FEDERAL REGISTER

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The President
Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Contract Compliance Office
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Government National Mortgage Association
Indian Affairs Bureau
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
National Park Service
Public Buildings Service
Securities and Exchange Commission
Small Business Administration
Social Security Administration

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FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3958

1976 OLYMPIC GAMES

By the President of the United States of America

A Proclamation

For many decades the Olympic Games have contributed in a unique way to greater understanding, friendship, and mutual respect among all the peoples of the world. The XXI Olympiad of the modern era is to be held in the year 1976, a year in which the United States of America is to celebrate its Bicentennial—when this nation will be reaffirming principles that have much in common with the purposes of the Olympic Games.

The Congress of the United States, by Senate Joint Resolution 131, has authorized and requested the President of the United States to issue a proclamation inviting and welcoming all authorized Olympic delegations to the 1976 Olympic Games if they are to be held in the United States.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby extend the warm welcome of the United States to all authorized Olympic delegations and ask them to come to the United States to take part in the 1976 Olympic Games if they are to be held in the cities of Los Angeles and Denver; and further, I hereby pledge that the United States will take every appropriate measure to insure the entry and full participation of all authorized delegations.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.

Richard Nixon

[F.R. Doc. 70-1565; Filed, Feb. 4, 1970; 12:32 p.m.]

Executive Order 11507

PREVENTION, CONTROL, AND ABATEMENT OF AIR AND WATER POLLUTION AT FEDERAL FACILITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Clean Air Act, as amended (42 U.S.C. 1857), the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), and the National Environmental Policy Act of 1969 (Public Law No. 91–190, approved January 1, 1970), it is ordered as follows:

SECTION 1. *Policy.* It is the intent of this order that the Federal Government in the design, operation, and maintenance of its facilities shall provide leadership in the nationwide effort to protect and enhance the quality of our air and water resources.

SEC. 2. *Definitions.* As used in this order:

(a) The term "respective Secretary" shall mean the Secretary of Health, Education, and Welfare in matters pertaining to air pollution control and the Secretary of the Interior in matters pertaining to water pollution control.

(b) The term "agencies" shall mean the departments, agencies, and establishments of the executive branch.

(c) The term "facilities" shall mean the buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property, owned by or constructed or manufactured for the purpose of leasing to the Federal Government.

(d) The term "air and water quality standards" shall mean respectively the quality standards and related plans of implementation, including emission standards, adopted pursuant to the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended, or as prescribed pursuant to section 4(b) of this order.

(e) The term "performance specifications" shall mean permissible limits of emissions, discharges, or other values applicable to a particular Federal facility that would, as a minimum, provide for conformance with air and water quality standards as defined herein.

(f) The term "United States" shall mean the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 3. *Responsibilities.* (a) Heads of agencies shall, with regard to all facilities under their jurisdiction:

(1) Maintain review and surveillance to ensure that the standards set forth in section 4 of this order are met on a continuing basis.

(2) Direct particular attention to identifying potential air and water quality problems associated with the use and production of new materials and make provisions for their prevention and control.

(3) Consult with the respective Secretary concerning the best techniques and methods available for the protection and enhancement of air and water quality.

(4) Develop and publish procedures, within six months of the date of this order, to ensure that the facilities under their jurisdiction are in conformity with this order. In the preparation of such procedures there shall be timely and appropriate consultation with the respective Secretary.

(b) The respective Secretary shall provide leadership in implementing this order, including the provision of technical advice and assistance to the heads of agencies in connection with their duties and responsibilities under this order.

(c) The Council on Environmental Quality shall maintain continuing review of the implementation of this order and shall, from time to time, report to the President thereon.

SEC. 4. *Standards.* (a) Heads of agencies shall ensure that all facilities under their jurisdiction are designed, operated, and maintained so as to meet the following requirements:

(1) Facilities shall conform to air and water quality standards as defined in section 2(d) of this order. In those cases where no such air or water quality standards are in force for a particular geographical area, Federal facilities in that area shall conform to the standards established pursuant to subsection (b) of this section. Federal facilities shall also conform to the performance specifications provided for in this order.

(2) Actions shall be taken to avoid or minimize wastes created through the complete cycle of operations of each facility.

(3) The use of municipal or regional waste collection or disposal systems shall be the preferred method of disposal of wastes from Federal facilities. Whenever use of such a system is not feasible or appropriate, the heads of agencies concerned shall take necessary measures for the satisfactory disposal of such wastes, including:

(A) When appropriate, the installation and operation of their own waste treatment and disposal facilities in a manner consistent with this section.

(B) The provision of trained manpower, laboratory and other supporting facilities as appropriate to meet the requirements of this section.

(C) The establishment of requirements that operators of Federal pollution control facilities meet levels of proficiency consistent with the operator certification requirements of the State in which the facility is located. In the absence of such State requirements the respective Secretary may issue guidelines, pertaining to operator qualifications and performance, for the use of heads of agencies.

(4) The use, storage, and handling of all materials, including but not limited to, solid fuels, ashes, petroleum products, and other chemical and biological agents, shall be carried out so as to avoid or minimize the possibilities for water and air pollution. When appropriate, preventive measure shall be taken to entrap spillage or discharge or otherwise to prevent accidental pollution. Each agency, in consultation with the respective Secretary, shall establish appropriate emergency plans and procedures for dealing with accidental pollution.

(5) No waste shall be disposed of or discharged in such a manner as could result in the pollution of ground water which would endanger the health or welfare of the public.

(6) Discharges of radioactivity shall be in accordance with the applicable rules, regulations, or requirements of the Atomic Energy Commission and with the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(b) In those cases where there are no air or water quality standards as defined in section 2(d) of this order in force for a particular geographic area or in those cases where more stringent requirements are deemed advisable for Federal facilities, the respective Secretary, in consultation with appropriate Federal, State, interstate, and local agencies, may issue regulations establishing air or water quality standards for the purpose of this order, including related schedules for implementation.

(c) The heads of agencies, in consultation with the respective Secretary, may from time to time identify facilities or uses thereof which are to be exempted, including temporary relief, from provisions of this order in the interest of national security or in extraordinary cases where it is in the national interest. Such exemptions shall be reviewed periodically by the respective Secretary and the heads of the agencies concerned. A report on exemptions granted shall be submitted to the Council on Environmental Quality periodically.

SEC. 5. *Procedures for abatement of air and water pollution at existing Federal facilities.* (a) Actions necessary to meet the requirements of subsections (a) (1) and (b) of section 4 of this order pertaining to air and water pollution at existing facilities are to be completed or under way no later than December 31, 1972. In cases where an enforcement conference called pursuant to law or air and water quality standards require earlier actions, the earlier date shall be applicable.

(b) In order to ensure full compliance with the requirements of section 5(a) and to facilitate budgeting for necessary corrective and preventive measures, heads of agencies shall present to the Director of the Bureau of the Budget by June 30, 1970, a plan to provide for such improvements as may be necessary to meet the required date. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility to meet the requirements of subsections 4 (a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements, he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) As may be found necessary, heads of agencies may submit requests to the Director of the Bureau of the Budget for extensions of time for a project beyond the time specified in section 5(a). The Director, in consultation with the respective Secretary, may approve such requests if the Director deems that such project is not technically feasible or immediately necessary to meet the requirements of subsections 4 (a) and (b). Full justification as to the extraordinary circumstances necessitating any such extension shall be required.

(e) Heads of agencies shall not use for any other purpose any of the amounts appropriated and apportioned for corrective and preventive measures necessary to meet the requirements of subsection (a) for the fiscal year ending June 30, 1971, and for any subsequent fiscal year.

SEC. 6. *Procedures for new Federal facilities.* (a) Heads of agencies shall ensure that the requirements of section 4 of this order are considered at the earliest possible stage of planning for new facilities.

(b) A request for funds to defray the cost of designing and constructing new facilities in the United States shall be included in the annual budget estimates of an agency only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility will meet the requirements of section 4 of this order.

(c) Heads of agencies shall notify the respective Secretary as to the performance specifications proposed for each facility when action is necessary to meet the requirements of subsections 4(a) (1) and (b) of this order. Where the respective Secretary finds that such performance specifications are not adequate to meet such requirements he shall consult with the agency head and the latter shall thereupon develop adequate performance specifications.

(d) Heads of agencies shall give due consideration to the quality of air and water resources when facilities are constructed or operated outside the United States.

SEC. 7. *Procedures for Federal water resources projects.* (a) All water resources projects of the Departments of Agriculture, the Interior, and the Army, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall be consistent with the requirements of section 4 of this order. In addition, all such projects shall be presented for the consideration of the Secretary of the Interior at the earliest feasible stage if they involve proposals or recommendations with respect to

the authorization or construction of any Federal water resources project in the United States. The Secretary of the Interior shall review plans and supporting data for all such projects relating to water quality, and shall prepare a report to the head of the responsible agency describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary in connection with the design, construction, and operation of the project.

(b) The report of the Secretary of the Interior shall accompany at the earliest practicable stage any report proposing authorization or construction, or a request for funding, of such a water resource project. In any case in which the Secretary of the Interior fails to submit a report within 90 days after receipt of project plans, the head of the agency concerned may propose authorization, construction, or funding of the project without such an accompanying report. In such a case, the head of the agency concerned shall explicitly state in his request or report concerning the project that the Secretary of the Interior has not reported on the potential impact of the project on water quality.

SEC. 8. *Saving provisions.* Except to the extent that they are inconsistent with this order, all outstanding rules, regulations, orders, delegations, or other forms of administrative action issued, made, or otherwise taken under the orders superseded by section 9 hereof or relating to the subject of this order shall remain in full force and effect until amended, modified, or terminated by proper authority.

SEC. 9. *Orders superseded.* Executive Order No. 11282 of May 26, 1966, and Executive Order No. 11288 of July 2, 1966, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
February 4, 1970.

[F.R. Doc. 70-1566; Filed, Feb. 4, 1970; 12:33 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

REGULATED AREAS

Under the authority of § 301.77–2 of the European Chafer Quarantine regulations, 7 CFR 301.77–2, as amended, 33 F.R. 10274, a supplemental regulation designating regulated areas is hereby issued to appear in 7 CFR 301.77–2a, as follows:

§ 301.77–2a Regulated areas; suppressive and generally infested areas.

The civil divisions, and parts of civil divisions, described below, are designated as European chafer regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

CONNECTICUT

(1) *Generally infested area.*

Hartford County. The towns of Berlin and Southington.

Middlesex County. The city of Middletown.

New Haven County. The city of Meriden.

(2) *Suppressive area.* None.

MASSACHUSETTS

(1) *Generally infested area.*

Essex County. The towns of Lynnfield and Saugus, and the city of Lynn.

Middlesex County. The towns of Arlington, Belmont, Stoneham, Wakefield, and Winchester, and the cities of Cambridge, Everett, Malden, Medford, Melrose, Somerville, and Woburn.

Suffolk County. That portion of the city of Boston lying north of the Charles River known as Charlestown and East Boston, and the cities of Chelsea and Revere.

(2) *Suppressive area.* None.

NEW YORK

(1) *Generally infested area.*

Albany County. The towns of Bethlehem, Colonie, and Guilderland.

Bronx County. The entire county.

Broome County. The towns of Binghamton, Union, and Vestal, and the city of Binghamton.

Cayuga County. The towns of Aurelius, Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Sterling, Throop, and Victory, and the city of Auburn.

Chautauqua County. The towns of Portland, Ripley, and Westfield.

Chemung County. The towns of Ashland, Big Flats, Catlin, Chemung, Elmira, Horseheads, Southport, and Veteran, and the city of Elmira.

Chenango County. The towns of North Norwich, Norwich, and Plymouth, and the city of Norwich.

Cortland County. The town of Cortlandville and the city of Cortland.

Erie County. The towns of Amherst, Checktowaga, Clarence, Grand Island, Hamburg, Lancaster, Tonawanda, and West Seneca, and the cities of Buffalo, Lackawanna, and Tonawanda.

Fulton County. The city of Johnstown.

Genesee County. The towns of Batavia, Bergen, Elba, Le Roy, and Stafford, and the city of Batavia.

Herkimer County. The town and city of Herkimer.

Jefferson County. The towns of Ellisburg, Hounsfield, and Watertown, and the city of Watertown.

Kings County. The entire county.

Livingston County. The towns of Caledonia and York.

Madison County. The town of Sullivan.

Monroe County. The entire county.

Montgomery County. The towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam.

New York County. The entire county.

Niagara County. The towns of Cambria, Hartland, Lewistown, Lockport, Newfane, Niagara, Pendleton, Porter, Royalton, Wheatfield and Wilson, and the cities of Lockport, Niagara Falls, and North Tonawanda.

Oneida County. The towns of Marcy, New Hartford, and Whitestown, and the cities of Rome and Utica.

Onondaga County. The towns of Camillus, Cicero, Clay, De Witt, Elbridge, Geddes, Lysander, Manlius, Mercellus, Onondaga, Salina, Skaneateles, and Van Buren, and the city of Syracuse.

Ontario County. Towns of Canandaigua, East Bloomfield, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, Victor, and West Bloomfield, and the cities of Canandaigua and Geneva.

Orange County. The town of Newburgh.

Orleans County. The towns of Albion, Gaines, and Murray.

Oswego County. The towns of Granby, Hannibal, Hastings, New Haven, Oswego, Richland, Schroeppel and Scriba, and the cities of Fulton and Oswego.

Queens County. The entire county.

Richmond County. The entire county (Staten Island).

Schenectady County. The town of Glenville.

Schuyler County. The towns of Dix, Hector, Montour, Orange, Reading, and Tyrone.

Seneca County. The towns of Fayette, Junius, Seneca Falls, and Tyre, the village and town of Waterloo, and the city of Seneca Falls.

Steuben County. The town and city of Corning.

Tioga County. The town of Barton.

Ulster County. The town of Ulster, and the city of Kingston.

Wayne County. The entire county.

Westchester County. The town of Greenburgh and the city of Yonkers.

Yates County. The towns of Milo, Starkey, and Torrey.

(2) *Suppressive area.* None.

PENNSYLVANIA

(1) *Generally infested area.*

Bradford County. The township of Athens; and the boroughs of Athens, Sayre, and South Waverly.

Carbon County. The boroughs of Lehighton and Weissport and that section of Mahoning Township bounded on the north by the borough of Jim Thorpe, on the east by the Lehigh River, on the south by the borough of Lehighton, and on the west by Pennsylvania highway Route 209.

Erie County. The townships of Harborcreek, Lawrence Park, Millcreek, and North East; and the boroughs of Lake City, North East, and Wesleyville; and the city of Erie.

Lackawanna County. The city of Scranton.

Lehigh County. The township of Whitehall; and the boroughs of Catasauqua and Coplay, and the city of Allentown.

Luzerne County. The borough of Duryea.

Lycoming County. The city of Williamsport.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.77–2)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede 7 CFR 301.77–2a effective January 30, 1969.

The Director of the Plant Protection Division has determined that infestations of the European chafer exist or are likely to exist in the civil divisions, and parts of civil divisions listed above, or that it is necessary to regulate such areas because of their proximity to European chafer infestations or their inseparability for quarantine enforcement purposes from European chafer infested localities. The Director has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the European chafer. Accordingly, such civil divisions, and parts of civil divisions listed above, are designated as European chafer regulated areas.

This supplemental regulation adds the entire county of Queens and portions of Chautauqua, Fulton, Orange, and Ulster Counties in New York; and a portion of Middlesex County in Connecticut to the list of regulated areas for the first time. It also extends regulated areas in some previously regulated counties.

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

Done at Hyattsville, Md., this 30th day of January 1970.

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

[F.R. Doc. 70-1409; Filed, Feb. 4, 1970; 8:45 a.m.]

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

[Navel Orange Regulation 195]

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

Limitation of Handling

§ 907.495 Navel Orange Regulation 195.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereafter 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 regulation 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 February 3, 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 February 6, through February 12, 1970, are hereby fixed as follows:

(i) District 1: 820,000 cartons;

(ii) District 2: 170,000 cartons;

(iii) District 3: 10,000 cartons.

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

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

Dated: February 4, 1970.

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

[F.R. Doc. 70-1549; Filed, Feb. 4, 1970; 11:29 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9814; Amdts. 13-7; 47-10; 91-72]

PART 13—ENFORCEMENT PROCEDURES

PART 47—AIRCRAFT REGISTRATION

PART 91—GENERAL OPERATING AND FLIGHT RULES

Aircraft Registration Eligibility, Identification, and Activity; and Certain Enforcement Procedures

The purpose of these amendments to Parts 47 and 91 of the Federal Aviation Regulations is to provide for obtaining updated knowledge as to registration eligibility, identification, and activity of aircraft, by the means of new and modified reporting provisions. The amendments to Part 13 add procedures for suspending or revoking issued certificates of aircraft registration in appropriate circumstances.

These amendments were proposed in Notice 69–37, and published in the FEDERAL REGISTER on September 5, 1969 (34 F.R. 14079). Approximately one-quarter of the nearly 100 public comments received on the notice supported the proposals. The remainder of the comments opposed the proposals upon grounds that fall generally into categories that are stated and answered as follows:

(1) *The information is presently available, or present procedures can be expanded to procure the needed data.* Approximately one-half of the public comments received urged that FAA Form 8520-3 (Aircraft Use and Inspection Report) and existing reporting procedures for air carrier aircraft either allow, or can be used for, the collection of the needed information; or that all or most of the requested information is available from the Federal Communications Commission, State aviation agencies, or aviation industry organizations.

(a) The information presently collected by the use of FAA Form 8320-3 does not meet the needs of the FAA, as stated in Notice 69–37, since the form does not apply to the entire aircraft fleet, and since it does not require activity data from the owner, who is more familiar with data on aircraft activity than the persons who periodically inspect the aircraft and who must execute that form. Also, the information provided by FAA Form 8320-3 does not break down the number of hours flown by use categories (purpose of flight), an element that is needed for development of safety measures, as stated in Notice 69–37.

(b) With respect to aircraft operated under Parts 121 and 127, the amendment to Part 91 now issued concerns only reporting of the make and model of the engines installed in the aircraft, since the other information sought by new § 91.53 is obtained from other sources concerning those aircraft.

(c) The FAA considered expanding FAA Form 8320-3 to include the needed additional data elements before issuing Notice 69–37, and it determined that the procedures now adopted provide a more adequate alternative.

(d) Not all of the requested information on communications equipment is available from the Federal Communications Commission. Also, the records maintained by that agency cannot practicably be correlated with individual aircraft records.

(e) Information collected through the FAA aircraft registration system is made available to most State governments and to aviation industry organizations. Information available from those sources would be the same information already provided to them, therefore they would not be fruitful sources for the additional information now sought.

(2) *Collection of the information will cause an increase in the workload and costs of the FAA that in turn will be passed on to the public, will create an unnecessary reporting burden on the aviation public, and may result in imposing additional filing or user fees.* (a) Very little increase in the workload and costs of the FAA will result from the new provisions. A purification of FAA files of records on aircraft no longer eligible for registration will be allowed, with an accompanying decrease in total workload.

(b) The increased reporting burden on the aviation public will be minimal, consisting of information on communications and navigational aids capability of equipment in aircraft, and on hours flown and purpose of flight. Also, as stated in Notice 69–37, the FAA expects

to furnish a preprinted form with all available aircraft data on record to the registered owners, and the latter will be expected only to verify the information that has not changed since the previous reporting, correct any changed items, and supply the additional information.

(c) The proposed rule changes do not contemplate a fee for annual reporting nor any user charges.

(3) *The information will be of little or no value to the aircraft owner or to the public.* The needs of the FAA for the information to be sought under the new provisions are expressed in Notice 69–37, that is, the need for the capability to properly maintain the FAA Aircraft Registry and to limit continued aircraft registration to eligible persons, and the need for adequate knowledge on identification and activity of U.S. registered civil aircraft. As stated there, the result should be a more efficient, safe air traffic system that responds to the needs of the public, as well as greater efficiency of FAA internal management.

(4) *Collection of the information will be an invasion of privacy of the reporting public.* Collection of the information is not considered to be an invasion of privacy. Section 311 of the Federal Aviation Act of 1958 empowers and directs the Administrator to collect and disseminate information relative to civil aeronautics and, as stated in Notice 69–37, section 312 of the Act directs the Administrator to make long range plans for and formulate policy with respect to the orderly development and locating of landing areas, Federal airways, radar installations, and all other aids and facilities for air navigation.

(5) *Some features of the enforcement provisions for violations of new § 47.44 are unfair to the aviation community as a whole, are illegal, or should concern only willful failure to submit required information.* (a) From the known situation concerning the accuracy of the present aircraft registration records, the number of aircraft owners not complying with the regulations is large. This situation has been further substantiated by the results of a sample test conducted since issuing the Notice. The new provisions are not an unfair punishment of the entire aviation community for the failure of a few aircraft owners to comply, as asserted by some commentators, but rather an exercise of the responsibility of the FAA. Objectives of these provisions cannot be fully attained under the regulations as they have previously existed.

(b) Title V of the Federal Aviation Act of 1958 provides the statutory basis for new § 47.44, and for the application of the new enforcement procedures in Part 13.

(c) To limit certificate action to instances where FAA has positive proof of willfulness by a registered owner in refusing or failing to comply, would defeat the purposes of the new provisions as stated in Notice 69–37. Also, such a limitation would be inconsistent with section 501(e) of the Act that authorizes the Administrator to suspend or revoke any aircraft registration certificate for any cause that renders the aircraft ineligible for registration. The FAA expects to publicize the new rules extensively, and it is considered that this will greatly diminish the possibility of inadvertent noncompliance.

(d) In comments on the provisions for enforcement procedures, it was asserted that the required information should be collected on a voluntary basis. However, it has been found that a voluntary basis for reporting on aircraft registration does not meet the needs of the FAA as stated in Notice 69–37.

(6) *The information should be sought from lessees, not lessor owners of aircraft.* It was asserted that air carriers should be allowed to submit information for their aircraft leased from banks or other financial institutions. However, it is appropriately the responsibility of the owner, the person in whose name the aircraft is registered, to complete the form annually, as well as to obtain any needed information from his lessee. Also, it must be noted that, with one exception, Part 2 data is not requested by new § 91.53 for Part 121 or 127 operations.

(7) *Some procedure should be provided to protect a lessee if his lessor defaults.* This would appear to be a matter properly to be taken care of between the parties.

The suggestions made by a number of commentators have been implemented by these amendments or the accompanying reporting form. Some comments, either supporting or opposing the proposals, asserted that an appropriate breakdown of hours flown and purpose of flight requires appropriate categorization to allow for such matters as separation of corporate from business aircraft, or air taxi from commercial operator, and to allow for separate identification of aircraft rental businesses. These comments have been given careful consideration, and the results are incorporated into the FAA form that will be used for reporting purposes.

Comments also were received that the term "principal operator" should be defined for reporting purposes, in connection with new § 91.53. This definition has been supplied, and as used the term means the person (other than the owner) operating the aircraft, on the reporting date, under a lease or other arrangement for a period of at least 3 months. It is considered that an identification of the principal operator in this manner will substantially assist in the attainment of distribution and effectiveness of Airworthiness Directives and the associated objective of aviation safety, as described in Notice 69–37.

Some comments recommended that reporting before July 1 of each year will allow a too-long reporting period after an anticipated cutoff on December 31 of the preceding year. Neither Notice 69–37 nor the amendments specifically mention a December 31 cutoff. However, it is anticipated that initially the new FAA Form, preprinted with available information from the records will, when mailed out to registered owners as soon as possible after January 1, reflect the records as of December 31. It appears that the first reporting cycle will be more time consuming for both the FAA and those reporting than subsequent reporting cycles because of the anticipated initial procedural and workload problems within the FAA for the implementation of the rule, period of time for the preparation and dissemination of the form, and need for correction of invalid or outdated information by the persons reporting. However, the FAA expects to continue its consideration of the length of the reporting period and, if feasible, to reduce it in the future to a shorter period, such as 30 or 60 days, as recommended by comments.

It has been determined, in the light of the comments received, that the amendments to Parts 13 and 47, requiring the submission of information contained in Part 1 of AC Form 8050–73 be adopted as proposed. However, it has been determined that the amendment to Part 91 would provide for the submission of the information contained in Part 2 of that form on a voluntary basis. Accordingly, new § 91.53 as written provides that the aircraft owner should, but is not required to, submit the information contained in Part 2 of the report. It is expected that the voluntary reporting of this information under § 91.53 will provide sufficient data to satisfy the FAA needs without the necessity to make this provision mandatory.

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

In consideration of the foregoing, Parts 13, 47, and 91 of the Federal Aviation Regulations are amended, effective March 7, 1970, as follows:

1. By amending Part 13 as follows:

a. By inserting the following sentence at the end of paragraph (b) of § 13.3:

§ 13.3 Investigations.

* * * * *

(b) * * * For the purpose of investigating alleged violations of title V of the Act, or any regulation or order issued under it, the Administrator's authority under sections 313 and 1004 has been delegated to the Aeronautical Center Counsel.

§ 13.19 [Amended]

b. By inserting the following sentence at the end of paragraph (a):

(a) * * * Under section 501(e) of the Act, any Certificate of Aircraft Registration may be suspended or revoked by the Administrator for any cause that renders the aircraft ineligible for registration.

c. By inserting the words "under section 609 of the Act" after the word "him" in paragraph (b) and by inserting the following sentence at the end of that paragraph:

(b) * * * If the Administrator finds that any aircraft registered under Part 47 of this chapter is ineligible for registration, or if the holder of a Certificate of Aircraft Registration has refused or failed to submit Part 1, AC Form 8050–73, as required by § 47.44 of this chapter,

the Administrator issues an order suspending or revoking that certificate.

d. By amending the first sentence in paragraph (c) to read as follows:

(c) Before issuing an order under paragraph (b) of this section, the General Counsel, the Regional Counsel concerned, or the Aeronautical Center Counsel (as to matters under title V of the Act) advises the certificate holder of the charges or other reasons upon which the Administrator bases the proposed action and, except in an emergency, allows the holder to answer any charges and to be heard as to why the certificate should not be amended, suspended, or revoked * * *.

e. By amending the last sentence in paragraph (c) to read as follows:

(c) * * * After considering any information submitted by the holder the General Counsel, the Regional Counsel concerned, or the Aeronautical Center Counsel (as to matters under title V of the Act) issues the order of the Administrator, except that if the holder has made a valid request for a formal hearing initially or after an informal conference, Subpart D of this part governs further proceedings.

f. By inserting the following sentence at the end of paragraph (d):

(d) * * * This paragraph does not apply to any person whose Certificate of Aircraft Registration is affected by an order issued under this section.

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

§ 13.35 Request for hearing.

* * * * *

(b) * * * If he does not do so, the General Counsel, the Regional Counsel concerned, or the Aeronautical Center Counsel (as to matters under title V of the Act) issues the order of the Administrator.

h. By amending § 13.67 to read as follows:

§ 13.67 Final order of the Hearing Officer.

(a) If, in proceedings under section 609 of the Act, the Hearing Officer determines that safety in air commerce or air transportation and the public interest so require, he may issue an order amending, suspending or revoking the respondent's certificate. The certificate action imposed may not be more severe than that proposed in the notice of proposed certificate action.

(b) If, in proceedings under section 501(b) of the Act, the Hearing Officer determines that the holder of the Certificate of Aircraft Registration has refused or failed to submit Part 1, AC Form 8050–73, as required by § 47.44 of this chapter, or that the aircraft is ineligible for a Certificate of Aircraft Registration, the Hearing Officer suspends or revokes the respondent's certificate, as proposed in the notice of proposed certificate action.

(c) If, in proceedings under either section 609 or 501(b) of the Act, the final order of the Hearing Officer makes a decision on the merits, it contains a statement of his findings and conclusions on all material issues of fact and law. If the Hearing Officer finds that the allegations of the notice have been proved, but that no sanction is required, he makes appropriate findings and orders the notice terminated. If the Hearing Officer finds that the allegations of the notice have not been proved, he orders the notice dismissed. If the Hearing Officer finds it to be equitable and in the public interest, he may order the proceeding terminated upon payment by the respondent of a civil penalty in an amount agreed upon by the parties.

(d) If the order is issued in writing, it shall be served upon the parties.

(e) If the Hearing Officer orders respondent's certificate to be amended, suspended, or revoked in proceedings under section 609 of the Act, he shall state in the order that the respondent has the right to appeal to the National Transportation Safety Board.

2. By inserting a new § 47.44 in Part 47 to read as follows:

§ 47.44 Report on registration eligibility of aircraft.

(a) The holder of each Certificate of Aircraft Registration issued under this subpart shall sign and submit an Aircraft Registration Eligibility, Identification, and Activity Report, Part 1, AC Form 8050–73, to the FAA Aircraft Registry before July 1 of each year commencing July 1, 1970, stating—

(1) The name and address of the owner of the aircraft;

(2) Whether he is a United States citizen if not a governmental unit;

(3) The make, model, and registration and serial numbers of the aircraft; and

(4) Whether the aircraft has been registered under the laws of a foreign country.

(b) Signatures and instruments made by representatives of the holders of certificates must be made in the manner prescribed by § 47.13 of this part for Application for Aircraft Registration. However, any one of coowners who are not in business as partners may sign and submit Part 1, AC Form 8050–73.

(c) Refusal or failure to submit Part 1, AC Form 8050–73, containing the required information may be cause for suspension or revocation of the holder's Certificate of Aircraft Registration.

3. By inserting a new § 91.53 in Part 91 to read as follows:

§ 91.53 Report on identification and activity of aircraft.

(a) Except as provided in paragraph (b) of this section, the owner of each aircraft registered in the United States should (but is not required to) submit an Aircraft Registration Eligibility, Identification, and Activity Report, Part 2, AC Form 8050–73, to the FAA Aircraft Registry before July 1 of each year commencing July 1, 1970, stating—

(1) The name and address of the principal operator of the aircraft if other than the owner;

(2) The make and model of the engines installed in the aircraft;

(3) The identification of the communications and navigational aids capability of equipment installed in the aircraft;

(4) Airport where the aircraft is based; and

(5) Activity of the aircraft as shown by hours flown and purpose of flight for the previous calendar year.

(b) The owner of an aircraft operated under Part 121 or 127 of this chapter should include in his report under paragraph (a) of this section only the item listed in subparagraph (2) of that paragraph.

As used in this section, "principal operator" means the person operating the aircraft, on the reporting date, under a lease or other arrangement for a period of at least 3 months.

(Secs. 103, 307, 311, 312, 313(a), 501, 601(a)(6), 609, 901, Federal Aviation Act of 1958, 49 U.S.C. 1303, 1348, 1352, 1353, 1354(a), 1401, 1421, 1429, 1471; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.4(b)(1), Regulations of the Office of the Secretary of Transportation)

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

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

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 70–1419; Filed, Feb. 4, 1970; 8:45 a.m.]

[Airspace Docket No. 69–CE–97]

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

Designation of Transition Area

On page 17179 of the FEDERAL REGISTER dated October 23, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cairo, Ill.

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

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

(1) Add the following to the last line of the transition area designation "excluding the portion which overlies the Sikeston, Mo., transition area.".

(2) The coordinates recited in the Cairo, Ill., Airport transition area designation as "latitude 89°03'05" N., longitude 37°03'55" W." are changed to read

"latitude 37°03'50" N., longitude 89°13'15" W.".

This amendment becomes effective 0901 G.m.t., April 2, 1970.

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

Issued in Kansas City, Mo., on January 9, 1970.

EDWARD C. MARSH,
Director, Central Region.

