.,  
Sec. 26, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 4 N., R. 6 E.,  
Sec. 6, lots 3 and 4;  
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 3 N., R. 7 E.,  
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$ .  
T. 2 S., R. 7 E.,  
Sec. 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The land described aggregates 1,709.51 acres.

9. It is proposed to classify the public lands described in this paragraph for transfer out of Federal ownership through exchange under authority of

section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

PRINCIPAL MERIDIAN, MONTANA

T. 4 N., R. 7 E.,

Sec. 4, lots 1 to 11 inclusive, lots 15, 16, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 6, lots 1 to 7 inclusive, lots 10 to 15 inclusive, lot 17, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 10, W $\frac{1}{2}$ ;

Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

T. 5 N., R. 7 E.,

Sec. 32, E $\frac{1}{2}$ E $\frac{1}{2}$ .

The land described aggregates 2,009.88 acres.

Total lands described in this notice aggregate 8,361.54 acres.

9. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

EDWIN ZAIDLICZ,  
State Director.

[F.R. Doc. 70-5904; Filed, May 13, 1970;  
8:46 a.m.]

[New Mexico 11643]

NEW MEXICO

Notice of Proposed Withdrawal and  
Reservation of Lands

MAY 8, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 11643, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for roadside recreation zones, recreation areas and an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

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

The determination of the Secretary on the application will be published in

the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

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

The lands involved in the application are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Nacimiento Road Roadside Zone

A strip of land 300 feet on each side of surveyed center line of said road through the following legal subdivisions:

T. 21 N., R. 1 E.,

Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 33, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

Clear Creek Recreation Area Addition

T. 21 N., R. 1 E.,

Sec. 33, SE $\frac{1}{4}$ ;

Sec. 34, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Puerco Mesa Poleo Road Roadside Zone

A strip of land 300 feet on each side of surveyed center line of said road through the following legal subdivisions:

T. 20 N., R. 1 E.,

Sec. 12, S $\frac{1}{2}$ SE $\frac{1}{4}$ .

T. 20 N., R. 2 E.,

Sec. 3, lots 1, 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE, SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 7, lot 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 9, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 21 N., R. 2 E.,

Sec. 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Tesuque Radio and Electronic Site

T. 18 N., R. 11 E.,

Sec. 16, unsurveyed.

Jacks Creek Campground

T. 10 N., R. 12 E.,

Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 27, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  and E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described above aggregate 1,442.50 acres, more or less, in Rio Arriba, Sandoval, San Miguel, and Santa Fe Counties, N. Mex.

MICHAEL T. SOLAN,  
Land Office Manager.

[F.R. Doc. 70-5922; Filed, May 13, 1970;  
8:47 a.m.]

Fish and Wildlife Service

[Docket No. G-465]

JOHNNY GALLARDO

Notice of Loan Application

MAY 8, 1970.

Johnny Gallardo, 1717 Schnell Drive, Arabi, La. 70032, has applied for a loan

from the Fisheries Loan Fund to aid in financing the construction of a new 48-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,  
Acting Chief, Division of  
Financial Assistance.

[F.R. Doc. 70-5905; Filed, May 13, 1970;  
8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services  
Administration

UNIVERSITY OF CHICAGO ET AL.

Notice of Applications for Duty-Free  
Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00610-79-46040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Electron microscope, Model JEM-200.

Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used as a primary tool in the study of fast neutron radiation damage of metals and alloys important to the liquid metal fast breeder reactor (LMFBR) program. The radiation damage suffered under LMFBR conditions results in dimensional and mechanical property changes. Important materials to the LMFBR program are austenitic stainless steels and refractory metals such as vanadium and molybdenum. Radiation damage induced by heavy ion bombardment will also be studied. Application received by Commissioner of Customs: April 15, 1970.

Docket No. 70-00613-01-77030. Applicant: University of California, Santa Barbara, Calif. 93106. Article: NMR Spectrometer, Model JNM-C-60H. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The articles will be used by the Department of Chemistry in its undergraduate and graduate teaching and research program. Educational purposes include six chemistry courses, Laboratory Methods in Organic Chemistry, Physical Chemistry and Instrumental Analysis Laboratory, Qualitative Organic Analysis, Independent Studies in Chemistry, Modern Instrumental Techniques in Organic Chemistry, and Research in Chemistry. Research projects concern conformational equilibria in organic molecules; enzyme-substrate and enzyme-inhibitor interactions; and work with other nuclei, such as experiments with the phosphorus nuclei of biologically important materials. Application received by Commissioner of Customs: April 15, 1970.

Docket No. 70-00614-33-46040. Applicant: University of New Mexico School of Medicine, Department of Pathology, 915 Stanford Drive Northeast, Albuquerque, N. Mex. 87106. Article: Electron microscope, Model HU-11-E-1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for investigation of immediate or very early ultrastructural changes in cells, cell fractions and macromolecular constituents of cells by ionizing radiation. Much of this work will be done using mammalian tissue, however, tissue culture systems, bacteria and viruses will also be employed. A major portion of the investigation is concerned with radiation damage at the macromolecular level, including but not limited to alterations of deoxyribonucleic acid molecules, cell membranes, ribosomes and enzymes. Mice will be used for the mammalian investigations. HeLa and other tissue culture systems will be used for other aspects of the investigations. Application received by Commissioner of Customs: April 15, 1970.

Docket No. 70-00615-98-16600. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Cryobridge, Model 103. Manufacturer: Automatic Systems Laboratories, United Kingdom.

Intended use of article: The materials to be studied, using the article, include metal oxides  $TiO_2$  and  $Ti_2O_3$  and super-

conductors osmium and titanium. The specific heat of the materials listed will be measured by applying a known quantity of heat to the sample and measuring the increase in temperature of the sample, using a germanium thermometer. The ratio of heat input to temperature increase provides the heat capacity of the sample. Measurement of the thermometer temperature is done with a resistance bridge, which provides the resistance of the thermometer. Application received by Commissioner of Customs: April 16, 1970.

Docket No. 70-00616-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements, 12 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The article will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: April 16, 1970.

Docket No. 70-00617-91-46040. Applicant: Cornell University, Ithaca, N.Y. 14850. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for botanical research on ultrastructural studies concerning differentiating and mature sieve elements in ferns and cycads; investigations of sieve tube elements in tobacco (*Nicotiana*), linden (*Tilia*), and willow (*Salix*) before and after the penetration of aphid stylets; of P-protein with special reference to the subunits and the orientation of P-protein strands within the sieve elements in angiosperms; studies on fungi; and ultrastructural studies on the fate of chloroplasts during spore germination in the filamentous alga *Zygnema*. Application received by Commissioner of Customs: April 16, 1970.

Docket No. 70-00618-00-46070. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Multipurpose specimen-stage. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used in conjunction with the scanning electron microscope in the study of the ultra-architecture of skeletal elements produced by marine invertebrates and in other investigations. Application received by Commissioner of Customs: April 16, 1970.

Docket No. 70-00622-33-46500. Applicant: University of California at Irvine, California College of Medicine, Irvine, Calif. 92664. Article: Ultramicrotome, Model CmU2. Manufacturer: C. Reichert Optische Werke AG, Austria.

Intended use of article: The article will be used to study the uptake of radioactive amino acids within the spinal cord of the cat. Observation of the axon collaterals, tracing the neurons, dendrites, and axons, and observation of the uptake of amino acids in the cytoplasm require ultrathin serial sectioning. Application

received by Commissioner of Customs: April 17, 1970.

Docket No. 70-00623-33-46500. Applicant: The Mount Sinai Hospital of Cleveland, University Circle, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The fine structure of pulmonary cells and their relationships at an alveolar level will be studied. Specific properties of the pulmonary cells to be investigated will be relating to the site of origin, release, and degradation of pulmonary surfactant. Studies at the ultrastructural level are needed to identify the intracellular loci important to the synthesis of lipid and pulmonary surfactant. These studies are to be extended in an attempt to determine the morphological relationships of the alveolar lining layer. Application received by Commissioner of Customs: April 17, 1970.

Docket No. 70-00624-33-46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used as a research tool to study the fine structure of the nervous system. The projects concern the study of electroreceptor ultrastructure in fish and electron microscopy of the adrenergic fibers of the pacinian corpuscle. A variety of tissues and embeddings will be used during the research. Application received by Commissioner of Customs: April 17, 1970.

Docket No. 70-00625-33-79200. Applicant: Veterans Administration Hospital, Chief Supply Division, Veterans Administration, Building 222, Fort Snelling, St. Paul, Minn. 55111. Article: Automatic electric all glass water still. Manufacturer: L.V.D. Scorah, United Kingdom.

Intended use of article: The article will be used to prepare pyrogen free water for utilization in other elements for research in all types of cancer research. Application received by Commissioner of Customs: April 20, 1970.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 70-5891; Filed, May 13, 1970; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

### Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, has withdrawn its petition (42-632V), notice of which was published in the FEDERAL REGISTER of September 30, 1969 (34 F.R. 15264), proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of tylosin and sulfathiazole in the drinking water of swine for increasing weight gains and for the reduction of lung lesions and mortality in swine with pneumonia caused by bacterial pathogens (*P. multocida* and/or *C. pyogenes*) sensitive to tylosin and sulfathiazole, and for use in swine dysentery caused by bacterial pathogens (vibronic) sensitive to such drugs.

Dated: May 1, 1970.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-5902; Filed, May 13, 1970;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 491]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

MAY 11, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the

<sup>1</sup> 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.

<sup>2</sup> 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).

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,  
BEN F. WAPLE,  
Secretary.

#### APPLICATIONS ACCEPTED FOR FILING DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

##### File No., applicant, call sign and nature of application

- 7205-C2-P-70—Two-Way Radio of Carolina, Inc. (New), C.P. for a new air-ground station to be located at 2030 West Morehead Street, Charlotte, N.C., to operate on frequency 454.900 MHz base and 454.675 MHz signaling.
- 7206-C2-P-70—Highland Telephone Co. (New), C.P. for a new 1-way station to be located at Bald Hill, Monroe, N.Y., to operate on frequency 158.10 MHz.
- 7207-C2-P-70—Highland Telephone Co. (New), C.P. for a new 2-way station to be located at Bald Hill, Monroe, N.Y., to operate on frequency 152.60 MHz.
- 7209-C2-P-70—General Telephone Co. of California (KMD981), C.P. to relocate base facilities to 14436 East Ramona Boulevard, Baldwin Park, Calif., operating on frequency 454.900 MHz and replace transmitter for same.
- 7216-C2-AL-70—Albert F. Broda, Jr. (KGI778), Consent to assignment of license from Albert F. Broda, Jr., Assignor, to Radiofone Corporation of America, Assignee.
- 7217-C2-TC-(2)70—Telephone Answering Service, Inc. Consent to transfer of control from Warren Moody, James Russell, and William A. Houser, Transferors, to Warren Moody and Janice Moody, James Russell and Mary, Transferees. Stations: KLF539, Grand Rapids, Mich.; KQZ754, Grand Rapids, Mich. (1-way).
- 7218-C2-P-70—South Central Bell Telephone Co. (KIG299), C.P. for a third base channel to operate on frequency 152.75 MHz and change the antenna system at station located at 1316 Adams Avenue, Montgomery, Ala.
- 7219-C2-P-70—Pacific Telephone & Telegraph Co. (KLF498), C.P. to change the antenna system at location No. 2: Hillcrest Drive, Grover City, Calif., operating on frequency 152.54 MHz.
- 7220-C2-P-70—RAM Broadcasting of Mississippi, Inc. (New), C.P. for a new air-ground station to be located at 3780 Highway No. 51 North, Jackson, Miss., to operate on frequencies 454.900 MHz base and 454.675 MHz signaling.
- 7221-C2-P-70—Tribune Publishing Co. (KOP299), C.P. to add a second base channel to operate on frequency 454.300 MHz at a new site described as location No. 2: 1701 South 11th Street, Tacoma, Wash.
- 7322-C2-P-(2)70—Georgia Mobile Telephone Co. (New), C.P. for a new air-ground station to be located at 1700 Market Street, Philadelphia, Pa., to operate on 454.850 and 454.925 MHz base and 454.675 MHz signaling.
- 7323-C2-P-70—Arizona Mobile Telephone Co. (New), C.P. for a new air-ground station to be located at Red Feather Lodge Building, Williams State Highway, Grand Canyon, Ariz., to operate on frequency 454.975 MHz base and 454.675 MHz signaling.
- 7324-C2-P-70—Texas Mobile Telephone (New), C.P. for a new air-ground station to be located at KVII-TV Antenna Site 2.7 miles west, U.S. Route 87, Amarillo, Tex., to operate on frequency 454.700 MHz base and 454.675 MHz signaling.
- 7326-C2-P-(5)70—Mountain States Telephone & Telegraph Co. (KOAT737), C.P. to change frequency from 35.38 MHz to 152.81 MHz; relocate same to location No. 2, Tumamoc Hill, 1.5 miles west of Tucson, Ariz.; change antenna system on 152.63 and 152.78, also at location No. 2, and add test facilities to operate on 157.89, 157.95, 158.04, 158.07 MHz at a new site described as location No. 3: 120 East Pennington Street, Tucson, Ariz.
- 7327-C2-P-(3)70—Alabama Mobile Telephone Co., Inc. (New), C.P. for a new 2-way station to be located at WBMG-TV Transmitter Tower Radio Park, Red Mount, Birmingham, Ala., to operate on frequencies 454.125, 454.225, and 454.325 MHz.
- 7328-C2-P-(3)70—Texas Mobile Telephone Co. (New), C.P. for a new 2-way station to be located at KVII-TV Antenna Site, 2.7 miles west U.S. Route No. 87, Amarillo, Tex., to operate on frequencies 454.250, 454.300, and 454.350 MHz.