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

CAIRO, ILL.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (latitude 37°03'50" N., longitude 89°13'15" W.); and within 3 miles each side of the 032° bearing from Cairo Airport, extending from the 5½-mile radius to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 032° and 212° bearings from Cairo Airport extending from 6 miles southwest to 18½ miles northeast of the airport; and within 5 miles each side of the 212° bearing from Cairo Airport, extending from the airport to 12 miles southwest of the airport, excluding the portion which overlies the Sikeston, Mo., transition area.

[F.R. Doc. 70-1458; Filed, Feb. 4, 1970; 8:48 a.m.]

[Airspace Docket No 69-CE-103]

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

Alteration of Control Zone and Transition Area

On October 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17448) stating that the Federal Aviation Administration proposed to alter the Bismarck, N. Dak., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. No objections were received to this proposal.

Subsequent to the issuance of this proposal the Agency has determined that some presently designated 1,200-foot floor transition area southeast of Bismarck was inadvertently omitted from the transition area description. Accordingly, action is taken herein to include this area in the transition area description in the FEDERAL REGISTER.

Since this change is editorial in nature and does not increase the amount of controlled airspace, it imposes no additional burden on any person and as a consequence notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 2, 1970, as hereinafter set forth:

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

BISMARCK, N. DAK.

Within a 5½-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5½-mile radius zone to 1 mile northwest of the OM.

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

BISMARCK, N. DAK.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Bismarck VORTAC; within a 20-mile radius of Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Bismarck VORTAC, extending from the Bismarck VORTAC 204° radial clockwise to the Bismarck VORTAC 277° radial; and within a 33-mile radius of the Bismarck VORTAC extending from the Bismarck VORTAC 082° radial clockwise to the Bismarck VORTAC 204° radial.

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

Issued In Kansas City, Mo., on January 9, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-1459; Filed, Feb. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 69-CE-104]

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

Alteration of Control Zone and Transition Area

On page 17528 of the FEDERAL REGISTER dated October 30, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Huron, S. Dak.

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

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The Howes Municipal Airport longitude coordinate recited in the Huron, S. Dak., control zone and transition area alteration as "longitude 98°13'40" W." is changed to read "longitude 98°13'35" W.".

This amendment shall be effective 0901 G.m.t., April 2, 1970.

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

Issued in Kansas City, Mo., on January 9, 1970.

EDWARD C. MARSH,
Director, Central Region.

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

HURON, S. DAK.

Within a 5-mile radius of Howes Municipal Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 1½ miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

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

HURON, S. DAK.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Howes Municipal Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 4½ miles northeast and 11 miles southwest of the Huron VOR 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Huron VOR, extending from the 314° radial clockwise to the 125° radial; and within a 17-mile radius of the Huron VOR, extending from the 125° radial clockwise to the 314° radial.

[F.R. Doc. 70-1460; Filed, Feb. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 69-CE-108]

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

Designation of Control Zone and Alteration of Transition Area

On pages 18470 and 18471 of the FEDERAL REGISTER dated November 20, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Columbia, Mo. (Regional Airport), and alter the transition area at Ashland, Mo.

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

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

These amendments shall be effective 0901 G.m.t., April 2, 1970.

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

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

DANIEL E. BARROW,
Acting Director, Central Region.

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

COLUMBIA, MO. (REGIONAL AIRPORT)

Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 3 miles each side of the 193° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 9 miles south of the airport; and within 3 miles each side of the 031° bearing from Columbia Regional Airport, extending from the 5-mile radius zone to 7 miles northeast of the airport.

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

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); within 2 miles each side of the Hallsville, Mo., VORTAC 193° radial, extending from the 8½-mile radius area to 10 miles south of the VORTAC; within 3½ miles each side of the 031° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 9 miles northeast of the airport; and within 3½ miles each side of the 193° bearing from Columbia Regional Airport, extending from the 8½-mile radius area to 12 miles south of the airport, excluding the portions which overlie the Columbia, Mo., and Jefferson City, Mo., transition areas.

[F.R. Doc. 70-1461; Filed, Feb. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 69-CE-109]

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

Alteration of Control Zone and Transition Area

On pages 18468 and 18469 of the FEDERAL REGISTER dated November 20, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Menominee, Mich.

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

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

The Menominee County Airport longitude coordinate recited in the Menominee, Mich., control zone and transition area alteration as "longitude 87°38'10" W." is changed to read "longitude 87°38'15" W.".

This amendment becomes effective 0901 G.m.t., April 2, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1355(c))

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

DANIEL E. BARROW,
Acting Director, Central Region.

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

MENOMINEE, MICH.

Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

MENOMINEE, MICH.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Menominee VOR 169° radial, extending from the VOR to 15½ miles south of the VOR; and within 5 miles each side of the 140° bearing from Menominee County Airport extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Sturgeon Bay, Wis. transition area.

[F.R. Doc. 70-1462; Filed, Feb. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 69-CE-112]

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

Alteration of Transition Area

On page 18469 of the FEDERAL REGISTER dated November 20, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Fairfield, Iowa.

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

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

This amendment shall be effective 0901 G.m.t., April 2, 1970.

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

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

DANIEL E. BARROW,
Acting Director, Central Region.

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

FAIRFIELD, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 008° and 188° bearings from Fairfield Municipal Airport, extending from 3 miles north to 21½ miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

[F.R. Doc. 70-1463; Filed, Feb. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 69-CE-128]

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

Revocation of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Grosse Ile, Mich., control zone and transition area.

On November 21, 1969, the Grosse Ile, Mich., NAS was closed with the result that all instrument approach procedures for this airbase were cancelled. Consequently, controlled airspace for the protection of IFR air traffic into and out of Grosse Ile, Mich., NAS is no longer required. Since this revocation cancels designated controlled airspace in the Grosse Ile, Mich., terminal area, it imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

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

Grosse Ile, Mich.

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

Grosse Ile, Mich.

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

Issued in Kansas City, Mo., on December 24, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-1464; Filed, Feb. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-4]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the West Yellowstone, Mont., transition area.

The West Yellowstone Airport, West Yellowstone, Mont., has been renamed Yellowstone Airport. Therefore it is necessary to alter the West Yellowstone transition area which presently refers to the airport as West Yellowstone Airport to reflect the airport change of name. Action is taken herein to reflect this change.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 9, 1970, as hereinafter set forth:

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

WEST YELLOWSTONE, MONT.

That airspace extending upward from 700 feet above the surface within 6½ miles west and 9½ miles east of the 019° and 199° bearings from Yellowstone Airport (latitude 44°41'20" N, longitude 111°06'55" W.), extending from 12 miles north to 19½ miles south of the airport; that airspace extending upward from 10,700 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 087° bearing from Yellowstone Airport clockwise to the 217° bearing from Yellowstone Airport; and that airspace extending upward from 12,000 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 217° bearing from Yellowstone Airport clockwise to the 087° bearing from Yellowstone Airport, excluding the portion which overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Kansas City, Mo., on January 20, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-1465; Filed, Feb. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-5]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Columbus, Ind., control zone.

On February 27, 1970, the control tower at Bakalar Air Force Base, which is located within the Columbus, Ind., control zone, is being decommissioned with the result that weather reporting and communications services at this airport will be inadequate for the designation of the control zone. Consequently, it is necessary to revoke the Columbus, Ind., control zone designation effective upon closing of the Bakalar Air Force Base control tower.

Since this revocation will reduce the amount of designated controlled airspace at Columbus, Ind., it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 27, 1970, as hereinafter set forth:

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

Columbus, Ind.

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

Issued in Kansas City, Mo., on January 20, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-1466; Filed, Feb. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-6]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Joliet, Ill., control zone.

On February 16, 1970, the Joliet, Ill., Flight Service Station will be relocated to the Du Page County Airport, West Chicago, Ill. When this relocation takes place no weather reporting services will be available at the Joliet Municipal Airport. Since weather reporting service is required for the designation of a control zone, it is necessary to revoke the Joliet control zone designation effective upon relocation of the Joliet Flight Service Station.

Since this revocation will reduce the amount of designated controlled airspace at Joliet, Ill., it will not impose any additional burden on any person. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 16, 1970, as hereinafter set forth:

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

Joliet, Ill.

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

Issued in Kansas City, Mo., on January 20, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-1467; Filed, Feb. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 70-CE-9]

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

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Olathe, Kans., control zone.

Weather reporting services at the Olathe, Kans., Naval Air Station will no longer be provided after February 1, 1970. Therefore, as of that date the criteria for the designation of a control zone at Olathe, Kans., will no longer be met. Consequently, it is necessary to revoke the Olathe, Kans., control zone designation effective February 1, 1970.

Since this revocation reduces the amount of designated controlled airspace at Olathe, Kans., it will not impose any additional burden on any person. Therefore, notice and public procedure are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 1, 1970, as hereinafter set forth:

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

OLATHE, KANS.

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

Issued in Kansas City, Mo., on January 23, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-1468; Filed, Feb. 4, 1970; 8:49 a.m.]

[Airspace Docket No. 69-AL-7]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Miscellaneous Amendments

In the matter of designation of Federal airways, jet routes, and transition area, alteration of Federal airways, and additional control areas, designation of reporting points, revocation of additional control areas and control area extension.

On September 17, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14479) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would provide for expanded radar air traffic control service in the Fairbanks, Alaska, area and alter the controlled airspace over the north slope of Alaska to improve navigation and flight planning and to facilitate air traffic control service in the airspace.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received in response to the notice.

Since the publication of the notice, it has now been determined that the Prudhoe Bay, Alaska, VORTAC will not be commissioned until after March 1970. Accordingly, action is taken herein to amend the airspace actions associated with the Prudhoe Bay VORTAC. These actions utilize existing low frequency facilities in lieu of the Prudhoe Bay VORTAC and are made so as to provide air traffic control services in the north slope area of Alaska at an early date and will be further altered when a firm commissioning date has been determined.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901

G.m.t., April 2, 1970, as hereinafter set forth.

1. Section 71.105 (35 F.R. 2006) is amended as follows:

a. In A–2. "Bettles, Alaska, RBN." is deleted and "Bettles, Alaska, RBN; 69 miles, 166 miles 95 MSL, Point Barrow, Alaska, RBN (PBA)." is substituted therefor.

b. In A–15. "Fairbanks, RR." is deleted and "Fairbanks, RR; Chandalar Lake, Alaska, RBN; 30 miles, 60 miles 95 MSL, Sagwon, Alaska, RBN; Prudhoe Bay, Alaska, RBN; Oliktok, Alaska, RBN." is substituted therefor.

2. In § 71.107 (35 F.R. 2007) R–39 is amended by deleting "McGrath, Alaska, RR; 28 miles, 55 miles, 45 MSL," and substituting "McGrath, Alaska, RR; 28 miles, 64 miles, 45 MSL," therefor.

3. In § 71.109 (35 F.R. 2007) B–26 is amended by deleting all between "Fairbanks, RR;" and "Barter Island, Alaska, RBN." and substituting "Fort Yukon, Alaska, RBN; 86 miles, 75, 115 MSL," therefor.

4. In § 71.125 (35 F.R. 2040) V–480 is amended by deleting "28 miles, 55 miles," and substituting "28 miles, 64 miles," therefor.

5. Section 71.163 (35 F.R. 2046) is amended as follows:

a. In Bettles/Umiat, Alaska, "59 nautical miles, 31 nautical miles" is deleted and "66 miles, 24 miles" is substituted therefor.

b. "Fairbanks/Oliktok, Alaska" is revoked.

c. "Bettles, Alaska" is revoked.

6. In § 71.165 (35 F.R. 2053) "Minchumina, Alaska" is revoked.

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

a. "Fairbanks, Alaska" is amended to read:

FAIRBANKS, ALASKA

That airspace extending upward from 700 feet above the surface within a 20-mile radius of lat. 64°49'40" N., long. 147°34'00" W., within a 7-mile radius of Eielson AFB (lat. 64°39'55" N., long. 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles southeast of the VOR; within 8 miles west and 5 miles east of the 018° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles north of the VORTAC; and within 8 miles east and 5 miles west of the 168° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface beginning at: lat. 68°00'00" N., long. 135°00'00" W. to lat. 68°00'00" N., long. 144°00'00" W. to lat. 63°10'00" N., long. 144°00'00" W. to lat. 62°38'00" N., long. 145°41'00" W. to lat. 62°45'00" N., long. 148°48'00" W. to lat. 62°59'00" N., long. 150°15'00" W. to lat. 63°00'00" N., long. 151°10'00" W. to lat. 64°00'00" N., long. 153°00'00" W. to point of beginning, excluding the portion within Restricted Areas R–2202A, R–2202B, R–2205, and R–2206.

b. "Bettles, Alaska" is revoked.

c. "Big Delta, Alaska" is revoked.

d. In "Fort Yukon, Alaska" all after "from the 5-mile radius area to 8 miles northeast of the RBN" is deleted.

e. "Summit, Alaska" is revoked.

f. In "Tanana, Alaska" all after "extending from the VOR to 12 miles southwest" is deleted.

8. Section 71.213 (35 F.R. 2306) is amended by adding the following: "Bettles, Alaska", "Point Barrow, Alaska, RBN (PBA)" and "Nenana, Alaska".

9. Section 75.100 (35 F.R. 2359) is amended as follows:

a. J–115 is amended to read:

J–115 (King Salmon, Alaska, to Prudhoe Bay, Alaska) From King Salmon, Alaska, via Anchorage, Alaska; Fairbanks, Alaska; Chandalar, Alaska, RBN (CQR); to Prudhoe Bay, Alaska, RBN (PUO).

b. J–507 is amended to read:

J–507 (Prudhoe Bay, Alaska, to Annette Island, Alaska) From Prudhoe Bay, Alaska, RBN (PUO) to Fort Yukon, Alaska, RBN (FTO). From Northway, Alaska, via Yakutat, Alaska; Sisters Island, Alaska; to Annette Island, Alaska, excluding the portion within Canada.

c. J–515 is amended by deleting in the caption "Fairbanks, Alaska" and substituting "Point Barrow, Alaska" therefor and in the text "to Fairbanks, Alaska." is deleted and "Fairbanks, Alaska; Bettles, Alaska; to Point Barrow, Alaska, RBN (PBA)." is substituted therefor.

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

Issued in Washington, D.C., on January 27, 1970.

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

[F.R. Doc. 70–1454; Filed, Feb. 4, 1970; 8:48 a.m.]

[Airspace Docket No. 69–WA–35]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route Segment

On September 5, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14082) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate the U.S. segment of Jet Route No. 536 from Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received in response to the notice.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

Section 75.100 (35 F.R. 2359) is amended by adding:

Jet Route No. 536 (Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada) (Joins Canadian high level airway No. 536) From Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada, excluding the portion within Canada.

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

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

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

[F.R. Doc. 70–1456; Filed, Feb 4, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 5—FOOD; EXEMPTIONS FROM LABELING REQUIREMENTS

Silica Aerogel

In response to a request received from Dow Corning Corp., Midland, Mich. 48640, the Food and Drug Administration proposed in the FEDERAL REGISTER of August 22, 1969 (34 F.R. 13552), that silica aerogel resulting in fabricated food through its use in the defoaming agent dimethylpolysiloxane be exempt, for reasons given and within specified conditions, from label declaration as an ingredient of the fabricated food.

The comment received in response to the notice suggested that the proposal be expanded to cover other incidental additives. The Commissioner of Food and Drugs will give full consideration to new requests to exempt additional substances.

Having considered the information submitted by Dow Corning Corp., the comment received, and other relevant material, the Commissioner concludes that the exemption should be established as proposed. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(i), 701(a), 52 Stat. 1047–48, 1055; 21 U.S.C. 343(i), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 5:

§ 5.10 Labeling foods in the production of which dimethylpolysiloxane defoaming agents containing silica aerogel were used.

Silica aerogel added to dimethylpolysiloxane (defoaming agent complying with the provisions of § 121.1099 of this chapter) is deemed to be an incidental additive and is exempt from label declaration as an ingredient of fabricated foods in which such defoaming agent is used provided the silica aerogel complies with the provisions of § 121.101(d)(8) of this chapter and is present at a level not greater than necessary and at such level as to be quantitatively insignificant and

nonfunctional in the finished fabricated foods.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 403(1), 701(a), 52 Stat. 1047–48, 1055; 21 U.S.C. 343(1), 371(a))

Dated: January 28, 1970.

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

[F.R. Doc. 70–1423; Filed, Feb. 4, 1970; 8:46 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Trifluralin

A petition (PP 9F0851) was filed with the Food and Drug Administration by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing establishment of tolerances for negligible residues of the herbicide trifluralin in or on the raw agricultural commodities wheat grain and wheat straw at 0.05 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since residues of the subject chemical are not reasonably expected to occur in eggs, meat, milk, or poultry from the proposed or established uses, tolerances regarding these items are unnecessary. The usage is in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.207 is amended to establish tolerances regarding wheat grain and wheat straw by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 120.207 Trifluralin; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on citrus fruits, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, hops, leafy vegetables, nuts, peanuts, peppermint hay, root crop vegetables (except carrots), safflower seed, seed and pod vegetables, spearmint hay, stone fruits, sugarcane, sunflower seed, wheat grain, and wheat straw.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat 512; 21 U.S.C. 346a(d)(2))

Dated: January 28, 1970.

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

[F.R. Doc. 70–1425; Filed, Feb. 4, 1970; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–3—PROCUREMENT BY NEGOTIATION

Subpart 5B–3.8—Price Negotiation Policies and Techniques

SELECTION OF ARCHITECT-ENGINEERS

Section 5B–3.805–2 is revised to read as follows:

§ 5B–3.805–2 Selection of architect-engineers.

(a) The National Public Advisory Panel on Architectural Services or the Regional Public Advisory Panel on Architectural Services (as appropriate) shall be used in an advisory capacity to review, evaluate, and recommend several architect-engineer firms for (1) each new construction project and (2) those repair or alteration projects estimated to exceed $200,000 in construction cost and where exterior esthetics or architectural design are involved.

(b) Each regional Design and Construction Division shall be responsible for making every effort to present to the Panel for its consideration the names of all firms who are interested in performing professional services for GSA on a contemplated project. The Design and Construction Division shall present to the Panel the completed or updated Standard Form 251, U.S. Government Architect-Engineer Questionnaire, together with exterior and interior photographs of representative completed projects designed by each such firm.

(c) So that orderly plans for design and construction can be made, no Regional Public Advisory Panel on Architectural Services shall meet without the prior approval of the Commissioner, Public Buildings Service. Each Regional Administrator, who shall be an ex officio member of the appropriate Regional Panel, shall request approval of the Commissioner, Public Buildings Service to call a meeting of the appropriate Regional Panel. Such request shall be made at least 2 weeks prior to the date of the planned meeting.

(d) Generally, only firms within the same State as the project site shall be considered. For projects in the Washington, D.C., metropolitan area, firms in the Washington metropolitan area will be included. On projects of national significance, firms of nationally recognized reputation will be considered.

(e) Members of the National or a Regional Public Advisory Panel on Architectural Services who, under the foregoing provisions, are eligible for consideration in connection with a specific project, may be included for consideration: *Provided, however,* That no such member may participate in the review, evaluation, and recommendations made by the National or Regional Panel with respect to that particular project.

(f) The National or Regional Panel, as appropriate, shall be requested to recommend five to eight firms (depending upon the number of firms interested in and eligible for performing the work entailed in the specific project) but shall be authorized, in the event of inability to recommend the desired number, to recommend a lesser number of firms for final consideration and to furnish a statement of the reason for recommending fewer than requested. In recommending firms for specific projects, consideration should be given to the following factors:

(1) The information contained in Standard Form 251 and photographs submitted by each firm;

(2) The adequacy of the size and qualification of the firm's organization (including a joint venture or association of firms) to perform the work entailed for a specific project;

(3) The number of years' experience and number and size of projects previously designed;

(4) The special qualifications required to perform unusual design work where relevant to the specific project;

(5) The relative standing and reputation within the profession with respect to quality of design, drawings, and specifications; and

(6) Other factors deemed by the National or Regional Panel to be relevant in the selection of firms to be recommended for consideration.

(g) The National or Regional Panel shall be requested to submit the names of those recommended for consideration to the Administrator or the Regional Administrator, as appropriate. The list of those recommended shall be referred to a Central Office or regional office evaluation committee, as appropriate, which shall (unless precluded by lack of time or other compelling factor) visit the office

of each firm recommended, for the purpose of obtaining such additional information as the evaluation committee may deem necessary and desirable. The evaluation committee shall also review any GSA record of performance on projects previously performed for GSA by the firms recommended for final consideration. Concurrently, the evaluation committee shall, in the case of projects funded from appropriations to other Federal agencies, invite the agency concerned to submit additional information or comment as such agency may deem appropriate. The evaluation committee shall recommend additional equally qualified firms, if appropriate, and shall prepare and append a report, if necessary, to accompany the list of firms recommended. The list and report, if any, shall be forwarded through established channels to the authority designated to make final selection.

(h) The Administrator, with the advice of the Commissioner, Public Buildings Service, will make the final selection on all projects.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: January 27, 1970.

ROBERT B. FOSTER, Jr.,
Acting Commissioner,
Public Buildings Service.

[F.R. Doc. 70-1422; Filed, Feb. 4, 1970; 8:46 a.m.]

Chapter 9—Atomic Energy Commission

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.53—Procurement of General Purpose Automatic Data Processing Equipment and Related Items

New subpart 9-5.53 implements and supplements FPMR 101-32.4.

The following subpart is added:

Subpart 9-5.53—Procurement of General Purpose Automatic Data Processing Equipment and Related Items

Sec.
9-5.5300 Scope of subpart.
9-5.5301 Definition of ADPE.
9-5.5302 Authority to procure general purpose ADPE.
9-5.5303 Submission of procurement documents and Agency Procurement Requests (APR) to GSA.

AUTHORITY: The provisions of this Subpart 9-5.53 issued under sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9-5.5300 Scope of subpart.

(a) This subpart implements and supplements FPMR 101-32.4, which deals with the procurement of general purpose automatic data processing equipment (ADPE) and related items by Federal agencies.

(b) The procurement of ADPE, software, maintenance services, and supplies by AEC contractors is not subject to the requirements of FPMR 101-32.4.

(c) The policies and procedures covering the procurement of electronic data processing tape are contained in FPMR 101-26.508 and AECPR 9-5.5206-26.

§ 9-5.5301 Definition of ADPE.

(a) The term "general purpose" which appears in the definition of ADPE in FPMR 101-32.402-1, applies to the nature of the equipment and not to the manner in which the equipment is to be used. The fact that an item of general purpose ADPE will be used in a unique or highly specialized application does not exempt such equipment from the requirements of this subpart. Furthermore, when general purpose components are configured into a computer system that will be used in a unique manner to meet a special need, the entire system is considered general purpose and is subject to the requirements of this subpart.

(b) "First-of-a-kind" ADPE which has not been announced by the manufacturer as being commercially available is not considered to be general purpose ADPE within the meaning of the definition in FPMR 101-32.402.1, since it is not mass-produced, commercially available equipment.

(c) ADPE components that are specifically designed or built to the special requirements of the AEC are not general purpose ADPE.

§ 9-5.5302 Authority to procure general purpose ADPE.

In accordance with the provisions of FPMR 101-32.403-1(c), GSA issued Bulletin FPMR E-72, dated May 29, 1969, which provided Federal agencies with a blanket delegation of authority to procure ADPE without prior GSA approval provided the procurement does not exceed $50,000. The delegation of authority does not include attendant maintenance costs if purchase is the method of acquisition. If the equipment is to be leased, the annual basic rental costs will be used to determine the dollar limitation set forth. The delegation of authority applies only to ADP equipment and does not apply to the separate procurement of software, maintenance services, and supplies.

§ 9-5.5303 Submission of procurement documents and Agency Procurement Requests (APR) to GSA.

(a) FPMR 101-32.403 requires that in instances where agencies have been delegated authority under the provisions of FPMR 101-32.403 to procure ADPE, such agencies must send copies of the solicitation documents (RFP, IFB, or RFQ) and any subsequent amendments thereto, to GSA, as soon as available, but in no event later than the date issued to industry. In addition, FPMR 101-32.403 also requires that copies of resulting purchase/ delivery orders or contracts shall be forwarded to GSA upon issuance.

(1) All solicitation documents which are required to be submitted to GSA should be sent, in quadruplicate, to the Division of Contracts, Headquarters. The Division of Contracts will transmit two copies to GSA.

(2) All contract documents which are required to be sent to GSA should be sent, in triplicate, to the Division of Contracts, Headquarters. The Division of Contracts will transmit one copy to GSA.

(b) FPMR 101-32.404 requires that agencies submit Agency Procurement Requests (APR) to GSA immediately upon determination that a procurement action is not covered by the delegation of procurement authority provided in FPMR 101-32.403, or where the conditions of the contemplated procurement change at any time during the procurement cycle in such a manner as to remove it from the delegation of authority provided in FPMR 101-32.403.

(1) All Agency Procurement Requests which are required to be submitted to GSA should be sent, in quadruplicate, to the Division of Contracts, Headquarters. The Division of Contracts will transmit two copies to GSA.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 29th day of January 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 70-1417; Filed, Feb. 4, 1970; 8:45 a.m.]

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Pursuant to Executive Order 11246, sections 201, 205, 211 (30 F.R. 12319), and 41 CFR 60-1.6, 60-1.28, 60-1.29, 60-1.40, Title 41 of the Code of Federal Regulations is hereby amended by adding a new Part 60-2 to read as set forth below.

Subpart A—General

Sec.
60-2.1 Title, purpose and scope.
60-2.2 Agency action.

Subpart B—Required Contents of Affirmative Action Programs

60-2.10 Purpose of affirmative action program.
60-2.11 Required utilization analysis and goals.
60-2.12 Additional required ingredients of affirmative action programs.
60-2.13 Compliance status.

Subpart C—Suggested Methods of Implementing the Requirements of Subpart B

60-2.20 Development or reaffirmation of the equal employment opportunity policy.

Sec.
60–2.21 Dissemination of the policy.
60–2.22 Responsibility for implementation.
60–2.23 Identification of problem areas by organization unit and job categories.
60–2.24 Establishment of goals and timetables.
60–2.25 Development and execution of programs.
60–2.26 Internal audit and reporting systems.
60–2.27 Support of action programs.

Subpart D—Miscellaneous

60–2.30 Use of goals.
60–2.31 Supersedure.

AUTHORITY: The provisions of this Part 60–2 issued pursuant to sec. 201, E.O. 11246 (30 F.R. 12319).

Subpart A—General

§ 60–2.1 Title, purpose and scope.

This part shall also be known as "Order No. 4," and shall cover nonconstruction contractors. Section 60–1.40 of this chapter, Affirmative Action Compliance Programs, requires that within 120 days from the commencement of a contract each prime contractor or subcontractor with 50 or more employees and a contract of $50,000 or more develop a written affirmative action compliance program for each of its establishments. A review of agency compliance surveys indicates that many contractors do not have affirmative action programs on file at the time an establishment is visited by a compliance investigator. This part details the agency review procedure and the results of a contractor's failure to develop and maintain an affirmative action program and then sets forth detailed guidelines to be used by contractors and Government agencies in developing and judging these programs as well as the good faith effort required to transform the programs from paper commitments to equal employment opportunity.

§ 60–2.2 Agency action.

(a) Any contractor required by § 60–1.40 to develop an affirmative action program at each of his establishments who has not complied fully with that section is not in compliance with Executive Order 11246 (30 F.R. 12319). Until such programs are developed and found to be acceptable in accordance with the standards and guidelines set forth in §§ 60–2.10 through 60–2.31, the contractor is unable to comply with the equal employment opportunity clause.

(b) If, in determining such contractor's responsibility for an award of a contract it comes to the contracting officer's attention, through sources within his agency or through the Office of Federal Contract Compliance or other Government agencies, that the contractor has not developed an acceptable affirmative action program at each of his establishments, the contracting officer shall declare the contractor-bidder nonresponsible unless he can otherwise affirmatively determine that the contractor is able to comply with his equal employment obligations: *Provided,* That during the preaward conferences provided for in § 60–1.6(d)(3), every effort shall be made through the processes of conciliation, mediation and persuasion to develop an acceptable affirmative action program meeting the standards and guidelines set forth in §§ 60–2.10 through 60–2.31 so that, in the performance of his contract, the contractor is able to meet his equal employment obligations in accordance with the equal opportunity clause and applicable rules, regulations and orders: *Provided further,* That when the contractor-bidder is declared nonresponsible more than once for inability to comply with the equal employment opportunity clause a notice setting a timely hearing date shall be issued concurrently with the second nonresponsibility determination in accordance with the provisions of § 60–1.26 proposing to declare such contractor-bidder ineligible for future contracts and subcontracts.

(c) Immediately upon finding that a contractor has no affirmative action program or that his program is not acceptable the contracting officer shall notify officials of the appropriate compliance agency and the Office of Federal Contract Compliance of such fact. The compliance agency shall issue a notice to the contractor giving him 30 days to show cause why enforcement proceedings under section 209(b) of Executive Order 11246, as amended, should not be instituted.

(1) If the contractor fails to show good cause for his failure or fails to remedy that failure by developing and implementing an acceptable affirmative action program within 30 days, the compliance agency, upon the approval of the Director, shall issue a notice of proposed cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts pursuant to § 60–1.26(b), giving the contractor 10 days to request a hearing. If a request for hearing has not been received within 10 days from such notice, such contractor will be declared ineligible for future contracts and current contracts will be terminated for default.

(2) During the "show cause" period of 30 days every effort shall be made by the compliance agency through conciliation, mediation and persuasion to resolve the deficiencies which led to the determination of noncompliance or nonresponsibility. If satisfactory adjustments designed to bring the contractor into compliance are not concluded, the compliance agency, with the prior approval of the Director, shall promptly commence formal proceedings leading to the cancellation or termination of existing contracts or subcontracts and debarment from future contracts and subcontracts under § 60–1.26(b).

(d) During the "show cause" period and formal proceedings, each contracting agency must continue to determine the contractor's responsibility in considering whether or not to award a new or additional contract.

Subpart B—Required Contents of Affirmative Action Programs

§ 60–2.10 Purpose of affirmative action program.

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of those procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort, undirected by specific and meaningful procedures, is inadequate. An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and, further, goals and timetables to which the contractor's good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities at all levels and in all segments of his work force where deficiencies exist.

§ 60–2.11 Required utilization analysis and goals.

Affirmative action programs must contain the following information:

(a) An analysis of all major job categories at the facility, with explanations if minorities are currently being underutilized in any one or more job categories (job "category" herein meaning one or a group of jobs having similar content, wage rates and opportunities). "Underutilization" is defined as having fewer minorities in a particular job category than would reasonably be expected by their availability. In determining whether minorities are being underutilized in any job category, the contractor will consider at least all of the following factors:

(1) The minority population of the labor area surrounding the facility;

(2) The size of the minority unemployment force in the labor area surrounding the facility;

(3) The percentage of minority work force as compared with the total work force in the immediate labor area;

(4) The general availability of minorities having requisite skills in the immediate labor area;

(5) The availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;

(6) The availability of promotable minority employees within the contractor's organization;

(7) The anticipated expansion, contraction and turnover of and in the work force;

(8) The existence of training institutions capable of training minorities in the requisite skills; and

(9) The degree of training which the contractor is reasonably able to undertake as a means of making all job classes available to minorities.

(b) Goals, timetables and affirmative action commitments must be designed to correct any identifiable deficiencies.