#### RURAL RADIO SERVICE

- 7222-C1-P-70—Mountain States Telephone & Telegraph Co. (KPY92), C.P. to replace the transmitter operating on frequency 459.40 MHz communicating with station KSV88, Casper, Wyo.

#### POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

- 7214-C1-P-70—General Telephone Co. of the Southeast (KJK67), C.P. to (a) change frequencies 6189.8 and 6308.4 MHz, presently authorized toward Bluefield via passive reflector, to 6011.9 and 6130.5 MHz and transmit same to a new point of communication at East River Mountain, Va., on azimuth of 85°00', (b) delete Bluefield, W. Va., as point of communication, (c) change frequencies toward Grundy, Va., via passive reflector, to 5937.8 and 6056.4 MHz on azimuth of 178°44', and (d) replace equipment and change antenna system. Transmitter location: Jewell Ridge, Va.
- 7215-C1-P-70—General Telephone Co. of the Southeast (KJK66), C.P. to change frequencies to 6189.8 and 6308.4 MHz toward Jewell Ridge, Va., via passive reflector on azimuth of 111°48'. Transmitter location: Grundy, Va.



## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7219-C1-P-70—General Telephone Co. of the Southeast (KZSS1), Modification of C.P. to add frequency 11,345 MHz toward Bluefield, W. Va., on azimuth of 22°03', add frequencies 6264.0 and 6382.6 MHz toward new point of communication at Jewell Ridge, Va., and change antenna system. Location: East River Mountain, Va.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

## Major Amendment

6042-C1-P-70—Western Tele-Communications, Inc. (KPQ42), Change frequency from 6390.0 MHz to 6182.4 MHz. All other particulars same as reported in public notice dated Apr. 13, 1970.

Informative: It appears that the following groups of applications to provide specialized common carrier service may be mutually exclusive (wholly or in part) with the other applications shown in that group and subject to the Commission's rules regarding ex-parte presentations, by reason of economic competition and/or electrical interference:

## Group 1:

West Texas Microwave Co., Files Nos. 6133 through 6183-C1-P-70.  
Southern Pacific Communications Co., Files Nos. 6401 through 6495-C1-P-70.  
MCI Texas Pacific, Inc., Files Nos. 6386 through 6399-C1-P-70.  
Western Tele-Communications, Inc., Files Nos. 6775 through 6793-C1-P-70.

## Group 2:

Nebraska Consolidated Communications Corp., Files Nos. 6185 through 6314-C1-P-70.  
Southern Pacific Communications Co., Files Nos. 6401 through 6495-C1-P-70.  
MCI St. Louis-Texas, Inc., Files Nos. 5822 through 5869-C1-P-70.  
United Video, Inc., Files Nos. 5726 through 5819-C1-P-70.

## Group 3:

United Video, Inc., Files Nos. 6583 through 6651-C1-P-70.  
MCI Kentucky Central, Inc., Files Nos. 6704 through 6737-C1-P-70.  
Nebraska Consolidated Communications Corp., Files Nos. 6185 through 6314-C1-P-70.

## Group 4:

New York-Penn Microwave Corp., Files Nos. 4616 through 4637-C1-P-70.  
MCI New England, Inc., Files Nos. 3392 through 3408-C1-P-70.

## Group 5:

MCI North Central States, Inc., Files Nos. 2868 through 2883-C1-P-70.  
Mitrans, Inc., Files Nos. 5703 through 5724-C1-P-70.  
United Video, Inc., Files Nos. 5726 through 5819-C1-P-70.  
Nebraska Consolidated Communications Corp., Files Nos. 6185 through 6314-C1-P-70.

## Group 6:

MCI Texas East Microwave, Inc., Files Nos. 6066 through 6089-C1-P-70.  
Nebraska Consolidated Communications Corp., Files Nos. 6185 through 6314-C1-P-70.  
Southern Pacific Communications Co., Files Nos. 6401 through 6495-C1-P-70.  
CFI Microwave, Inc., Files Nos. 3881 through 5906-C1-P-70.  
KHO Microwave Corp., doing business as United Video/La., Files Nos. 6496 through 6519-C1-P-70.  
East Texas Transmission Co., doing business as United Video/Texas, Files Nos. 6869 through 6873-C1-P-70.

(Last two sets of applications not considered as mutually exclusive with each other.)

Preliminary determination concerning the possibility of Data Transmission Corp.'s applications Files Nos. 2642 through 3169-C1-P-70 also being mutually exclusive with any or all of the above applications has not yet been made.

[F.R. Doc. 70-5914; Filed, May 13, 1970; 8:47 a.m.]

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

7223-C1-P-70—Cameron Telephone Co. (KKY51), C.P. to change antenna location. Station location: 0.2 mile north of State Highway 82, 1.3 miles east of Cameron, La.

7224-C1-P-70—Continental Telephone Co. of California (New), C.P. for a new station to be located at Highway 395, south of Crowley Lake, Calif. Frequency: 2128.4 MHz toward Crestview, Calif., via passive reflector.

7225-C1-P-70—Continental Telephone Co. of California (KNM35), C.P. to add frequency 2178.4 MHz toward Crowley Lake, Calif., via passive reflector.

7226-C1-P-70—South Central Bell Telephone Co. (KIU60), C.P. to add frequency 3990 MHz toward Ivy Point, Tenn. Station location: 215 Church Street, Nashville, Tenn.

7227-C1-P-70—South Central Bell Telephone Co. (New), C.P. for a new station to be located at Ivy Point, 12.9 miles north of Nashville, Tenn. Frequencies: 3770 and 3850 MHz toward Oak Pisains, Tenn., and 3850 MHz toward Nashville, Tenn.

7228-C1-P-70—South Central Bell Telephone Co. (New), C.P. for a new station to be located at approximately 1½ miles northeast, Oak Pisains, Tenn. Frequencies: 3780 and 3810 MHz toward Ivy Point, Tenn., and 3730 and 3810 MHz toward Clarksville, Tenn.

7229-C1-P-70—South Central Bell Telephone Co. (KJES3), C.P. to delete frequencies 10,955 and 10,715 MHz toward Adams, Tenn., and add 3770 and 3850 MHz toward Oak Pisains, Tenn. Station location: 417 Misadison Street, Clarksville, Tenn.

7230-C1-P-70—South Central Bell Telephone Co. (KLU70), C.P. to add frequency 6011.9 and 6130.5 MHz toward Poydras, La. Station location: 14726 Chef Menteur Highway, Michoud, La.

7231-C1-P-70—South Central Bell Telephone Co. (KKX71), C.P. to change frequencies 6015 and 6355 MHz toward Point a la Hache, La., to 6249.1 and 6367.7 MHz, and change frequencies 6055 and 6295 MHz toward New Orleans, La., to 6264.0 and 6382.6 MHz toward Michoud, La.

7232-C1-P-70—South Central Bell Telephone Co. (KKX72), C.P. to change frequencies to 5997.1 and 6115.7 MHz toward Poydras, La., and 6011.9 and 6130.5 MHz toward Buras, La. Station location: 0.5 mile north of Point a la Hache, La.

7233-C1-P-70—South Central Bell Telephone Co. (KKX73), C.P. to add frequencies 6249.1 and 6367.7 MHz toward Venice, La., and change frequencies toward Point a la Hache, La., to 6264.0 and 6382.6 MHz. Station location: 113 Cazeau Lane, Brula, La.

7234-C1-P-70—South Central Bell Telephone Co. (New), C.P. for a new station to be located at approximately 2 miles northwest of Venice, La. Frequencies: 5997.1 and 6115.7 MHz toward Buras, La.

7239-C1-P-70—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequency 3890 MHz toward Stockton, Calif. Station location: 1.2 miles west-northwest of Lodi, Calif.

7230-C1-P-70—The Pacific Telephone & Telegraph Co. (KMN39), C.P. to add frequency 3890 MHz toward Lodi, Calif. Station location: 345 North San Joaquin Street, Stockton, Calif.

7100-C1-P-70—The United Telephone Co. of Pennsylvania (New), C.P. for a new station to be located at 250 Lincoln Way East, Chambersburg, Pa. Frequencies: 10,935 and 11,175 MHz toward Mount Newman, Pa.

7101-C1-P-70—The United Telephone Co. of Pennsylvania (New), C.P. for a new station to be located at Mount Newman, 3.4 miles northwest of Cashtown, Pa. Frequencies: 6390 and 11,235 MHz toward Ramsey Hill, Pa., and 11,345 and 11,585 MHz toward Chambersburg, Pa.

7210-C1-P-70—General Telephone Co. of California (KNL67), C.P. to change frequency 6385.0 MHz to 2126.8 MHz toward Winter Park, Calif. Station: 255 Sunrise Way, Palm Springs, Calif.

7211-C1-P-70—General Telephone Co. of California (KNL68), C.P. to change frequency to 2176.8 MHz toward Palm Springs, Calif. Location: Winkler Park, 6.4 miles west of Palm Springs, Calif.

7212-C1-P-70—General Telephone Co. of the Southeast (KZS66), C.P. to add frequency 10,815 MHz toward East River Mountain, Va., on azimuth 202°04' and change antenna system. Location: 201 Russell Street, Bluefield, W. Va.

[FCC 70-474]

### STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MAY 8, 1970.

In accordance with the Commission's action of May 6, 1970, granting a waiver of § 1.571(c) of its rules to permit expeditious consideration of this application, notice is hereby given that on June 17, 1970, the following application

NEW, Bethel, Alaska, Bethel Broadcasting, Inc., Req: 700 kc., 10 kw., Day.

will be considered as ready and available for processing. Pursuant to the provisions of §§ 1.227(b)(1) and 1.591(b) of the rules, an application, in order to be considered with this application, or with any other application on file by the close of business on June 16, 1970, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 16, 1970, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

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

Action by the Commission May 6, 1970. Commissioners Burch (Chairman), Bartley, Cox, Johnson, H. Rex Lee, and Wells.

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

[F.R. Doc. 70-5913; Filed, May 13, 1970;  
8:47 a.m.]

## SMALL BUSINESS ADMINISTRATION

[License No. 12/14-0035]

### ARIZONA CAPITAL CORP.

#### Notice of Surrender of Small Business Investment Company License

Notice is hereby given that Arizona Capital Corp. (Arizona Capital) has, pursuant to § 107.105 of the SBA rules and regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) surrendered its license to operate as a small business investment company.

Arizona Capital was incorporated under the laws of the State of Arizona, and issued license number 12/14-0035 by the Small Business Administration on October 17, 1961.

Arizona Capital was licensed solely to operate under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Arizona Capital is hereby accepted and, accordingly, it is no longer licensed to operate as a small business investment company.

For SBA (pursuant to delegated authority).

Dated: May 4, 1970.

A. H. SINGER,  
Associate Administrator  
for Investment.

[F.R. Doc. 70-5910; Filed, May 13, 1970;  
8:46 a.m.]

### SAN FRANCISCO-PACIFIC FUND, INC.

#### Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA rules and regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of the San Francisco-Pacific Fund, Inc. (San-Pac), 812 Southwest Washington Street, Portland, Ore. 97205, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 12/13-0018.

San-Pac was licensed on February 27, 1962. As of December 31, 1969, the paid-in capital and paid-in surplus from private sources totals \$942,467. Its outstanding common stock is wholly owned by the Pacific Insurance Investment Co., Portland, Ore. (PIICO). The proposed transfer of control is subject to and contingent upon the approval of State and Federal regulatory agencies and SBA. The proposed new officers and directors are as follows:

C. M. Armstrong, President and Director, 3222 Northeast Grant Place, Portland, Ore. 97212.

John G. Parker, Secretary-Treasurer, 6600 Southwest View Point Terrace, Portland, Ore. 97201.

Forrest W. Simmons, Director, 02437 Southwest Military Road, Portland, Ore. 97219.

Stanton W. Frederick, Sr., Director, The Highlands, Seattle, Wash.

Richard S. Zahniser, Director, 7975 Southwest Westgate Way, Portland, Ore. 97225.

Thomas W. Moore, Director, 3653 Southwest 52 Place, Portland, Ore. 97221.

The proposed new owner of the outstanding stock of the Licensee is:

Trans-Pacific Leasing, Inc., 1600 Southwest Fourth Avenue, Portland, Ore. 97201.

Trans-Pacific Leasing, Inc., will receive all of the outstanding stock of the

Licensee in exchange for 151,555 of shares of its authorized but unissued stock. After the proposed transfer of control, PIICO will own 36.2 percent of the outstanding stock of TPL, and will be the only shareholder holding more than 10 percent of the stock.

The operating area of the San Francisco-Pacific Fund, Inc., will be Oregon, California, and Washington.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operations of the company under their control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed transfer of control. Any such consideration should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice should be published by the proposed transferees in a newspaper of general circulation in Portland, Ore.

For SBA (pursuant to delegated authority).

Dated: May 4, 1970.

A. H. SINGER,  
Associate Administrator  
for Investment.

[F.R. Doc. 70-5911; Filed, May 13, 1970;  
8:47 a.m.]