Where deficiencies exist and where numbers or percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables. Such goals and timetables, with supporting data and the analysis thereof shall be a part of the contractor's written affirmative action program and shall be maintained at each establishment of the contractor. Where the contractor has not established a goal his written affirmative action program must specifically analyze each of the factors listed in "a" above and must detail his reason for a lack of a goal. In establishments with over 1,000 employees, or where otherwise appropriate, goals and timetables may be presented by organizational unit. The goals and timetables should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing his goals and timetables the contractor should consider the results which could be reasonably expected from his good faith efforts to make his overall affirmative action program work. If he does not meet his goals and timetables, the contractor's "good faith efforts" shall be judged by whether he is following his program and attempting to make it work toward the attainment of his goals.

(c) Support data for the above analysis and program shall be compiled and maintained as part of the contractor's affirmative action program. This data should include progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority status.

(d) Based upon the Government's experience with compliance reviews under the Executive order programs and the contractor reporting system, over the past eight (8) years, minority groups are most likely to be underutilized in the following six (6) categories as defined by the Employer's Information Report, EEO–1: officials and managers, professionals, technicians, sales workers, office and clerical, and craftsmen (skilled). Therefore, the contractor shall direct special attention to these categories in his analysis and goal setting.

§ 60–2.12 Additional required ingredients of affirmative action programs.

Effective affirmative action programs shall contain, but not necessarily be limited to, the following ingredients:

(a) Development or reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

(b) Formal internal and external dissemination of the contractor's policy.

(c) Establishment of responsibilities for implementation of the contractor's affirmative action program.

(d) Identification of problem areas (deficiencies) by organizational units and job categories.

(e) Establishment of goals and objectives by organizational units and job category, including timetables for completion.

(f) Development and execution of action oriented programs designed to eliminate problems and further designed to attain established goals and objectives.

(g) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

(h) Active support of local and national community action programs.

§ 60–2.13 Compliance status.

No contractor's compliance status shall be judged alone by whether or not he reaches his goals and meets his timetables. Rather each contractor's compliance posture shall be reviewed and determined by reviewing the contents of his program, the extent of his adherence to his program, and his good faith efforts to make his program work toward the realization of the program's goals within the timetables set for completion. There follows an outline of suggestions and examples of procedures that contractors and federal agencies may use as guidelines for establishing, implementing, and judging an acceptable affirmative action program.

Subpart C—Suggested Method of Implementing the Requirements of Subpart B

§ 60–2.20 Development or reaffirmation of the equal employment opportunity policy.

(a) The contractor's policy statement should indicate the chief executive officers' attitude on the subject matter, assign overall responsibility and provide for a reporting or monitoring procedure. Specific items to be mentioned should include, but not limited to:

(1) Recruit, hire, and promote all job classifications without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification.

(2) Base decisions on employment so as to further the principle of equal employment opportunity.

(3) Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

(4) Insure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, company sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification.

(b) The contractor should periodically conduct analyses of all personnel actions to insure equal opportunity.

§ 60–2.21 Dissemination of the policy.

(a) The contractor should disseminate his policy internally as follows:

(1) Include it in contractor's policy manual.

(2) Publicize it in company newspaper, magazine, annual report, and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain intent of policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all other employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training programs.

(6) Meet with union officials to inform them of policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Publish articles covering EEO programs, progress reports, promotions of minority employees, etc., in company publications.

(9) Post the policy on company bulletin boards.

(10) When employees are featured in product or consumer advertising, both minority and nonminority employees should be pictured.

(b) The contractor should disseminate his policy externally as follows:

(1) Inform all recruiting sources verbally and in writing of company policy, stipulating that these sources actively recruit and refer minorities for all positions listed.

(2) Incorporate the Equal Opportunity clause in all purchase orders, leases, contracts, etc., covered by Executive Order 11246, as amended, and its implementing regulations.

(3) Notify minority organizations, community agencies, community leaders, secondary schools and colleges, of company policy, preferably in writing.

(4) When employees are pictured in consumer or help wanted advertising, both minorities and nonminorities should be shown.

(5) Send written notification of company policy to all subcontractors, vendors and suppliers requesting appropriate action on their part.

§ 60–2.22 Responsibility for implementation.

(a) An executive of the contractor should be appointed as director or manager of company Equal Opportunity Programs. Depending upon the size and geographical alignment of the company, this may be his sole responsibility. He should be given the necessary top management support and staffing to execute his assignment. His responsibilities should include, but not necessarily be limited to:

(1) Developing policy statements, affirmative action programs, internal and external communication techniques.

(2) Assisting in the identification of problem areas.

(3) Assisting line management in arriving at solutions to problems.

(4) Designing and implementing audit and reporting systems that will:

(i) Measure effectiveness of the contractor's program.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's goals and objectives have been attained.

(5) Serve as liaison between the contractor and enforcement agencies, minority organizations, and community action groups.

(6) Keep management informed of latest developments in the entire equal opportunity area.

(b) Line responsibilities should include, but not be limited to, the following:

(1) Assistance in the identification of problem areas and establishment of local and unit goals and objectives.

(2) Active involvement with local minority organizations and community action groups.

(3) Periodic audit of hiring and promotion patterns to remove impediments to the attainment of goals and objectives.

(4) Regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed.

(5) Review of the qualifications of all employees to insure minorities are given full opportunities for transfers and promotions.

(6) Career counseling for all employees.

(7) Periodic audit to insure that each location is in compliance in areas such as:

(i) Posters are properly displayed.

(ii) All facilities including company housing, are fact desegregated, both in policy and in use.

(iii) Minority employees are afforded a full opportunity and are encouraged to participate in all company sponsored educational, training, recreational and social activities.

(8) Supervision should be made to understand that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria.

§ 60–2.23 Identification of problem areas by organizational unit and job categories.

(a) An in-depth analysis of the following should be made, paying particular attention to apprentices and those categories listed in § 60–2.11(d):

(1) Racial composition of the work force.

(2) Racial composition of applicant flow.

(3) The total selection process including position descriptions, man specifications, application forms, interview procedures, test administration, test validity, referral procedures, final selection process, and similar factors.

(4) Transfer and promotion practices.

(5) Facilities, company sponsored recreation and social events, and special programs such as educational assistance.

(6) Seniority practices and seniority provisions of union contracts.

(7) Apprenticeship programs.

(8) All company training programs, formal and informal.

(9) Work force attitude.

(10) Technical phases of compliance, such as poster and notification to labor unions, retention of applications, notification to subcontractors, etc.

(b) If any of the following items are found in the analysis, special corrective action should be appropriate.

(1) An "underutilization" of minorities in specific work classifications.

(2) Lateral and/or vertical movement of minority employees occurring at a lesser rate (compared to work force mix) than that of nonminority employees.

(3) The selection process eliminates a higher percentage of minorities than nonminorities.

(4) Application and related preemployment forms not in compliance with local, State, or Federal legislation.

(5) Position descriptions inaccurate in relation to actual functions and duties.

(6) Man specifications not validated in relation to position requirements and job performance.

(7) Test forms not validated by location, work performance and inclusion of minorities in sample.

(8) Referral ratio of minorities to the hiring supervisor or manager indicates an abnormal percentage are being rejected as compared to nonminority applicants.

(9) Minorities are excluded from or are not participating in company sponsored activities or programs.

(10) De facto segregation still exists at some facilities.

(11) Seniority provisions contribute to overt or inadvertent discrimination, i.e., a racial disparity exists between length of service and types of jobs held.

(12) Nonsupport of company policy by managers, supervisors, or employees.

(13) Minorities underutilized or underrepresented in apprenticeship programs or other training or career improvement programs.

(14) No formal techniques established for evaluating effectiveness of EEO programs.

(15) Lack of access to suitable housing inhibits employment of qualified minorities for professional and management positions.

(16) Lack of suitable transportation (public or private) to the workplace inhibits minority employment.

(17) Labor unions and subcontractors not notified of their responsibilities.

(18) Purchase orders do not contain EEO clause.

(19) Posters not on display.

§ 60–2.24 Establishment of goals and timetables.

(a) The goals and timetables developed by the contractor should be attainable in terms of the contractor's analysis of his deficiencies and his entire affirmative action program. Thus, in establishing the size of his goals and the length of his timetables, the contractor should consider the results which could reasonably be expected from his putting forth every good faith effort to make his overall affirmative action program work. In determining levels of goals, the contractor should consider at least the factors listed in § 60–2.11(a).

(b) Involve personnel relations staff, department and division heads, and local and unit managers in the goal setting process.

(c) Goals should be significant, measurable and attainable.

(d) Goals should be specific for planned results, with timetables for completion.

(e) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.

§ 60–2.25 Development and execution of programs.

(a) The contractor should conduct detailed analyses of position descriptions to insure that they accurately reflect position functions, and are consistent for the same position from one location to another.

(b) The contractor should validate man specifications by division, department, location, or other organizational unit and by job category using job performance criteria. Special attention should be given to academic, experience and skill requirements to insure that the requirements in themselves do not constitute inadvertent discrimination. Specifications should be consistent for the same job classification in all locations and should be free from bias as regards to race, color, religion, sex, or national origin, except where sex is a bona fide occupational qualification. Where requirements screen out a disproportionate number of minorities, such requirements should be professionally validated to job performance.

(c) Approved position descriptions and man specifications, when used by the contractor, should be made available to all members of management involved in the recruiting, screening, selection and promotion process. Copies should also be distributed to all recruiting sources.

(d) The contractor should evaluate the total selection process to insure freedom from bias and, thus, aid the attainment of goals and objectives.

(1) All personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to insure elimination of bias in all personnel actions.

(2) The contractor should validate all selection criteria (Note Department of Labor Order of Sept. 9, 1968) (33 F.R. 44392, Sept. 24, 1968) covering the validation of Employment Tests and Other Selection Techniques by Contractors and Subcontractors Subject to the Provisions of Executive Order 11246.

(3) Selection techniques other than tests may also be improperly used so as to have the effect of discriminating against minority groups. Such techniques include but are not restricted to, unscored interviews, unscored application forms, arrest records, and credit checks.

Where there exists data suggesting that such unfair discrimination or exclusion of minorities exists, the contractor should analyze his unscored procedures and eliminate them if they are not objectively valid.

(e) Suggested techniques to improve recruitment and increase the flow of minority applicants follow:

(1) Certain organizations such as the Urban League, Job Corps, Equal Opportunity Programs, Inc., Concentrated Employment Programs, Neighborhood Youth Corps, Secondary Schools, Colleges, and City Colleges with high minority enrollment, the State Employment Service, specialized employment agencies, Aspira, LULAC, SER, the G.I. Forum, the Commonwealth of Puerto Rico are normally prepared to refer qualified minority applicants. In addition, community leaders as individuals shall be added to recruiting sources.

(2) Formal briefing sessions should be held, preferably on company premises, with representatives from these recruiting sources. Plant tours, presentations by minority employees, clear and concise explanations of current and future job openings, position descriptions, man specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow-up with sources, and feedback on disposition of applicants.

(3) Minority employees, using procedures similar to (2) above, should be actively encouraged to refer applicants.

(4) A special effort should be made to include minorities on the Personnel Relations staff.

(5) Minority employees should be made available for participation in Career Days, Youth Motivation Programs, and related activities in their communities.

(6) Active participation in "Job Fairs" is desirable. Company representatives so participating should be given authority to make on-the-spot commitments.

(7) Active recruiting programs should be carried out at secondary schools, junior colleges, and colleges with minority enrollments.

(8) Special employment programs should be undertaken whenever possible. Some possible programs are:

(i) Technical and nontechnical co-op programs with the predominantly Negro colleges.

(ii) "After school" and/or work-study jobs for minority youths.

(iii) Summer jobs for underprivileged youth.

(iv) Summer work-study programs for faculty members of the predominantly minority schools and colleges.

(v) Motivation, training and employment programs for the hard-core unemployed.

(9) When recruiting brochures pictorially present work situations, the minority members of the work force should be included.

(10) Help wanted advertising should be expanded to include the minority news media on a regular basis.

(f) The contractor should insure that minority employees are given equal opportunity for promotion. Suggestions for achieving this result include:

(1) An inventory of current minority employees to determine academic, skill and experience level of individual employees.

(2) Initiating necessary remedial, job training and work-study programs.

(3) Developing and implementing formal employee evaluation programs.

(4) Being certain "man specifications" have been validated on job performance related criteria. (Minorities should not be required to posses higher qualifications than those of the lowest qualified incumbent.)

(5) When apparently qualified minorities are passed over for upgrading, require supervisory personnel to submit written justification.

(6) Establish formal career counseling programs to include attitude development, education aid, job rotation, buddy system, and similar programs.

(7) Review seniority practices and seniority clauses in union contracts to insure such practices or clauses are nondiscriminatory and do not have a discriminatory effect.

(g) Make certain facilities and company-sponsored social and recreation activities are desegregated. Actively encourage minority employees to participate.

§ 60–2.26 Internal audit and reporting systems.

(a) The contractor should monitor records of referrals, placements, transfers, promotions and terminations at all levels to insure nondiscriminatory policy is carried out.

(b) The contractor should require formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and time tables met.

(c) The contractor should review report results with all levels of management.

(d) The contractor should advise top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

§ 60–2.27 Support of action programs.

(a) The contractor should appoint key members of management to serve on Merit Employment Councils, Community Relations Boards and similar organizations.

(b) The contractor should encourage minority employees to actively participate in National Alliance of Businessmen programs for youth motivation.

(c) The contractor should support Vocational Guidance Institutes, Vestibule Training Programs and similar activities.

(d) The contractor should assist secondary schools and colleges with significant minority enrollment in programs designed to enable graduates of these institutions to compete in the open employment market on a more equitable basis.

(e) The contractor should publicize achievements of minority employees in local and minority news media.

(f) The contractor should support programs developed by the National Alliance of Businessmen, the Urban Coalition and similar organizations.

Subpart D—Miscellaneous

§ 60–2.30 Use of goals.

The purpose of a contractor's establishment and use of goal is to insure that he meet his affirmative action obligation. It is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex or national origin.

§ 60–2.31 Supersedure.

This part is an amplification of and supersedes a previous "Order No. 4" from this Office dated November 20, 1969.

Effective date. This part is effective January 30, 1970.

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

GEORGE P. SHULTZ,
Secretary of Labor.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[F.R. Doc. 70–1411; Filed, Feb. 4, 1970; 8:50 a.m.]

Title 47—TELECOMMUNICATION

[FCC 70–108]

Chapter I—Federal Communications Commission

PART 73—RADIO BROADCAST SERVICES

Maximum Power Versus Antenna Height To Improve the Accuracy of the Delineations Thereon

1. Figure 3, Maximum Power versus Antenna Height, § 73.333 of the Commission's rules and regulations, is used to determine the maximum allowable power of an FM broadcast station when the antenna height is greater than 300, 500, and 2,000 feet for Class A, B, and C stations, respectively.[1] The delineations depicted on Figure 3 are based on the maximum distance from the transmitter of the 1 millivolt per meter signal intensity contour for the various classes of stations when operating with the maximum permissible combination of power and antenna height specified in § 73.211 (b) of the rules.

2. During the processing of applications for FM broadcast stations, it has come to the Commission's attention that equivalent power determinations for Class A stations obtained from Figure 3 when involving antenna heights above 1,150 feet result in a maximum power limitation less than would be obtained by use of the F(50, 50) Propagation Chart, Figure 1, § 73.333 of the rules.

[1] As used here, "antenna height" means antenna height above average terrain and "power" means effective radiated power.

The latter chart was used in the derivation of the "equivalence" chart of Figure 3. The delineations for Class B and C stations as shown presently on Figure 3 agree reasonably well with determinations made from Figure 1. Although the differences of determinations made by the two charts for antenna heights above 1,150 feet for Class A stations are not great, they are considered sufficient to warrant correctional revision of Figure 3. We are therefore amending Figure 3, § 73.333, as it pertains to Class A stations, so that it will more accurately depict the maximum permissible power for antenna heights above 1,150 feet.

3. The "equivalence lines" presently drawn on Figure 3 for Class A, B, and C stations includes the range of antenna heights between 5,000 and 10,000 feet. However, the F(50, 50) propagation chart (Figure 1), from which Figure 3 was derived, only extends to 5,000 feet. Therefore, for the purpose of better consistency between the two charts, Figure 3 of section 73.333 of the rules is being further amended so that the graphs drawn for Class A, B, and C stations are terminated at an antenna height of 5,000 feet.[2]

4. In view of the above, the Commission finds that it is in the public interest to amend Figure 3 of § 73.333 of its rules to improve the delineations thereon, as set forth in the attached new Figure 3.

5. Authority for the adoption of the amendment herein, is contained in sections 4(i), 303(f), and 303(r) of the Communications Act of 1934, as amended.

6. The change in the rules mentioned above is essentially editorial in nature, and designed to bring Figure 3 into better accord with the basic propagation curve (F, 50, 50, Figure 1) on which it is based. It also relaxes an unwarranted restriction on applicants for Class A facilities, which has been waived in some individual cases in recent years when the matter has come up. Therefore, the prior rule making proceedings usually required by the Administrative Procedure Act (5 U.S.C. § 553) are unnecessary and would not serve the public interest. For the same reasons it is not necessary to wait the usual 30 days after publication in the FEDERAL REGISTER before making the rule effective.

7. In view of the foregoing: *It is ordered*, That, effective February 10, 1970, § 73.333 of the Commission's rules is amended by deletion of present Figure 3 thereof and substitution of the attached new Figure 3.

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

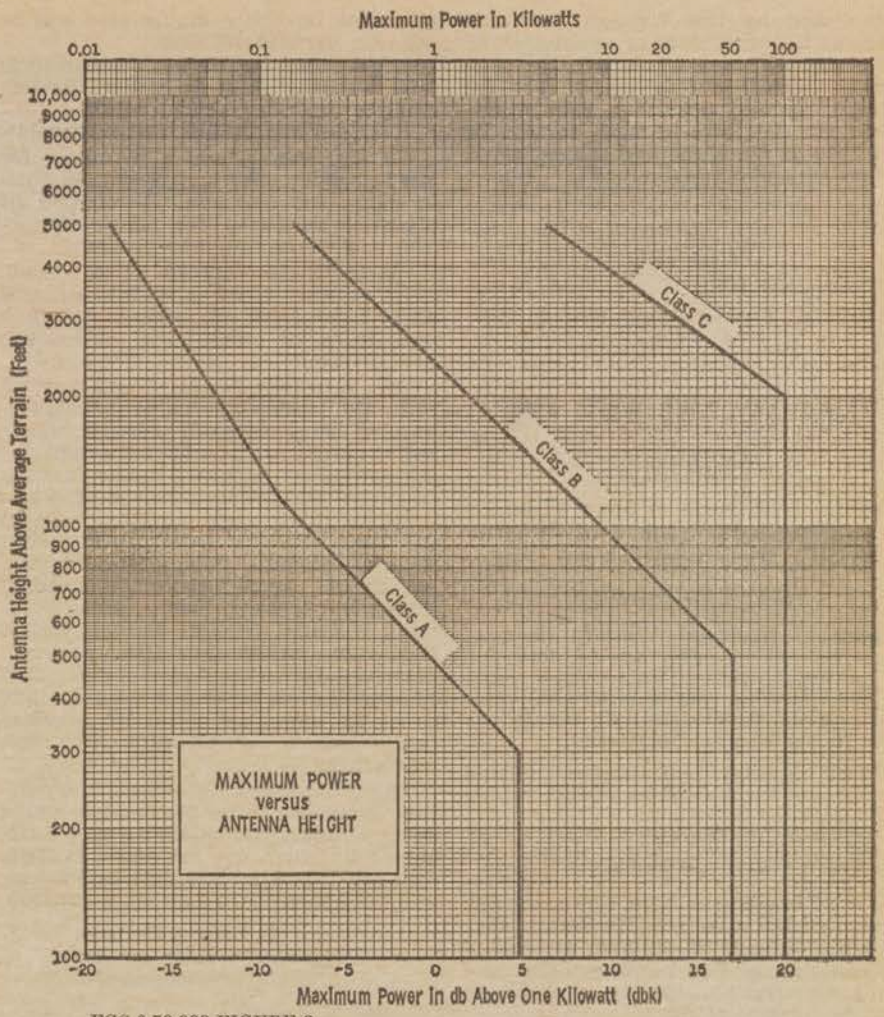
Adopted: January 28, 1970.

Released: January 29, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[2] No FM stations have been authorized with antenna height of more than 5,000 feet a.a.t.

[3] Commissioner Cox abstaining from voting.



FCC § 73.333 FIGURE 3

[F.R. Doc. 7-1365; Filed, Feb. 4, 1970; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2268]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Subpart 4115—Records and Administrative Procedures

LICENSES AND PERMITS

On page 19200 of the FEDERAL REGISTER of December 4, 1969, there was published a notice of a proposed amendment to 43 CFR 4115.2-1(k)(1)(ii). The purpose of the amendment is to defer for 1 year (the fee year beginning March 1, 1970), the implementation of annual increment to the range forage fees, in order to permit time for the consideration of the report of the Public Land Law Review Commission.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment.

In a majority of instances, the correspondence received supported the amendment as proposed. Communications from district advisory board sources supported the amendment as proposed in virtually all instances.

The amendment is hereby adopted as proposed, except that the term "grazing use year" is revised to read "fee year." The amendment, as set forth below, shall be effective upon publication in the FEDERAL REGISTER.

Subdivision (ii) of subparagraph (1) of paragraph (k) of § 4115.2-1 is amended as follows:

§ 4115.2-1 **License and permit procedures; requirements and conditions.**

* * * * * *

(k) *Fees, payments, and refunds*—(1) *Fees.* * * *

(ii) Fees will be established by the Secretary in nine equal annual increments, effective with the fee year beginning March 1, 1971, to attain the fair market value of range forage at the 1979 fee year. Fair market value is that value

established by the Western Livestock Grazing Survey of 1966 or as determined by a similar study which may be conducted periodically to update the fee base, if deemed necessary. Annual adjustments may also be made for any of the 1970–79 fee years, and thereafter, to reflect current market values.

* * * * *

WALTER J. HICKEL,
Secretary of the Interior.

JANUARY 29, 1970.

[F.R. Doc. 70–1443; Filed, Feb. 4, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the Piedmont National Wildlife Refuge, Ga., is permitted only on the area designated by signs as open to hunting. (The Hitchiti Experimental Forest is closed to turkey hunting.) The open area, comprising approximately 32,000 acres or 95 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of wild turkey subject to the following special conditions:

(1) Species permitted to be taken: Turkey gobblers with visible beards.

(2) Open season: April 20–25, 1970. Persons are permitted in the areas open for turkey hunting and refuge maintained roads only between the hours of 4 a.m. and 12 noon, e.s.t., on the above cited hunting days.

(3) All turkeys killed must be checked in at refuge headquarters before leaving the area.

(4) Use of vehicles of all types are restricted to State and county roads and to the two specifically designated refuge maintained roads.

(5) Camping and fires are restricted to the designated camping area in Compartment 19. The camping area will be open on April 19–26, 1970.

(6) Hunters not having reached their 18th birthday must be under the immediate supervision of an adult.

(7) Hunt permits are nontransferable.

(8) Apprehension of a permittee for any infraction of refuge regulations shall be cause for immediate revocation of his hunt permit by any officer authorized to enforce refuge regulations.

(9) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.

(10) A refuge permit is required to enter the public hunting area. A maximum of 300 permits will be issued for the entire 6-day hunt. Hunters will be selected by an impartial public drawing from the applications received. Applications for this permit must be made on the form available from the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080. Completed permit applications must be in the office of the Piedmont National Wildlife Refuge, Round Oak, Ga. 31080 by 4:30 p.m. on March 31, 1970. Submission of more than one application for each hunter shall be cause for rejection of all his applications and is a violation of hunt regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 26, 1970.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 27, 1970.

[F.R. Doc. 70–1431; Filed, Feb. 4, 1970; 8:47 a.m.]

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

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

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box, 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 1, 1970, to September 30, 1970, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1970.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JANUARY 29, 1970.

[F.R. Doc. 70–1432; Filed, Feb. 4, 1970; 8:47 a.m.]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak. 57551, is permitted on that portion of Waterfowl Management Unit 10, which is designated by signs as open to fishing. This open area, comprising a total of 100 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the Waterfowl Management Unit No. 10 extends from April 1, through September 30, 1970, inclusive; daylight hours only.

(2) The use of boats is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1970.

VICTOR M. HALL,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

JANUARY 30, 1970.

[F.R. Doc. 70–1407; Filed, Feb. 4, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would (a) eliminate the use of accelerated methods of depreciation except with respect to assets currently being depreciated on that basis; (b) limit the cost basis of depreciable property to the lowest of price paid, fair market value, or depreciated current reproduction cost at the time of purchase; (c) exclude from equity capital and the base on which interest may be allowed amounts paid for facilities in excess of the lower of the fair market value or the depreciated current reproduction costs of tangible assets; (d) expand the conditions under which gains or losses on sales of depreciable assets are taken into account in determining provider cost; and (e) provide for the recovery of amounts paid toward depreciation in excess of what would have been paid on a straight-line basis when a provider that has used accelerated methods terminates or substantially reduces participation.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1814(b), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 322, 79 Stat. 326; 42 U.S.C. 1302, 1395 et seq.

Dated: January 26, 1970.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 2, 1970.

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

Subpart D of Regulations No. 5 is amended as set forth below.

1. Paragraph (d) of § 405.402 is revised to read as follows:

§ 405.402 Cost reimbursement; general.

* * * * *

(d) In developing these principles of reimbursement for the health insurance program, all of the considerations inherent in allowances for depreciation were studied. The principles, as presented, provide options to meet varied situations. Depreciation will essentially be on an historical cost basis but since many institutions do not have adequate records of old assets, the principles provide an optional allowance in lieu of such depreciation for assets acquired before 1966. For assets acquired after 1965, the historical cost basis must be used. All assets actually in use for production of services for title XVIII beneficiaries will be recognized even though they may have been fully or partially depreciated for other purposes. Assets financed with public funds may be depreciated. Although funding of depreciation is not required, there is an incentive for it since income from funded depreciation is not considered as an offset which must be taken to reduce the interest expense that is allowable as a program cost.

2. Section 405.415 is revised to read as follows:

§ 405.415 Depreciation: Allowance for depreciation based on asset costs.

(a) *Principle.* An appropriate allowance for depreciation on buildings and equipment is an allowable cost. The depreciation must be:

(1) Identifiable and recorded in the provider's accounting records;

(2) Based on the historical cost of the asset or fair market value at the time of donation in the case of donated assets; and

(3) Prorated over the estimated useful life of the asset using the straight-line method. Providers using accelerated depreciation for Medicare purposes under the declining balance or sum-of-the-years' digits methods prior to the date specified in paragraph (h) of this section may continue to use such methods for assets to which those methods were applied prior to such date.

(b) *Definition.* (1) *Historical costs.* Historical cost is the cost incurred by the present owner in acquiring the asset. For depreciable assets acquired after the date specified in paragraph (h) of this section, the historical cost shall not exceed the lower of current reproduction cost adjusted for straight-line depreciation over the life of the asset to the time of the purchase or fair market value at the time of the purchase.

(2) *Fair market value.* Fair market value is the price that the asset would bring by bona fide bargaining between well-informed buyers and sellers at the date of acquisition. Usually the fair market price will be the price at which bona fide sales have been consummated for assets of like type, quality, and quantity in a particular market at the time of acquisition.

(3) *The straight-line method.* Under the straight-line method of depreciation, the cost or other basis (e.g., fair market value in the case of donated assets) of the asset, less its estimated salvage value, if any, is determined first. Then this amount is distributed in equal amounts over the period of the estimated useful life of the asset.

(4) *Declining balance method.* Under the declining balance method, the annual depreciation allowance is computed by multiplying the undepreciated balance of the asset each year by a uniform rate up to double the straight-line rate.

(5) *Sum-of-the-years' digits method.* Under the sum-of-the-years' digits method, the annual depreciation allowance is computed by multiplying the depreciable cost basis (cost less salvage value) by a constantly decreasing fraction. The numerator of the fraction is represented by the remaining years of useful life of the asset at the beginning of each year, and the denominator is always represented by the sum of the years' digits of useful life at the time of acquisition.

(6) *Current reproduction cost.* Current reproduction cost is the cost at current prices, in a particular locality or market area, of reproducing an item of property or a group of assets. Where depreciable assets are concerned, this means the reasonable cost to have built, reproduce in kind, or, in the case of equipment or similar assets, to purchase in the competitive market.

(c) *Recording of depreciation.* Appropriate recording of depreciation encompasses the identification of the depreciable assets in use, the assets' historical costs, the method of depreciation, estimated useful life, and the assets' accumulated depreciation. The Chart of Accounts published by the American Hospital Association and publications of the Internal Revenue Service are to be used as guides for the estimation of the useful life of assets.

(d) *Depreciation methods.* (1) Proration of the cost of an asset over its useful life will be allowed on the straight-line method, or, where permitted under § 405.415(a)(3), the declining balance or the sum-of-the-years' digits methods. One method may be used on a single asset or group of assets and another method on others. In applying the declining balance or sum-of-the-years' digits method to an asset that is not new, the undepreciated balance of the asset is to be treated as the cost of a new asset in computing depreciation.

(2) A provider may change from an accelerated method to the straight-line method upon advance approval from the

intermediary on a prospective basis with the request being made before the end of the first month of the prospective reporting period. Once such a change with respect to a particular asset has been made by a provider, an accelerated method may not thereafter be reestablished for that asset.

(3) When a provider who has used an accelerated method of depreciation with respect to any of its assets terminates participation in the program, or where the Medicare proportion of its allowable costs decreases substantially, the excess of reimbursable cost determined by using accelerated depreciation methods and paid under the program over the reimbursable cost which would have been determined and paid under the program by using the straight-line method of depreciation will be recovered as an offset to current reimbursement due or, if the provider has terminated participation in the program, as an overpayment. In this determination of excess payment, recognition will be given to the effects the adjustment to straight-line depreciation would have on the return on equity capital and on the allowance in lieu of specific recognition of other costs in the respective years.

(e) *Funding of depreciation.* Although funding of depreciation is not required, it is strongly recommended that providers use this mechanism as a means of conserving funds for replacement of depreciable assets, and coordinate their planning of capital expenditures with areawide planning activities of community and State agencies. As an incentive for funding, investment income on funded depreciation will not be treated as a reduction of allowable interest expense.

(f) *Gains and losses on disposal of assets.* Gains and losses realized from the disposal of depreciable assets while a provider is participating in the program, or within 1 year after the provider terminates participation in the program, are to be included in the determination of allowable cost. The extent to which such gains and losses are includable is to be calculated on a proration basis recognizing the amount of depreciation charged under the program in relation to the amount of depreciation, if any, charged or assumed in a period prior to the provider's participation in the program, and in the period after the provider's participation in the program when the sale takes place within 1 year after termination.

(g) *Establishment of cost basis on purchase of facility as an ongoing operation.* In establishing the cost basis for a facility purchased as an ongoing operation after July 1, 1966, the price paid by the purchaser shall be the cost basis where the purchaser can demonstrate that the sale was a bona fide sale and the price did not exceed the fair market value of the facility at the time of the sale. The cost basis for depreciable assets shall not exceed the fair market value of those assets at the time of sale. If the purchaser cannot demonstrate that the sale was bona fide, the purchaser's cost basis shall not exceed the seller's cost basis, less accumulated depreciation. Further, for depreciable assets acquired on or after the date specified in paragraph (h) of this section, the cost basis of the depreciable assets shall not exceed the current reproduction cost depreciated on a straight-line basis over the life of the assets to the time of the sale. Also, where a facility is purchased as an ongoing operation on or after the date specified in paragraph (h) of this section, the cost basis shall not exceed the fair market value of the tangible assets purchased, subject to the above limitations applicable to the depreciable assets.