[Delegation of Authority No. 30-C Lubbock,  
Texas Disaster 760]

### MANAGER, DISASTER BRANCH OFFICE, CLARENDON, TEX.

#### Delegation of Authority Regarding Financial Assistance Functions

I, Pursuant to the authority delegated to the district director by Delegation of Authority No. 30-C, 35 F.R. 5440, the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Clarendon, Tex., Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) \$50,000 per household for repairs for replacement of the home and/or not to exceed an additional \$10,000 allowable for household goods and personal items, but in no event may the money loaned exceed \$55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to \$50,000; and (b) \$350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to \$350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional, and district approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,  
By \_\_\_\_\_  
Manager,  
Disaster Branch Office

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undischursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: April 19, 1970.

F. S. NEUMANN,  
District Director,  
Lubbock, Tex.

[F.R. Doc. 70-5906; Filed, May 13, 1970;  
8:46 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI70-1583, etc.]

SKELLY OIL CO. ET AL.

### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

MAY 6, 1970.

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

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

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

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 22, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1583	Skelly Oil Co., Post Office Box 1630, Tulsa, Okla. 74102	105	4	Mountain Fuel Supply Co. (Hawatha-Sugar Leaf Fields, Moffat County, Colo.)	\$10,643	4-13-70	5-14-70	10-14-70	13.0	** 14.0	
	.....do.....	102	3	Mountain Fuel Supply Co. (East and West Hawatha Fields, Moffat County, Colo.)	2,075	4-13-70	5-14-70	10-14-70	13.0	** 14.0	
	.....do.....	205	5	El Paso Natural Gas Co. (Custer Mountain Unit, Lea County, N. Mex.) (Permian Basin Area)	515	4-6-70	5-7-70	10-7-70	18.5	** 19.0	RI70-288
RI70-1584	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221	41	*1	El Paso Natural Gas Co. (Gallegos Canyon Unit, San Juan County, N. Mex.) (San Juan Basin Area)	800	4-13-70	5-14-70	10-14-70	13.0	** 14.0	
	.....do.....	42	1	El Paso Natural Gas Co. (San Juan Unit, Rio Arriba County, N. Mex.) (San Juan Basin Area)	210	4-13-60	5-14-70	10-14-70	13.0	** 14.0	
	.....do.....	46	2	El Paso Natural Gas Co. (Pan American-Wilbarr Gas Unit, San Juan County, N. Mex.) (San Juan Basin Area)	60	4-13-70	5-14-70	10-14-70	13.0	** 14.0	
	.....do.....	74	5	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area)	8,227	4-13-70	5-14-70	10-14-70	15.9097	** 17.5656	RI70-432
RI70-1585	Horace F. McKay, Jr. (Operator) et al., 809 Loma Linda Pl. SE., Albuquerque, N. Mex. 87108	2	1	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area)	317	4-7-70	5-8-70	10-8-70	13.0	** 14.0	
RI70-1586	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202	65	*6	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area)	422	4-7-70	5-8-70	10-8-70	13.97	** 16.9734	RI70-320
RI70-1587	Jerome P. McHugh et al., 690 Petroleum Club Bldg., Denver, Colo. 80232	3	5	El Paso Natural Gas Co. (Ignacio Dakota Field, La Plata County, Colo.)	180	4-9-70	5-10-70	10-10-70	** 14.0	** 15.0	RI64-398
RI70-1588	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001	293	3	Northern Natural Gas Co. (Denson Strawn Field, Sutton County, Tex.) (RR. District No. 7-C) (Permian Basin Area)	5,602	4-14-70	5-15-70	10-15-70	16.06	** 17.0638	
RI70-1589	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102	174	5	El Paso Natural Gas Co. (Dry Piney Area, Sublette County, Wyo.)	5,597	4-6-70	5-7-70	10-7-70	16.24	** 19.7925	
	.....do.....	57	9	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo.)	10,159	4-6-70	5-7-70	10-7-70	15.24	** 17.265	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
HI70-1500	Texas American Oil Corp. (Operator) et al., 300 West Wall St., Midland, Tex. 79701.	(7), (8)	.....	Natural Gas Pipeline Co. of America (Todd Area, Eddy County, N. Mex.) (Permian Basin Area).	\$83,475	# 4- 7-70	# 5- 8-70	10- 8-70	16.5793	17.8675	

<sup>1</sup> The stated effective date is the effective date requested by respondent.

<sup>2</sup> Favored-nation rate increase.

<sup>3</sup> Pressure base is 15.025 p.s.i.a.

<sup>4</sup> Corrected by filing of Apr. 17, 1970.

<sup>5</sup> Periodic rate increase.

<sup>6</sup> Pressure base is 14.65 p.s.i.a.

<sup>7</sup> Contract provides for 1-cent minimum guarantee for liquids for which the producer has not filed.

<sup>8</sup> Corrected by filings of Apr. 20, 1970 and Apr. 22, 1970.

<sup>9</sup> The stated effective date is the first day after expiration of the statutory notice period.

<sup>10</sup> Does not include 1 cent per Mcf guarantee for liquids.

<sup>11</sup> Bromide Zone.

<sup>12</sup> Contract rate of 17.5 cents per Mcf adjusted for quality pursuant to Opinion No. 408.

<sup>13</sup> Price corrected by letter filed Apr. 16, 1970.

<sup>14</sup> Pertains to sales under Supplement No. 4 only.

<sup>15</sup> Increase to contract rate plus tax.

<sup>16</sup> Respondent issued a small producer certificate in Docket No. C867-36.

<sup>17</sup> No rate schedule on file—pertains to contract dated Aug. 18, 1969.

<sup>18</sup> Corrected by filing of Apr. 17, 1970.

<sup>19</sup> Increase from applicable area ceiling rate to contract rate.

<sup>20</sup> Includes 0.3675-cent per Mcf upward B.t.u. adjustment.

Horace F. McKay, Jr. (Operator) et al., request that their proposed rate increase be permitted to become effective as of January 1, 1969. Hunt Oil Co. requests an effective date of April 3, 1970, for its proposed rate increase. Jerome P. McHugh et al., requests an effective date of April 10, 1970, and American Petrofina Company of Texas request that Supplement No. 5 to its FPC Gas Rate Schedule No. 74 be made effective as of May 10, 1970. Texas American Oil Corp. (Operator) et al., request waiver of the statutory notice to permit an effective date of April 7, 1970, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Gulf Oil Corp.'s (Gulf) proposed rate increases reflect partial reimbursement for the Wyoming severance tax. Gulf has filed for double the amount of the contractually due tax reimbursement to provide for partial reimbursement of taxes applicable to both past production, back to January 1, 1968, and future production. Since Gulf's proposed rate filings reflect tax and a periodic rate increase we conclude that they should be suspended for 5 months from May 7, 1970, the proposed effective date.

After the amount of tax reimbursement applicable to past production has been recovered, Gulf shall file appropriate rate decreases under its FPC Gas Rate Schedules Nos. 174 and 59 to reduce the rates proposed therein so as to provide for tax reimbursement for future production only. Gulf will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

The proposed rate increase filed by Texas American Oil Corp. (Operator) et al., a holder of a small producer certificate for a sale in the Permian Basin Area,<sup>21</sup> exceeds the rate ceilings as set forth in § 157.40 (b) of the Commission's regulations for sales under small producer certificates and should be suspended for 5 months from May 8, 1970, the date of expiration of the statutory notice.

All of the producers' proposed increased rates and charges exceed the applicable area

<sup>21</sup> Producers operating under small producer certificates are permitted to file above-ceiling rate increases in the Permian Basin Area without submitted rate schedules as a result of Order No. 394 issued Jan. 8, 1970. Where the words "supplements" or "rate schedules" appear in this order, they refer to the notice of change in rate filed by the small producer herein.

price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-5862; Filed, May 13, 1970; 8:45 a.m.]

[Docket No. CP70-263]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

MAY 7, 1970.

Take notice that on April 30, 1970, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP70-263 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to render increased natural gas storage service to an existing storage service customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase the volumes of natural gas to be stored by it for Transcontinental Gas Pipe Line Corp. (Transco) from a maximum of 23,975,000 Mcf to a maximum of 29,975,000 Mcf, and to increase its maximum daily deliveries to Transco from 398,500 Mcf to 468,500 Mcf for the storage year beginning April 1, 1970. Applicant further proposes, for the storage years beginning each April 1, to store for Transco up to a maximum of 27,975,000 Mcf with maximum daily deliveries of 468,500 Mcf.

Applicant states that the increased storage service is necessary to enable Transco to render increased storage services for its customers and no additional facilities are proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 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. 70-5893; Filed, May 13, 1970; 8:45 a.m.]

[Docket No. RP70-34]

## PLAQUEMINES OIL & GAS CO.

### Notice of Proposed Changes in Rates and Charges

MAY 12, 1970.

Take notice that on May 1, 1970, Plaquemines Oil & Gas Co. (Plaquemines) tendered for filing a proposed change in its FPC Gas Rate Schedule No. 1, to increase its rate for its sale of gas to Tennessee Gas Pipeline Co., a division of Tenneco (Tennessee) from 20.5 cents per Mcf to 21.5 cents per Mcf to become effective on June 1, 1970. The proposed rate change would increase charges for jurisdictional sales by less than \$100,000 (approximately \$24,000 based on 1968 sales and approximately \$17,800 based on 1969 sales) based on

sales and transportation service for the 12-month period ending December 31, 1969, as adjusted.

Plaquemines states that under the terms and conditions of its contract with Tennessee Gas Pipeline Co., it is contractually entitled to the increase sought. The proposed rates include a claimed rate of return of 8.7 percent.

Copies of the filing have been served on customers and interested state regulatory agencies.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMS,  
Acting Secretary.

[F.R. Doc. 70-6001; Filed, May 13, 1970;  
8:45 a.m.]

## CIVIL SERVICE COMMISSION

### DEPARTMENT OF THE AIR FORCE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Deputy for Reserve Affairs and Education.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-5931; Filed, May 13, 1970;  
8:48 a.m.]

## FEDERAL MARITIME COMMISSION

### WEST CRUISE LINES, INC.

#### Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of

financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

West Cruise Lines, Inc., C/o Icaza, Gonzalez-Ruiz & Aleman, Calle Aquillo de la Guardia No. 8, Panama, Republic of Panama.

Dated: May 8, 1970.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-5917; Filed, May 13, 1970;  
8:47 a.m.]

### WEST CRUISE LINES, INC.

#### Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

West Cruise Lines, Inc., C/o Icaza, Gonzalez-Ruiz & Aleman, Calle Aquillo de la Guardia No. 8, Panama, Republic of Panama.

Dated: May 8, 1970.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-5918; Filed, May 13, 1970;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 44]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 8, 1970.

The following applications are governed by Special Rule 247<sup>1</sup> 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 pro-

<sup>1</sup> Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 2229 (Sub-No. 153), filed April 21, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247. Applicant's representative: James W. Whittemore (same address as above). 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 requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of

International Paper Co. at or near Texarkana, Tex., as an off-route point in connection with applicant's presently authorized regular-route operations at Texarkana, Tex. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Dallas, Tex.

No. MC 1824 (Sub-No. 52), filed April 22, 1970. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from Seelyville, Ind., to East Greenville, Pa. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3252 (Sub-No. 66), filed April 16, 1970. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, Maine 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Waste chemicals*, in bulk, in tank vehicles, from Williston, Vt., to Meriden, Conn., and Carlstadt, N.J.; (b) *aviation fuel*, in bulk, in tank vehicles, from Searsport, Maine, to Burlington, Vt.; (c) *latex*, in bulk, in tank vehicles, from Portland, Maine, to Bucksport, Maine; and (d) *caustic soda and sodium hypochlorite*, in bulk, in tank vehicles, from Orrington, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Boston, Mass.

No. MC 3581 (Sub-No. 14), filed April 24, 1970. Applicant: THE MOTOR CONVOY, INC., Post Office Box 82432, Hapeville, Ga. 30054. 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: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, truck tractors, containers, bodies and materials, supplies, and parts of such commodities*, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant indicates that tacking is possible but not intended. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 6078 (Sub-No. 66), filed April 17, 1970. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and *related materials and supplies*, which, because of size or weight do not require the use of special equipment, when moving in mixed loads with commodities which do not require the use of special equipment, in a trailer-on-ship service, restricted to shipments having a prior or subsequent movement by water, between ports extending from Eastport, Maine, to Hampton Roads, Va., Range of Ports as defined by the Maritime Commission, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10207 (Sub-No. 16), filed April 8, 1970. Applicant: McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, also household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving to and from the Olin Corp. (or divisions or subsidiaries) located approximately 5½ miles northwest of Peru, Ind. (approximately 3 miles west of U.S. Highway 31), as an off-route point in connection with carrier's presently authorized regular-route operations. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 13426 (Sub-No. 3), filed April 20, 1970. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, Ill. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail department stores*, between Detroit, Mich., on the one hand, and, on the other, points in St. Clair, Macomb, Oakland, Livingston, Washington, Wayne, and Monroe Counties, Mich., under contract with Sears Roebuck & Co. and Montgomery Ward & Co. **NOTE:** Applicant holds common carrier authority under MC 115495 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 260), filed April 13, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni, 4000 West Sample Street, South Bend, Ind. 46621. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and antipollution system parts*, from Mishawaka, Ind., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and processing of the commodities in (1) from points in the United States (except Alaska and Hawaii) to Mishawaka, Ind. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 30887 (Sub-No. 164) (Amendment) filed February 24, 1970, published in the FEDERAL REGISTER issue of March 26, 1970, amended and republished as amended, this issue. Applicant: SHIPLEY TRANSFER, INC., Post Office Box 55, 49 Main Street, Reisterstown, Md. 21136. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, in bulk, in tank vehicles, restricted to traffic originating at the plantsite of Standard Brands Chemical Industries, Inc., at Cheswold, Del., to Clifton, Edison, and Landisville, N.J.; New York, N.Y.; Easley, S.C.; Attleboro, Mass.; and Paterson, N.J. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the territorial scope by adding the destination points of Attleboro, Mass., and Paterson, N.J., and add the restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 126), filed April 22, 1970. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. MoInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving St. Gabriel, La., as an off-route point in connection with applicant's regular route operations between New Orleans and Baton Rouge, La. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 41404 (Sub-No. 89), filed April 14, 1970. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, and cheese products*, in vehicles equipped with mechanical refrigeration, from points in Wisconsin to the plantsite and/or storage facilities of

Anderson, Clayton & Co., located at or near Jacksonville (Morgan County), Ill. **NOTE:** Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Madison, Wis.

No. MC 42537 (Sub-No. 41), filed April 21, 1970. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, buses and chassis, in initial and secondary movements in truckaway service, and bodies and cabs, from points in Detroit, Mich., on and east of U.S. Highway 10, to points in Wisconsin. Restriction: Restricted to traffic originating at Chrysler Corp. plants and storage facilities. NOTE: Applicant states that no tacking or joinder is contemplated, but the possibility exists at Detroit, Mich. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.*

No. MC 46990 (Sub-No. 11), filed April 8, 1970. Applicant: TRANS COUNTRY VAN LINES, INC., 3300 Veterans Highway, Bohemia, Long Island, N.Y. 11716. Applicant's representatives: Edward M. Alfano and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, between points in Nassau and Suffolk Counties, N.Y. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.*

No. MC 56679 (Sub-No. 40), filed April 22, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic animal and poultry feed ingredients and blends thereof, from Rogers, Minn., to Bishop, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Minneapolis, Minn.*

No. MC 59150 (Sub-No. 52), filed April 14, 1970. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla.

32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable clamps and joints, and electric, brass, bronze and copper cable, from the plant-site of Superior Continental Corp. at Sherrills Ford (Catawba County), Hickory and Rocky Mount, N.C., to points in Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.; Atlanta, Ga.; or Washington, D.C.*

No. MC 59317 (Sub-No. 9), filed April 24, 1970. Applicant: BISON TRUCK LINE, INC., 725 First Street, Newton, Iowa 50208. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units, laundry driers, and washing machines, and parts for garbage disposal units, laundry driers, and washing machines, from Newton, Iowa, to points in North Dakota. 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 Des Moines, Iowa.*

No. MC 60987 (Sub-No. 15), filed April 9, 1970. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana Street, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment used or useful in the maintenance and operation of printing houses, between the plantsite of R. R. Donnelley & Sons Co. at Chicago, Ill., and the plantsite of R. R. Donnelley & Sons Co. at Glasgow, Ky., under contract with R. R. Donnelley & Sons Co. NOTE: Applicant has a pending common carrier authority under MC 134102. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.*

No. MC 61440 (Sub-No. 125), filed April 20, 1970. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno Street, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of American Magnesium near Snyder, Tex., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.*

No. MC 61592 (Sub-No. 172), filed March 30, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street,

Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plywood and plywood products, plywood and plywood products combined with veneer and plastics, paneling, doors, composition wood and composition wood products, and accessories, materials, and supplies, used in connection with the manufacture and distribution of the above-described commodities, from Oshkosh, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) materials and supplies used in the manufacture and distribution of the above-described commodities, from points in the above-described States to Oshkosh, Wis. 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 does not specify a location.*

No. MC 61592 (Sub-No. 174), filed April 17, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Thomas Kilroy, 2111 Jefferson Davis Highway, 405 South Crystal Plaza, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic or fiberglass plate or sheet, nails, eave filler strips, wood moldings and aluminum flashing, from the plantsite of Barclay Industries, Inc., Lodi, N.J., 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 Washington, D.C.*

No. MC 63417 (Sub-No. 30), filed April 9, 1970. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, Va. 24001. Applicant's representatives: Lester M. Bridgeman and Nancy Pyeat, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, from Sumter, S.C., to points in Alabama, Florida, and Georgia. NOTE: Applicant states that by combining its Subs 5 and 6 and the authority sought in the instant application, it would be able to provide service from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, to points in Alabama, Florida, and Georgia, however the only new service would be to*

points in Florida since it is presently authorized to serve points in Georgia and Alabama from the seven named States by combining at Rocky Mount, Va., authority held in Subs 5 and 6. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 63792 (Sub-No. 15), filed April 20, 1970. Applicant: TOM HICKS TRANSFER COMPANY, INC., Post Office Box 283, Harvey, La. 70058. 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: *Iron and steel and iron and steel articles*, from points in Fort Bend County, Tex., to points in Texas, Louisiana, Mississippi, Arkansas, Oklahoma, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 67118 (Sub-No. 17), filed April 15, 1970. Applicant: STRONG MOTOR LINES, INCORPORATED, Chuckatuck Avenue and Old Midlothian Pike, Richmond, Va. 23225. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packing-houses*, 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); (1) from the plantsite and storage facilities of Hygrade Food Products Corp. at Philadelphia, Pa., to points in the District of Columbia, North Carolina, South Carolina, and Virginia; restricted to traffic destined to the above-named destination points; and returned or rejected shipments on return; and (2) from the plantsite and storage facilities of Hygrade Food Products Corp., at Richmond, Va., to Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 69322 (Sub-No. 3), filed February 4, 1970. Applicant: DOBSON CARTAGE & STORAGE COMPANY, a corporation, 1006 East Indiana Street, Bay City, Mich. 48706. Applicant's representative: Robert R. Tiernan, 1712 N Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between Bay City, Oscoda, and Kinross, Mich., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and that part of Michigan on and north of Michigan Highway 46, thence in an easterly direction to junction Michigan Highway 57, thence on and north of Michigan Highway 15, thence on and north of Michigan Highway 15 to junction Michi-

gan Highway 46, thence on and north of Michigan Highway 46 to Port Sanilac, Mich. (excluding Muskegon, Mich.), restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization. NOTE: Applicant holds contract authority under Docket No. MC 127458 Sub-No. 2, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Bay City, Saginaw, or Detroit, Mich.

No. MC 75406 (Sub-No. 37), filed April 16, 1970. Applicant: SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis, Mo. 63118. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives, and general commodities* (except those of unusual value), household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Hot Springs, Ark., and Jessleville, Ark., over Arkansas Highway 7, serving all intermediate points, and the off-route point of Hot Springs Village (an unincorporated area between Hot Springs and Jessleville). NOTE: If a hearing is deemed necessary, applicant requests it be held at Hot Springs or Little Rock, Ark.

No. MC 82492 (Sub-No. 35), filed April 20, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, Kalamazoo, Mich. 49001. Applicant's representative: William C. Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites of the Duffy-Mott Co., Inc., at Bally, Grawn, and Hartford, Mich., to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or New York, N.Y.

No. MC 83539 (Sub-No. 277), filed April 24, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks (same address as above), and Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and hydraulic hammers*, from Denver, Colo., to points in the United States (except points in Colorado and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be

involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 85255 (Sub-No. 36), filed April 2, 1970. Applicant: PUDGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. MacIver, 3712 Seattle First National Bank Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers (bottles or jars), caps, covers, stoppers, tops, and fiberboard boxes*, from points in King, Pierce, and Thurston Counties, Wash., to points in Columbia, Multnomah, Clackamas, Washington, Polk, Marion, Yamhill, Linn, and Benton Counties, Oreg., together with the return of *rejected shipments, packing materials, and empty pallets*, to point of origin. 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 Seattle, Wash., or Portland, Oreg.

No. MC 83235 (Sub-No. 8), filed April 7, 1970. Applicant: INDIANA TRUCKING, INC., 400 Blaine Avenue, Gary, Ind. 46406. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, forgings, finished machine parts, truck cabs and parts, and materials and supplies used in the manufacture, processing, or sale of motor trucks*, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, Butler, Ind. Restriction: The proposed operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Hendrickson Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 94350 (Sub-No. 259), filed April 21, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant), and Ames, Hill and Ames, 666 11th Street NW., McLachlen Bank Building, Suite 705, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points in Darlington County, S.C., to points east of the Mississippi River, including Louisiana and Minnesota. 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 Columbia, S.C.

No. MC 94350 (Sub-No. 260), filed April 24, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant),



and Ames, Hill and Ames, 666 11th Street NW., Suite 705, McLachlen Bank Building, Washington, D.C. 20001. 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*, in sections, mounted on wheeled undercarriages, from points of manufacture, from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 96789 (Sub-No. 3), filed April 10, 1970. Applicant: NAT PARINACCI & SON, INC., Box 206, Grand River, Ohio 44045. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Coke*, in bulk, in dump vehicles, and in specialized container equipment from the plantsite and storage facilities of Diamond Shamrock Corp. at or near Painesville, Ohio, to points in that part of New York on and west of a line beginning at Olcott, N.Y., thence south over New York Highway 78 to its junction with New York Highway 16 near Spring Brook, thence over New York Highway 16 to its junction with New York Highway 17 at Olean, thence west over New York Highway 17 to its junction with U.S. Highway 219 at Bladford Junction, thence south over U.S. Highway 219 to the New York-Pennsylvania State line and those points in Pennsylvania on and west of U.S. Highway 219. **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 Cleveland or Columbus, Ohio.

No. MC 98499 (Sub-No. 8), filed April 20, 1970. Applicant: WHITE TRUCK LINE, INC., 2545 Jonesboro Road SE., Atlanta, Ga. 30315. 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 *regular routes*, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Gainesville and Commerce, Ga., from Gainesville, Ga., over U.S. Highway 129 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce, Ga., and return over the same route serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Commerce, Ga.

No. MC 101915 (Sub-No. 5), filed April 13, 1970. Applicant: MADDEN'S TRANSFER & STORAGE, INC., 128 1/2 River Street, Saranac Lake, N.Y. 12983. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a

*contract carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Wooden spoons, forks, tongue depressors, cocktail spears, coffee stirrers, ice cream sticks, and plastic spoons, knives, and forks*, from Tupper Lake, N.Y., to Bayonne, N.J., and New York, N.Y.; (2) *wooden spoons, forks, tongue depressors, cocktail spears, coffee stirrers, and ice cream sticks*; (a) from Gullford, Skowhegan, and Solon, Maine, to Tupper Lake, N.Y.; and (b) from port of entry on the international boundary line between the United States and Canada at or near Champlain, N.Y., to Tupper Lake, N.Y.; and (3) *plastic spoons, knives, and forks*, from Leominster, Mass., to Tupper Lake, N.Y., under contract with O.W.D., Inc., Tupper Lake, N.Y. **NOTE:** Applicant holds common carrier authority under MC 94170, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y.

No. MC 103435 (Sub-No. 213), filed March 12, 1970. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., Post Office Box 192, Littleton, Colo. 80216. Applicant's representative: J. Maurice Andren, Post Office Box 1631, 900 East Omaha, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) serving the facilities of Sky Ranch in Harding County, S. Dak., as an off-route point in connection with carrier's present regular-route authority; (2) serving the facilities of the National Forest Service in or near Camp Crook, S. Dak., as an off-route point in connection with carrier's present regular-route authority; and, (3) between Williston, N. Dak., and Glasgow, Mont., over U.S. Highway 2 to Glasgow, Mont., and return over the same route, serving no intermediate points and serving the termini for purposes of joinder only. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 105566 (Sub-No. 17), filed April 21, 1970. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Printed matter*, from Glasgow, Ky., Warsaw, Ind., Mattoon, Ill., and Willard, Ohio, to points in California. **NOTE:** Applicant states that the requested authority cannot be tacked, with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 105813 (Sub-No. 173), filed April 16, 1970. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Jack Goodman,

39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite of Oscar Mayer & Co., at or near Lettsville, Tenn., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the above-described plantsite and destined to points in the above-named destination States. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107107 (Sub-No. 403), filed April 20, 1970. Applicant: ALTERNAN TRANSPORT LINES, INC., 2424 Northwest 36th Street, Miami, Fla. 33149. Applicant's representatives: Ford W. Sewell (same address as applicant), and Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities*, (except commodities of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between Dallas, Tex., and Pensacola, Fla.; (a) from Dallas, Tex., over U.S. Highway 80 to Jackson, Miss., thence over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 98 to Mobile, Ala., thence over U.S. Highway 90 to Pensacola, Fla., and return over the same route serving no intermediate points, but serving Fort Worth, Tex., as an off-route point; (b) from Dallas, Tex., over U.S. Highway 75 to Houston, Tex., thence over U.S. Highway 90 to junction with U.S. Highway 167, thence over U.S. Highway 167 to junction with U.S. Highway 190, thence over U.S. Highway 190 to Baton Rouge, La., thence over U.S. Highway 61 to New Orleans, La., thence over U.S. Highway 90 to Pensacola, Fla., and return over the same route serving the intermediate points of New Orleans, La., and Houston, Tex. Restriction: Service at New Orleans, La., Fort Worth, and Houston, Tex., restricted to traffic moving to or from points east of the Alabama-Florida State line. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla., and Dallas, Tex.