(h) *Effective date.* The date referred to in paragraphs (a)(3), (b)(1), and (g) of this section shall be [the date of the final publication of these proposed regulations in the FEDERAL REGISTER].

3. Section 405.419 is amended by adding new paragraph (d) to read as follows:

§ 405.419 Interest expense.

* * * * *

(d) *Loans not reasonably related to patient care.* Loans made to finance that portion of the cost of acquisition of a facility that exceeds historical cost as determined under § 405.415(b) or the cost basis as determined under § 405.415 (g) are not considered to be for a purpose reasonably related to patient care. In determining whether a loan was made for this purpose, it should be assumed that any owner's investment or funds are applied first to the tangible assets and then to the goodwill. Where the owner's investment or funds are not sufficient to cover the cost allowed for tangible assets, funds borrowed to finance the acquisition are applied to the portion of the allowed cost of the tangible assets not covered by the owner's investment and then to the goodwill.

4. Paragraph (b) of § 405.429 is revised to read as follows:

§ 405.429 Return on equity capital of proprietary providers.

* * * * *

(b) *Application.* Proprietary providers generally do not receive public contributions and assistance of Federal and other governmental programs such as Hill-Burton in financing capital expenditures. Proprietary institutions historically have financed capital expenditures through funds invested by owners in the expectation of earning a return. A return on investment, therefore, is needed to avoid withdrawal of capital and to attract additional capital needed for expansion. For purposes of computing the allowable return, the provider's equity capital means:

(1) The provider's investment in plant, property, and equipment related to patient care (net of depreciation) and funds deposited by a provider who leases plant, property, or equipment related to patient care and is required by the terms of the lease to deposit such funds (net of noncurrent debt related to such investment or deposited funds), and (2) net working capital maintained for necessary and proper operation of patient care activities (excluding the amount of any current payment made pursuant to § 405.454(g)(1)). However, debt representing loans from partners, stockholders, or related organizations on which interest payments would be allowable as costs but for the provisions of § 405.419(b)(3)(ii), is not subtracted in computing the amount of (1) and (2), in order that the proceeds from such loans be treated as a part of the provider's equity capital. In computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of the historical cost, or other basis, used for depreciation and other purposes under the health insurance program. The excess of the price paid for a facility or for tangible net assets over the historical cost, as determined under § 405.415(b) or the cost basis as determined under § 405.415(g), is not includable in equity capital and loans made to finance that portion of the cost of acquisition are excluded in computing equity capital. For purposes of computing the allowable return the amount of equity capital is the average investment during the reporting period. The rate of return allowed, as derived from time to time based upon interest rates in accordance with this principle, is determined by the Social Security Administration and communicated through intermediaries. Return on investment as an element of allowable costs is subject to apportionment in the same manner as other elements of allowable costs. For the purposes of this regulation, the term "proprietary providers" is intended to distinguish providers, whether sole proprietorships, partnerships, or corporations, that are organized and operated with the expectation of earning profit for the owners, from other providers that are organized and operated on a nonprofit basis.

[F.R. Doc. 70-1474; Filed, Feb. 4, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10118]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Viscount Models 744, 745D, and 810 series airplanes.

There have been reports that the shear neck of the cabin blower (supercharger) accessory gear box drive quill did not shear after serious internal failure of the cabin blower (supercharger). Continued rotation of the quill in such a situation constitutes a fire hazard and could cause serious damage to the accessory gearbox. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the cabin blower (supercharger) drive quill with a drive quill having a reduced shear neck diameter on British Aircraft Corp. Viscount Models 744, 745D, and 810 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before March 7, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

BRITISH AIRCRAFT CORP. Applies to Viscount Models 744, 745D, and 810 series airplanes.

Within the next 750 hours' time in service after the effective date of this AD, unless already accomplished, replace the obsolete cabin blower (supercharger) drive quill with a serviceable or reworked drive quill in accordance with Dowty Rotol Service Bulletin No. 83-407, Revision 2, dated August 1969, for Models 744 and 745D series airplanes; or Dowty Rotol Service Bulletin No. 83-378, dated August 1968, for Model 810 series airplanes; or an FAA-approved equivalent as follows:

Obsolete Drive Quill P/N	*Replacement Drive Quill P/N*
602206000 (Models 744 and 745D)	602206002
G28165 (Models 744 and 745D)	601017004
G2575 (Model 810)	G28302

(British Aircraft Corp. Viscount Bulletins for Modification Nos. D3237 and G.2083 cover this same subject)

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

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

[F.R. Doc. 70-1451; Filed, Feb. 4, 1970; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-CE-113]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Arkansas City/Winfield, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new public instrument approach procedures have been developed for Strother Field, Arkansas City/Winfield, Kans., utilizing a privately owned VOR located on the airport and a privately owned radio beacon located south of the airport as navigational aids. The new procedures will become effective concurrently with designation of controlled airspace for their protection. Accordingly, it is necessary to alter the Arkansas City/Winfield, Kans., transition area to adequately protect aircraft executing the new instrument approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

ARKANSAS CITY/WINFIELD, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

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

Issued in Kansas City, Mo., on January 9, 1970.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 70-1457; Filed, Feb. 4, 1970; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-SW-75]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Areas R-5104A, R-5104B, and R-5105 at Melrose, N. Mex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The times of designation of R-5104A, R-5104B, and R-5105 are presently from sunrise to sunset.

The Department of the Air Force has advised that the times of designation of the above restricted areas do not meet its needs and has requested that the times be extended as soon as possible.

If the proposals contained in this docket are adopted, the times of designation of R-5104A, R-5104B, and R-5105 would be changed to read "Continuous."

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

Issued in Washington, D.C. on January 27, 1970.

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

[F.R. Doc. 70-1452; Filed, Feb. 4, 1970; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 69-SO-153]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering a proposal submitted by

the Department of the Navy that would designate a temporary restricted area in the coastal region adjacent to Jacksonville and Beaufort, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration is considering the designation of the following temporary restricted area:

Name: Exotic Dancer III—Joint Military Exercise

Location: Camp Lejeune—Croatan National Forest, N.C.

Boundaries: Beginning at lat. 35°30'00" N., long. 76°30'00" W.; to lat. 35°24'00" N., long. 76°00'00" W.; to lat. 35°01'00" N., long. 76°00'00" W.; thence southwest along the boundary of W–122 to lat. 34°17'45" N., long. 77°37'50" W.; to lat. 34°35'00" N., long. 77°40'00" W.; to lat. 34°54'00" N., long. 77°30'00" W.; to lat. 35°02'58" N., long. 77°30'00" W.; to lat. 35°06'55" N., long. 77°10'20" W.; to lat. 35°00'05" N., long. 77°10'20" W.; to lat. 34°57'10" N., long. 77°06'55" W.; thence northeast along the boundary of the New Bern Control Zone to lat. 35°02'00" N., long. 76°58'15" W.; thence to point of beginning.

Designated altitudes: Surface to FL–450, except the area west and southwest of R–5306 A, B, and C, would have a ceiling of FL–230; and except the area north of a line extending from lat. 34°54'00" N., long. 77°-30'00" W.; to lat. 34°57'10" N., long. 77°06'-55" W., would have a ceiling of 3,000 feet MSL; and excluding the airspace below 3,000 feet MSL within a 5-mile radius of the Beaufort-Moorehead City Airport and within 5 miles each side of a line extending from the airport to the New Bern VOR.

Time of designation: Continuous, May 16, 1970, through May 25, 1970.

Controlling agency: FAA, Washington ARTC Center, Leesburg, Va.

Using agency: U.S. Atlantic Command, Norfolk, Va.

The proposed restricted area would be utilized for a Joint Military Training Exercise, wherein during the designated period extensive air drop/landing assaults will occur in support of ground forces. Tactical air maneuvers will be contained in the proposed special use airspace under both VFR and IFR conditions through direct control by the appropriate Military Air Traffic Regulations Center. Nonexercise air traffic generated by civil airports within the proposed restricted area will be handled on a coordinated basis using preferential routings, altitudes and coordinated times to effect safe ingress and egress of the proposed area.

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

Issued in Washington, D.C., on January 27, 1970.

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

[F.R. Doc. 70–1455; Filed, Feb. 4, 1970; 8:48 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 69–WA–60]

JET ROUTE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate the United States portion of Jet Route No. 540 from Lethbridge, Alberta, Canada, direct to Mullan Pass, Idaho. This jet route would serve transborder turbojet aircraft operations.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on January 27, 1970.

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

[F.R. Doc. 70–1453; Filed, Feb. 4, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 113]

NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Guaranty Loan Program

Notice is hereby given that the Small Business Administration proposes to amend Part 113, SBA Rules and Regulations, pertaining to nondiscrimination in financial assistance programs.

The proposed amendment adds the guaranty loan program to those programs subject to the nondiscrimination regulations and provides that the regulations contain explicit authority for the agency to withhold or withdraw financial assistance in any instance in which an applicant or recipient is determined to be in noncompliance with Part 113 upon the completion of the procedures prescribed therein. The proposed amendment reads as follows:

Part 113 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising subparagraph (6) of paragraph (a) of § 113.2 to read as follows:

§ 113.2 Definitions.

* * * * *

(a) * * *

(6) section 2 of Public Law 87–550; whether extended directly or in cooperation with banks or other lenders through agreements to participate on an immediate basis, or under guaranty agreements.

* * * * *

2. Revising subparagraphs (1) and (2) of paragraph (a) and revising paragraph (c) of § 113.7 to read as follows:

§ 113.7 Procedure for effecting compliance.

(a) *General.* (1) If there appears to be a failure or threatened failure to comply with this part and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by suspending, terminating, or refusing any financial assistance approved but not yet disbursed to an applicant. In the case of loans partially or fully disbursed, compliance with this part may be effected by calling, canceling, terminating, accelerating repayment or suspending in whole or in part the financial assistance provided. In addition compliance may be effected by any other means authorized by law.

(2) Such other means may include but are not limited to (i) legal action by SBA to enforce its rights, embodied in the assurances described in 113.4; (ii) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States; and (iii) any applicable proceedings under State or local law.

* * * * *

(c) *Condition precedent.* Under this Part 113, no order suspending, terminating, refusing, calling, canceling, or accelerating repayment of financial assistance in whole or in part shall become effective until (1) SBA has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means; (2) there has been an express finding on the record after an opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part; and (3) the action has been approved by the Administrator of SBA to § 113.9.

* * * * *

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revisions to the Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Dated: January 29, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1450; Filed, Feb. 4, 1970; 8:47 a.m.]

[13 CFR Part 121]

LOANS AND LOAN GUARANTEES

Definition of Small Business Coal and Lignite Mining Concerns

On July 21, 1967, there was published in the FEDERAL REGISTER (32 F.R. 10754) a Notice that the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing definitions of small business for various mining industries for the purpose of SBA loans.

The above-mentioned proposals were made by Bernard L. Boutin, who, at that time, was Administrator of the Small Business Administration. No action was taken on the proposals prior to the time of Mr. Boutin's resignation as Administrator of the Small Business Administration, and more than a year has elapsed since the date of such proposals. Accordingly, the proposals previously made are hereby voided.

Notice is hereby given that the Administrator of the Small Business Administration now proposes to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by establishing definitions of small business in certain mining industries for the purpose of SBA loans or loan guarantees.

The proposed definitions are as set forth in proposed Schedule F below. The employment size standard proposed for each industry in Schedule F is based on an analysis of the organization and structure of the anthracite and bituminous coal and lignite mining industries based primarily on data and other pertinent information compiled by the Bureau of the Census and the Bureau of Mines.

Interested persons may file with the Small Business Administration within 15 days after publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence should be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Coal and lignite mining industries, proposed employment size:

STANDARDS FOR SBA LOANS AND LOAN GUARANTEES (SCHEDULE F)

Census classification code	Industry	Schedule F proposed size standard (number of employees)
1111	Anthracite	250
1112	Anthracite mining services	250
1211	Bituminous coal	500
1212	Lignite	500
1213	Bituminous coal and lignite mining services.	250

Dated: January 29, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1449; Filed, Feb. 4, 1970; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 17]

DISTRICT DIRECTORS

Revocation of Authority To Issue Determination Letters

Commissioner Delegation Order No. 17, dated January 23, 1956, delegated to District Directors of Internal Revenue authority to issue, in response to taxpayers' written requests and in accordance with applicable instructions, determination letters under the provisions of sections 401, 501, and 521 of the Internal Revenue Code of 1954. This authority is continued in Delegation Orders No. 112 and 113, both issued January 30, 1970 and effective February 9, 1970.

Accordingly, Commissioner Delegation Order No. 17, issued January 23, 1956, is hereby revoked.

Date of issue: January 30, 1970.

Effective date: February 9, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-1480; Filed, Feb. 4, 1970; 8:50 a.m.]

[Order 88 (Rev. 3)]

DISTRICT DIRECTORS AND DIRECTOR OF INTERNATIONAL OPERATIONS

Issuance of Notices of Revocation and Reestablishment of Exemption

1. Pursuant to the provisions of 26 CFR 1.503(a)-1, the authority vested in the Commissioner of Internal Revenue to determine that:

(a) A trust described in section 401(a) has engaged in a prohibited transaction as defined in section 503(c) or 503(j) and to notify such trust in writing of the revocation of exemption is delegated to each District Director of Internal Revenue and to the Director of International Operations. Each Director is also delegated the authority to determine that such a trust will not knowingly again engage in a prohibited transaction and that the trust also satisfies all other requirements under section 401(a) of the Internal Revenue Code of 1954, and to notify such trust in writing of the reestablishment of its exemption pursuant to 26 CFR 1.503(d)-(1).

(b) An organization described in section 501(c)(3) or 501(c)(17) has engaged in a prohibited transaction as defined in section 503(c) and to notify such organization in writing of the revocation of exemption is delegated to the District Director of Internal Revenue for each of the following Districts:

Atlanta.	Detroit.
Austin.	Los Angeles.
Baltimore.	Manhattan.
Boston.	Philadelphia.
Chicago.	St. Louis.
Cincinnati.	St. Paul.
Cleveland.	San Francisco.
Dallas.	Seattle.

and to the Director of International Operations. Such Directors are also delegated the authority to determine that such an organization will not knowingly again engage in a prohibited transaction and that the organization also satisfies all other requirements under section 501(c)(3) or (17) of the Internal Revenue Code of 1954, and to notify such organization in writing of the reestablishment of its exemption pursuant to 26 CFR 1.503(d)-(1).

2. The authority delegated in this order may be redelegated but not below Chief, Audit Division.

3. This order supersedes Delegation Order No. 88 (Rev. 2), issued February 11, 1966.

Date of issue: January 30, 1970.

Effective date: February 9, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-1481; Filed, Feb. 4, 1970; 8:50 a.m.]

[Order 112]

DISTRICT DIRECTORS AND DIRECTOR OF INTERNATIONAL OPERATIONS

Authority To Issue Determination Letters Relating to Pension Trust Matters

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to each District Director of Internal Revenue and to the Director of International Operations the authority to:

1. Issue determination letters involving the provisions of sections 401, 405, and 501(a) of the Internal Revenue Code of 1954 with respect to:

(a) Initial qualification of stock bonus, pension, profit-sharing, annuity, and bond purchase plans;

(b) Initial exemption from Federal income tax under section 501(a) of trusts forming a part of such plans, provided that the determination does not involve application of section 502 (feeder organizations) or section 511 (unrelated business income), or the question of whether a proposed transaction will be a prohibited transaction under section 503;

(c) Compliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section 402(c)) and deductions for employer contributions (section 404(a)(4));

(d) Amendments, curtailments, or terminations of such plans and trusts; and

(e) Effect on qualification of such plans and exempt status of such trusts of investments of trust funds in the stocks or securities of the employer.

2. Issue modifications or revocations of determination letters described above (see Commissioner Delegation Order No. 88 as revised for authority to issue notices of revocation of exemption relating to prohibited transactions as defined in section 503(c) or 503(j)).

3. Redelegate this authority as follows:

(a) With respect to issuance and modification of determination letters, not below Internal Revenue Agent, GS-11, provided such individual is a person other than the initiator.

(b) With respect to revocation of determination letters, not below Chief, Audit Division.

Date of issue: January 30, 1970.

Effective date: February 9, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70-1482; Filed, Feb. 4, 1970; 8:50 a.m.]

[Order 113]

DISTRICT DIRECTORS AND DIRECTOR OF INTERNATIONAL OPERATIONS

Authority To Issue Determination Letters Relating to Exempt Organization Matters

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the District Director of Internal Revenue for each of the following Districts:

Atlanta.	Detroit.
Austin.	Los Angeles.
Baltimore.	Manhattan.
Boston.	Philadelphia.
Chicago.	St. Louis.
Cincinnati.	St. Paul.
Cleveland.	San Francisco.
Dallas.	Seattle.

and to the Director of International Operations the authority to:

1. Issue determination letters involving the provisions of the Internal Revenue Code of 1954 with respect to:

Exemptions from Federal income tax under sections 501 and 521 provided the requests present questions that are specifically covered by statute, Treasury

decision or regulation, or by a ruling, opinion, or court decision published in the Internal Revenue Bulletin.

2. Issue modifications or revocations of determination letters described above (see Commissioner Delegation Order No. 88 as revised for authority to issue notices of revocation of exemption relating to prohibited transactions as defined in section 503(c)).

3. Redelegate this authority as follows:

(a) With respect to issuance and modification of determination letters, not below Internal Revenue Agent, GS–11, provided such individual is a person other than the initiator.

(b) With respect to revocation of determination letters, not below Chief, Audit Division.

Date of issue: January 30, 1970.

Effective date: February 9, 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner.

[F.R. Doc. 70–1483; Filed, Feb. 4, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Muskogee Area Office Redelegation Order 2, Amdt. 1]

SUPERINTENDENTS ET AL., MUSKOGEE

Delegation of Authority

JANUARY 28, 1970.

On June 6, 1969, a revision making additional exceptions to the authorities redelegated to Area Directors in 10 BIAM 3 was published in the FEDERAL REGISTER (34 F.R. 9038). This revision makes it necessary to amend Muskogee Area Office Redelegation Order 2, published in the FEDERAL REGISTER (34 F.R. 15812–15813) on October 14, 1969, to delete certain redelegations made in section 2.11 of authority which the Area Director may not exercise.

Section 2.11 is hereby amended to read as follows:

SECTION 2.11 *Loan agreements and modifications.* The approval of applications by individuals, cooperative associations, credit associations, and incorporated and unincorporated tribes and bands, and groups of Indians, for loans pursuant to 25 CFR 91 where the indebtedness to the lender does not exceed $10,000; the issuance of commitment orders; the approval of modifications of loan agreements provided the modification does not extend the repayment terms of the loan; and the approval of the terms and conditions of loans to encourage industry.

VIRGIL N. HARRINGTON,
Area Director.

Approved: January 29, 1970.

JAMES F. CANAN,
Acting Associate Commissioner of Indian Affairs.

[F.R. Doc. 70–1430; Filed, Feb. 4, 1970; 8:46 a.m.]

UTE MOUNTAIN UTE AGENCY

Notice of Name Change

JANUARY 29, 1970.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to Resolution 1855 enacted by the Ute Mountain Tribal Council, the name of Ute Mountain Agency is changed to Ute Mountain Ute Agency.

JAMES CANAN,
Acting Associate Commissioner.

[F.R. Doc. 70–1435; Filed, Feb. 4, 1970; 8:47 a.m.]

Bureau of Land Management

[Serial No. A 4316]

ARIZONA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership by State Indemnity Lieu Selection

JANUARY 28, 1970.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands described below are hereby classified for transfer to the State of Arizona on Indemnity Lieu Selection. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws except for State Indemnity Lieu Selections, and from appropriation under the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The notice of proposed classification of these lands was published November 20, 1969, in 34 F.R. 18482 and 18483 and publicized in a local newspaper. A number of letters were received, some in support and others in opposition to the proposal. After consideration of the comments received and other factors pertinent to the classification, we have concluded that the classification as proposed is proper.

3. The lands affected by this classification are located in Mohave County and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 41 N., R. 11 W.,
Sec. 6, lots 3 to 8, inclusive, S½NW¼, and SW¼;
Sec. 7, lots 1 to 4, inclusive, NW¼, and S½;
Sec. 8, SW¼.
T. 42 N., R. 11 W.,
Sec. 31, lots 3 to 7, inclusive, and SW¼.
T. 41 N., R. 12 W.,
Secs. 1, 3, and 4;
Sec. 5, NE¼ and S½;
Sec. 6, lots 6 and 7, E½SW¼, and SE¼;
Sec. 8, NW¼NW¼, E½W½, and E½;
Secs. 9, 10, 11, 12, 14, 15, and 17.
T. 42 N., R. 12 W.,
Sec. 33, lots 1 to 4, inclusive, and S½;
Sec. 34, lots 1 to 4, inclusive, and S½;
Sec. 35, lots 1 to 4, inclusive, and S½.

The areas described aggregate 10,617.43 acres.

4. The State has already filed selection applications on all of the lands described above. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

FRED J. WEILER,
State Director.

[F.R. Doc. 70–1444; Filed, Feb. 4, 1970; 8:47 a.m.]

[A 4488]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. A 4488, for withdrawal of lands from mineral location, entry and patent under the General Mining Laws.

These lands are part of a corridor of public lands being used for electrical transmission line and stock driveway purposes. These lands are withdrawn for reclamation purposes under First Form Reclamation Withdrawal by Secretarial order of August 21, 1909. The lands were also withdrawn for stock driveway purposes on June 6, 1923. Secretarial order of September 16, 1939 opened these lands to mineral entry. This withdrawal application A 4488 would close these lands to mining location to reserve them for public use for transmission line and stock driveway purposes.

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, 3022 Federal Building, Phoenix, Ariz. 85025.

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

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.

The lands involved in the application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 N., R. 8 E.,
Sec. 1, lots 2, 3, 4, and SW¼NW¼;
Sec. 2, SE¼NE¼, S½SW¼, N½SE¼ and N½SW¼SE¼;
Sec. 3, S½SE¼SE¼;
Sec. 10, N½N½;
Sec. 11, W½W½ and W½E½SW¼;
Sec. 14, W½E½NW¼, E½W½NW¼, E½SW¼ and E½NW¼SW¼.

The lands described aggregate approximately 940.98 acres of public lands in Pinal County.

FRED J. WEILER,
State Director.

JANUARY 29, 1970.

[F.R. Doc. 70-1469; Filed, Feb. 4, 1970; 8:49 a.m.]

[New Mexico 10947]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 28, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 10947, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for a roadside recreation zone, a recreation management area 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:

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

Shipman Administrative Site

T. 9 S., R. 6 W.,
Sec. 16, S½NE¼SW¼ and SE¼SW¼.

Sandia Crest Recreation Management Area

T. 12 N., R. 5 E.,
Sec. 30, W½SW¼NE¼, NW¼, N½N½SW¼, NW¼NW¼SE¼, and SW¼SW¼SE¼, unsurveyed;
Sec. 31, W½NE¼ and E½W½SE¼, unsurveyed.

Sandia Scenic Drive Recreation Zone

A strip of land 500 feet each side of the centerline of the Sandia Scenic Drive through the following subdivisions:

T. 11 N., R. 5 E.,
Sec. 4, NW¼ and S½ lot 5 and NW¼ lot 11 if and when surveyed;
Sec. 5, lot 5, S½ lot 6, lot 7, NE¼ lot 8, W½ lot 9, lot 10, E½ and NW¼ lot 11, lot 12, NW¼SW¼ and N½NW¼SE¼, if and when surveyed;
Sec. 6, lot 7, E½ and SW¼ lot 8, lot 9, NE¼ lot 10 and E½NE¼SE¼, if and when surveyed.

T. 12 N., R. 5 E.,
Sec. 8, S½SW¼NE¼, SE¼SE¼NW¼, E½E½SW¼, W½NE¼SE¼, SE¼NE¼SE¼, NW¼SE¼, and S½SE¼, unsurveyed;
Sec. 9, E½SW¼NE¼, NW¼SW¼SW¼, S½SW¼SW¼, E½W½SE¼, and SW¼SE¼SE¼;
Sec. 16, W½NE¼NE¼, W½NE¼, NW¼SE¼NE¼, NW¼, N½NE¼SW¼, NE¼NW¼SW¼, and NW¼NW¼SE¼;
Sec. 17, W½NE¼, NE¼NE¼NW¼, NE¼SW¼SW¼, S½SW¼SW¼, NW¼SE¼SW¼, S½SE¼SW¼, W½NE¼SE¼, NW¼SE¼, E½SW¼SE¼, and W½SE¼SE¼, unsurveyed;
Sec. 19, SW¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼, unsurveyed;
Sec. 20, NE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, S½NE¼, E½NW¼, NW¼NW¼NW¼, E½W½W½, NE¼SW¼, N½NE¼SE¼, and NE¼NW¼SE¼;
Sec. 21, W½SW¼NW¼ and NW¼NW¼SW¼;
Sec. 29, W½NE¼, SE¼NW¼, N½SW¼NW¼, SE¼SW¼NW¼, NE¼NE¼SW¼, and NW¼NW¼SE¼;
Sec. 30, E½E½, NW¼NE¼, E½SW¼NE¼, and E½W½SE¼, unsurveyed;
Sec. 31, E½E½, unsurveyed;
Sec. 32, W½W½SW¼, unsurveyed;
Sec. 33, SW¼NE¼SW¼, SE¼NW¼SW¼, SW¼SW¼, NE¼SE¼SW¼, and W½SE¼SW¼.

The areas described aggregate 2,310 acres, more or less.

W. J. EGAN,
Land Office Manager.

[F.R. Doc. 70-1406; Filed, Feb. 4, 1970; 8:45 a.m.]

[OR 5263]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 29, 1970.

The Bureau of Land Management, U.S. Department of the Interior, has filed application, Serial No. OR 5263, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws.

The applicant desires to have the Emile Creek and Swiftwater Recreation Sites and the Little River County Wayside withdrawn to protect the sites and reserve the area for recreation use.

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

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

After receipt of comments from interested parties, he will 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 Bureau of Land Management.

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:

WILLAMETTE MERIDIAN

EMILE CREEK RECREATION SITE

T. 27 S., R. 2 W.,
Sec. 1, W½SW¼.

LITTLE RIVER COUNTY WAYSIDE

T. 27 S., R. 2 W.,
Sec. 8, S½SE¼.

SWIFTWATER RECREATION SITE

T. 26 S., R. 3 W.,
Sec. 1, S½SW¼.

The area described aggregates 240 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-1403; Filed, Feb. 4, 1970; 8:45 a.m.]

[OR 5708]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

JANUARY 27, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 5708, for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use as the North Powder Dam, Reservoir, and Recreation Area.

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

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He

will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

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

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

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

The land involved in the application is:

WHITMAN NATIONAL FOREST

NORTH POWDER DAM AND RESERVOIR AREA

T. 7 S., R. 38 E.,
Sec. 5, lots 3 and 4 and S½NW¼.

The area described contains approximately 157 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-1405; Filed, Feb. 4, 1970; 8:45 a.m.]

[OR 3668 (Wash.)]

WASHINGTON

Opening of Land Formerly in Project No. 962

JANUARY 29, 1970.

1. In an order issued January 6, 1970, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for a license for Project No. 962, for the following described land:

WILLAMETTE MERIDIAN

T. 18 N., R. 10 E.,
Sec. 34, unsurveyed portion of W½SE¼.

Containing about 0.16 acre.

2. The land lies within the Snoqualmie National Forest in Pierce County.

3. The State of Washington has waived the right of selection in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

4. Beginning at 10 a.m. on March 6, 1970, the national forest land shall be open to such form of disposition as may by law be made of such land.

5. Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R Doc 70-1404; Filed, Feb 4, 1970; 8:45 a.m.]

National Park Service

[Order No. 2]

SUPERINTENDENTS ET AL.

Delegation of Authority

1. The National Park Service superintendents in the Northwest Region, whose positions are allocated to Civil Service Grades GS-13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following:

Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

2. The superintendents whose positions are allocated to Civil Service Grades GS-11 and GS-12, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

Approval of contracts for supplies, equipment or services in excess of $50,000.

Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

3. The superintendents whose positions are allocated to Civil Service Grades GS-10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

Execution or approval of contracts for supplies, equipment, or services in excess of $10,000.

Issuance of revocable special use permits having a term of more than 3 years.

Acceptance of donations of personal property valued in excess of $5,000, and acceptance of donations of money in excess of $5,000.

Reimbursement of employees and other owners for property lost, damaged, or destroyed.

Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3) in excess of $1,000 for any one transaction.

Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

Issuance of concession permits having a term of more than 3 years.

4. Assistant Regional Directors may execute and approve contracts not in excess of $200,000 for supplies, equipment, and services. This authority may be exercised by the Assistant Regional Directors in behalf of any office or area within the Northwest Region.

5. Redelegation. A superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order. Each redelegation shall be published in the FEDERAL REGISTER.

6. Revocation. This order supersedes Western Regional Office Order No. 4, as it applies to areas now included in the Northwest Region; however, redelegations based thereon are continued in effect to the extent that they are not in conflict with this order.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C. sec. 2)

Dated: January 27, 1970.

JOHN A. RUTTER,
Regional Director,
Northwest Region.

[F.R. Doc. 70-1433; Filed, Feb. 4, 1970; 8:47 a.m.]

SEQUOIA AND KINGS CANYON NATIONAL PARKS

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the National Park Service, through the Superintendent, Sequoia and Kings Canyon National Parks, proposes to issue a concession permit to William E. DeCarteret authorizing him to conduct pack and saddle operations for the public at Wolverton corrals in Sequoia National Park for the period January 1, 1970, through December 31, 1974.

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

Interested parties should contact the Superintendent, Sequoia and Kings Canyon National Parks, Three Rivers, Calif. 93271, for information as to the requirements of the proposed permit.

Dated: January 9, 1970.

JOHN S. MCLAUGHLIN,
Superintendent, Sequoia and
Kings Canyon National Parks.

[F.R. Doc. 70-1434; Filed, Feb. 4, 1970; 8:47 a.m.]

Office of the Secretary

LORAN A. EISELE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 8, 1970.

Dated: January 8, 1970.

LORAN A. EISELE.

[F.R. Doc. 70-1436; Filed, Feb. 4, 1970; 8:47 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1969.

Dated: January 5, 1970.

A. PAT JONES.

[F.R. Doc. 70-1437; Filed, Feb. 4, 1970; 8:47 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 7, 1970.

Dated: January 7, 1970.

M. R. LLEWELLYN.

[F.R. Doc. 70-1438; Filed, Feb. 4, 1970; 8:47 a.m.]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statment is made as of January 1, 1970.

Dated: January 6, 1970.

CARLOS O. LOVE.

[F.R. Doc. 70-1439; Filed, Feb. 4, 1970; 8:47 a.m.]

WILLIAM G. MEESE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Board of Directors, Engineers Joint Council.
(2) Additions: Eaton Yale & Towne, Inc.
(3) No change.
(4) No change.

This statement is made as of January 9, 1970.

Dated: January 9, 1970.

WILLIAM G. MEESE.

[F.R. Doc. 70-1440; Filed, Feb. 4, 1970; 8:47 a.m.]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Purchased shares in Axe-Houghton Stock Fund.
(3) No change.
(4) No change.