No. MC 107295 (Sub-No. 272) (Amendment), filed December 15, 1969, published in the FEDERAL REGISTER issues of February 12, 1970, and March 12, 1970, and republished as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Plywood, paneling, structural steel, hardboard, particleboard, wall-board, plastic sheets, lumber, pipe, forest*

products, and accessories, from ports in Alabama, Connecticut, Florida, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Virginia, and Wisconsin, to points in the United States (except Washington, Oregon, California, Alaska, and Hawaii). NOTE: 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. The purpose of this republication is to broaden the commodity description to include plastic sheets. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 376), filed April 23, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories used in the installation thereof, from the plantsites and warehouse facilities of Penn Ventilator Co., Inc., at Junction City, Ky., to points in New Jersey, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 107295 (Sub-No. 377), filed April 23, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plumber's goods; bathroom and lavatory fixtures; and accessories, from Mansfield and Shelby, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 108449 (Sub-No. 310), filed April 20, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Mylenbeck (same address as above), and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53702. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: Liquefied petroleum gas, in bulk, from the site of the pipeline terminal of Hydrocarbon Transportation, Inc., at or near Rockford, Ill., to points in Wisconsin. NOTE: Applicant states that it intends to tack at Janesville, Wis., to serve Minnesota and Upper Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 311), filed April 20, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Mylenbeck (same address as above), and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53702. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: Potato products and frozen potatoes, from Grand Forks, N. Dak., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109708 (Sub-No. 47), filed April 7, 1970. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, Fla. 33450. Applicant's representative: R. William Becker (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Citrus juices, in bulk, in tank vehicles, from Fort Pierce, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 110420 (Sub-No. 613), filed April 20, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Adhesives, in bulk, from Chicago, Ill., to points in Wisconsin and Missouri. NOTE: Common control may be involved. Applicant states that it can tack at Janesville and Milwaukee, Wis., to serve other destination States; however, tacking is not intended to serve the shipper. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111375 (Sub-No. 35) (Amendment), filed April 7, 1970, published

FEDERAL REGISTER issue of May 5, 1970, amended and republished as amended, this issue. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 East Bernard Avenue, Cudahy, Wis. 53110. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned preserved and prepared and frozen foods (except commodities in bulk) in mechanically refrigerated vehicles, from Archbold, Ohio, to points in Wisconsin. Restriction: Restricted to traffic originating at the plantsites and warehouse facilities of Beatrice Foods Co. companies including divisions and/or subsidiaries thereof, and destined to the named destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is (1) to enlarge the commodity description by adding "frozen foods" and (2) to add the restriction. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 302), filed April 20, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid animal feeds and feed supplements, in bulk, from Leoti, Kans., to points in Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111545 (Sub-No. 134), filed April 9, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Marietta, Ga. 30060. Applicant's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Material handling equipment, tanks, and tank vehicles; and (2) accessories, attachments, and parts for the commodities named in (1) from Kansas City, Mo.-Kans., to points in the United States (except Hawaii). NOTE: Applicant states that it does not affirmatively intend to tack and therefore does not indicate the points or areas where tacking could occur. Applicant further states that it is not agreeable to accepting a restriction against tacking unless 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 Kansas City, Mo.

No. MC 111594 (Sub-No. 50), filed April 16, 1970. Applicant: C. W. TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: Jack Goodman, 39 South La



No. MC 114969 (Sub-No. 36), filed March 30, 1970. Applicant: PROPANE TRANSPORT, INC., Post Office Box 232, 1734 State Route 131, Milford, Ohio. Applicant's representatives: James R. Stiverson and Edwin H. van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Anhydrous ammonia, and liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the international boundary between the United States and Canada, at or near Port Huron, Mich., to points in Indiana, 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 by tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 115180 (Sub-No. 54), filed April 16, 1970. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at Davenport, Iowa, from the plantsite of Oscar Mayer & Co., Inc., at Perry, Iowa, and from the cold storage facilities utilized by Oscar Mayer & Co., Inc., at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at the above-named plantsites and cold storage facilities utilized by Oscar Mayer & Co., and destined to above-specified destination points, and traffic originating at the plantsite and storage facilities utilized by Oscar Mayer & Co., at or near the origins above and destined to the above-named destination points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115491 (Sub-No. 119), filed April 23, 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 Dade County, Fla., on the one hand, and, on the other, points in Florida located east and southeast of a line running concurrent to the eastern border of Jefferson County, Fla. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115669 (Sub-No. 110), filed March 31, 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: (1) *Salt, salt products, and mineral mixtures*, in bulk, from Hutchinson and Lyons, Kans., to St. Louis, Mo.; and (2) *salt, salt products, and mineral mixtures*, from the plantsite of Cargill, Inc., at or near Pawnee Rock, Kans., to points in Missouri and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 115841 (Sub-No. 376), filed April 12, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Foodstuffs, drugs, medicine, toilet articles, and advertising, promotional, and display materials*, when moving at the same time and in the same vehicle with these commodities, from points in Franklin County, Ohio, to points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada boundary line, and points in Texas, Louisiana, Arkansas, Oklahoma, Wisconsin, Kansas, Missouri, Iowa, and Nebraska. **NOTE:** Applicant states that it intends to tack wherever possible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus Ohio.

No. MC 116721 (Sub-No. 6), filed April 20, 1970. Applicant: BIG T TRUCKING CORP., Valley Road, Rural Delivery No. 1, Somerville, N.J. 08876. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Clay conduits, drain tile, flue liners, hollow building tile and brick*, from the plantsite of

Glen-Gery Corp. located at Hillsborough Township (Somerset County), N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, under contract with Glen-Gery Corp. **NOTE:** Applicant presently holds common carrier authority under its No. MC 129322, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 117465 (Sub-No. 15), filed April 1, 1970. Applicant: BEAVER EXPRESS SERVICE, INC., doing business as BEAVER EXPRESS, Post Office Box 151, Woodward, Okla. 73801. Applicant's representative: G. Timothy Armstrong, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *General commodities* (except classes A and B explosives) moving in express service, between Guymon, Okla., and Guymon, Okla., in a circuitous manner as follows: From Guymon, Okla., over U.S. Highway 54 to Dalhart, Tex., thence over U.S. Highway 385 to Boise City, Okla., thence over U.S. Highway 56 to Hugoton, Kans., thence over U.S. Highway 56 to junction Kansas Highway 25, thence over Kansas Highway 25 to the Kansas-Oklahoma State line and junction Oklahoma State Highway 136, thence over Oklahoma Highway 136 to Guymon, Okla., and return over the same route, serving all intermediate points; (2)(a) between Booker, Tex., and Elmwood, Okla.: Over Texas State Highway 23 to Oklahoma-Texas State line and junction Oklahoma Highway 23, thence over Oklahoma Highway 23 to Elmwood, Okla., and return over the same route, as an alternate route, in connection with carrier's regular-route operations in Oklahoma and Texas, with right of joinder, serving no intermediate points; (b) between Perryton, Tex., and the intersection of U.S. Highways 83 and 64 (near Turpin, Okla.): from Perryton, Tex., over U.S. Highway 83 to Oklahoma-Texas State line, thence continuing over U.S. Highway 83 to junction U.S. Highway 64, and return over the same route, as an alternate route, in connection with carrier's regular-route operations in Oklahoma and Texas, with right of joinder, serving no intermediate points; and (c) between Hooker, Okla., and the intersection of Oklahoma Highways 94 and 3: From Hooker, Okla., over Oklahoma Highway 94 to junction Oklahoma Highway 3 and return over the same route, as an alternate route, in connection with carrier's regular-route operations in Oklahoma, with right of joinder, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Liberal, Kans., Amarillo, Tex., or Oklahoma City, Okla.

No. MC 117815 (Sub-No. 160), filed April 23, 1970. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L.

Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Bailey, Grawn, and Hartford, Mich., to points in Iowa, Minnesota, Missouri, Nebraska, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Des Moines, Iowa.

No. MC 117883 (Sub-No. 134) (Amendment), filed February 16, 1970, published in the FEDERAL REGISTER issue of March 26, 1970, amended April 24, 1970, and republished as amended this issue. Applicant: **SUBLER TRANSFER, INC.**, 791 East Main Street, Versailles, Ohio 45380. Applicant's representatives: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603, and Edward H. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved, prepared, and frozen foods*, except commodities in bulk, in mechanically refrigerated vehicles, from Archbold, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the plantsite and warehouse facilities of Beatrice Foods companies including divisions and/or subsidiaries thereof, and destined to the named territories. NOTE: The purpose of this republication is to redescribe commodity description and add restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117883 (Sub-No. 136), filed April 16, 1970. Applicant: **SUBLER TRANSFER, INC.**, 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 82, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (excluding commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Anderson, Clayton & Co. located at or near Jacksonville (Morgan County), Ill., to points in Michigan, Ohio, West Virginia, New York, Pennsylvania, Maryland, Massachusetts, Delaware, New Jersey, Connecticut, New Hampshire, Vermont, Rhode Island, Maine, 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 does not specify a location.

No. MC 118904 (Sub-No. 16), filed April 16, 1970. Applicant: **MOBILE HOME EXPRESS, LTD.**, 1915 F Avenue, Lawton, Okla. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City,

Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial movements; and (2) *buildings*, complete, knocked down, or in sections, when transported on wheeled undercarriages with hitchball connectors, from Childress, Tex., and points in Creek County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 118989 (Sub-No. 40), filed April 16, 1970. Applicant: **CONTAINER TRANSIT, INC.**, 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and juices*, canned and bottled, from points in Wisconsin to points in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Colorado, Missouri, Illinois, Kentucky, Indiana, Ohio, and the Lower Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 118989 (Sub-No. 42), filed April 20, 1970. Applicant: **CONTAINER TRANSIT, INC.**, 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* (except glass containers), *packaging materials, pulpboard products, and materials, equipment, and supplies used in the manufacture, sale, and distribution of containers, packaging materials, and pulpboard products*, between points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the instant application duplicates in part the pending applications under MC 118989 Subs 21, 25, and 26. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119226 (Sub-No. 77), filed April 15, 1970. Applicant: **LIQUID TRANSPORT CORP.**, 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representatives: Loser and Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Alabama, Louisiana, Michigan,

New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 119837 (Sub-No. 8), filed April 20, 1970. Applicant: **OZARK MOTOR LINES, INC.**, 806 Michigan Street, Memphis, Tenn. 38106. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. 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, livestock, commodities in bulk, and those requiring special equipment): (a) from Imboden, Ark., to Pocahontas, Ark., over U.S. Highway 62 and return over the same route; (b) from Imboden, Ark., to Smithville, Ark., over Arkansas Highway 115 and return over the route; (c) from Black Rock, Ark., to Lynn, Ark., over Arkansas Highway 25 and return over the same route; and (d) from the junction of U.S. Highway 63 and Arkansas Highway 91, 2 miles southeast of Hoxie, Ark., to Pocahontas, Ark., over Arkansas Highway 91 and return over the same route serving no intermediate points. NOTE: Applicant states it proposes to join the above authority with applicant's present authority at Imboden and Black Rock, Ark., for service at points in Tennessee, Arkansas, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Pocahontas, Ark.

No. MC 120543 (Sub-No. 66), filed April 20, 1970. Applicant: **FLORIDA REFRIGERATED SERVICE, INC.**, Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: L. D. Fay, 1205 Universal Marion Building, Post Office Box 1086, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables and canned goods* in straight or mixed shipments, from points in Florida, to points in Arizona, California, Washington, Oregon, Nevada, Idaho, Montana, Utah, Colorado, Texas, New Mexico, and Wyoming; and to points on the United States-Canadian international boundary line located in Michigan and New York for furtherance to points in the Provinces of Ontario and Quebec, Canada. 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 requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 123255 (Sub-No. 6), filed April 1, 1970. Applicant: **B & L MOTOR FREIGHT, INC.**, 140 Everett Avenue, Newark, Ohio. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Containers (except glass), packaging materials, pulpboard products, and materials, equipment, and supplies* used in manufacturing, sale, and distribution of containers and packaging materials, between points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating rights and is agreeable to any necessary coincidental cancellation or to a condition that any grant shall not be construed as conferring more than one operating right. Applicant has contract authority in MC 81968 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123294 (Sub-No. 18), filed April 9, 1970. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, Ind. Applicant's representatives: Robert A. Sullivan and Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products, printed matter and materials, supplies, and equipment* used in the printing business, between the plant and warehouse sites of R. R. Donnelley & Sons at or near Glasgow, Ky., on the one hand, and, on the other, Chicago, Dwight, and Mattoon, Ill.; Crawfordsville and Warsaw, Ind.; and Willard, Ohio. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 123383 (Sub-No. 46), filed April 14, 1970. Applicant: BOYLE BROTHERS, INC., 2036 South Fourth Street, Camden, N.J. 08104. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products and related materials, supplies and accessories* incidental thereto (except commodities in bulk), from Edgewater and Carteret, N.J., and Pittston, Pa., to points in Florida, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Virginia, Nebraska, North Carolina, Maryland, Delaware, South Carolina, and Georgia; and (2) *building, roofing, and insulating materials*, from Jamesburg, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, West Virginia, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Virginia, North Carolina, South Carolina, Georgia, Maryland, Delaware, Nebraska,

and Pennsylvania. **NOTE:** Applicant states that tacking is not intended. 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 Tampa, Fla.