This statement is made as of January 5, 1970.

Dated: January 5, 1970.

RIGGS SHEPPERD.

[F.R. Doc. 70-1441; Filed, Feb. 4, 1970; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 5, 1970.

Dated: January 5, 1970.

WILLARD B. SIMONDS,

[F.R. Doc. 70-1442; Filed, Feb. 4, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Annual Sales List (Fiscal Year Ending June 30, 1970)

Notice to buyers. This Annual Sales List for the fiscal year ending June 30, 1970, is issued pursuant to the policy of the Commodity Credit Corporation issued on October 12, 1954, and published in the FEDERAL REGISTER of October 16, 1954 (19 F.R. 6669), and amended on 1970 (35 F.R. 2602). This Annual Sales List is effective with respect to Commodity Credit Corporation (CCC) commodity holdings, which are available for sale, beginning at 3 p.m., e.s.t., on January 30, 1970. Sales price transitions between successive months will be made at 3 p.m. (e.s.t. or e.d.t. Washington, D.C.) on the last CCC business day of each month unless otherwise specified.

This Annual Sales List reflects sales policy for the beginning month of the period covered by the list. This Annual Sales List also projects the beginning sales policy as far as possible into the balance of the fiscal year by setting forth prices that will prevail in subsequent months if the beginning sales policy were to remain unchanged. The inclusion of projected prices for subsequent months is intended to minimize the repetitive publication of price information and shall not be construed as an annual sales policy commitment by CCC. The Annual Sales List will be supplemented by a Monthly Sales List which may show changes in commodities listed for sale, pricing and other policy changes.

This Annual Sales List sets forth the commodities available for sale or for redemption of payment-in-kind certificates, information concerning financing and barter, the pricing basis on which

sales will be made, and sources from which further information concerning matters described in this paragraph may be obtained. This list is issued for the purpose of public information and does not constitute an offer to sell by CCC or an invitation for offers to purchase from CCC.

1. *General.* (a) CCC will entertain offers from responsible buyers for the purchase of any commodity in this Annual Sales List or any supplemental Monthly Sales List. Offers accepted by CCC will be subject to the terms and conditions prescribed by CCC. With certain exceptions, such terms and conditions appear in published regulations and in pamphlets which are designated as Announcements. The identity of such Announcements are, with certain exceptions, stated in this Annual Sales List, or in the Monthly Sales List. The Announcements may be obtained from the sources described herein or in the Monthly Sales List.

(b) CCC reserves the right to refuse to consider an offer if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated under the prospective contract. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named to receive offers in the appropriate announcement of invitation prior to making an offer or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only on submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of a performance bond or other security acceptable to CCC.

(c) Payment for commodities shall be made, before delivery, in cash or by irrevocable letter of credit. Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the Livestock Feed Program. Grain delivered against such certificate will be sold at the applicable current market price.

(d) CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

(e) Nonstorable commodities will be sold at not less than market prices.

2. *Export commodities.* On sales for export, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that, generally, sales to U.S. Government agencies, with minor exceptions, will constitute domestic unrestricted use of the commodity.

CCC reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from CCC whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce Export Control Regulations. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

In the case of export sales, the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

3. *CCC binsite commodities.* Information on the availability of commodities stored in CCC binsites may be obtained from the Agricultural Stabilization and Conservation Service State Offices shown at the end of this Sales List.

4. *Odd lot quantities.* Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and, therefore, generally, they do not appear in the Annual or Monthly Sales Lists.

5. *Definitions and rounding.* (a) The following terms as used in this Annual Sales List and the Monthly Sales List shall have the following meanings unless otherwise specifically stated:

(1) "Market price" means market price as determined by CCC.

(2) "Sales for unrestricted use and unrestricted sales" mean sales which permit either domestic or export use.

(3) "Sales for export and export sales" mean sales which require export of a commodity.

(b) When any pricing method involves the application of a percentage to a loan rate, i.e., 105 percent, 115 percent, etc., the product shall be rounded up to the nearest cent prior to adding the applicable markup.

6. *Credit eligibility list.* Commodities eligible for financing under the CCC Export Credit Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, linseed oil, oats, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, wheat flour, and selected planting seeds for limited financing to meet special program requirements. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export as private stocks under the GSM–4 Regulations.

7. *Credit interest rates.* Interest rates per annum under the CCC Export Credit Sales Program (announcement GSM–4) are 6⅜ percent for U.S. bank obligations and 7⅜ percent for foreign bank obligations.

8. *Credit information.* Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the office of the General Sales Manager, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

9. *Barter eligibility list.* The following commodities are currently available for new and existing barter contracts: Upland cotton and tobacco. In addition, private stocks of corn, grain sorghum, barley, oats, wheat and wheat flour and milled and brown rice, under Announcement PS–1, as amended; cottonseed oil and soybean oil under Announcement PS–2; tobacco under Announcement PS–3; upland and extra long staple cotton under Announcement PS–4; and inedible tallow and grease under Announcement PS–5 are eligible for programming in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter, Hard Red Spring, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.)

10. *Barter information.* Information on private-stocks commodities may be obtained from the Office of the Assistant Sales Manager, Barter, Export Marketing Service, USDA, Washington, D.C. 20250.

11. *Wheat—unrestricted use sales—(bulk—storable—basis in-store.)* Market price but not less than 115 percent of the applicable 1969 loan rate for the class, grade, and protein plus the markup for each month as follows:

Month	Truck received	Rail received
	Cents per bushel	
February 1970	14½	12
March 1970	16	13¼
April 1970	17½	15
May 1970	17½	15
June 1970	17½	15

12. *Wheat, bulk—export sales.* A. CCC will sell limited quantities of Hard Red Winter, Durum, and Hard Red Spring Wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office with a Notice of Sale containing the same information (excluding the payment or certificate acceptance number) as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to ports on the west coast of Central and South America. Dollar sales shall mean sales for dollars and sales financed with CCC credit.

13. *Corn—unrestricted use sales (bulk—storable—basis in-store).* Domestic payment-in-kind certificate redemptions will be made at the market price but not less than 115 percent of the applicable 1969 price support loan rate for the class, grade, and quality plus the markup shown in this section for each month.

February 1970, 10 cents per bushel.
March 1970, 11½ cents per bushel.
April 1970, 13 cents per bushel.
May 1970, 14½ cents per bushel.
June 1970, 16 cents per bushel.

14. [Reserved]

15. *Grain sorghum—export sales (bulk).* Export market price, as determined by CCC, but not less than $2.35 per hundred weight in-store west coast ports Grade 2 or better, or $2.20 per hundred weight in-store gulf ports Grade 2 or better, or $2.41½ per hundred weight on track Texas border points Grade 2 or better. Sales will be made pursuant to Announcement GR–212.

16. [Reserved]

17. *Barley—unrestricted use sales (bulk—storable—basis in-store).* Domestic payment-in-kind certificate redemptions will be made at the market price but not less than the applicable 1969 price support loan rate for the class, grade, and quality plus the markup shown in this section for each month.

Month	Truck received	Rail received
	Cents per bushel	
February 1970	27	24½
March 1970	28½	26
April 1970	30	27½
May 1970	30	27½
June 1970	30	27½

19. *Oats—unrestricted use sales (bulk—storable—basis in-store).* Market price but not less than the applicable 1969 loan rate for the class, grade, and quality plus the markup for each month as follows:

February 1970, 24 cents per bushel.
March 1970, 25½ cents per bushel.
April 1970, 27 cents per bushel.
May 1970, 27 cents per bushel.
June 1970, 27 cents per bushel.

20. [Reserved.]

21. *Rye—unrestricted use sales (bulk—storable—basis in-store).* Market price but not less than 115 percent of the applicable 1969 loan rate for the class, grade, and quality plus the markup for each month as follows:

Month	Truck received	Rail received
	Cents per bushel	
February 1970	14½	12
March 1970	16	13½
April 1970	17½	15
May 1970	17½	15
June 1970	17½	15

22. *Rye—export sales (bulk).* CCC will sell rye at the export market price for cash under Announcement GR–212.

23. *Rice, rough—unrestricted use sales—f.o.b. warehouse.* Market price but not less than the 1969 loan rate plus 5 percent plus the markup for each month as follows:

February 1970, 35 cents per hundredweight.
March 1970, 39 cents per hundredweight.
April 1970, 44 cents per hundredweight.
May 1970, 48 cents per hundredweight.
June 1970, 48 cents per hundredweight.

Available from the Kansas City ASCS Commodity Office

24. [Reserved]

25. *Soybeans—unrestricted use sales (bulk—storable) port positions (basis grade 1 in-store).* Market price but not less than $2.58½ per bushel at Great Lakes Terminals; $2.64½ gulf; and $2.65½ east coast plus markups for each month as follows:

February 1970, 7½ cents per bushel.
March 1970, 9 cents per bushel.
April 1970, 10½ cents per bushel.
May 1970, 12 cents per bushel.
June 1970, 13½ cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

26. *Soybeans—unrestricted use sales (bulk—storable) interior positions (basis grade 1 in-store).* Market price but not less than the 1969 base loan rate where stored plus markups for each month as follows:

February 1970, 35 cents per bushel.
March 1970, 36½ cents per bushel.
April 1970, 38 cents per bushel.
May 1970, 39½ cents per bushel.
June 1970, 41 cents per bushel.

Market discounts will be applied in determining the minimum price of lower grades.

27. [Reserved]

28. *Flaxseed—unrestricted use sales (bulk—storable—basis in-store).* Market price but not less than 105 percent of the applicable 1969 loan rate for the grade, and quality plus the markup for each month as follows:

Month	Truck received	Rail received
	Cents per bushel	
February 1970	16½	12¼
March 1970	18	13¾
April 1970	19½	15¼
May 1970	19½	15¼
June 1970	19½	15¼

29. [Reserved]

30. *Peanuts, shelled or farmers stock—Restricted use sales.* When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Tex. 76454.

Terms and conditions of sale are set forth in Announcement PR–1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

31. *Cotton, upland—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–31 (Revised), (Disposition of Upland Cotton—In Liquidation of Rights in a Certificate Pool, Against the "Shortfall," and Under Barter Transactions). Cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) a minimum price determined by CCC which will be based on 110 percent of the price support loan rate for Middling–1 inch cotton at average location at the time of delivery, plus reasonable carrying charges for the month in which the sale is made. In no event will the price for any cotton be less than 120 points (1.2 cents) per pound above the loan rate for such cotton at the time of delivery. Carrying charges per pound are as follows:

February 1970, 60 points per pound.
March 1970, 75 points per pound.
April 1970, 90 points per pound.
May 1970, 105 points per pound.
June 1970, 120 points per pound.

32. *Cotton, upland—export sales CCC disposals for barter.* Competitive offers under the terms and conditions of Announcements ON–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (Revised), at the prices described in the preceding paragraph.

33. *Cotton, extra long staple—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2). Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the current loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made. Notwithstanding the foregoing, until otherwise announced by CCC, cotton will be available under Announcements NO–C–6 in an amount not to exceed the unsold shortfall at the market price, as determined by CCC. Carrying charges per pound are as follows:

February 1970, 60 points per pound.
March 1970, 75 points per pound.
April 1970, 90 points per pound.
May 1970, 105 points per pound.
June 1970, 120 points per pound.

34. [Reserved]

35. *Cotton, upland or extra long staple—Unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–20 (Sales of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

36. *Cottonseed, oil, refined (bulk)—export sales.* Competitive offers under the terms and conditions of Announcement NO–CS–9. Sales will be made only for export to restricted destinations. Oil sold under NO–CS–9 may be exported only against dollar sales or under the CCC export credit sales program (GSM–4). Available from the New Orleans Commodity Office.

37. [Reserved]

38. [Reserved]

39. [Reserved]

40. *Tung oil—unrestricted use sales.* Sales are made periodically on a competitive bid basis. Bids are submitted to the Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM–PR–4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will, as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Oilseeds and Special Crops Division, ASCS, Telephone Washington, D.C., Area Code 202, DU 8–7120.

41. [Reserved]

42. *Nonfat dry milk—unrestricted use sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

43. *Nonfat dry milk—export sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

44. *Butter—unrestricted use sales.* Sales are in carlots only in-store at storage location of products. Announced prices, under MP–14: 75.25 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 74.5 cents per pound—Washington, Oregon, and California. All other States 74.25 cents per pound.

45–49 [Reserved]

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1–0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only), Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353–6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 725–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: Area Code 503, 226–3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264–8439, 8440, 8441.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525–4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372–1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442–3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 725–7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587–4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475–3361.

North Dakota, Post Office Box 2017, 657 Second Avenue North, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237–5205.

Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469–6814.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352–8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254–4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U.S.C. 1427; sec. 301, 79 Stat. 1188, as amended; 7 U.S.C. 1441(note))

Signed at Washington, D.C., on January 29, 1970.

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

[F.R. Doc. 70–1408; Filed, Feb. 4, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0938) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of tolerances (21 CFR Part 120) for the combined residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthio) methyl phosphorodithioate), and its cholinesterase-inhibiting metabolites, in or on the raw agricultural commodities wheat (green forage) at 1 part per million and cottonseed, wheat grain, and wheat straw at 0.05 part per million (negligible residue).

The analytical methods proposed in the petition for determining residues of the insecticide is an oxidative gas-chromatographic technique that involves extracting the residue, oxidizing to the oxygen analog sulfone, and determining the sulfone by gas chromatography with a thermionic detector.

Dated: January 28, 1970.

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

[F.R. Doc. 70–1427; Filed, Feb. 4, 1970; 8:46 a.m.]

CARGILL, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 0B2500) has been filed by Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402, providing that § 121.2522 *Polyurethane resins* (21 CFR 121.2522) be amended to provide for the safe use of 2,2'-(*p*-phenylenedioxy) diethanol as a curing agent in the preparation of polyurethane resins for use in contact with dry bulk food.

Dated: January 27, 1970.

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

[F.R. Doc. 70-1429; Filed, Feb. 4, 1970; 8:46 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2494) has been filed by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of ethylene-vinyl acetate-vinyl alcohol copolymers as articles or components of articles intended for food-contact use.

Dated: January 27, 1970.

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

[F.R. Doc. 70-1426; Filed, Feb. 4, 1970; 8:46 a.m.]

ROHM & HAAS 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), Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, has withdrawn its petition (FAP 0B2472), notice of which was published in the FEDERAL REGISTER of December 24, 1969 (34 F.R. 20225), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of oxazolidinylethylmethacrylate copolymers with ethyl acrylate and/or methyl methacrylate as components of paper and paperboard for food-contact use.

Dated: January 27, 1970.

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

[F.R. Doc. 70-1428; Filed, Feb. 4, 1970; 8:46 a.m.]

UPJOHN CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (41-178V) has been filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use in chicken feed of a combination drug containing per ton of feed amprolium (0.0125%), ethopabate (0.0004%), 3-nitro-4-hydroxyphenylarsonic acid (0.005%), and lincomycin (2-4 grams). The proposed indications for use are for increase in weight gain, for improved feed efficiency and pigmentation, and as an aid in the prevention of coccidiosis in broiler chickens.

Dated: January 29, 1970.

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

[F.R. Doc. 70-1424; Filed, Feb. 4, 1970; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Bylaws

The bylaws of the Government National Mortgage Association, duly adopted by the Secretary of Housing and Urban Development on September 1, 1968, pursuant to section 308 of the National Housing Act (12 U.S.C. 1723), and hereby certified to, are as follows:

ARTICLE 1

GENERAL PROVISIONS

SECTION 1.01. *Name.* The name of the corporation is Government National Mortgage Association (the "Association").

SEC. 1.02. *Powers and Duties.* There are hereby delegated to the Association, except as otherwise provided in these Bylaws, all the powers and duties of the Association which are by law vested in the Secretary of Housing and Urban Development (the "Secretary").

SEC. 1.03. *Principal Office and Other Offices.* The principal office of the Association shall be in the District of Columbia. Other offices of the Association shall be in such other places as may be deemed by the Secretary to be necessary or appropriate.

SEC. 1.04. *Seal.* The seal of the Association shall be of such design as shall be approved from time to time by the Secretary, and may be affixed to any document by impression, by printing, by rubber stamp, or otherwise.

SEC. 1.05. *Fiscal Year.* The fiscal year of the Association shall end on the thirtieth day of June of each year.

ARTICLE 2

GENERAL POLICIES

The Secretary of Housing and Urban Development shall determine the general policies of the Association.

ARTICLE 3

THE OFFICERS

SEC. 3.01. *Number.* The Executive Officers of the Association shall consist of a President, one or more Vice Presidents, a Treasurer, a General Counsel, a Secretary of the Association, and a Controller, and there shall be such other officers, assistant officers, agents, attorneys, and employees as may be deemed necessary by the Secretary of Housing and Urban Development.

SEC. 3.02. *General Authority and Duties.* All officers, agents, attorneys, and employees of the Association shall have such authority and perform such duties in the management and conduct of the business of the Association as may be provided in these Bylaws, as may be established by the Secretary not inconsistent with these Bylaws, or as may be delegated to them in a manner not inconsistent with these Bylaws. The President, each Vice President, and each Assistant Vice President are severally expressly empowered in the name of the Association to sign all contracts and other documents, instruments, and writings which call for execution by the Association in the conduct of its business and affairs, and to encumber, mortgage, pledge, convey, or otherwise alien any property which the Association may own or in which it may have an estate, right, title, or interest.

SEC. 3.03. *Election, Tenure, and Qualifications.* The Executive Officers named in section 3.01 shall be appointed by the Secretary and shall serve without term. The officers, agents, attorneys, and employees of the Association, other than Executive Officers, shall be appointed by the President or by any other Executive Officer to whom the President shall have delegated the authority.

SEC. 3.04. *Removal.* Any officer, agent, attorney, or employee may be removed by the Secretary. Other than an Executive Officer, any officer, agent, attorney, or employee may also be removed by the President or by any other Executive Officer having authority to choose or appoint the officer, agent, attorney, or employee. Any such removal shall not be effected in a manner inconsistent with

applicable law, these Bylaws, and the corporate charter.

SEC. 3.05. *The President.* The President shall be the chief executive officer and shall have active executive management of the operations of the Association. Except as may be otherwise provided by law, the corporate charter, these Bylaws, or the Secretary, the President of the Association shall have plenary power and authority to perform all duties ordinarily incident to the office of President and such other duties as may be assigned to him from time to time by the Secretary. The President may prescribe, amend, and rescind requirements and procedures governing the manner in which the general business of the Association will be conducted and, in the exercise of discretion, shall have power to provide for individual exceptions thereto. The President shall designate the sequence in which other officers, during the absence or inability to act of the President or during a vacancy in the office of President, shall perform the duties and exercise the power and authority of the President; otherwise such designation shall be made by the Secretary.

SEC. 3.06. *The Vice Presidents.* Each Vice President shall have such powers and perform such duties as the Secretary may prescribe or as the President may delegate to him.

SEC. 3.07. *The Treasurer.* The Treasurer shall be the financial officer, and, in general, shall perform all the duties ordinarily incident to the office of Treasurer and such other duties as may be assigned to him by the Secretary or by the President. The Treasurer may be required to furnish bond in such amount as shall be determined by the Secretary or the President of the Association and the premium for any such bond shall be paid by the Association.

SEC. 3.08. *The General Counsel.* The General Counsel shall be the principal consulting officer of the Association in all matters of legal significance or import; shall be responsible for and direct all counsel, attorneys, employees, and agents in the performance of all legal duties and services for and on behalf of the Association; shall perform such other duties and have such other powers as are ordinarily incident to the office of General Counsel; and shall perform such other duties as, from time to time, may be assigned to him by the Secretary or by the President of the Association.

SEC. 3.09. *The Secretary of the Association.* The Secretary of the Association shall be the custodian of records and of the seal of the Association; and, in general, shall perform all the duties ordinarily incident to the office of corporate Secretary and such other duties as may be assigned to him by the Secretary of Housing and Urban Development or by the President of the Association. The Secretary of the Association and any Assistant Secretary of the Association are expressly empowered to attest all signatures and to affix the seal to all documents the execution of which on behalf of the Association under its seal is duly authorized.

SEC. 3.10. *The Controller.* The Controller shall keep or cause to be kept full and accurate accounts of all assets, liabilities, commitments, receipts disbursements, and other financial transactions of the Association; shall certify vouchers for payment by the Treasurer or his designee, and shall designate, with the written concurrence of the President, such other officers, agents, attorneys, and employees, severally, who may so certify; and, in general, shall perform such other duties as from time to time may be assigned to him by the Secretary or by the President of the Association.

SEC. 3.11. *Assistant Officers.* Each assistant to an officer, including but not limited to any Assistant Vice President, any Assistant Treasurer, any Assistant General Counsel, and any Assistant Secretary of the Association, and any other such assistant to any officer, shall perform such duties as are, from time to time, delegated to him, in writing, by the officer to whom he is an assistant, by the President, or by the Secretary. At the request of the officer to whom he is an assistant, an assistant officer may temporarily perform the duties of that officer, and when so acting shall have the powers of and be subject to the restrictions imposed upon such officer.

ARTICLE 4

AMENDMENTS

The power to alter, amend, or repeal these Bylaws, and to adopt new Bylaws is retained by the Secretary of Housing and Urban Development.

[SEAL] ALBERT J. FULNER, Jr.,
Secretary, Government National Mortgage Association.

[F.R. Doc. 70-1470; Filed, Feb. 4, 1970; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

RETURNED SMALL ENCAPSULATED CALIFORNIUM-252 NEUTRON SOURCES

Loan Program

1. The U.S. Atomic Energy Commission hereby announces a program to make available on an extended loan basis to educational institutions small quantities of californium-252 as encapsulated neutron sources for educational purposes. The sources will be those returned to the AEC after study of their potential use in applications in medicine, as described in "Encapsulated Californium-252 Neutron Sources, Notice of AEC Loan Program", published in the FEDERAL REGISTER on February 12, 1969 (34 F.R. 2064).

2. The potential use of the returned sources appears to be limited since, in general, each source will contain only a fraction of a microgram of californium-252. The AEC does not expect to loan more than one returned source to each educational institution selected. The first returned sources are expected to be available for loans to educational institutions in mid-calendar year 1971.

3. The AEC will provide the encapsulated sources to the universities f.o.b. Savannah River Plant, without charge. The universities will be required to (1) possess the necessary license to receive, possess, and transport the encapsulated sources, (2) provide the results of the use of the encapsulated sources at no cost to the AEC for public dissemination, and (3) extend to the AEC appropriate data and patent rights.

4. Persons interested in this program should communicate with the Manager, Savannah River Operations Office, Post Office Box A, Aiken, S.C. 29801, or Director, Division of Nuclear Education and Training, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 30th day of January 1970.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 70-1418; Filed, Feb. 4, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 21866; Order 70-1-147]

DOMESTIC PASSENGER-FARE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of January 1970.

In Orders 69-5-28, dated May 8, 1969, and 69-9-68, dated September 12, 1969, the Board deferred action on portions of complaints filed in April and August by Honorable John E. Moss and several other Members of Congress requesting that the Board institute a general passenger-fare investigation.[1] Briefly, the complaints generally argued that such an investigation was necessary in order

[1] The request was renewed in a petition for reconsideration of Order 69-9-68; this petition was otherwise denied by Order 69-9-150, dated Sept. 30, 1969. Order 69-9-68 suspended and ordered investigated tariffs providing across-the-board fare increases and suggested a uniform cost-oriented fare-structure formula as the basis for fare increases that the Board would permit to become effective. The carriers canceled the suspended fares and filed new tariffs conforming to the suggested formula. Complainants' request for suspension of these tariffs was denied by Order 69-9-150. The bases for our decisions are set forth in our previous orders and need not be reiterated in detail here. The majority of the Board determined that the critical financial position of the industry necessitated immediate fare relief but that the public interest required that such relief be coupled with a reform in the fare structure directed toward closer relation of fares to costs. Continuation of the fare increase beyond January 31, 1970, was contingent upon the establishment of additional joint fares in markets in which single-carrier service is not available and a more equitable division of joint fares.

to determine whether fares should be related to revenue miles or revenue hours and to develop standards for judging the reasonableness of cash costs and load factors for use in determining the lawfulness of the fare level. The Board stated in Order 69–9–68 that it would undertake an exploration of the issues raised by the complainants, as well as other important questions underlying evaluation of fare structure and fare level not raised by the complainants, in order to determine whether a general passenger-fare investigation should be instituted.

We have now completed our exploration of these matters, which includes the appropriate rate of return on investment and how it should be computed; whether load-factor standards should be set and, if so, at what level; whether there should be a taper in the line-haul rate and, if so, to what degree; what method is most appropriate for determining terminal charges; and the proper first-class/coach-fare differential. We have considered not only whether a fare investigation is appropriate at this time, but also how to channel any such investigation along the most productive patterns so as to expedite the procedure within a reasonable time span. In this regard, we are cognizant of the fact that the General Passenger Fare Investigation, Docket 8008, in which the Board issued its decision in 1960, was an extremely lengthy and complex investigation, and we have been reluctant to embark on a second such investigation unless it appeared that there was no reasonable alternative. However, we now conclude that an investigation of the level and structure of domestic passenger fares is appropriate. The purpose of this investigation will be to set rate-making standards with respect to the various elements underlying both fare level and fare structure and to implement our findings and conclusions by establishing revised fares for domestic air transportation if the record establishes that this is the appropriate course of action.

Two important matters were not decided in the General Passenger Fare Investigation;[2] namely, load factor standards and fare structure. Both of these issues are significant in the determination of the reasonableness of passenger fares, and our exploration of these matters convinces us that proceedings looking toward the establishment of standards should be commenced.

It seems apparent that there are other policy areas which also require our examination. Thus, the decade since our 1960 decision in Docket 8008 has seen many changes in air transportation, the industry has grown rapidly, and it stands today on the threshold of another significant reequipment phase. As a result, we believe there is a need to reexamine the standards fixed in 1960 with respect to rate of return on investment, depreciation policies, and the treatment of deferred taxes.[3] With respect to rate of return, the data indicate that some elements which go into the computation of the cost of capital are substantially above their 1960 counterparts (this is particularly true in the area of interest costs), whereas the cost of raising equity may have declined in the interim. At this juncture and in the absence of more data and the views of interested persons, it is not possible to reach a firm conclusion as to whether these pluses and minuses tend to offset each other or otherwise require a change in the 10½ percent rate established by the Board in 1960. As to depreciation policies, the marked development in flight equipment since 1960 clearly renders the standards adopted in the earlier case obsolete, as indeed the Board has recognized in recent rate actions,[4] and the treatment of deferred taxes has undergone substantial evolution at the hands of courts and administrative bodies since 1960.[5] We would also expect the investigation to develop standards for the treatment of leased equipment, for methods of allocating costs between passenger services and other types of traffic and among the various categories of passengers, and for the types of operating costs for which standards may be feasible.

The issues of load-factor standards and fare structure require further discussion in this order to focus the hearing on the matters which we consider most relevant.

Passenger load factor affects unit costs per passenger-mile, and therefore fares, as much as any other element of cost. Given a constant level of capacity, a variation of a few percentage points in load factor represents a substantial variation in the number of passengers among whom the costs of service can be spread and correspondingly a significant differential in unit costs per passenger.

In order to explore the matter of load factor in greater detail, we have solicited and received from the domestic carriers data relative to traffic, capacity, and load factor for a number of key markets. While our analysis of these data is not complete or definitive, we can observe that at least some of those markets appear to be served by a significant amount of excess capacity. Further, we must take cognizance within this context that the domestic trunkline carriers' system average load factor has declined from 57 percent to 50 percent in the past 2 years, notwithstanding a substantial rate of traffic growth during that period.

We have expressed the opinion in previous orders that fares should be predicated upon reasonably attainable load factors. Without load-factor standards, fare increases based on load-factor reductions may provide a basis for further disproportionate capacity increases, at the same time inhibit traffic growth, and thus sow the seeds for a repetition of the cycle. The existence of load-factor standards may also help to avoid fare increases in periods of slow traffic growth and fare reductions in periods of high demand, each of which is questionable in terms of normal economic considerations. Accordingly, we intend this investigation to explore the matter of load factors and their relation to passenger fares to determine whether load-factor standards can and should be established in the vigorous competitive environment that exists in domestic air transportation and if so how they should be implemented. Further, if load-factor standards, per se, are found to be in the public interest, we believe that the investigation should focus on the following factors, inter alia, for determining the actual standard or standards to be implemented: The degree, if any, to which load-factor standards should be related to percentage of discount traffic carried; the relationship, if any, of seating density to the proposed standard; the degree, if any, to which load-factor standards should be varied according to market size and/or the number of competitors in a market; whether there should be a variation in the standard or standards as among different carriers; and whether the standard or standards should be varied as among different types of aircraft. We do not intend the foregoing suggested issues to be in any way all-inclusive, and we urge all parties to the investigation to raise any and all issues they may consider pertinent.

The matter of fare structure as distinguished from fare level was not considered in the General Passenger Fare Investigation. Nevertheless, the Board has not been unmindful of the significance of fare structure and the legitimate interests that individual fare payers, communities, and air carriers have in it. For the fare structure to be equitable to individual fare payers, it must reflect differences in costs and value of service for long-, medium-, and short-haul routes as well as for various classes of service. A fare structure that provides a closer relationship between the fares and the costs of service relating to various markets would also produce more equitable results among the carriers in terms of the ability of individual carriers to achieve a fair return on investment. Further, fares based upon reasonable costs and load factors would benefit the communities served by the carriers

[2] 32 C.A.B. 291 (1960).

[3] It may be noted that the Board only recently overruled the policy with respect to treatment of equipment purchase deposits, as set forth in Docket 8008. See PS–32, May 1, 1967. In light of the recency of this matter, we would not be disposed to reconsider that issue in the instant investigation.

[4] For example, in fixing minimum rates for MAC operations in Part 288, the Board has used substantially longer service lives than those established in Docket 8008.

[5] City of Chicago v. FPC, 385 F. 2d 629 (D.C. Cir. 1967), cert. denied, sub. nom. Public Service Com. of Wisc. v. FPC, 390 U.S. 945 (1968); Ala-Tenn. Natural Gas Co. v. FPC, 359 F. 2d 318 (5 Cir. 1966), cert. denied, 385 U.S. 847 (1966), reh. denied, 385 U.S. 964 (1966); El Paso Natural Gas Co. v. FPC, 281 F. 2d 567 (5 Cir. 1960), cert. denied, sub. nom. California v. FPC, 366 U.S. 912 (1961); Cities of Lexington v. FPC, 295 F. 2d 109 (4 Cir. 1961); Panhandle Eastern Pipe Line Co. v. FPC, 316 F. 2d 659 (D.C. Cir. 1963), cert. denied, 375 U.S. 881 (1963).

by discouraging uneconomic scheduling in some markets and encouraging a better balance of service on all the carriers' routes. The establishment of fares on an economic basis would also provide assistance in future determinations of the need for and adequacy of air service to various communities.

In the past several years, the Board has devoted a substantial portion of its resources to an extensive study of the fare structure which obtained at that time, and our determination in September 1969, to permit domestic passenger fares to be revised in accordance with a new fare-structure formula was based in large measure on what we had learned in the course of those studies. A majority of the Board viewed that action as an important step in the right direction though not as necessarily representing the optimum structure. Other fare-structure changes may well be warranted on the basis of further consideration of the matter. In this regard, we note the complainants' contentions that the fare structure should be based on the flight time instead of the distance between points, since some air-carrier costs are responsive to aircraft hours flown. We intend this investigation of the domestic passenger-fare structure to encompass this question as well as whether any line-haul rate should be constant, vary with distance or time, or as among different city pairs, and whether there should be a terminal element or elements.