No. MC 123407 (Sub-No. 68), filed April 22, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Iowa and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 123407 (Sub-No. 69), filed April 22, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving curing compounds, paving joints, and joint compounds*, except commodities in bulk, from points in Kane County, Ill., to points in Upper Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Missouri, Arkansas, and Tennessee. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 70), filed April 23, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furring, studding, lathing, and ribbing and accessories, materials, and supplies* used in the installation of furring, studding, lathing, and ribbing (except lumber), from Chicago, Ill., to points in Indiana, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, District of Columbia, and Oklahoma. **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 123407 (Sub-No. 71), filed April 23, 1970. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. 55404. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: (1) *Boxes and wrappers, interior packing forms, partitions and fillers for boxes; and pulpboard and fiberboard*, from New Orleans, La., to points in Oklahoma; and (2) *skids, skid tops, and pallets*, from points in Oklahoma to New Orleans, La. **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.

No. MC 123430 (Sub-No. 4), filed April 13, 1970. Applicant: BARRY TRANSPORTS, INC., 4425 Southwest Highway, Oak Lawn, Ill. Applicant's representative: Richard A. Kerwin, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oils and blends thereof, oil foams and oil sediments and mono-, di-, and triglycerides* in bulk, in tank vehicles, between the plantsite and storage facilities of Glidden-Durkee, a Division of S.C.M. Corp., located about 12 miles southwest of Joliet, Will County, Ill., on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, New York, Minnesota, and Iowa. **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 123685 (Sub-No. 6), filed April 14, 1970. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products; and products used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed shipments with salt and salt products; (1) from St. Clair, Mich., to points in Kentucky, Ohio, and West Virginia; and (2) from Akron, Ohio, to points in Indiana, Kentucky, Ohio, and West Virginia. **NOTE:** Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Detroit, Mich.

No. MC 124673 (Sub-No. 8), filed April 16, 1970. Applicant: FEED TRANSPORTS, INC., Route 2, Box 76A4, Post Office Box 2167, Amarillo, Tex. 79105. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry livestock feedstuff*, in bulk, between points in Texas on and north of

U.S. Highway 80 and/or Interstate Highway 10, and on and west of U.S. Highway 183, points in Colorado, and those in New Mexico on and east of U.S. Highway 85. **NOTE:** Applicant states that it proposes to tack for authority herein sought with its existing authority under MC 124673 Sub 5 so as to perform through service from points in Colorado to points in Texas, New Mexico, and Oklahoma, by tacking through Prowers County, Colo.; also, to tack with its MC 124673 rendering through service between points in Oklahoma and Kansas presently authorized to be served by tacking in Texas; and between points in Texas sought herein and points in Oklahoma and Kansas presently authorized to be served by tacking at common Texas points. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Lubbock, or Fort Worth, Tex.

No. MC 124679 (Sub-No. 33), filed April 16, 1970. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South, Salt Lake City, Utah 84101. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products and ingredients*, frozen and unfrozen, from San Leandro, Calif., to points in Oregon, Washington, Idaho, and Utah; and (2) *food dressings*, from Oakland, Calif., to points in Oregon, Washington, Idaho, and Utah. Restriction: Restricted to traffic moving in vehicles equipped with mechanical refrigeration. **NOTE:** Applicant states that no joinder or tacking is possible with authority now held or with that in pending applications. Applicant has contract carrier authority in MC 128813 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 124688 (Sub-No. 9), filed March 13, 1970. Applicant: INDEPENDENT DELIVERY, INC., 1000 South Weller Street, Seattle, Wash. 98104. Applicant's representatives: George Kargianis, Twenty-first Floor, Pacific Building, Seattle, Wash., 98104, also James Anderson, 500 Third and Lenora Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); between airports in King, Pierce, Snohomish, Skagit, Kitsap, Thurston and Mason, Whatcom, Clallam, Jefferson, Grays Harbor, Pacific, Cowlitz, Lewis, Clark, Island, San Juan, Skamania, and Wahkiakum Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Snohomish, Skagit, Kitsap, Thurston and Mason, Whatcom, Clallam, Jefferson, Grays Harbor, Pacific, Cowlitz, Lewis, Clark, Island, San Juan, Skamania, and Wah-

kiakum Counties, Wash., restricted to shipments having a prior or subsequent movement by air. **NOTE:** Applicant states that it presently has authority between points in King, Pierce, Snohomish, Skagit, Kitsap, Thurston, and Mason Counties. 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 Seattle, Wash.

No. MC 125102 (Sub-No. 9), filed April 14, 1970. Applicant: LEONARD DELUE, D. J. SEBERN, T. W. RINKER, E. L. DELUE, AND TED P. RINKER, a partnership, doing business as ARMORED MOTORS SERVICE, 970 Yuma Street, Denver, Colo. 80204. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*: (1) between Denver, Colo., and West Point, N.Y.; and (2) between Denver, Colo., and West Point, N.Y., on the one hand, and, on the other, Richmond, Va., Charlotte, N.C., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Fort Knox, Ky., and Nashville and Memphis, Tenn., under contract with Treasury Department, Bureau of the Mint. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 125403 (Sub-No. 6), filed April 13, 1970. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Post Office Box 9776, Rochester, N.Y. 14623. 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: *Canned preserved foodstuffs* (except coldpack or frozen or in bulk), from the plantsite and storage facilities of Comstock-Greenwood Foods, Borden, Inc., at Penn Yan, Rushville, Syracuse, and Waterloo, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. **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 Rochester, N.Y.

No. MC 125543 (Sub-No. 4), filed April 21, 1970. Applicant: PERISHABLE SERVICE, INC., 770 North Springdale Road, Waukesha, Wis. 53186. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale or retail food business houses, between Waukesha, Wis., on the one hand, and, on the other, points in Cook, Du Page, and Kane Counties, Ill., restricted to a transportation service to be performed under a continuing contract or contracts with Milwaukee Cheese Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127030 (Sub-No. 1), filed April 20, 1970. Applicant: MATTHEW J.

DEPALMA, INC., 1700 Orthodox Street, Philadelphia, Pa. 19124. Applicant's representative: Robert B. Einhorn, 12 South 12th Street, 1540 PSFS Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, refractories, ores, fluorspar briquettes, ground limestone, and welding compounds*, from Wilmington, Del., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, New York, New Jersey, Ohio, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 127144 (Sub-No. 1), filed April 3, 1970. Applicant: FT. WASHINGTON DEVELOPMENT CORP., 437 Pennsylvania Avenue, Fort Washington, Pa. 19034. Applicant's representative: G. Donald Bullock, 128 Greenwood Avenue, Wyncote, Pa. 19095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduit and parts therefor*, from Dallas, N.C., and Bethel, Pa., to points in Connecticut, Delaware, District of Columbia, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, under contract with Nordix Corp. of Pennsylvania. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127626 (Sub-No. 1), filed March 10, 1970. Applicant: CIRCLE "A" CONSTRUCTION, INC., Post Office Box 318, Jerome, Idaho 83338. Applicant's representative: H. N. Jewell, 214 Shoshone Street East, Twin Falls, Idaho 83338. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baler twine*, from Portland, Oreg., and Seattle, Wash., to points in Idaho, Nevada, Montana, and Utah, under contract with Schermerhorn Brothers, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 127689 (Sub-No. 39), filed April 10, 1970. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 701 East Pine Street, Post Office Box 987, Hattiesburg, Miss. 39401. Applicant's representative: H. E. West (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles, carboys, demijohns or jars, closures* for same and *corrugated cartons* for same, from the plantsite and warehouses of Brockway Glass Co., Inc., at Montgomery, Ala., to points in Arkansas, Louisiana, Mississippi, Oklahoma, 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 Montgomery, Ala.

No. MC 128047 (Sub-No. 1), filed April 20, 1970. Applicant: CLARK R.

INGRAM, Rural Delivery No. 1, Weedville, Pa. 15868. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Clearfield and Elk Counties, Pa., to points in Erie, Chautauqua, and Niagara Counties, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128273 (Sub-No. 67), filed April 16, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; (except commodities in bulk)*, from points in Talladega County, Ala., to points in the District of Columbia, Florida, Illinois, Indiana, Iowa, Kentucky, Maryland, Ohio, Tennessee, Virginia, and West Virginia; and (2) *materials and supplies used in the manufacture and distribution of the above-described commodities (except commodities in bulk), and returned and rejected shipments*, from the destination points in (1) above, to points in Talladega County, Ala. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority in MC 133791, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128273 (Sub-No. 68), filed April 16, 1970. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products; products produced or distributed by manufacturers and converters of paper and paper products; and (2) materials and supplies used in the manufacture and distribution of the foregoing commodities (except commodities which, because of size or weight, require the use of special equipment and commodities in bulk)*: (a) Between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Texas; and (b) Between Conway, Ark., on the one hand, and, on the other, points in California, Connecticut, New York, North Carolina, South Carolina, Tennessee, and Wisconsin. **NOTE:** Applicant is also authorized to operate as a *contract carrier* under MC 133791, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128375 (Sub-No. 40), filed April 16, 1970. Applicant: CRETE CARRIER CORPORATION, Post Office Box

249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exhaust pipe, exhaust pots, mufflers, tail pipes, suspension parts, steering gear, fifth wheel and plates, cam shaft, axle parts, wheel clamps, rim attachments, brake linings, brake shoes, brake equipment, shock absorbers, and related fittings, parts, tools, materials, accessories, and advertising matter and displays*, for the account of Maremont Corp., from Loudon, Pulaski, and Nashville, Tenn., to Duluth, Minn., and points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; and *equipment, materials and supplies used in the manufacture of automotive parts and equipment*, for the account of Maremont Corp., from points in California, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, and West Virginia, to Loudon, Pulaski, and Nashville, Tenn., and Paulding, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 129253 (Sub-No. 5), filed April 16, 1970. Applicant: P & H TRUCKING COMPANY, a corporation, 184 West 3300 South, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, Suite 419, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel, fiberglass insulation, controls, and flue tubing used in the manufacture of water heaters; scrap iron, cast iron burners, water heaters, crates, and cartons*, between points in Utah, California, Arizona, Colorado, Montana, Nevada, Oregon, Texas, New Mexico, and Wyoming, under a continuing contract with State Stove Manufacturing Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 129526 (Sub-No. 2), filed April 6, 1970. Applicant: FACTOR TRUCK SERVICE, INC., 1065 Alcott Street, Philadelphia, Pa. 19149. Applicant's representative: Robert B. Einhorn, 1540 P.S.F.S. Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluorescent lighting fixtures*, from the plantsite of Keystone Lighting Corp. at Bristol, Pa., to points in Oklahoma, Kansas, and Texas; (2) *fluorescent lighting fixtures*, from the plantsite of Quaker City Electric Co. at Philadelphia, Pa., to points in Minnesota, Nebraska, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Alabama,

Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, New York, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, District of Columbia, Oklahoma, Kansas, and Texas; (3) *electrical transformers*, from Mendenhall, Miss.; Chicago, Danville, and Bellwood, Ill.; and Paterson, N.J., to Philadelphia, Pa.; and, (4) *plastic sheets and extrusions*, from Sheffield, Mass., and Columbia, S.C., to Philadelphia, Pa., under contract with Keystone Lighting Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129719 (Sub-No. 1), filed April 15, 1970. Applicant: BURRELL TRUCKING, INC., 1 Fifth Street, New Kensington, Pa. 15068. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the facilities of Standard Terminals, Inc., in Springhill Township (Fayette County), Pa., to points in Ohio, West Virginia, Maryland, Virginia, and the District of Columbia, under contract with Standard Terminals, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 129744 (Sub-No. 2), filed April 2, 1970. Applicant: ENSMINGER MOTOR LINES, INC., 112 Kansas Avenue, Frankfort, Ill. 60423. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products (except in bulk)*, between points in Will County, Ill., on the one hand, and, on the other, points in Iowa, Kentucky, Tennessee, Minnesota, Missouri, and New York; and Omaha, Nebr.; and Kansas City, Kans.; and (2) *machinery, machinery parts and returned, damaged, or rejected shipments of machinery or machinery parts*, between points in Will County, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Pennsylvania, and New York; and Omaha, Nebr., and Kansas City, Kans. **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 133093 (Sub-No. 1), filed April 14, 1970. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINES, 2010 McNutt Road, Sunland Park, N. Mex. 88063. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, including canned animal foods*: (1) from Laredo and El Paso, Tex., to points in Texas, New Mexico, Arizona, California, Nevada, Oregon, Washington, Colorado, Louisiana, Mississippi, Alabama, Georgia, Oklahoma, Arkansas, Tennessee, and



Kentucky, and from all points in the aforementioned States to El Paso, Laredo, and Brownsville, Tex., under contract with International Meat & Food Products Co., Dallas, Tex.; and (2) from Los Angeles, Calif., on the one hand, and, on the other, points in Texas, Oklahoma, Arkansas, and Louisiana under contract with Kal-Kan Foods, Inc., Los Angeles, Calif. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 133146 (Sub-No. 2), filed April 15, 1970. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., 3092 Piedmont NE., Atlanta, Ga. 30305. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Inedible waste foodstuffs, and inedible meal*, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The operations authorized herein are limited to the transportation service to be performed, under a continuing contract, or contracts with International Bakerage, Division of International Consolidated, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133360 (Sub-No. 2), filed April 20, 1970. Applicant: UNION TRACTOR COMPANY, INC., Post Office Box 1426, Havre, Mont. 59501. Applicant's representative: George Robert Crotty, Jr., 333 Great Falls National Bank Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repair, maintenance, and replacement parts and equipment for construction and agricultural machinery*, from Oakland, Calif.; *Minnequa, Colo.*, to the port of entry located on the international boundary between the United States and Canada at or near Sweet Grass, Mont., under contract with Union Tractor, Ltd. **NOTE:** Applicant states it would tack with its existing authority at Oakland, Calif. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Helena, or Havre, Mont.

No. MC 133574 (Sub-No. 4), filed March 13, 1970. Applicant: TERRILL TRUCKING COMPANY, a corporation, 1016 Genesee Street, Storm Lake, Iowa 50588. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),

from Denison, Iowa, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Minneapolis, Minn.

No. MC 133656 (Sub-No. 1), filed April 10, 1970. Applicant: REA BROTHERS LIMITED, a corporation, 2810 Tannery Street, Streetsville, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick and tile*, between ports of entry on the United States-Canada international boundary line in New York and Michigan and points in Indiana, Illinois, Kentucky, Michigan, New York, Ohio, and Pennsylvania. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 133761 (Sub-No. 6), filed April 16, 1970. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10940. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, *containers, truck chassis, trailer chassis, and trailer parts*, between Middletown and the town of Wallkill, N.Y., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Texas, Kansas, Missouri, and the District of Columbia, under a continuing contract with Strick Corp. of Fairless Hills, Pa. **NOTE:** No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133796 (Sub-No. 2), filed March 11, 1970. Applicant: GEORGE APPEL, 249 Caryerton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Custom enclosures and related metal trim used in connection with heating, ventilation, and air conditioning installations, from the plantsite of the Brandt Corp., Long Island City, N.Y., to San Francisco and Los Angeles, Calif., Richland and Seattle, Wash.; Milwaukee, Wis.; Little Rock, Ark.; Cleveland, Ohio; and Pittsburgh, Pa.* **NOTE:** Applicant holds contract carrier authority under Docket No. MC 129239, therefore, dual operations may be involved. Applicant states that the requested authority can-

not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134113 (Sub-No. 3), filed April 2, 1970. Applicant: HI-BALL TRUCKING, INC., Post Office Box 1117, Billings, Mont. 59103. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Utah County, Utah, on the one hand, and, on the other, points in Idaho and Montana. **NOTE:** Common control may be involved. Applicant states no duplicate authority is being sought. It further states it intends to tack the authority requested herein to any appropriate authorization which applicant now holds or may obtain in the future. An example of such tacking possibility would be the ability of applicant to tack the requested authority at points in Idaho and Montana to perform a through service. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 134480 (Sub-No. 1), filed March 30, 1970. Applicant: WILLIAM FIORE, doing business as FIORE TRUCKING & CONTRACTING, Post Office Box 119, Clariton, Pa. 15025. Applicant's representative: Jacob P. Billig, 1108 18th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, packinghouse products, and articles distributed by meat packinghouses* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *foodstuffs in mixed shipments with meat and meat products* as described above; (1) from Pittsburgh, Pa., to Elizabeth, Pa.; and (2) from Elizabeth, Pa., to points in Lawrence, Butler, Armstrong, Clarion, Jefferson, Beaver, Allegheny, Washington, Greene, Fayette, Westmoreland, Indiana, Somerset, Cambria, and Blair Counties, Pa.; Preston, Marion, Monongalia, Wetzel, Marshall, Ohio, Brooke, and Hancock Counties, W. Va.; and Monroe, Belmont, Jefferson, Columbiana, Mahoning, and Trumbull Counties, Ohio. **NOTE:** Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134082 (Sub-No. 1), filed April 10, 1970. Applicant: K. H. TRANSPORT, INC., R.F.D. No. 2, Ellicott City, Md. 21043. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Foodstuffs, and ingredients, materials, supplies, equipment, and machinery* used in the processing and manufacture of foodstuffs; (2) *canned pet food*; and (3) *commodities* the transportation of which is partially exempt from regulation under the provisions of section 203(b) (6) of the Interstate Commerce Act, when moving

in the same vehicle and at the same time with the commodities described in (1) above, between Milford, Bridgeville, Clayton, Georgetown, Wilmington, Milton, and Houston, Del.; Whiteford, Snow Hill, Hurlock, Cambridge, Salisbury, Pocomoke City, Chestertown, Ridgely, Baltimore, Goldsboro, and Trappe, Md.; Parksley, Va.; Centre Hall, Bloomsburg, York, Hanover, Lancaster, and Downingtown, Pa.; Bridgeton, Swedesboro, Woodstown, Camden, Moorestown, and Glassboro, N.J.; Sumter, S.C.; and Washington, D.C.; and (B) (1) *specialty hardware* for furniture, from the plantsite of Hardware for Furniture, Inc., at Baltimore, Md., and Genesee, Pa., to Atlanta, Ga.; Birmingham, Ala.; Chicago, Ill.; Florence, Ky.; Kansas City, Kans.; Dallas and Houston, Tex.; Los Angeles, Calif.; Richmond, Va.; Walls, Miss.; and Memphis, Tenn.; and (2) from the plantsite of Hardware for Furniture, Inc., at Baltimore, Md., to New York, N.Y., restricted to traffic originating at and destined to the aforementioned points named above. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is (1) to convert applicant's existing contract carrier permit MC 128763 Subs 2 and 4, to that of a common carrier certificate; (2) to add the points of Lancaster and Hanover, Pa., and Washington, D.C., as service points in part (A) of the application; and (3) to broaden part (B) (1) of the application by including Richmond, Va., Walls, Miss., and Memphis, Tenn., as destination points. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134205 (Sub-No. 2), filed April 20, 1970. Applicant: MICHAEL A. JACKSON, doing business as MICHAEL'S TRUCKING CO., 11227 East 14th Street, Independence, Mo. 64052. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized grain screenings products*, from La Moure, N. Dak., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Wyoming, Illinois, Indiana, Kentucky, Tennessee, Wisconsin, Nevada, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, and California, under contract with Leo Froelich Feed & Pellet Co., at La Moure, N. Dak. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Kansas City, Mo.

No. MC 134272 (Sub-No. 3), filed April 16, 1970. Applicant: DAY & ROSS, LTD., Hartland, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, potatoes, and farm and industrial machinery, attachments, and parts*, from ports of entry on the United States-Canada international boundary line located in Maine, New Hampshire, Vermont, New York, and

Michigan, to points in the United States (except Alaska and Hawaii), and *return shipments of frozen foods, potatoes, and farm and industrial machinery, attachments, and parts* on return, restricted to traffic originating in the Province of New Brunswick, Canada; and (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk and those requiring specialized handling), between ports of entry on the United States-Canada international boundary line, located in Maine, on the one hand, and, on the other, Mars Hill, Vanceboro, Bridgewater, Madawaska, Houlton, Fort Fairfield, Presque Isle, Calais, Van Buren, and Fort Kent, Maine, limited to traffic moving in foreign commerce, restricted to traffic having a prior or subsequent movement by rail or motor carrier. **NOTE:** Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 134340 (Sub-No. 1) (Amendment), filed February 24, 1970, published in the FEDERAL REGISTER issue of March 26, 1970, and republished as amended this issue. Applicant: ROBERT H. PARSONS, doing business as ROBERT PARSONS TRUCKING, 1500 Adams Avenue, Oshkosh, Wis. 54901. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated boxes, builtup assembled box parts, corrugated logs or rolls, pallets, and rolls of pulpboard*, between the plantsite and warehouse facilities of Georgia-Pacific Corp. at Oshkosh, Wis., on the one hand, and, on the other, points in Illinois, Iowa, Michigan, and Minnesota, under a continuing contract or contracts with Georgia-Pacific Corp. **NOTE:** The purpose of this republication is to reflect a change in the scope of the application to show that radial operations are proposed. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 134418, filed March 12, 1970. Applicant: DEAN H. PETERSEN & SON, INC., 367 Garden Street, Bennet, Nebr. 68317. Applicant's representative: Edwin C. Perry, 615 Lincoln Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* in bulk, between points in Nebraska on the one hand, and, on the other, points in Kansas, Missouri, Iowa, Minnesota, and Colorado. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 134437, filed March 19, 1970. Applicant: ARNOLD BARTLETT, doing business as BARTLETT BUILDERS' SUPPLIES, 61 Line Avenue, Welland, Ontario, Canada. Applicant's representative: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. 14201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, rough and

dressed, *pallets, wood chips*, between the international boundary line between the United States and Canada located on the Niagara River and St. Lawrence River on the one hand, and, on the other, points in New York and Pennsylvania, on and west of U.S. Highway 11, and points in Ohio, north and east of U.S. Highways 30 and 250. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134438 (Correction), filed March 19, 1970, published in the FEDERAL REGISTER issue of April 23, 1970, and republished in part, as corrected, this issue. Applicant: BILLY N. JAMES, doing business as JAMES TRUCK LINE, Route 2, Charleston, Miss. 38921. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. **NOTE:** The purpose of this partial republication is to redescribe the route set forth in Item (4) a portion of which was inadvertently omitted in the previous publication \* \* \*. (4) between Oxberry, Miss., and Greenwood, Miss., from Oxberry over Mississippi Highway 8 to Holcomb, thence over Mississippi Highway 7 to Greenwood, and return over the same route, serving all intermediate points; \* \* \*. The rest of the application remains as previously published.

No. MC 134464, filed March 30, 1970. Applicant: LITTLE CHIEF B-LINE EXPRESS, LTD., 3839 Ogden Road SE., Calgary, Alberta, Canada. Applicant's representative: N. H. Clauson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in refrigerated trailer vans, between the port of entry on the international boundary line between the United States and Canada at Sumas, Wash., on the one hand, and, on the other, points in Washington, under contract with Macdonalds Consolidated Ltd., and Bridge Brand Produce Co., Ltd. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 134511, filed April 3, 1970. Applicant: BEASLEY TRANSPORT, INC., Colerain, N.C. 27924. Applicant's representative: W. L. Cooke, South King Street, Windsor, N.C. 27983. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, and petroleum products*, in liquid, in bulk in tank trucks, which includes *gasoline, kerosene, fuel oil, liquefied petroleum gas, toluene, toluol, xylene, xylo, and other petroleum products* in bulk, in tank trucks, from Williamston, N.C., to points in Ahoskie, Winton, Windsor, and Colerain in Martin, Hertford, and Bertie Counties, N.C. and from Norfolk, Va., to terminals in Windsor and Colerain, N.C., and to stations in Bertie and Hertford Counties, N.C.; under contract with C. W. Beasley Oil Co., Inc., and Windsor Oil Co., Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or other city in North Carolina, or Richmond, Va.

No. MC 134513, filed April 7, 1970. Applicant: POLAR TRANSIT, INC., 1984

Oakdale Avenue, West St. Paul, Minn. 55118. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from St. Paul, Minn., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Ohio, Indiana, and points in Illinois south of U.S. Highway 20 (except points in the Chicago commercial zone). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 134530, filed April 15, 1970. Applicant: JOSEPH M. HEATH, JR., Box 72, Salisbury, N.H. 03268. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Lumber*: (1) from Northfield and Brattleboro, Vt., to points in Maine, New Hampshire, and Massachusetts; and (2) from points in New Hampshire, to points in Maine, Massachusetts, and Vermont under contract with Cavanaugh Lumber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 134540, filed April 7, 1970. Applicant: DERRICO TRUCKING CORP., 907 East 141st Street, Bronx, N.Y. 10454. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over *irregular routes*, transporting: *Paper and paper products, and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)*, between New York, N.Y.; Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y.; Hudson, Bergen, Passaic, Essex, Union, Morris, Middlesex, Mercer, and Camden Counties, N.J.; and Philadelphia, Pa.; on the one hand, and, on the other, points in New York on and east of U.S. Highway 14; Pennsylvania on and east of U.S. Highway 15, and Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland on and east of U.S. Highway 40, and the District of Columbia, under contract with Derrico Co., Inc., and/or its subsidiaries and affiliates, and Simkins Industries and/or subsidiaries and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134551, filed April 24, 1970. Applicant: BRENDEL DISTRIBUTING CO., INC., Caine Drive (no number), Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Meats, meat products, and meat byproducts, and*

*articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison, Ill., St. Louis and points in St. Louis County, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

#### MOTOR CARRIER OF PASSENGERS

No. MC 36524 (Sub-No. 14), filed April 2, 1970. Applicant: MISSOURI TRANSIT LINES, INC., 104 North Clark Street, Moberly, Mo. 65270. Applicant's representative: E. S. Douglas, Jr., Professional Building, Harrisonville, Mo. 64701. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular and irregular routes*, transporting: (A) Regular routes: (1) *Passengers and their baggage, and express and newspapers* in the same vehicles with passengers, between Kansas City, Mo., and the junction of Missouri Highway 7 and U.S. Highway 71, south of Harrisonville, Mo., over U.S. Highway 71, serving all intermediate points. (B) Irregular routes: (2) *Passengers with their baggage, and express and newspapers* in the same vehicle with passengers, in charter operations, beginning and ending at Harrisonville and points on the route specified in (1) above and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134303 (Sub-No. 2), filed April 6, 1970. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 South Michigan Avenue, Chicago, Ill. 60605. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over *regular routes*, transporting: *Passengers, and baggage* when moving in the same vehicle with passengers; (1) between O'Hare International Airport at Chicago, Ill., and Delavan, Wis., from O'Hare International Airport over Interstate Highway 90 to junction Illinois Highway 53, thence north on Illinois Highway 53 to junction U.S. Highway 12, thence northwest on U.S. Highway 12 to junction Wisconsin Highway 50, thence west on Wisconsin Highway 50 to Lake Geneva, Wis.; thence west on Wisconsin Highway 50 to junction Wisconsin Geneva Road (formerly Old Wisconsin Highway 36), thence southwest on Wisconsin Geneva Road to junction Wisconsin Highway 67, thence south on Wisconsin Highway 67 to Fontana, Wis.; thence over Wisconsin Highway 67 north to junction Wisconsin Geneva Road and junction Wisconsin County Road F, thence continue north on Wisconsin County Road F to junction Wisconsin Highway 50; thence west on Wisconsin Highway 50 to Delavan, Wis., and return over the same routes, serving no intermediate points;