Accordingly, we expect and intend this investigation to explore all these matters, and to develop standards or principles which will thereafter govern with respect to passenger fares for scheduled services within the 48 contiguous States and the District of Columbia. Recognizing that the great majority of domestic air travelers today fly in air coach services, we intend tht the fare-construction standards and principles will be designed around that class of service, but that appropriate standards or criteria will also be developed for the pricing of other classes of normal-fare services, e.g., first class, economy, standard class, etc. The level of various discount fares affects many of the fare-level and fare-structure questions we intend to explore in this investigation, and the issues with respect to reasonableness now being investigated in the youth and family fare case (Docket 18936) are in our opinion inextricably intertwined with these questions. We will therefore expand the scope of the youth and family fare investigation to encompass the major discounted fare, i.e., Discover America excursion fares, and will consolidate that investigation in this docket. We intend that the investigation currently in progress shall continue as a separate hearing procedurally. We realize that the youth and family fare case includes consideration of those fares in geographic areas not intended to be covered by the investigation we are now instituting. We will decide those issues as well as the discrimination issue when we make our decision in that phase of the investigation, but the reasonable level of all discount fares will be part of our final decision in the fare-level phase of this case. We will confine our investigation of the Discover America fares to the geographic scope we have set for the overall fare investigation.[6]

In view of the magnitude and complexity of the issues which this case will present, it is apparent that the undertaking will be a very large one and that, unless extraordinary measures are taken to expedite the proceeding, the case could become unacceptably protracted. On the other hand, no purpose would be served in conducting the investigation if it were expedited at the price of developing the full and complete record which is needed to do justice to the important issues involved.

Accordingly, in order to accomplish the desired ends of the investigation within a reasonable time span, the Board intends to explore every avenue for facilitating the proceeding, including use of stipulations, separate rule-making proceedings, and separate hearings before separate hearing examiners on within a reasonable time span, the Board believes that the issues relating to fare structure should be tried separately from those relating to fare level. It is most likely that the fare-structure issues will prove to be more complicated and time-consuming to dispose of than those involving fare level, and the separation of these two issues for trial and decision may enable the Board to effectuate any necessary changes in the fare level at an early date, leaving the structural changes for later determination. Similarly, we anticipate that separate hearings or rule-making proceedings will be employed with respect to various of the individual fare-level issues such as rate of return, load factor, rate-base questions, forecasts of revenues and expenses, etc. By the use of multiple procedures conducted simultaneously we hope to substantially reduce the time which will be required for our determination of the issues. In this regard, the examiners and the parties should have in mind a general goal of submission of the fare-level questions to the Board within approximately 1 year from the date of this order, and the submission of the structure issues as soon thereafter as possible consistent with the development of the necessary record. We recognize that this may require extraordinary efforts on the part of the parties. On the Board's part, we intend to commit additional Board resources in order to expedite processing of the case. We will expect the carrier parties to do likewise.

The complainants have also requested the Board to prescribe a broad national policy with regard to the establishment of individual and joint air carrier fares. It has long been Board policy to require the publication of individual carrier local fares between all points on a carrier's domestic system except where service would involve extreme circuity. We believe the carrier's tariff's reflect compliance with that policy. With respect to joint fares, the Board in Order 69-5-28 urged the establishment of such fares in all markets above a minimum traffic level in which single-carrier service is not available.[7] By Orders 69-8-85, 69-9-68, and 70-1-74, we authorized intercarrier discussions to this end. By Order 70-1-148, issued concurrently herewith, the Board is approving an interim agreement filed by the local-service carriers as a result of these discussions which provides for the establishment of joint fares in these markets, suspending the trunkline carriers' proposed extension of increases in fares permitted last October which were interrelated with the anticipated agreement to establish such joint fares, and instituting an investigation with respect to the establishment of joint fares and the division of such fares between air carrier parties thereto. In these circumstances, we find no need for any action with respect to the establishment of joint fares in this proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares described in Appendix A attached hereto,[8] including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares, and rules, regulations, and practices affecting such fares;

2. The complaints in Dockets 20928 and 21326, to the extent deferred by previous orders of the Board, are consolidated in this proceeding;

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

4. The scope of the investigation in Docket 18936 is expanded to include the Discover America roundtrip excursion fares and is consolidated in this proceeding;

5. The investigations instituted in Dockets 21322 and 21386 are dismissed;

6. A copy of this order will be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Air West, Inc., Allegheny Airlines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark

[6] A second prehearing conference will be necessary to determine the additional issues and evidence to be submitted in the expanded proceeding.

[7] In markets where single-carrier service is available, carriers providing interline routing have often filed joint fares voluntarily in order to be competitive, and the Board has encouraged this practice.

[8] Filed as part of original document.

Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., and upon the complainants in Dockets 20928 and 21326, which are made parties to this proceeding.

7. A copy of this order will be served upon the parties in Docket 18936.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 70-1479; Filed, Feb. 4, 1970; 8:50 a.m.]

[Dockets Nos. 21867; 21870; Order 70-1-159]

DOMESTIC TRUNKLINE & LOCAL SERVICE CARRIERS

Domestic Passenger Fare Proposals; Order Vacating Suspensions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of January 1970.

By order 70-1-148, dated January 30, 1970, the Board approved Agreement CAB 21586 providing for the establishment of additional joint fares and the division of joint fares between carriers, suspended tariff proposals for effectiveness on and after February 1, 1970, of trunkline carriers not signatory to the agreement, and permitted carrier parties to the agreement to extend their presently effective fares through April 30, 1970.

Additional carriers have now become parties to the agreement approved by the Board, and we will also permit them to extend their presently effective fares through April 30, 1970.[1]

Our decision is based not only on the fact that the carriers have agreed to extend the availability of joint fares to a substantial number of passengers and to divide joint fares more equitably among carrier parties, but also on the fact that the carriers' revenue need remains severe. Nothing has occurred subsequent to the granting of the October 1 increases to persuade the Board that the increases were not warranted at that time, or do not continue to be necessary to preserve the economic health of the industry. In Order 69-9-68, dated September 12, 1969, we discussed at considerable length the cost pressures faced by the carriers at that time in almost every category of cost. There is no question that the carriers have sustained substantial increases in labor expenses, landing fees, fuel costs, commission rates, and costs in other areas. Airport congestion continues to be an expensive problem, and the carriers are committed to major capital expansion programs in an effort to continue to satisfy the ever-expanding transportation requirements of the public. The rate of return on adjusted investment for the trunkline industry as a whole dropped to 4.47 percent for the year ended September 30, 1969, compared to 4.74 percent for the year ended June 30, 1969, and 4.78 percent for the year ended March 31, 1969, despite the fare increases permitted in February 1969. Earnings data are not yet available for periods subsequent to September 30, 1969, and while it may be anticipated that the October 1, 1969, fare increase would effect some improvement in earnings, there still appears to be no prospect that earnings will reasonably approach 10.5 percent.

Clearly, the disparity between capacity increases and traffic growth remains a serious industry problem and must contribute to the inadequate earnings reported. The Board remains greatly concerned about this problem, and by Order 70-1-147, dated January 29, 1970, we have ordered a general investigation of passenger fares, which will include the matter of establishing load-factor standards for ratemaking purposes. At this juncture and in light of the fact that the fare increases implemented in 1969 will fall considerably short of producing a 10.5 percent rate of return to the industry, there is no reason to believe that these fare increases underwrite costs associated with excess capacity.

We also remain of the view that the agreement reached by the carriers represents only an interim solution to the problems of establishing reasonable joint fares in markets where single-carrier service is not available and of the division of all joint fares between carrier parties thereto. We will therefore proceed with the investigation ordered in paragraphs 2 and 3 of Order 70-1-148 to determine whether existing and subsequently published joint fares may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial, whether the establishment of additional joint fares may be required by the public convenience and necessity, and whether the divisions of joint fares may be unjust or unreasonable or inequitable or unduly preferential or unduly prejudicial as between air carrier parties thereto. Pursuant to our authority under section 1002(h) of the Act, we will, of course, determine the date from which any order we may make with respect to division of joint fares shall be effective when we issue our opinion in the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The investigation ordered in paragraph 1 of Order 70-1-148 is dismissed as to the carriers listed in the appendix attached hereto;

2. The suspension ordered in paragraph 4 of Order 70-1-148 is vacated with respect to the fares and provisions in Appendix A thereof applicable to the carriers listed in the appendix attached hereto;

3. The carriers listed in the appendix attached hereto and/or their publishing agent are hereby authorized to file tariff provisions on not less than 1 day's notice extending the expiration date of their presently effective fares from January 31, 1970, to April 30, 1970, and to postpone the effective date of tariffs containing pre-October 1, 1969, fares to May 1, 1970;

4. The complaint in Docket 21870 is dismissed;

5. A copy of this order will be served upon all parties served with Order 70-1-148.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

APPENDIX

American Airlines, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
National Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.

[F.R. Doc. 70-1477; Filed, Feb. 4, 1970; 8:50 a.m.]

[Docket No. 21867; Order 70-1-148]

DOMESTIC TRUNKLINE & LOCAL SERVICE CARRIERS

Domestic Passenger Fare Proposals; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of January 1970.

All trunkline carriers, Allegheny Airlines, Inc. (Allegheny), and Ozark Air Lines, Inc. (Ozark), propose, in connection with their normal fares tariffs, either to cancel the present expiration date of January 31, 1970,[1] or extend that date to the latter part of April.[2] These same carriers also propose to extend the January 31, 1970, expiration date of their Discover America fares, family fares, military fares, and youth fares, generally along the lines of their proposed extensions of normal fares, except in the case of youth and military discount fares which most propose to extend indefinitely. The remaining seven local service carriers[3] have not filed to extend their normal fares and, with only two exceptions, have not proposed any extensions to their major discount fares.

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[1] A complaint was filed by the Honorable John E. Moss, M.C., and other Members of Congress against any tariffs filed pursuant to Order 70-1-148. The complaint raises substantially the same arguments that have previously been raised in complaints which the Board has considered and acted upon in prior orders in Dockets Nos. 20928, 21322, and 21867. For the reasons set forth in those orders, the complaint will be dismissed.

[1] American, Braniff, Continental, Ozark, United, and Western.

[2] To Apr. 25, 1970, for Delta, National, Northeast, and Northwest (to Jan. 31, 1970, for Northwest's youth fares) and to Apr. 30, 1970, for Allegheny, Eastern, and TWA.

[3] Air West, Frontier, Mohawk, North Central, Piedmont, Southern, Texas International. Mohawk has requested special tariff permission to adjust most of its fares in markets of less than 400 miles and to revert to its pre-October fares for markets of 400 miles and over.

The carriers proposing extensions, with the exception of Continental Air Lines, Inc. (Continental), would thereby continue beyond January 31, 1970, the fares presently in effect which are based on the formula suggested in Order 69–9–68, of September 12, 1969. Continental, on the other hand, has filed tariffs proposing to revise its present fares by reestablishing its pre-October 1 normal fare structure, increased across the board by 4.25 percent,[4] and by making corresponding adjustments to its discounted fares maintaining, however, the present percentage relationship to normal fares.

The expiration date in question stems from Board Order 69–9–68 which, in permitting certain fare increases: *Provided*, That the carriers place an expiration date of January 31, 1970, on the new tariffs and that the pre-October 1 fares be contemporaneously refiled with a February 1, 1970, effective date. The Board stressed that in reviewing the fares to be effective on or after February 1, 1970, great weight would be given to the industry's conformance with the Board's findings that the public interest required more extensive publication of joint fares at a satisfactory level, and the implementation of a more equitable division of interline revenues between participating carriers. The Board stated explicitly that the anticipated loss of revenue to the trunkline carriers resulting from a modified division of joint fares was taken into account in its determination of the extent of increased revenues which was warranted.

The Honorable John E. Moss, M.C. (California), and other Members of Congress have filed a complaint against the proposed extension of present tariffs, requesting that they be suspended and investigated. The complainants assert that these tariffs embody a further response to Board Order 69–9–68 which is allegedly illegal, and that tariffs filed in furtherance of it are unlawful. These complainants assert that the tariffs are unjust and unreasonable because by Order 69–9–68 the Board set maximum rates in violation of the Act; that the tariffs presently in effect are the responsibility of the Board and are illegal; and that the tariffs do not conform to section 1002(e) of the Act. Moreover, the complainants point out that the legality of Order 69–9–68 is presently under review in the U.S. Court of Appeals and, they assert, the Board should not compound the illegality of that order by approving the proposed extensions. Finally, the complainants contend that load factors in October of less than 50 percent for each carrier can not be classified as economic or efficient and do not provide the public with adequate and efficient transportation at the lowest cost consistent with the furnishing of such service, and allege that this creates a cause and effect relationship whereby higher fares reduce the breakeven passenger load factor and enable the carriers to offer more capacity than would otherwise be contemplated at the same traffic levels.

Mohawk has also filed a complaint against the proposed extension of presently effective tariffs, alleging that there will remain no incentive for the industry as a whole to adopt the joint fares and a more equitable method of dividing interline revenues, which the Board has found necessary in the public interest, unless the proposed extensions are suspended.

Several carriers[5] have answered the complaint by Congressman Moss and others asserting that the complaint rests upon the same arguments previously presented and considered by the Board; that the complainants have not challenged the continuing critical need of the carriers for increased revenues; that it is not the amount of increased revenue that is in dispute, but the manner in which the Board granted it, in that the domestic fare formula guideline upon which the revenue increase was based does not reflect certain standards; and finally that the procedural issue is before the courts and the Board should not base its actions on what it anticipates the courts may or may not do. TWA also contends that contrary to the contentions of the complainants, the subject tariff filings are not a "further response" to or "in furtherance" of Board Order 69–9–68, are not required by that order, but rather are independently filed; and that to revert to the pre-October 1 situation would solve nothing and would be a regression which neither the public nor the airlines can afford.

TWA and United have also filed answers to Mohawk's complaint. United asserts that Mohawk has not questioned the reasonableness or lawfulness of the fares, and that it is asking the Board to use its rate-making process as a means of coercion upon the trunkline industry. TWA asserts that use of the Board's suspension authority in the manner suggested by Mohawk would be unlawful, and is generally in concurrence with the thrust of United's statement.

As indicated, Continental proposes a different approach to the fares to be applicable as of February 1, 1970, and complaints have been filed against the proposal by the Seattle Traffic Association (STA) and Northwest Airlines, Inc. (Northwest). STA complains against the proposed increases in fares between Seattle and various other points served by Continental, requesting that these fares be suspended and investigated. The complaint alleges that the proposed increases are far above those found by the Board to be justified and, as such, ignore the cost orientation of the "fare formula". STA contends that the proposed increases will result in establishing fares considerably in excess of cost, thereby discriminating against the Seattle-southwest passengers. It is alleged that the increase per passenger would be $14 in some markets and that nowhere else in the United States are passengers being required to assume such fare increases. Finally STA asserts that the proposed increases violate the Board's order since they were not filed on 75 days' notice.[6]

Northwest's complaint states that the increases involved are not in the public interest since the proposed structure would again establish the myriad inconsistencies and inequities in the fare structure which were successfully eliminated by virtue of the Board's September 12, 1969, order. Northwest contends that, if Continental's filing were permitted to become effective, this would force the industry back into the morass from which it recently extricated itself because of the domino effect which would be set in motion.

In support of its proposal, and in answer to the complaints, Continental alleges that costs are rising at an intolerable rate; that readily identifiable increases in costs such as for fuel and pilot salaries will total $16,500,000 in 1970; and that in view of these rising costs the question the Board faces is not whether the increases granted last October should be continued, but in what form. Continental further alleges that no formula should be imposed upon the public and the carriers until its full impact is known; that there are many inherent deficiencies in the adoption of a rigid formula; that adoption of a formula results in serious inequities to the various carriers since it may or may not bear any relationship to the relative need of individual carriers; and that the formula approach violates a basic rule of rate making as set forth in section 1002(e)(5) of the Act. Continental refers to the fact that Order 69–9–68, is the subject of a petition for review now pending before the U.S. Court of Appeals. The thrust of this appeal, as alleged by Continental, is not that the fares are too high or otherwise unlawful, but rather that the procedures employed by the Board in suggesting the formula are unlawful; and that any action by the court or by the Board which would result in a return to the revenue level produced by the pre-October 1, 1969, fares would be catastrophic.

Continental alleges the Northwest's attack upon Continental's tariff proposal is nothing more than an effort to protect for itself the greatest benefit received by any carrier from the fare increases which resulted from the October 1969 fare revision; that STA's complaint essentially stems from the fact that, by using the September 1969 fares as a base, Continental would increase fares in Seattle's low density markets to the southwest; that Seattle was the beneficiary of fare reductions resulting from application of the Board's October fare formula; and that those reductions were improperly required since the Board

[4] This represents the average fare increase for the trunkline industry estimated by the Board to result from the Oct. 1, 1969, fare changes.

[5] Allegheny, American, Continental, Eastern, TWA, and United.

[6] Continental asserts that since its proposed fare revision is equivalent in terms of revenue increase on an industrywide basis to that permitted under Board Order 69–9–68, the normal 30-day notice period is applicable to its filing.

never found, and could not have found, that the September fares in the Seattle markets were unjust and unreasonable.

As stated in Order 69–9–68, extension of the October 1 increases past January 31, 1970, is interrelated with the publication of additional joint fares in markets where single carrier service is not available, and the adoption of a more equitable division of interline revenues. The fare increase permitted was arrived at, in part, in anticipation of satisfactory carrier action in these areas. During the past several months, the carriers pursuant to Board authority,[7] have held various industry meetings regarding these matters. On January 28, and 29, 1970, two agreements were filed with the Board; one on behalf of all trunkline carriers plus Allegheny and Southern, and one on behalf of all local service carriers.[8] Essentially,the agreement filed by the trunklines, Allegheny, and Southern, provides that joint fares will be established in markets without single carrier service in which 360 passengers per quarter[9] were transported. A joint fare would be established for the dominant routing in each market, and would be equal to the sum of the local fares less $4. The joint fare revenue would be divided on the basis that the short haul carrier would receive its local fare whenever that fare is $23 or less. If the short haul carrier's local fare is in excess of $23, each carrier would first receive $9, and the balance of the joint fare would be prorated on the basis of the line haul portion of each carrier's local fare, that is, on the basis of each carrier's local fare reduced by $9.

The agreement filed by the nine local service carriers, on the other hand, provides that joint fares will be established in markets not having single carrier service and in which 200 passengers per quarter[9] were transported. The basis for establishing the joint fares would be the same; i.e., over the dominant routing in each market at $4 less than the combination of local fares. Where the short haul fare is $35 or less, each carrier would first receive $9, and the balance of the joint fare would be divided on the basis of the present rate-prorate. Where the short haul fare exceeds $35, the rate-prorate would apply.

The Board has reviewed the two agreements, and concludes that the agreement proposed by the trunkline carriers, Allegheny, and Southern does not adequately serve the public interest, and accordingly, we will disapprove that agreement. The agreement filed by the local service carriers, on the other hand, appears to represent an acceptable interim solution. While short of the Board's ultimate objectives, this agreement is a substantial step in the direction of more adequately serving the public interest and providing a more equitable method of dividing joint fare revenues. The Board expressed its view in May 1969 (Order 69–5–28; dated May 8, 1969) that joint fares should be published in all markets where the volume of traffic averages one or more passengers a day, or about 100 passengers per quarter. The 200-passenger per quarter cutoff proposed by the local service carriers does not fully meet this objective. However, it broadens the availability of through fares and as such reflects a considerable improvement over today's structure. On the other hand, the trunkline agreement would not reach a substantial number of passengers who today are required to pay the combination of local fares. This unwarranted compounding of previous increases was not intended by the Board and we have made it clear in the past that we do not believe it should be continued.

Regarding the other aspects of the agreements, the Board does not consider a $4 reduction from the combination of local fares to be sufficient over the longer term, but will accept this as an interim improvement. Finally, the basis for the division of joint fare revenue proposed by the local service carriers is consistent with the Board's views as expressed in previous orders. The trunkline proposal on the other hand, falls significantly short of providing a revenue division oriented to costs of service.

In view of the foregoing, the Board finds that Agreement CAB 21584 is adverse to the public interest and does not find that Agreement CAB 21586 is adverse to the public interest or in violation of the Act.

Since the agreement we are herein approving does not afford a long term solution for the publication of joint fares, the Board has determined to institute an investigation of joint fares, both as to the level and to extent of publication. The investigation will include as well the issue of division of joint fares among the participating carriers. The Board finds that existing joint fares may be unjust or unreasonable or unjustly discriminatory or unduly preferential or unduly prejudicial, and that division of such fares may be unjust, unreasonable, or inequitable, or unduly preferential or prejudicial as between air carrier parties thereto, and that the establishment of additional joint fares may be required by the public convenience and necessity, and should be investigated.

Turning now to the presently pending tariff filings, the carriers were permitted to increase their fares by Order 69–9–68, of September 12, 1969, in anticipation that they would make substantial progress toward alleviating the inequities that often exist in markets where single carrier service is not available, and where no joint fare is published for intercarrier connecting service. The Board provided the carriers some 4 months in which to deal with these matters, and simultaneously required an expiration date of January 31, 1970, with respect to the carriers' tariffs. Our action was based on the belief that the revision of local fares and publication of additional joint fares are interrelated parts of an integrated whole and therefore should not be accepted one without the other. We continue to be of this conviction and, as previously mentioned, made it clear that the level of revenue increase permitted the trunkline industry we intended in part to absorb the anticipated loss of revenues stemming from an improved division of joint fares. In these circumstances, we will permit the local service carriers and Braniff and Western to extend their presently effective fares through April 30, 1970, the expiration date of their agreement which we are herein approving.[10] However, since the other trunkline carriers are not signatories to an agreement the Board can approve, we see no alternative but to let their present tariffs expire with January 31, 1970.

Our decision to permit a limited extension of the present fares of the local service carriers and Braniff and Western is also based upon the revenue need of these carriers, particularly the subsidized local service carriers.

In view of these circumstances, and upon consideration of the tariffs, the complaints and answers thereto, and other relevant matters of record, the Board finds (1) that the local and joint fares proposed by American, Continental, Delta, Eastern, National, Northeast, Northwest, TWA, and United, may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and therefore should be investigated, and (2) that the tariffs in question should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto,[11] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations,

[7] Orders 69–8–85, 69–9–68, 70–1–74.

[8] Agreements CAB 21584 and 21586. Braniff and Western became signatories to the local-service agreement on Jan. 30, 1970.

[9] Based on the Board's O & D Survey for the second quarter of 1968.

[10] These carriers may desire, for competitive reasons, to reduce on short notice, fares in markets where other trunkline carrier fares will be lower effective Feb. 1, 1970. This may reduce considerably the revenue impact of the Oct. 1, 1969, fare increases on the local service carriers. Moreover, we had contemplated that the local service carriers, and in fact all short haul carriers, would receive relatively greater benefit from a more equitable method for dividing joint fare revenue, which has not been forthcoming insofar as most of the trunkline carriers are concerned. The local service industry as a whole cannot benefit from the agreement to which all the trunkline carriers are not a party. On the other hand, there is no warrant for our prohibiting the subsidized carriers from obtaining the benefits of the October 1 fare increase to the extent possible.

[11] Filed as part of the original document.

and practices affecting such fares and provisions;

2. An investigation is instituted to determine whether joint fares between points in the continental United States (the 48 contiguous States and the District of Columbia) on file or hereafter filed with the Board; and fares between points in the continental United States where no through one-factor fares are on file with the Board, and rules, regulations, and practices affecting such fares, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and rules, regulations, or practices affecting such fares;

3. An investigation is instituted to determine whether the divisions of joint fares between air carriers for air transportation between points in the continental United States (the 48 contiguous States and the District of Columbia) are or will be unjust, unreasonable, inequitable, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the just, reasonable, and equitable divisions to be received by the air carriers;

4. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto are suspended and their use deferred to and including April 30, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

5. These investigations be assigned for hearing before examiners of the Board at a time and place hereafter to be designated;

6. A copy of this order will be filed with the aforesaid tariffs and served upon American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and upon the complainants in Dockets 21788 and 21803, which are made parties to the investigations ordered in ordering paragraphs 1, 2, and 3;

7. A copy of this order will be served upon Air West, Inc., Allegheny Airlines, Inc., Braniff Airways Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., and Western Air Lines, Inc., which are made parties to the investigation ordered in paragraphs 2 and 3;

8. Except to the extent granted herein the complaints in Dockets 21780, 21788, 21800, and 21803 are hereby dismissed;

9. Air West, Inc., Allegheny Airlines, Inc., Braniff Airways, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Western Air Lines, Inc., and/or their publishing agent are hereby authorized to file tariff provisions on not less than 1 day's notice extending the expiration date of presently effective fares from January 31, 1970 to April 30, 1970, and to postpone the effective date of tariffs containing pre-October 1, 1969, fares to May 1, 1970;

10. Special Tariff Permission Application No. 1897 filed by Airline Tariff Publishers, Inc., is hereby denied;

11. Agreement CAB 21586 is approved;

12. Agreement CAB 21584 is disapproved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

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

[F.R. Doc. 70-1478; Filed, Feb. 4, 1970; 8:50 a.m.]

[Dockets Nos. 21609, 20415; Order 70-1-137]

MACKEY INTERNATIONAL, INC., AND LATIN AMERICAN SERVICE MAIL RATE FOR PRIORITY MAIL

Order To Show Cause

Issued under delegated authority January 28, 1970.

By petition filed January 9, 1970, the Postmaster General requests that the Board establish standard mileages for computation of mail payments for service performed by Mackey International, Inc. (Mackey), between Miami, Fla., on the one hand and Bimini and Andros Island, Bahama Islands, on the other hand. The mileage petitioned for between Miami and Andros Island was 179 miles. Further computations, however, show the distance to be 173 miles. No objections to the Postmaster General's petition were received.

Mackey, an air taxi operator, was authorized by the Board in Order 69-10-94, October 20, 1969, to carry mail between the aforesaid points. By Order 69-12-108, December 24, 1969, the Board fixed final mail rates for Mackey noting that standard mileages would be subsequently established.

Upon consideration of the Postmaster General's petition and other matters officially noticed, the Board proposes to issue an order[1] including the following tentative finding and conclusions:

Order 69-7-11, July 2, 1969, as amended,[2] should be further amended, effective October 20, 1969, by adding to page 15 of Appendix A, standard mileages for Mackey International, Inc., as follows:

MACKEY INTERNATIONAL, INC.

Between	*Miles*
BIM-MIA	63
ASD-MIA	173

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, the Board's Procedural Regulations, 14 CFR Part 302, and authority duly delegated by the Board in its Organization Regulations 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons, and particularly Mackey International, Inc., the Postmaster General and Eastern Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing finding and conclusion.

2. Further procedures herein shall be in accordance with 14 CFR Part 302 as specified in the attached appendix.

3. This order shall be served on Mackey International, Inc., the Postmaster General and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

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

APPENDIX

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[F.R. Doc. 70-1476; Filed, Feb. 4, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-1091, etc.]

TEXACO, INC., ET AL.

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

JANUARY 28, 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.

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[12] Concurring Statement of Minetti, Member, filed as part of original documents.

[1] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). These provisions will apply to any final action taken by the staff in this matter under authority delegated in section 385.14(g).

[2] Order 69-7-11 has been amended by Orders 69-8-110, 69-10-23, and 69-12-28.

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

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 16, 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-1091	Texaco, Inc. (Operator) et al., Post Office Box 2100, Denver, Colo. 80201.	211	[8] 16	El Paso Natural Gas Co. (LeBarge Field, Lincoln and Sublette Counties, Wyo.).	$368	1-2-70	[1] 2-2-70	7-2-70	15.384	[4] [5] 20.5	
RI70-1092	Sunland Refining Corp., Post Office Box 1512, Fresno, Calif. 93716.	1	[6] [7] 3	El Paso Natural Gas Co. (Huerfano Unit, San Juan County, N. Mex.) (San Juan Basin Area).	2,072	12-29-69	[2] 1-29-70	6-29-70	[7] 13.0	[5] [7] [9] 15.0	
	do	1	[10] 4	do	4,998	12-29-69	[2] 1-29-70	6-29-70	[10] 13.0	[5] [9] [10] 14.0	
RI70-246	W. A. Moncrief, Jr., et al., Moncrief Bldg., Nineth at Commerce, Fort Worth, Tex. 76102.	3	1 to 2	Southern Union Gathering Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	72	1-8-70	[11] 3-8-70	[12] Accepted	15.0	[5] [10] 15.0636	RI70-246.
RI70-1093	Sohio Petroleum Co. (Operator) et al., 970 First National Annex, Oklahoma City, Okla. 73102.	89	5	Mountain Fuel Supply Co. (Nitchie Gulch Pool, Sweetwater County, Wyo.).	7,858	1-8-70	[14] 2-8-70	7-8-70	15.0	[5] [9] 16.0	
RI70-1094	Marathon Oil Co. (Operator), 539 South Main St., Findlay, Ohio 45840.	109	1	Kansas-Nebraska Natural Gas Co., Inc. (West Sidney Area, Cheyenne County, Neb.).	95,940	1-5-70	[2] 2-5-70	7-5-70	15.0	[5] [13] [15] 18.1980	
RI70-1095	Thomas N. Berry & Co. et al., Post Office Box 111, Stillwater, Okla.	5	5	Panhandle Eastern Pipe Line Co. (South Teagarden Field, Woods County, Okla.) (Oklahoma "Other" Area).	596	1-2-70	[2] 2-2-70	7-2-70	[19] 15.32	[17] [18] [19] 18.335	
RI70-1096	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	11	13	Colorado Interstate Gas Co. (Hougoton Field, Kearny County, Kans.).	1,952	1-2-70	[2] 2-2-70	7-2-70	[26] 13.5	[5] [13] [26] 14.5	RI67-412.
	do	19	3	do	1,572	1-2-70	[2] 2-2-70	7-2-70	[26] 13.5	[5] [13] [26] 14.5	RI68-254.
	do	21	6	do	896	1-2-70	[2] 2-2-70	7-2-70	[26] 13.5	[5] [13] [26] 14.5	RI68-254.
RI70-1097	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	21	11	Colorado Interstate Gas Co. (Woodbury Unit, Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	460	1-5-70	[14] 2-5-70	7-5-70	[22] 18.060	[18] [21] [23] 20.483	
	do	12	5	Colorado Interstate Gas Co. (Keyes Field, Cimarron County, Okla.) (Panhandle Area).	313	1-9-70	[14] 2-9-70	7-9-70	[25] 17.0	[5] [13] [25] 18.015	RI64-643.
RI70-1098	Pan American Petroleum Corp. (Operator) et al., Post Office Box 1410, Fort Worth, Tex. 76101.	345	23	Michigan Wisconsin Pipe Line Co. (Woodward Gas Area, Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	2,652	1-8-70	[14] 2-8-70	7-8-70	[24] 19.0	[18] [22] [24] 20.51556	RI69-350.
RI70-1099	do	331	11	Michigan Wisconsin Pipe Line Co. (Laverne Gas Area, Harper County, Okla.) (Panhandle Area).	3,637	1-6-70	[14] 2-6-70	7-6-70	[26] [27] 19.50	[18] [23] [26] [27] 21.01556	RI69-350.
RI70-1100	do	449	18	Natural Gas Pipeline Co. of America (Various Fields, Ellis and Woodward Counties, Okla.) (Panhandle Area).	699	1-8-70	[14] 2-8-70	7-8-70	[26] [28] [29] 19.55	[5] [13] [20] [29] 20.71556	
RI70-1101	Pan American Petroleum Corp.	285	11	Michigan Wisconsin Pipe Line Co. (Lovedale Field, Harper County, Okla.) (Panhandle Area).	11,397	1-6-70	[14] 2-9-70	7-6-70	[26] [31] 18.15	[18] [26] [30] [31] 19.76556	RI69-349.
	do	256	5	Michigan Wisconsin Pipe Line Co. (Laverne Gas Area, Harper County, Okla.) (Panhandle Area).	3,471	1-6-70	[14] 2-6-70	7-6-70	[26] [31] 19.10	[18] [26] [30] [31] 20.61556	RI69-349.
	do	302	6	Michigan Wisconsin Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area).	2,728	1-8-70	[14] 2-8-70	7-8-70	[26] [31] 18.5	[18] [26] [30] [31] 20.01556	RI69-349.
	do	459	4	do	7,578	1-6-70	[14] 2-6-70	7-6-70	[26] [31] 18.42	[18] [26] [30] [31] 19.93556	RI69-219.
	do	342	10	Michigan Wisconsin Pipe Line Co. (Woodward Gas Area, Major County, Okla. (Oklahoma "Other" Area) and Woodward County, Okla.) (Panhandle Area).	2,652	1-8-70	[14] 2-8-70	7-8-70	[26] [31] 18.85	[18] [26] [30] [31] 20.36556	RI69-349.

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	do	295	10	Transwestern Pipeline Co. (Various Fields, Hansford and Lipscomb Counties, Tex.) (RR. District No. 10).	$10,220	1-6-70	[14] 2-6-70	7-6-70	[20] 18.08	[18 26 32] 19.58531	RI69-219.
	do	372	9	Transwestern Pipeline Co. (Various Fields, Ochiltree County, Tex.) (RR. District No. 10).	2,107	1-8-70	[14] 2-8-70	7-8-70	[20] 18.08	[18 26 32] 19.58531	RI69-219.
	do	276	5	Panhandle Eastern Pipe Line Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	12,097	1-6-70	[14] 2-6-70	7-6-70	[24] 19.62	[18 33 34 35] 21.55556	RI69-349.
	do	296	5	Transwestern Pipeline Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	10,476	1-6-70	[14] 2-6-70	7-6-70	[20] 18.0	[18 26 30] 19.51827	RI69-227.
	do	299	2	do	2,308	1-8-70	[14] 2-8-70	7-8-70	[20] 18.0	[18 26 30] 19.51827	RI69-227.
	do	310	12	Lone Star Gas Co. (southeast Durant Field, Bryan County, Okla.) (Oklahoma "Other" Area).	3,443	1-6-70	[14] 2-6-70	7-6-70	18.0	[8 18] 19.01556	RI69-349.
	do	441	4	Michigan Wisconsin Pipe Line Co. (Del Plains Field, Major County, Okla.) (Oklahoma "Other" Area).	3,046	1-6-70	[14] 2-6-70	7-6-70	[38] 19.25	[18 37 38] 20.76556	RI69-219.
RI70-1102	Jack W. Grisby (Operator) et al., 1108 Commercial National Bank Bldg., Shreveport, La. 71101.	[38] 12		United Gas Pipe Line Co.		12-29-69	[2] 1-29-70	Accepted			
		12	[40] 1	(Bear Creek Field, Bienville Parish, La.) (North Louisiana Area).		12-29-69	[2] 1-29-70	Accepted			
		12	2		4,725	12-29-69	[2] 1-29-70	6-29-70	[20] 14.0	[5 20 41] 18.5	
RI70-1103	Braden-Deem, Inc., agent (Operator) et al., 210 One Twenty Bldg., Wichita, Kans. 67202.	1	4	Panhandle Eastern Pipe Line Co. (Carver-Robbins Field, Pratt County, Kans.).	3,000	1-5-70	[14] 4-1-70	9-1-70	16.0	[8 18] 17.0	RI66-347.
		2	4	do		1-5-70	[14] 4-1-70	9-1-70	16.0	[8 18] 17.0	RI66-347.
		3	3	do		1-5-70	[14] 4-1-70	9-1-70	16.0	[8 18] 17.0	RI66-347.
		4	3	do		1-5-70	[14] 4-1-70	9-1-70	16.0	[8 18] 17.0	RI66-347.
	do	6	4	do		1-5-70	[14] 4-1-70	9-1-70	16.0	[8 18] 17.0	RI66-347.
		7	4	do		1-5-70	[14] 4-1-70	9-1-70	16.0	[8 18] 17.0	RI66-347.
RI70-1104	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	46	7	Natural Gas Pipeline Co. of America (Southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	203	1-5-70	[14] 2-5-70	7-5-70	[20] 17.0	[18 20 42] 18.015	RI61-404.
	do	59	5	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper and Beaver Counties, Okla.) (Panhandle Area).	8,424	1-5-70	[14] 2-5-70	7-5-70	[26 44] 18.06	[18 26 43 44] 19.075	
	do	67	6	Northern Natural Gas Co. (John Creek Field, Hutchinson County, Tex.) (RR. District No. 10).	173	1-5-70	[14] 2-5-70	7-5-70	[20] 17.3147	[18 20 45] 18.0675	RI68-679.
	do	68	12	Michigan Wisconsin Pipe Line Co. (Cedardale Field, Major County, Okla.) (Oklahoma "Other" Area).	2,740	1-5-70	[14] 2-5-70	7-5-70	[26 46] 17.64	[18 26 43 46] 18.655	RI68-30.
	do	73	2	Panhandle Eastern Pipe Line Co. (Mocane Gas Area, Beaver County, Okla.) (Oklahoma "Other" Area).	505	1-5-70	[14] 2-5-70	7-5-70	17.0	[8 18] 18.01	
	do	80	3	Michigan Wisconsin Pipe Line Co. (North Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area).	1,507	1-5-70	[14] 2-5-70	7-5-70	[48] 15.910	[18 38 47 48] 18.925	
RI70-1105	Kerr-McGee Corp. et al., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	66	7	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	1,819	1-5-70	[14] 2-5-70	7-5-70	[50] 19.074	[18 31 49 50] 20.211	
	do	53	7	Natural Gas Pipeline Co. of America (southeast Camrick Field, Texas County, Okla.) (Panhandle Area).	203	1-5-70	[2] 2-5-70	7-5-70	[20 28] 17.0	[18 20 64] 18.015	RI61-327.
RI70-1106	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	78	17	Panhandle Eastern Pipe Line Co. (northeast Seiling Field, Woods, Major, and Dewey Counties, Okla.) (Oklahoma "Other" Area and Woodward County, Okla.) (Panhandle Area).	64,224	1-6-70	[14] 2-6-70	7-6-70	[61 62] 20.1525	[18 25 31 32] 21.9525	(55).
	do	78	18	do	10,607	1-6-70	[14] 2-6-70	7-6-70	[52 54] 22.568	[18 26 31 54] 23.1615	RI68-76.
RI70-1107	Robert E. Aikman et al., d.b.a. Aikman Brothers, 311 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	20	3	Natural Gas Pipeline Co. of America (Quinlan Field, Woodward County, Okla.) (Panhandle Area).	9,846	1-8-70	[2] 2-8-70	7-8-70	[56 65] 18.613	[8 18 32 35] 21.348	RI68-128.
RI70-1108	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102, Attention: Gas-Gasoline Division.	58	6	Cities Service Gas Co. (northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	544	1-8-70	[14] 2-8-70	7-8-70	[20 64] 14.0	[8 18 20 64] 15.0	RI66-276.
	do	105	2	Lone Star Gas Co., (East Washington Field, McClain County, Okla.) (Oklahoma "Other" Area).	786	1-8-70	[14] 2-8-70	7-8-70	15.0	[8 18] 16.01	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-1109	William H. Allen et al., Post Office Box 926, Perryton, Tex. 79070.	1	2	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	$1,380	1-5-70	[2] 2-5-70	7-5-70	[20] 18.1	[8 18 20] 19.3	RI63-62.
RI70-1110	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	54	2	Michigan Wisconsin Pipe Line Co. (Woodward County, Okla.) (Panhandle Area) and Major County, Okla. (Oklahoma "Other" Area).	15,900	1-2-70	[14] 2- 2-70	7- 2-70	[26 58] 15.0	[18 26 57 58] 19.5	
									[26 59] 17.0	[18 26 57 59] 19.5	
	do	43	9	Transwestern Pipeline Co. (Mammoth Creek Field, Lipscomb County, Tex.) (RR. District No. 10).	11,932	1-2-70	[14] 2- 2-70	7- 2-70	[20] 17.07438	[18 20 60] 26.11375	RI70-760.
RI70-1111	John C. Oxley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74103.	1	[61] 14	Arkansas Louisiana Gas Co. (Pittsburg and Latimer Counties, Okla.) (Oklahoma "Other" Area).	22,655	1-5-70	[2] 2- 5-70	7- 5-70	15.0	[8 18] 16.015	
RI70-1112	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	251	3	Panhandle Eastern Pipe Line Co. (Oakdale Field, Woods County, Okla.) (Oklahoma "Other" Area).	1,548	1- 2-70	[2] 2- 2-70	7- 2-70	[26] 15.0	[18 26 62] 18.015	
	do	295	3	Natural Gas Pipeline Co. of America (Ernest F. McGauney Unit, Wise County, Tex.) (RR. District No. 9).	53	1- 7-70	[14] 2- 7-70	7- 7-70	[26] 14.5544	[8 18 26] 16.06	RI70-755.
	do	135	13	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	22	1- 9-70	[14] 3-21-70	8-21-70	[20] 18.615	[8 18 20] 18.815	RI69-575.
	do	162	12	Natural Gas Pipeline Co. of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	[63]	1- 9-70	[14] 3-21-70	8-21-70	[20] 18.615	[8 18 20] 18.815	RI69-575.
	do	170	13	do	95	1- 9-70	[14] 3-21-70	8-21-70	[20] 18.615	[8 18 20] 18.815	RI69-622.
	do	114	9	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	105	1- 9-70	[14] 3-21-70	8-21-70	[20] 18.615	[8 18 20] 18.815	RI69-575.
	do	165	11	do	141	1- 9-70	[14] 3-21-70	8-21-70	[20] 18.615	[8 18 20] 18.815	RI69-575.
	do	275	7	Natural Gas Pipeline Co. of America (Hobble-McCarter Field, Beaver County, Okla. (Panhandle Area).	113	1- 9-70	[14] 3-21-70	8-21-70	[20] 18.615	[8 18 20] 18.815	RI69-575.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] For acreage added by Supplement No. 13 only.
[4] Increase to contract rate.
[5] Pressure base is 15.025 p.s.i.a.
[6] Amended by filing of Jan. 7, 1970.
[7] Applicable to sales being made from acreage under original contract dated Apr. 30, 1963.
[8] Periodic rate increase.
[9] Includes 1 cent per Mcf minimum guarantee for liquids.
[10] Applicable to sales being made from acreage under Supplement No. 1 (agreement dated Mar. 25, 1965, deleted the 1-cent minimum guarantee for gas delivered from the added acreage).
[11] Termination date of current suspension period.
[12] Rate increase accepted subject to the suspension proceeding in Docket No. RI70-246.
[13] Tax reimbursement increase.
[14] The stated effective date is the effective date requested by Respondent.
[15] Increase from initial rate to contract rate.
[16] Includes 1-cent charge by seller for gathering.
[17] Respondent filing from initial certificated rate to first periodic increase under contract plus 0.015-cent tax reimbursement. Initial contract rate is 17 cents per Mcf.
[18] Pressure base is 14.65 p.s.i.a.
[19] Includes 0.32-cent upward B.t.u. adjustment (1,032 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[20] Subject to a downward B.t.u. adjustment.
[21] Two-step periodic rate increase.
[22] Includes base rate of 15 cents plus upward B.t.u. adjustment before increase and 17 cents plus upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase (1,204 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[23] "Fractured" rate increase. Respondent contractually due 22-cent base rate.
[24] Includes base rate of 18 cents plus upward B.t.u. adjustment before increase and base rate of 19.5 cents plus upward B.t.u. adjustment plus tax reimbursement after increase.
[25] "Fractured" rate increase. Respondent due 22-cent base rate.
[26] Subject to upward and downward B.t.u. adjustment.
[27] Includes base rate of 18 cents plus upward B.t.u. adjustment before increase and base rate of 19.5 cents plus upward B.t.u. adjustment plus tax reimbursement after increase.
[28] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and base rate of 18 cents plus upward B.t.u. adjustment plus tax reimbursement after increase.
[29] Applicable only to Supplement No. 16.
[30] "Fractured" rate increase. Respondent contractually due 22-cent base rate.
[31] Includes base rate of 18 cents plus upward B.t.u. adjustment before increase and base rate of 19.5 cents plus upward B.t.u. adjustment plus tax reimbursement after increase.
[32] "Fractured" rate increase. Respondent contractually due 26 cents per Mcf.
[33] "Fractured" rate increase. Respondent contractually due 22 cents per Mcf.
[34] Includes base rate of 18 cents before increase and 19.5 cents after increase plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[35] Includes 0.015-cent tax reimbursement.
[36] "Fractured" rate increase. Respondent contractually due 26 cents per Mcf.
[37] Filing to initial contract rate.
[38] Includes base rate of 18 cents before increase and 19.5 cents after increase plus 1.25 cents upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustments.
[39] Contract dated Nov. 19, 1969, which supersedes Grigsby's FPC Gas Rate Schedule No. 9.
[40] Supplement dated Nov. 19, 1969, which changes measurement procedures.
[41] Renegotiated rate increase.
[42] "Fractured" rate increase. Respondent contractually due base rate of 18.6 cents per Mcf.
[43] "Fractured" rate increase. Respondent contractually due base rate of 22 cents per Mcf.
[44] Includes 1.06 cents upward B.t.u. adjustment.
[45] "Fractured" rate increase. Respondent contractually due base rate of 18.5 cents per Mcf.
[46] Includes 0.64-cent upward B.t.u. adjustment.
[47] "Fractured" rate increase. Respondent filing from initial certificated rate is due initial contract rate of 19.5 cents per Mcf.
[48] Includes 0.91-cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[49] "Fractured" rate increase. Respondent contractually due 22 cents per Mcf.
[50] Includes base rate of 17 cents before increase and 18 cents after increase plus upward B.t.u. adjustments. Base rate subject to upward and downward B.t.u. adjustment.
[51] Respondent filing from fractured rate to full periodic increase.
[52] Includes base rate of 17.9 cents plus upward B.t.u. adjustment before increase and 19.5 cents plus upward B.t.u. adjustment after increase (1,125 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[53] Effective subject to refund in Docket Nos. RI68-76 (applicable to initial dedicated acreage under contract and acreage added by Supplement No. 10) and RI68-538 (applicable to acreage added by Supplement No. 10).
[54] Includes base rate of 19 cents plus upward B.t.u. adjustment before increase and 19.5 cents plus upward B.t.u. adjustment after increase (1,187 B.t.u. gas). Base rate subject to upward and downward B.t.u. adjustment.
[55] Includes base rate of 17 cents plus upward B.t.u. adjustment before increase and 19.5 cents plus upward B.t.u. adjustment after increase (based on 1,094 B.t.u. gas shown in filing). Base rate subject to upward and downward B.t.u. adjustment.
[56] Buyer deducts 0.75 cent from rate shown for dehydration.
[57] Filing from certificated base rate to initial contract base rate.
[58] Applicable to Phillips No. 1 Unit (Oklahoma "Other" Area).
[59] Applicable to McFadden No. 1 Unit (Oklahoma Panhandle Area).
[60] Filing from certificated rate plus tax to first periodic escalation plus tax.
[61] Applicable to acreage added by Supplement No. 12.
[62] Filing from certificated rate to first periodic escalation plus tax.
[63] No current production.
[64] Five-step periodic increase.
[65] Rate of 17.2 cents is suspended in Docket No. RI62-299, but has never been made effective. Respondent requests that such suspension proceeding be terminated.

Texaco, Inc. (Operator) et al., request an effective date of January 5, 1970, for their proposed rate increase. Sunland Refining Corp. requests a retroactive effective date of June 1, 1969, for its proposed rate increases. Marathon Oil Co. (Operator) and Thomas N. Berry Co. et al., request an effective date of February 1, 1970, for their proposed rate increases. W. B. Osborn, Jr. (Operator) et al., request that their proposed rate increases be permitted to become effective as of January 1, 1970. Robert E. Aikman et al., doing business as Aikman Brothers requests an effective date of February 1, 1969, and William H. Allen et al., request an effective date of January 7, 1970, for their rate increase. John C. Oxley et al., request an effective date of February 2, 1970, and Sun Oil Co., DX Division requests a January 1, 1970, effective date for Supplement No. 3 to its FPC Gas Rate Schedule No. 251. 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.

W. A. Moncrief, Jr. et al. (Moncrief), proposes a tax reimbursement increase for a sale of gas in the San Juan Basin Area of New Mexico from a rate currently suspended in Docket No. RI70-246 until March 8, 1970. Consistent with prior commission action on similar increases, we believe that Moncrief's rate increase should be accepted for filing effective as of March 8, 1970, the termination date of current suspension period, subject to the existing related rate proceeding in Docket No. RI70-246.

The proposed rate increase filed by Marathon Oil Co. (Operator) (Marathon) is for a sale of gas in Cheyenne County, Nebr., where no formal ceiling rates have been established. The Commission has previously applied the ceiling rates of adjacent Colorado as a guide in determining action on proposed rates for sales of gas in Nebraska. Since Marathon's proposed increased rate exceeds the 13 cents per Mcf at 15.025 p.s.i.a. increased rate ceiling for Colorado, we conclude that it should be suspended for 5 months from February 5, 1970, the expiration date of the statutory notice.

Kerr-McGee Corp. (Kerr-McGee) proposes a rate increase from 17 cents to 18.015 cents per Mcf under its FPC Gas Rate Schedule No. 53, which is suspended herein for 5 months. A rate of 17.2 cents per Mcf is currently suspended in Docket No. RI62-299 under the rate schedule involved and although the primary suspension period has expired, Kerr-McGee has not filed a motion to make the rate effective subject to refund. Kerr-McGee has requested that the suspension proceeding in Docket No. RI62-299 be terminated. We believe that it would be in the public interest that Kerr-McGee's request be granted and the related Supplement No. 6 to Kerr-McGee's FPC Gas Rate Schedule No. 53 be considered withdrawn and the proceeding in Docket No. RI62-299 terminated.

Concurrently with the filing of their rate increase Jack W. Grigsby (Operator) et al., (Grigsby) submitted a Contract dated November 19, 1969, designated as Grigsby's FPC Gas Rate Schedule No. 12, which supersedes Grigsby's FPC Gas Rate Schedule No. 9, and a Supplement dated November 19, 1969, which changes measurement procedures, designated as Supplement No. 1 to Grigsby's FPC Gas Rate Schedule No. 12, which provides the basis for his proposed rate increase. We believe that it would be in the public interest to accept for filing Grigsby's proposed superseding contract and supplement to become effective as of January 29, 1970, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as provided in this order.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), except for Marathon's sale in Nebraska which exceeds the increased rate ceiling for adjacent Colorado which has previously been applied to sales from this area of Nebraska.

[F.R. Doc. 70-1356; Filed, Feb. 4, 1970; 8:45 a.m.]

[Docket No. CP69-100]

PENNSYLVANIA GAS AND WATER CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Continuance

FEBRUARY 2, 1970.

Pennsylvania Gas and Water Co., applicant versus Transcontinental Gas Pipe Line Corp., respondent.

Notice is hereby given that the prehearing conference scheduled to commence at 10 a.m., e.s.t. on February 3, 1970, in the above-designated matter is continued until February 6, 1970, at 2 p.m.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-1484; Filed, Feb. 4, 1970; 8:50 a.m.]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of BancOhio Corp., Columbus, Ohio, for approval of acquisition of up to 100 percent of the voting shares of The Logan County Bank, Bellefontaine, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by BancOhio Corp., Columbus, Ohio, a registered bank holding company, for the Board's prior approval of the acquisition of up to 100 percent of the voting shares of The Logan County Bank, Bellefontaine, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Superintendent of Banks for the State of Ohio and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 24, 1969 (34 F.R. 17313), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments has expired and all those received have been considered by the Board.

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

Dated at Washington, D.C., this 30th day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1420; Filed, Feb. 4, 1970; 8:45 a.m.]

LONG ISLAND TRUST CO.

Order Denying Application for Approval of Merger of Banks

In the matter of the application of Long Island Trust Co. for approval of merger with Bank of Westbury Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Long Island Trust Co., Garden City, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger into that bank of Bank of Westbury Trust Co., Westbury, N.Y., under the charter and title of Long Island Trust Co. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is denied.

Dated at Washington, D.C., this 30th day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-1421; Filed, Feb. 4, 1970; 8:46 a.m.]

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Sherrill. Absent and not voting: Chairman Martin and Governor Brimmer.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Martin and Governors Robertson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Sherrill.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-5757]

PLANT INDUSTRIES, INC.

Order Suspending Trading

JANUARY 30, 1970.

The common stock, $0.50 par value, of Plant Industries, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Plant Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 30, 1970, through February 4, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-1445; Filed, Feb. 4, 1970; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

REDESIGNATION OF SOUTHWESTERN AREA AND THE ESTABLISHMENT OF REGIONS VII AND X

Notice is hereby given of the redesignation of the Southwestern Area as Region VI and the establishment of Regions VII and X of the Small Business Administration.

1. The designation "Southwestern Area" is changed to "Region VI." The Southwestern Area Office located in Dallas, Tex., also is hereby redesignated as the Region VI Office. The regional offices under the former Southwestern Area Office are now under the jurisdiction of the Region VI Office and are redesignated as district offices.

2. Region VII of the Small Business Administration has been established and contains within its jurisdiction the following States: Iowa, Kansas, Missouri, and Nebraska. The former Kansas City, Mo., District Office is redesignated as the regional office of Region VII. All field offices within the States comprising Region VII are redesignated as district offices and are under the jurisdiction of the Region VII regional office located in Kansas City.

3. Region X of the Small Business Administration has been established and contains within its jurisdiction the following States: Alaska, Idaho, Oregon, and Washington. The former Seattle, Wash., District Office is redesignated as the regional office of Region X. All district and branch offices within these states comprising Region X are under the jurisdiction of the Region X regional office located in Seattle.

Effective date:

(a) January 26, 1970, for the establishment of Region VII.

(b) February 9, 1970, for the establishment of Region X.

(c) March 2, 1970, for the redesignation of the Southwestern Area as Region VI.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1446; Filed, Feb. 4, 1970; 8:47 a.m.]

PACIFIC COASTAL AND MIDWESTERN REGIONS

Notice of Redesignation

Notice is hereby given that the designation "Pacific Coastal Region" is changed to "Region IX" and the designation "Midwestern Region" to "Region V." The Pacific Coastal and Midwestern Regional offices also are hereby redesignated as the Region IX and Region V offices, respectively.

Effective date: January 9, 1970.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 70-1447; Filed, Feb. 4, 1970; 8:47 a.m.]

ALASKA BUSINESS INVESTMENT CORP.

Notice of Application for a License As a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Alaska Business Investment Corp., National Bank of Alaska Building, Fifth Avenue and E Street, Anchorage, Alaska 99501, for a license to operate in the State of Alaska as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act). (15 U.S.C. 661 et. seq.)

The proposed officers and directors are as follows:

Howard G. Roecker, 801 Amalfi Drive, Pacific Palisades, Calif. President and director.
Donald L. Mellish, 2200 Cliff Court, Anchorage, Alaska. Vice president and director.
Bradford A. Warner, Jr., 225 East 23d Avenue, Anchorage, Alaska. Secretary-treasurer.
Michael O. Barry, 225 East 23d Avenue, Anchorage, Alaska. Assistant secretary and general manager.
Elmer E. Rasmuson, Box 600, Anchorage, Alaska. Director.
Andrew G. C. Sage II, Linden Lane, Glen Head, N.Y. Director.
Robert C. Heim, 206 Pine Road, Briarcliff Manor, New York, N.Y. Director.

The National Bank of Alaska will own 49 percent of the applicant's outstanding common stock, while Lehman Brothers, Schroder, Rockefeller and Co., Inc., and Beneficial Standard Life Insurance Co. each will own 17 percent of the stock.

The company will begin operations with an initial capitalization of $200,000 and increase it to $1 million within 1 year. The applicant intends to primarily make investments in and loans to enterprises doing business in Alaska. No concentration in any particular industry is planned.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management and the probability of successful operations of the new company under their 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 this publication submit to SBA in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. A copy of this notice shall be published in a newspaper of general circulation in Anchorage, Alaska.

Dated: January 26, 1970.

For Small Business Administration.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 70-1448; Filed, Feb. 4, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 12]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 30, 1970.

The following applications are governed by Special Rule .247[1] of the Commission's general rules of practice (49 C.F.R. 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 fil-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

ing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue 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 2860 (Sub-No. 70), filed December 31, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Glass containers, closures for glass containers, and paper containers* (knocked down), when moving in mixed loads with glass containers and/or closures, from Waxahachie and Arlington, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Tennessee; and (b) *materials and supplies* used in the manufacture and shipping of glass containers, closures for glass containers and returned and rejected shipments of the commodities specified in (a) above, from points in the destination States specified in (a) above to Waxahachie and Arlington, Tex. 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 New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 71), filed January 8, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 98360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation material and materials, supplies, and equipment* used in the installation thereof, from Parsonsburg, Md., to points in Delaware, Pennsylvania, New York, and Rhode Island, NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that the authority sought is partially duplicated in its present authority. All such duplicating authority shall be eliminated. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 3854 (Sub-No. 14), filed January 13, 1970. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboards, insulation boards, plywood and/or particle boards, parts, materials, and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, points in Indiana south of U.S. Highway 40, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania (except Pittsburgh and points within 40 miles thereof), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (2) *return of the above commodities, and commodities* used in the manufacture of commodities named in (1) above, from the destinations enumerated in (1) above, to the origins named in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118864 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 4405 (Sub-No. 478), filed December 29, 1969. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Trailers, semitrailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from points in Mecklenburg County, N.C., to points in the United States, including Alaska but excluding Hawaii, and return of rejected, refused or damaged trailers, trailer chassis, and semitrailers on return, (b) *tractors*, in secondary driveaway service, only when drawing trailers, semitrailers, or trailer chasis moving in initial driveaway service, from points in Mecklenburg County, N.C., to points in Alaska, Arizona, Nevada, Oregon, and Vermont, (c) *bodies and containers* (except containers having a capacity of 5 gallons or less of 9 cubic feet or less), from points in Mecklenburg County, N.C., to points in the United States, including Alaska but excluding Hawaii, and (b) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of the commodities described in (a) and (c) above when moving in mixed loads with such commodities, from points in Mecklenburg County, N.C., 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. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 18259 (Sub-No. 2), filed December 22, 1969. Applicant: JACKSON DISTRIBUTION CORP., 730 Spencer Street, Post Office Box 204, Salina Station, Syracuse, N.Y. 13208. Applicant's representative: Herbert M. Canter and Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery, and food businss houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Syracuse, N.Y., to: (1) All points in the following described territory: Beginning at Louisville Landing, N.Y.; thence in a southeasterly direction to Massena, N.Y.; thence in a

southerly direction to Potsdam, N.Y.; thence in a generally northeasterly direction to Nicholville, N.Y.; thence in a northeasterly direction to Malone, N.Y.; thence in a northerly direction to the United States-Canada border at or near Trout River, N.Y.; thence in a westerly direction along the United States-Canada border and the bank of the St. Lawrence River to Louisville Landing, N.Y.; including the points named. (2) All points in the following described territory: Beginning at Savona, N.Y.; thence in a southerly direction to Addison, N.Y.; thence in a southeasterly direction to Lawrenceville, Pa.; thence in a generally easterly direction to Sayre, Pa.; thence in a generally easterly direction to Hallstead, Pa.; thence in a generally northeasterly direction to Cobleskill, N.Y.; thence in a generally northeasterly direction to Schenectady, N.Y.; thence in a generally northwesterly direction to Gloversville, N.Y.; thence in a generally northwesterly direction to Newport, N.Y.; thence in a generally southerly direction through Herkimer and Mohawk, N.Y., to Richfield Springs, N.Y.; thence in a generally southwesterly direction to Greene, N.Y.; thence in a generally westerly direction to Beaver Dams, N.Y.; thence in a generally westerly direction to Savona, N.Y.; including the points named under contract with Sugardale Foods, Inc., Canton, Ohio, Hygrade Food Products Corp., Detroit, Mich., Geo. A. Hormel & Co., Austin, Minn., Armour and Co., Chicago, Ill., Escro Storage & Cartage, Inc., Buffalo, N.Y., Missouri Beef Packers, Inc., Rock Port, Mo., Spencer Packing Co., Spencer, Iowa, Wilson & Co., Syracuse, N.Y., John Morrell & Co., Ottumwa, Iowa, American Beef Packers, Oakland, Iowa, Swift & Co., Chicago, Ill., The Rath Packing Co., Waterloo, Iowa, Dubuque Packing Co., Dubuque, Iowa, South Chicago Packing Co., Chicago, Ill., The Frank Tea & Spice Co., Cincinnati, Ohio, and Chelsea Milling Co., Chelsea, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 19227 (Sub-No. 136), filed November 28, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. F. Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of their size and weight require the use of special equipment and *related parts* moving in connection therewith, between points in California and Arizona within 25 miles of Blythe, Calif. NOTE: Applicant states by tacking with its Subs 32, 43, 75 and by Interchange with Southwestern Transfer Co., Inc., Paxton Trucking Co., Cargo Carriers, Inc., and Heavy Transport, Inc., it intends to conduct service between points in California, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 19227 (Sub-No. 137), filed December 19, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: W. O. Turney, 2001 Massachusetts Avenue, Washington, D.C. 20036. 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 parts moving in connection therewith, between points in California, on the one hand, and, on the other, points in Texas, and New Mexico. NOTE: Applicant states it will tack with its presently held authorities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., Los Angeles, Calif., Dallas, Tex., or Washington, D.C.

No. MC 19550 (Sub-No. 2), filed January 16, 1970. Applicant: THE OBSERVER TRANSPORTATION COMPANY, a corporation, 1600 West Independence Boulevard, Post Office Box 1123, Charlotte, N.C. 28201. Applicant's representative: Joseph F. Radovanic (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Catawba, S.C., to the plant and warehouse facilities of the Knight Publishing Co., Charlotte, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 19936 (Sub-No. 14), filed December 23, 1969. Applicant: R. D. FOWLER MOTOR LINES, INC., 2702 Westchester Drive, Post Office Box 1128, High Point, N.C. 27262. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from the plantsites of Broyhill Furniture Industries, Inc., at or near Conover, Newton, Rutherfordton, and Taylorsville, N.C., (2) from the plantsite of Henredon Furniture Industries, Inc., near Altapass, Mitchell County, N.C., and (3) from the plantsites of Drexel Enterprises, Inc., at or near Asheville, Black Mountain, Hickory, Shelby, Hildebran, and Mocksville, N.C., to Richmond, Va., Washington, D.C., Baltimore, Md., Wilmington, Del, and Philadelphia, Pa. NOTE: Applicant states that it is already handling traffic from the origins named to the destinations named in joint-line service. The purpose of this application is to enable the applicant to handle the traffic in single-line service. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 19945 (Sub-No. 31), filed January 5, 1970. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. 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: *Fertilizer and fertilizer ingredients*, (1) from the plantsite and storage facilities of USS Agri-Chemicals, Division of United States Steel Corp., at or near Selma, Mo., to points in Illinois, Iowa, and Missouri; (2) from the plantsite and storage facilities of American Cyanamid Co., at or near Hannibal, Mo., to points in Illinois, Iowa, and Missouri; (3) from the plantsite and storage facilities of Central Nitrogen, Inc., at or near Terre Haute, Ind., to points in Illinois, Iowa, and Missouri; and (4) from the storage facilities of Central Farmers Fertilizer Co., at or near Clinton, Iowa, to points in Illinois, Iowa, Minnesota, 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 St. Louis, Mo. or Springfield, Ill.