(2) Between O'Hare International Airport at Chicago, Ill., and Wisconsin Highway 50 and junction U.S. Highway

12, from O'Hare International Airport over Interstate Highway 90 to junction U.S. Highway 20, thence northwest on U.S. Highway 20 to junction Illinois Highway 23, thence north on Illinois Highway 23 to junction U.S. Highway 14, thence north on U.S. Highway 14 to junction Wisconsin Highway 67, thence north on Wisconsin Highway 67 to junction Wisconsin County Road F, thence north on Wisconsin County Road F to junction Wisconsin Highway 50, thence west on Wisconsin Highway 50 west to Delavan, Wis.; then east on Wisconsin Highway 50 to Lake Geneva, Wis., thence east on Wisconsin Highway 50 to junction U.S. Highway 12 and return over same routes, serving no intermediate points; (3) between O'Hare International Airport at Chicago, Ill., and Delavan, Wis., from O'Hare International Airport east to junction U.S. Highway 45, thence north on U.S. Highway 45 to junction U.S. Highway 12, thence northwest over U.S. Highway 12 to junction Wisconsin Highway 50, thence west on Wisconsin Highway 50 to Lake Geneva, Wis.; thence continue west on Wisconsin Highway 50 to junction Wisconsin Geneva Road (formerly Old Wisconsin Highway 36); thence southwest on Wisconsin Geneva Road to junction Wisconsin Highway 67 and Wisconsin County Road F; thence south on Wisconsin Highway 67 to Fontana, Wis.; thence again north on Wisconsin Highway 67 to junction Wisconsin County Road F, thence over north on Wisconsin County Road F to junction Wisconsin Highway 50, thence west on Wisconsin Highway 50 to Delavan, Wis., and return over the same routes, serving no intermediate points;

(4) Between O'Hare International Airport at Chicago, Ill., and junction U.S. Highway 12; from O'Hare International Airport over Interstate Highway 90 to junction Illinois Highway 53, thence north over Illinois Highway 53 to junction U.S. Highway 14, thence northwest over U.S. Highway 14 to junction Illinois Highway 23, thence north on U.S. Highway 14 to junction Wisconsin Highway 67, Fontana, Wis., thence north on Wisconsin Highway 67 to junction Wisconsin County Road F; thence continue north on Wisconsin County Road F to junction Wisconsin Highway 50, thence west on Wisconsin Highway 50 to Delavan, Wis.; thence east on Wisconsin Highway 50 to Lake Geneva, Wis., thence continue east to junction U.S. Highway 12 and return over the same routes, serving no intermediate points; and (5) between O'Hare International Airport at Chicago, Ill., and Delavan, Wis., from O'Hare International Airport over Interstate Highway 294 north to junction Interstate Highway 94 to junction Illinois Highway 173, thence west on Illinois Highway 173 to junction U.S. Highway 12, thence north on U.S. Highway 12 to junction Wisconsin Highway 50, thence west on Wisconsin Highway 50 to Lake Geneva, Wis.; thence west on Wisconsin Highway 50 to junction Wisconsin Geneva Road (formerly Old Wisconsin Highway 36), thence southwest on Wisconsin Geneva

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Road to junction Wisconsin Highway 67 and Wisconsin County Road F, thence south on Wisconsin Highway 67 to Fontana, Wis.; thence north again on Wisconsin Highway 67 to junction Wisconsin Geneva Road and Wisconsin County Road F, continue north on Wisconsin County Road F to Wisconsin Highway 50, to Delavan, Wis., and return over the same routes, serving no intermediate points. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

## APPLICATION OF FREIGHT FORWARDER

No. FF-389 (NOVO AIRFREIGHT CORP., Freight Forwarder Application), filed May 1, 1970. Applicant: NOVO AIRFREIGHT CORP., 733 Third Avenue, New York, N.Y. 10017. Applicant's representatives: Theodore Polydoroff and David A. Sutherland, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Applicant seeks authority under section 410 of part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, and motor vehicle in the transportation of: *General commodities*, between points in the United States, including Alaska and Hawaii, restricted to shipments having a prior or subsequent movement by air.

## APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 134259, filed December 29, 1969. Applicant: SHORTY'S WRECKER SERVICE, a corporation, Crackersville, via Anaconda, Anaconda, Mont. 59711. Applicant's representative: Maurice A. Maffel, 206-209 Professional Building, Butte, Mont. 59701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled trucks, wrecked and disabled trailers, and wrecked and disabled mobile homes*, between points in Montana, Idaho, North Dakota, South Dakota, Utah, Washington, and Wyoming. **NOTE:** Applicant states that it does not intend to tack.

No. MC 134545, filed April 21, 1970. Applicant: FRANK SALERNO, 3400 Bridlepath Road, Easton, Pa. 18042. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber drums, wooden kegs, and wooden reels*, from Hampton and Phillipsburg, N.J., to Claymont and Wilmington, Del.; Baltimore and Ekton, Md.; New Rochelle and New York, N.Y.; and Denver, Elizabethtown, Lancaster, Middletown, Pottsville, Reading, and York, Pa., under contract with The Greif Bros. Corp.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.[F.R. Doc. 70-5874; Filed, May 13, 1970;  
8:45 a.m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 11, 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. 41953—*Commodity rates—Missouri-Kansas-Texas Railroad Co. and Beaver, Meade and Englewood Railroad.* Filed by Southwestern Freight Bureau, agent (No. B-165), for interested rail carriers. Rates on property moving on commodity rates, between Missouri-Kansas-Texas stations in Texas and Oklahoma, on the one hand, Beaver, Meade and Englewood stations in Oklahoma, on the other.

Grounds for relief—Abandonment of segment of railroad.

FSA No. 41954—*Soda ash to Lincoln, Ill.* Filed by Western Trunk Line Committee, agent (No. A-2624), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to Lincoln, Ill.

Grounds for relief—Rate relationship.

Tariff—Supplement 332 to Western Trunk Line Committee, agent, tariff ICC A-4411.

FSA No. 41955—*Sugar, beet or cane, to Cedar Rapids, Iowa.* Filed by Trans-Continental Freight Bureau, agent (No. 461), for interested rail carriers. Rates on sugar, beet, or cane, in bulk, in carloads, as described in the application, from points in Arizona, California, Idaho, Oregon, and Washington, to Cedar Rapids, Iowa.

Grounds for relief—Rate relationship.

Tariffs—Supplement 8 to Trans-Continental Freight Bureau, agent, tariff ICC 1808, and supplement 101 to Western Trunk Line Committee, agent, tariff ICC A-4481.

FSA No. 41956—*Iron or steel wire to Southwire, Ky.* Filed by O. W. South, Jr., agent (No. A6171), for interested rail carriers. Rates on iron or steel wire, in carloads, as described in the application, from Baton Rouge, La. (Import), to Southwire, Ky.

Grounds for relief—Water competition.

Tariff—Supplement 206 to Southern Freight Association, agent, tariff ICC S-398.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.[F.R. Doc. 70-5920; Filed, May 13, 1970;  
8:47 a.m.]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 11, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the 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 36587 (Sub-No. 2 TA), filed May 6, 1970. Applicant: HARRY J. PATTON AND CARLOS E. BREWER, doing business as PATTON TRUCKING CO., 306 North Ellen, Homer, Ill. 61849. Applicant's representative: Nolan C. Craver, Jr., 134 South Main Street, Homer, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Fountain and Warren Counties, Ind., to points in Platt and De Witt Counties, Ill., for 180 days. Supporting shipper: Interstate Sand and Gravel Co., Inc., Covington, Ind. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 63417 (Sub-No. 31 TA), filed May 6, 1970. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2883, Roanoke, Va. 24001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, and mineral wool, and mineral wool products*, from Birmingham and Leeds, Ala., to points in North Carolina and South Carolina, for 150 days. Supporting shippers: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607; Rock Wool Manufacturing Co., Leeds, Ala. 35094; United States Gypsum Co., 3098 Piedmont Road NE., Atlanta, Ga. 30305. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 64932 (Sub-No. 487 TA), filed May 6, 1970. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze*, in bulk, in tank vehicles, from the plantsite of Northern Petrochemical Co., Grundy County, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Northern Petrochemical Co., 2200 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 114969 (Sub-No. 38 TA), filed May 4, 1970. Applicant: PROPANE TRANSPORT, INC., a California corporation, Post Office Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James M. Roubush (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from a port of entry on the international boundary between the United States and Canada, at or near Port Huron, Mich., to points in Indiana, Michigan, and Ohio, for 150 days. Supporting shipper: American Oil Co., Post Office Box 5690, Chicago, Ill. 60680. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115331 (Sub-No. 283 TA), filed May 4, 1970. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North

Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages, syrups, and flavoring compounds*, in containers, from Warrenton Products, Inc., facilities at or near Warrenton, Mo., to Alton and Belleville, Ill., and (2) *liquid sugar*, in bulk, from National Marine Terminal facility near Granite City, Ill., to Warrenton Products, Inc., at or near Warrenton, Mo., for 180 days. Supporting shipper: Warrenton Products, Inc., Post Office Box 289, Warrenton, Mo. 63383. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 117589 (Sub-No. 13 TA), filed May 4, 1970. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 2535 Airport Way South, Seattle, Wash. 98134. Applicant's representative: George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Eugene, Oreg., to Denver, Colo., for 180 days. Supporting shipper: Nobel, Inc., 1101 West 48th Avenue, Denver, Colo. 80217. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 126489 (Sub-No. 4 TA), filed May 6, 1970. Applicant: GASTON FEED TRANSPORTS, INC., 708 Wiley Building, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Houston and Port Arthur, Tex., to points in Oklahoma, Kansas, Missouri, Arkansas, Colorado, Nebraska, Minne-

sota, South Dakota, Louisiana, New Mexico, Iowa, and Mississippi, also, from Dallas, Tex., to points in Nebraska, Iowa, South Dakota, and Minnesota, for 180 days. Supporting shippers: International Minerals & Chemical Corp., 5401 Old Orchard Road, Skokie, Ill. 60076; Occidental Chemical Co., Feed Products Division, 79 Progress Parkway, Maryland Heights, Mo.; Olin Corp., Post Office Box 991, Little Rock, Ark. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128007 (Sub-No. 24 TA), filed May 6, 1970. Applicant: HOFER, INC., Post Office Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Houston and Port Arthur, Tex., to points in Oklahoma, Kansas, Missouri, Arkansas, Colorado, Nebraska, Minnesota, South Dakota, Louisiana, New Mexico, Iowa, and Mississippi, from Dallas, Tex., to points in Nebraska, Iowa, South Dakota, and Minnesota, for 180 days. Supporting shippers: International Minerals & Chemical Corp., 5401 Old Orchard Road, Skokie, Ill. 60076; Occidental Chemical Co., Feed Products Division, 79 Progress Parkway, Maryland Heights, Mo.; Olin Corp., Post Office Box 991, Little Rock, Ark. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[P.R. Doc. 70-5919; Filed, May 13, 1970;  
8:47 a.m.]

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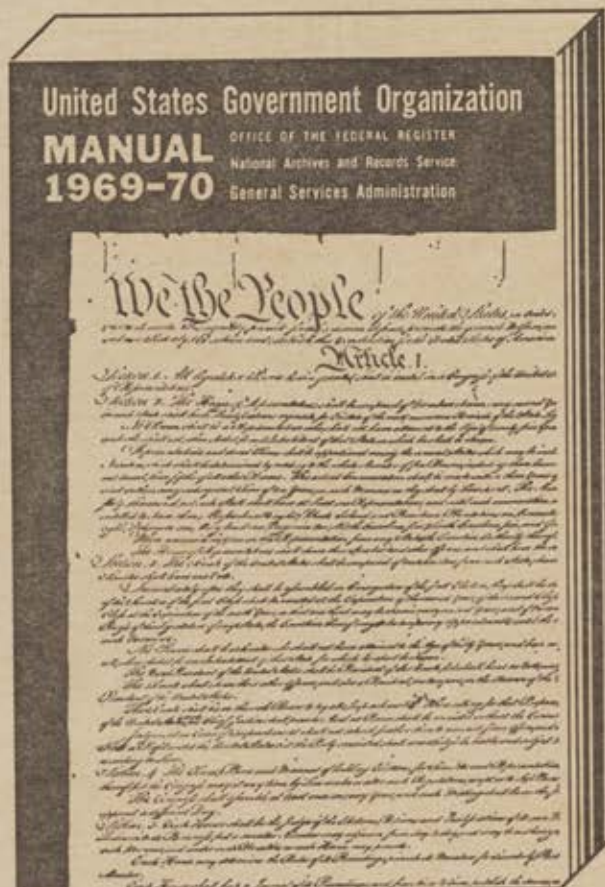
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