No. MC 25798 (Sub-No. 205), filed December 22, 1969. Applicant: CLAY HYDER TRUCK LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, 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: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in section 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, hides and chemicals), from Sioux City, Iowa, Dakota City, Nebr., commercial zone, to points in North Carolina and South Carolina. 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 Sioux City, Iowa, or Omaha, Nebr.

No. MC 29120 (Sub-No. 100) (Amendment), filed May 17, 1968, published in the FEDERAL REGISTER issue of May 20, 1968, amended and republished as amended, in part, this issue. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. NOTE: The purpose of this partial republication is to remove the restrictions from Item 26 as follows: Service to and from the following points in Iowa, on the above-described routes—namely: Alden, Arkeny, Bettendorf, Cedar Falls, Colfax, Coralville, Davenport, Des Moines, Fairfield, Grinnell, Independence, Iowa City, Iowa Falls,

Monroe, Newton, Oskaloosa, Ottumwa, Pella, Prairie City, and Waterloo, is restricted against traffic originating, destined, or interchanged at Chicago, Ill., and points in the Chicago commercial zone as described by the Commission. Service to and from Davenport, Iowa, is restricted against the handling of traffic to and from Cedar Falls, Cedar Rapids, Des Moines, Independence, and Waterloo, Iowa. The rest of the application remains the same.

No. MC 42487 (Sub-No. 728) (Amendment), filed July 9, 1969, published in the FEDERAL REGISTER issue of August 7, 1969, amended January 6, 1970, and republished as amended, this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements and mineral oils* (except liquid chemicals in bulk), in bulk, in tank vehicles, from Fort Lupton, Colo., to points in Wyoming, Nebraska, Montana, Kansas, and Utah. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to amend the commodity description and to delete the destination State of New Mexico. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 64112 (Sub-No. 42) (Correction), filed December 16, 1969, published in the FEDERAL REGISTER issue of January 15, 1970, corrected, and partially republished as corrected this issue. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 2676, Charlotte, N.C. 28213. Applicant's representative: Charles Ephariam, 1411 K Street NW., Washington, D.C. 20005. NOTE: The purpose of this partial republication is to reflect the correct name of applicant as NORTHEASTERN TRUCKING COMPANY in lieu of Northeaster Trucking Company. The rest of the application remains the same as previous published.

No. MC 64994 (Sub-No. 113), filed December 22, 1969. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardboard, insulation board, plywood, and particleboard, and parts, materials and accessories* used in the installation of *hardboard, insulation board, plywood, and particleboard*, from points in Wilkes County, N.C., to points in Delaware, District of Columbia, Georgia, Maryland, New Jersey, New York, Pennsylvania, South Carolina, and Virginia; and (2) *commodities* used in the manufacture of hardboard, insulation board, plywood and particleboard, and parts, materials and accessorial items incidental to the transportation and installation of hardboard, insulation board, plywood and particleboard, from destination States in (1) above to above-named origin State, on return. NOTE: Common control may be involved. Applicant states it could tack at New York, N.Y., to serve points in Connecticut, Massachusetts, and Rhode Island. Applicant further states it seeks no duplicating authority. The purpose of this application to the extent it duplicates applicant's present authority is to eliminate the necessity of observing gateway requirements. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67419 (Sub-No. 3), filed December 31, 1969. Applicant: PHILIP STINGER, INC, Northeast Corner 35th and Moore Streets, Philadelphia, Pa. 19145. Applicant's representative: Raymond A. Thistle, Jr., 1500 Walnut Street, Suite 1710, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies and accessories incidental thereto*, under a continuous contract with the Celotex Corp. from Sunbury, Northumberland County, Pa., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 67583 (Sub-No. 15), filed December 31, 1969. Applicant: KANE TRANSFER COMPANY, a corporation, 5400 Tuxedo Road, Tuxedo, Md. 20781. Applicant's representative: Spencer T. Money, 110 Park Lane Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in conduct of such business, from Landover, Md., to points in Rockingham County, Va., under contract with The Grand Union Co. NOTE: Applicant presently holds common carrier authority under its certificate MC 9859, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69429 (Sub-No. 35), filed January 4, 1970. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's representative: Walter Harwood 1822 Parkway Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and rubber products*, except in bulk, between the plantsite of General Tire and Rubber Co., at or near Mayfield, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 71459 (Sub-No. 17) (Correction), filed November 10, 1969, published FEDERAL REGISTER, issue of January 28, 1970, and republished as corrected this issue. Applicant: HOPPER TRUCK LINES, a corporation, 2800 Bayshore Road, Palo Alto, Calif. 94303. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz., and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. NOTE: Previous publication shows that applicant proposes to operate over irregular routes. This notice was in error. Applicant proposes to operate over regular routes. The regular routes were clearly set forth in previous publication. The rest of the publication remains as previously published.

No. MC 74846 (Sub-No. 61), filed January 5, 1970. Applicant: LEWIS G. JOHNSON, INC., Port Gibson, N.Y. 14537. 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: *Frozen foods*, from Wilmington, Del., to points in the following New York counties: Wayne, Monroe, Ontario, Genesee, Oswego, Yates, Chautauqua, Erie, Orleans, Niagara, Cattaraugus, and Cayuga. 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 or Buffalo, N.Y.

No. MC 75320 (Sub-No. 151), filed January 9, 1970. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: P. E. Adams (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, and except dangerous explosives, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and those requiring special equipment), from St. Louis, Mo., over U.S. Highway 67 to Little Rock, Ark. (also from St. Louis, Mo., over Interstate Highway 55 to junction with U.S. Highway 67, thence over U.S. Highway 67 to Little Rock, Ark.) and return over the same routes serving no intermediate points as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 76472 (Sub-No. 15), filed January 12, 1970. Applicant: MATERIAL TRUCKING, INC., 924 South Heald Street, Wilmington, Del. 19801. Applicant's representative: William Saienni

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, between points in Delaware, Maryland, Pennsylvania, New Jersey, New York, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 80430 (Sub-No. 131), filed January 19, 1970. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representatives: Clyde E. Herring, 815 17th Street, NW., Washington, D.C. 20006 and Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points within 10 miles of Nashville, Tenn., and the Davidson County Metropolitan Area, Davidson County, Tenn., as intermediate and off-route points in connection with applicant's regular route operations to and from Nashville, Tenn. NOTE: The application is accompanied by a motion to dismiss. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 83539 (Sub-No. 271), filed January 7, 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 and applicant) 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: *Composition building board*, from Natchez, Miss., to points in Arkansas, Oklahoma, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necesary, applicant requests it be held at Natchez, Miss., or New Orleans, La.

No. MC 85465 (Sub-No. 25), filed January 9, 1970. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* (except commodities in bulk, in tank vehicles) as described in section A and C of appendix I to report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Scottsbluff, Nebr., to Chicago and Elgin, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 85621 (Sub-No. 4), filed November 24, 1969. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, Ala. 35954. Applicant's representative: R. Kent Henslee, 823 Forrest Avenue, Post Office Box 246, Gadsden, Ala. 35902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion and sound picture films, equipment and supplies; newspapers and newsprint stock; cut flowers and florist supplies; cosmetics and toilet preparations, toilet articles, and premiums and equipment, and supplies* used in connection therewith; *phonographs and phonograph records; magazines and periodicals; clothing patterns; and drugs*, (1) between Birmingham and Eastaboga, Ala., over U.S. Highway 78 (also Interstate Highway 20); (2) between Eastaboga and Anniston, Ala., over Alabama Highway 202; (3) between Anniston and Attalla, Ala., over U.S. Highway 431; (4) between Attalla, and Talladega, Ala., over Alabama Highway 77; (5) between Talladega and Piedmont, Ala., over Alabama Highway 21; (6) between Piedmont and Attalla, Ala., over U.S. Highway 278; (7) between Jacksonville and Duke, Ala., over Alabama Highway 204; (8) between Piedmont and Centre, Ala., over Alabama Highway 9; and (9) between Eastaboga and Oxford, Ala. over U.S. Highway 78 (also Interstate Highway 20); serving all intermediate points and the off-route points of Altoona, Grant, Dutton, Pisgah, and Henegar, Ala., in connection with the routes described in (1) through (9) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 89523 (Sub-No. 18), filed December 29, 1969. Applicant: MID STATES TRUCKING CO., a corporation, 2517 North Grand, Enid, Okla. 73701. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydroxide solutions and dry laundry bleach* in containers, from Houston, Tex., to points in Oklahoma; under contract with The Clorox Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Oklahoma City, Okla.

No. MC 94265 (Sub-No. 225), filed December 31, 1969. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry C. Ames, Jr., 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peanuts*, from Franklin, Va., Edenton, Severn, and Pendleton, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Nebraska, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 95876 (Sub-No. 97), filed January 8, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Grant J. Merritt, 100 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate, and stone*, from points in Elbert County, Ga., to Chicago, Ill., and points in the Upper Peninsula of Michigan, Iowa, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Des Moines, Iowa.

No. MC 95876 (Sub-No. 98), filed January 16, 1970. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 56301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing and billets*, from Milwaukee, Wis., to points in Iowa 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 Milwaukee, Wis., or Washington, D.C.

No. MC 96098 (Sub-No. 38), filed January 14, 1970. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 2, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Rittman, Ohio, Silver Springs and Seneca Lake, N.Y., to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia, under contract with Morton Salt Co., Division of Morton International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 99427 (Sub-No. 13), filed January 15, 1970. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from points in Mojave County, Ariz., to points in Clark County, Nev. NOTE: Applicant states that the requested authority could be joined at points in Mojave County, Ariz., with authority held under its Sub 2 to transport petroleum products between points in Arizona so as to permit a through service between points not included in this application. However, applicant states that it has no intention to perform such through operations. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Las Vegas, Nev.

No. MC 100623 (Sub-No. 20), filed December 22, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. Package Delivery Service, 20th Street and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Drugs, medicines, pharmaceuticals, cosmetics, toileties, and related advertising and display material,* from the facilities of Charles Pfizer & Co., Inc., at or near Clifton, N.J., to points in Delaware, Maryland, New Jersey, the District of Columbia, and Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, Pa.; subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from the consignor to one consignee at one location on any one (1) day. NOTE: Applicant presently has contract carrier authority under its MC 102799. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 103993 (Sub-No. 487), filed December 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Buildings, building parts, and materials,* from East Brunswick, N.J., to points in the United States (except Alaska and Hawaii); and (2) *mineral wool* (rock slag or glass wool), from Trenton, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 488), filed December 22, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings* in sections mounted on undercarriages and trailers designed to be drawn by passenger automobiles in initial movements, in truckaway service, from points in Bernalillo County, N. Mex., to points in the United States (except Alaska and Hawaii), with no transportation on return except as otherwise authorized. 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 Albuquerque, N. Mex.

No. MC 103993 (Sub-No. 489), filed December 21, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Panels,* wood or wood fiber or combination thereof, with protective or decorative covering, from Chicago, Ill., and Jacksonville, Tex., to points in the United States east of the Rocky Mountains including Montana, Wyoming, Colorado, 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 Chicago, Ill.

No. MC 103993 (Sub-No. 494), filed January 12, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bathtubs, and shower enclosures,* from Bremen, Ind.; Hazleton, Pa., Riverside, Calif.; and Valdosta, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 495), filed January 12, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Hardboard, composition boards, insulation boards, plywoods, and/or particleboards, and parts, materials and accessorial items* necessary for the installation thereof, from the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C., to points in 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 international boundary line between the United States and Canada; and (2) *commodities* used in the manufacture of hardboard, composition boards, insulating boards, plywoods, and/or particleboards, and *parts and accessorial items* incidental to the transportation and installation thereof, from the above-described destination points in (1) above, to the plant and warehouse sites of the Abitibi Corp. in Wilkes County, N.C. 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 106398 (Sub-No. 440), filed December 8, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Mississippi County, Ark., to points in Missouri, Illinois, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Oklahoma, and Kansas. NOTE: Common control and dual operations may be involved. Applicant states the requested authority cannot be tacked with its existing authority. Applicant further states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 106398 (Sub-No. 441), filed December 12, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and *campers,* in initial movements, from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states no duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 106398 (Sub-No. 445), filed January 8, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in

initial movements, from points in Cherokee County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Columbia, S.C.

No. MC 106398 (Sub-No. 446), filed January 9, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Onslow County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fayetteville or Jacksonville, N.C.

No. MC 106398 (Sub-No. 447), filed January 14, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). 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 in Garvin 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. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 106674 (Sub-No. 67), filed January 15, 1970. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, Ind. 46923. Applicant's representative: Thomas R. Schilli (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from Joliet, Ill., to points in Indiana, Ohio, Kentucky, and Michigan, (2) the plantsite and storage facilities of Central Farmers, Inc., at or near Terre Haute, Ind., to points in Illinois, (3) the storage facilities of Central Farmers Fertilizer Co., at or near Frankfort, Ind., to points in Indiana, Ohio, Illinois, Michigan, and Kentucky, (4) the storage terminal of American Oil Co. at or near Huntington, Ind., to points in Illinois, Indiana, Kentucky, Ohio, and Michigan, and (5) the facilities of Monsanto Co. at or near Flora, Ind., to points in Illinois, Indiana, Kentucky, Ohio, and Michigan. 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 Indianapolis, Ind., or Chicago, Ill.

No. MC 106760 (Sub-No. 124), filed December 29, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete knocked down or in sections and component parts, from Waukesha County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states authority sought may duplicate in part presently held authority. No duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 107002 (Sub-No. 387), filed December 22, 1969. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above) and H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from Yazoo City, Miss., to points in Texas. NOTE: Applicant states that the authority sought could be combined with various authorities in its MC 107002 and subs, for service from Alabama, although tacking is not contemplated. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 107295 (Sub-No. 273), filed December 15, 1969. 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: (1) *Trailers* designed to be drawn by passenger automobile; and (2) *buildings*, complete, knocked down or in sections, and all component parts, materials, supplies, and fixtures used in the erection or assembling thereof, from points in Virginia, to points in the United States (except 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. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 107295 (Sub-No. 278), filed December 22, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile, facing, flooring, adhesive cement, cleaning compounds, floor wax, latex cement compound, roofing, siding, shingles, roof cement, asphalt, pitch, cotton cloth, nails, wallboard, building paper and sheathing*, from Chicago Heights, Ill., to points in Kentucky, Louisiana, Michigan, Missouri, and Texas; (2) *prefabricated steel columns* from Orland Park, Ill., to points in the United States (except Alaska and Hawaii), (3) *siding and accessories*, from Chicago, Ill., to points in the United States (except Washington, Oregon, California, Idaho, Utah, Arizona, Alaska, and Hawaii), (4) *paving joints, compounds, siding, roofing cement*, and the *machines and tools* used in the installation of said commodities, from Elgin, Ill., to points in the states of Arkansas, Georgia, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin: and (5) *doors, tubs, shower enclosures, shower stalls, and parts and accessories* therefor, from Chicago, Ill., to points in and east of the states of Minnesota, Iowa, Missouri, Arkansas, and Texas. NOTE: Applicant states that tacking may take place at Chicago Heights, Orland Park, Elgin, or Chicago, Ill., on traffic originating in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin, for transportation beyond, as authorized under MC 107295, Part (B). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 761), filed December 29, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and related products*, in bulk, in tank vehicles, between the plantsite of Northern Petrochemical Co., located in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it can tack but has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 107760 (Sub-No. 2), filed December 22, 1969. Applicant: MOHAWK TRUCKING AND SALVAGE CO., a corporation, 62 Elm Street, Johnston, R.I. 03919. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride*, with or without anticaking agents, in bulk, in dump trucks, from Providence, R.I., to points on and east of Interstate Highway 91, beginning at New Haven, Conn., and extending to Springfield, Mass., including Hartford, Conn., to points on and south of the Massachusetts Turnpike, beginning at Springfield, Mass., and extending to Boston, Mass., including Boston, Mass., and points in Rhode Island. 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 Providence, R.I., or Boston, Mass.

No. MC 108185 (Sub-No. 49), filed December 3, 1969. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021 and William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Chattanooga and Memphis, Tenn.: From Chattanooga over U.S. Highway 64 to Memphis and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Decatur and Huntsville, Ala.: From Decatur over Alternate U.S. Highway 72 to Huntsville and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, with service at Decatur and Huntsville restricted to joinder only; and (3) between Gadsden and Anniston, Ala.: From Gadsden over U.S. Highway 431 to Anniston and return over the same route, serving the intermediate point of Duke, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Phoenix, Ariz.

No. MC 108207 (Sub-No. 285), filed January 9, 1970. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles and pickle products*, from Albuquerque, N. Mex., to points in Arkansas, Louisiana, Oklahoma, Texas, and Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 109397 (Sub-No. 192), filed January 2, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Interstate Business Route I–44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, byproduct radioactive materials, component parts and containers* thereof, between the Kerr McGee Cimarron facility at or near Crescent, Okla., on the one hand, and, on the other, Oak Ridge Gaseous Diffusion Plant, Oak Ridge, Tenn.; Paducah Gaseous Diffusion Plant and Feed Materials Plant at or near Paducah, McCracken County, Ky.; and Portsmouth Gaseous Diffusion Plant and Feed Materials Plant at or near Portsmouth, Ohio. NOTE: Applicant states that it is not aware of any feasible tacking operations that would result from a grant herein. However, applicant opposes the imposition of a tacking restriction. Applicant further states that it seeks no authority herein which duplicates any other of its presently held authority. Applicant has contract carrier authority pending under MC 128814 Sub 14, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 110410 (Sub-No. 11), filed January 12, 1970. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street SW., Atlanta, Ga. 30313. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Jacksonville Municipal Airport at or near Jacksonville, Fla., on the one hand, and, on the other, Palatka, Fla., restricted to shipments having an immediately prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 110525 (Sub-No. 951), filed January 8, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036 and Robert K. Maslin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, from Belle, W. Va., to Perth Amboy, N.J., and Avon Lake, Ohio. 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 110525 (Sub-No. 952), filed January 13, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Robert K. Maslin (same address as above) also Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Refined edible oils and fats*, in bulk, from Cincinnati, Ohio, to Port Ivory, N.Y., and Dallas, Tex. 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 Cincinnati, Ohio, or Washington, D.C.

No. MC 110525 (Sub-No. 953), filed January 13, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Robert K. Maslin (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible oils*, in bulk, from Carnegie, Pa., to points in Alabama, Florida, Georgia, Maryland, Michigan, New York, North Carolina, Ohio, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 70), filed December 26, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Hillsborough County, Fla., to ports of export in Florida, restricted to shipments having a subsequent movement by water. 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 Tampa, Fla.

No. MC 111170 (Sub-No. 137), filed January 14, 1970. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. 71730. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Caddo Parish, La., to points in Arkansas, Louisiana, Mississippi, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Baton Rouge, La., or Houston, Tex.

No. MC 111302 (Sub-No. 54), filed December 22, 1969. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, Tenn. 37849. Applicant's representative: Paul E. Weaver, 1120 West Griffin Road, Lakeland, Fla. 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bags and in bulk, from Knoxville, Tenn., and points within 10 miles thereof, to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Virginia. 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 Atlanta, Ga., Charlotte, N.C., or Washington, D.C.

No. MC 111812 (Sub-No. 396), filed December 29, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 504½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas, plantains, pineapples, coconuts, and agricultural commodities* and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above, from Wilmington, Del., to points in Michigan, Indiana, Illinois, Iowa, Nebraska, Wisconsin, Minnesota, South Dakota, and North Dakota, restricted to traffic originating at the named origin. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111956 (Sub-No. 22), filed January 11, 1970. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, commodities in bulk, and those requiring special equipment), regular routes: (1) Between Cleveland and Phalanx, Ohio: (a) from Cleveland over Ohio Highway 43 to Solon; thence over Bainbridge Road to Bainbridge; thence over U.S. Highway 422 to its intersection with Ohio Highway 534; thence over Ohio Highway 534 to Phalanx, and return over the same route; and (b) from Cleveland over U.S. Highway 21 to Brecksville; thence over Ohio Highway 82 to its intersection with U.S. Highway 422, thence over Ohio Highway 82 and U.S. Highway 422 to their intersection with Ohio Highway 534, thence over Ohio Highway 534 to Phalanx, and return over the same route; (2) between Cleveland and Akron, Ohio: From Cleveland over U.S. Highway 21 to its intersection with Ohio Highway 18, thence over Ohio Highway 18 to Akron, and return over the same route; (3) between Auburn Corners and Akron, Ohio: From Auburn Corners over Ohio Highway 44 to Ravenna, thence over Ohio Highway 5 to Akron, and return over the same route; (4) between Streetsboro and Phalanx, Ohio: From Streetsboro over Ohio Highway 303 to its intersection with Ohio Highway 534, thence over Ohio Highway 534 to Phalanx, and return over the same route; (5) Between Bainbridge and Kent, Ohio, over Ohio Highway 43; (6) Between Twinsburg and Ravenna, Ohio, over Ohio Highway 14; (7) Between Welshfield and Freedom, Ohio, over Ohio Highway 700; (8) Between Ravenna and Parkman, Ohio, over Ohio Highway 88; and (9) Between Garrettsville, Ohio, and the intersection of Ohio Highway 282 and U.S. Highway 422 over Ohio Highway 282. Serving all intermediate points on the above-described routes and all off-route points in Cuyahoga, Geauga, Portage, and Summit Counties, Ohio. Irregular routes: (1) Between Garrettsville, Ohio, on the one hand, and, on the other, points in Ohio; and (2) Between Mantua, Ohio, and points within 5 miles of the limits thereof, on the one hand, and, on the other, points in Ohio. NOTE: Applicant states it intends to tack the irregular route authority sought with the present operating authority of applicant so as to provide a through service between all points it presently serves and the sought territory. Applicant also proposes to tack the regular route authority sought in this application with the irregular route authority sought. Such tacking would be accomplished at Mantua, Ohio, and points within 5 miles thereof and at Garrettsville, Ohio. Common control may be involved. Applicant requests concurrent handling with MC-F 10682 published in the FEDERAL REGISTER, issue of December 24, 1969. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 112801 (Sub-No. 103), filed January 12, 1970. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. 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: *Anhydrous ammonia*, from the plantsite or storage facilities of American Oil, at or near Joliet, Ill., to points in Indiana 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.

No. MC 113325 (Sub-No. 133), filed December 19, 1969. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and liquid petroleum products* in bulk, in tank vehicles, from the plantsite or storage facilities of the Monsanto Co., located at Brazoria County, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Washington, D.C., or Fort Worth, Tex.

No. MC 113828 (Sub-No. 170) (Correction), filed December 26, 1969, published in the FEDERAL REGISTER issue of January 29, 1970, and republished as corrected, this issue. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: John F. Grimm (same address as applicant) and 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: *Cement*, in bulk, and in bags, from Baltimore, Md., and Washington, D.C., to points in 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. The purpose of this republication is to add the words "and in bags" to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113974 (Sub-No. 38) (Clarification), filed December 3, 1969, published in the FEDERAL REGISTER issue of January 15, 1970, and republished as clarified, this issue. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276-279, and *plastic coated wrought steel pipe*, from Aliquippa and Pittsburgh, Pa., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, and (2) *plastic coated wrought steel pipe*, from Pittsburgh, Pa., to points in Tennessee. NOTE: Applicant states that the requested authority could be tacked at any of the origin points, to heavy hauling authority covering points in Pennsylvania, Ohio, and West Virginia within 125 miles of Wheeling, W. Va. Common control may be involved. The purpose of this republication is to reflect "plastic coated wrought steel pipe" as part of the commodity description in (1) above.

If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 114273 (Sub-No. 52), filed December 1, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix I of 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 cold storage facilities of Wilson & Co., located at or near Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Washington, D.C., restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co. located at or near Monmouth, Ill., and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 57), filed January 5, 1970. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. 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 converted 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: 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 Chicago, Ill.

No. MC 114533 (Sub-No. 205), filed January 12, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606 and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies*, except motion picture films and materials and supplies used in connection with commercial and television motion pictures, between Wichita, Kans., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds a pending contract carrier application under MC 128616, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 115180 (Sub-No. 51), filed December 31, 1969. 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 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*, 71 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, West Virginia, Delaware, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., and destined to the above-named destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 115322 (Sub-No. 64), filed December 17, 1969. Applicant, REDWING REFRIGERATED, INC., Post Office Box 1698, Sanford, Fla. 32771. Applicant's representatives: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006 and J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits and vegetables*, from points in York County, Pa., and points in Delaware, Maryland, and Virginia south of the Delaware Canal and east of the Chesapeake Bay to points in North Carolina, South Carolina, Georgia, and Florida; (2) *frozen fruits and vegetables*, from the plantsite and storage facilities of Hanover Canning Co., Centre Hall, Pa., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Tennessee, and Mississippi; (3) *frozen vegetables*, from points south of the Delaware Canal and east of the Chesapeake Bay in Delaware, Maryland, and Virginia to points in Florida, Georgia, North Carolina, South Carolina and points in Virginia for stop-off purposes when destined to the above-named States; and (4) *frozen vegetables and canned goods*, from points south of the Delaware Canal and east of the Chesapeake Bay in Delaware, Maryland, and Virginia to points in Florida, Georgia, North Carolina, and South Carolina. 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 Washington, D.C.

No. MC 115648 (Sub-No. 20), filed January 14, 1970. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 705 13th Street, Wheatland, Wyo. 82201. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bones, bone meal, ground bones, meat scraps, and tankage*, from points in Natrona County, Wyo., to Denver, Colo., and points in Adams County, Colo. 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 Cheyenne, Wyo., or Denver, Colo.

No. MC 116077 (Sub-No. 284), filed December 22, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tequila*, in bulk, in tank vehicles, from Laredo, Tex., 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 116077 (Sub-No. 285), filed December 22, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Pat H. Robertson, 401 First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bulk, from the plantsite of U.S. Oil of Louisiana, Ltd., sulphur operations, at or near Chacahoula (Lafourche Parish), La., to points in Louisiana, Alabama, Florida, Georgia, Mississippi, and Texas. NOTE: Applicant states it can tack over specified Texas points to Arkansas, Louisiana, Colorado, Missouri, Kansas, New Mexico, Utah, and Oklahoma. It further states it holds duplicate authority in Subs 47 and 63, and will surrender for cancellation upon grant of instant application. No duplicate authority is being sought. If a hearing is deemed necessary, applicant request it be held at New Orleans, La.

No. MC 116254 (Sub-No. 107), filed December 30, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite and storage facilities of Monsanto Co., at or near Anniston,

Ala., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Mississippi, Tennessee (except Kingsport, Tenn., and points within its commercial zone), and Kentucky, restricted to traffic originating at said plantsite and storage facilities and destined to points in named destination States. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116280 (Sub-No. 9), filed January 14, 1970. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes, and accessories*, from Cumberland, Md., to points in Pennsylvania. NOTE: Applicant is authorized to operate as a contract carrier, under MC 88299, 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 Harrisburg or Johnstown, Pa.

No. MC 116763 (Sub-No. 160), filed December 30, 1969. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from (1) Derry Township, Dauphin County, Pa., to points in Florida and Georgia; and (2) from Lebanon, Pa., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the purpose of this application is to eliminate an interline arrangement and also a gateway in Georgia. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 117119 (Sub-No. 421), filed January 5, 1970. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cocoa powder*, in bags, from the plantsite of U.S. Cocoa Corp., at Camden, N.J., to Dallas, Tex., restricted the transportation of shipments originating at the above-named plantsite and destined to Dallas, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117986 (Sub-No. 2), filed January 16, 1970. Applicant: GILBERT FALCONE AND ALFRED DE LUCA, a partnership, doing business as GILBERT & AL TRANSFER, 8605 Howell Road, Bethesda, Md. 20034. 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: (1) *Bananas, plantains, pineapples, and coconuts* and (2) *agricultural commodities*, in mixed shipments, the transportation of which is partially exempt under section 203(b)(6) of the Act, when transported in mixed shipments with (1) above, from Wilmington, Del., to points in Maryland, 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 did not specify location.

No. MC 118292 (Sub-No. 23), filed January 5, 1970. Applicant: BALLENTINE PRODUCE, INC., Post Office Box 312, Alma, Ark., 72921. Applicant's representatives: Lester M. Bridgeman and Nancy Pyeatt, 1000 Woodward Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry and poultry products*, from Fort Smith, Ark., and Heavener, Okla., to points in Indiana and Ohio, restricted to transportation of traffic originating at the plantsite and storage facilities of O. K. Processors, Inc., at Fort Smith, Ark., and Heavener, Okla. 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 Little Rock, Ark., or Washington, D.C.

No. MC 118959 (Sub-No. 61), filed December 9, 1969. Applicant: JERRY LIPPS, Inc., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, 12732 West Peachtree Street, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and pulpboard*, from Franklin, Va., to points in Missouri, Kentucky, Ohio, Indiana, Michigan, Illinois, Tennessee, Pennsylvania, New York, New Jersey, Arkansas, Kansas, Iowa, Oklahoma, Texas, Wisconsin, Minnesota, South Dakota, North Dakota, Maryland, Delaware, Louisiana, Mississippi, Georgia, Florida, and Alabama. NOTE: Applicant holds contract carrier authority under MC 125664, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Norfolk, Va., or Washington, D.C.

No. MC 118959 (Sub-No. 69), filed December 29, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty glass containers, and fiber board boxes*, between Dunkirk, Ind., on the one hand, and, on the other, points in Kentucky, Tennessee, Georgia, Alabama, Louisiana, Mississippi, Arkansas, Florida, Texas, South Carolina, and North Carolina, and (2) *rejected and returned shipments and materials and supplies* used in the manufacture of glass containers, on return. NOTE: Applicant holds contract carrier authority under Docket No. 125664, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 118959 (Sub-No. 70), filed December 29, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and rubber products;* from Mayfield, Ky., to points in Illinois, Indiana, Arkansas, Kentucky, Michigan, Missouri, Ohio, and Texas; and (2) *articles dealt in, processed or manufactured* by rubber and rubber products companies, from Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Maine, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Louisiana, and Texas to Mayfield, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio, or Atlanta, Ga.

No. MC 119441 (Sub-No. 20), filed January 16, 1970. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, except in bulk, between points in Stark County, Ohio, on the one hand, and, on the other, points in New Jersey, Delaware, Maryland, the District of Columbia, Virginia, Massachusetts, Rhode Island, Connecticut, and that part of Pennsylvania east of U.S. Highway 15, and (2) *materials and supplies* used in the manufacture of clay products, from points in New Jersey, Delaware, Maryland, the District of Columbia, Virginia, Massachusetts, Rhode Island, Connecticut, and that part of Pennsylvania east of U.S. Highway 15 to points in Stark County, 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 Columbus, Ohio.

No. MC 119531 (Sub-No. 135), filed January 8, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures* therefor, *and paper cartons*, from Vienna, W. Va., to points in the District of Columbia, Maryland, New Jersey, and 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 Washington, D.C., or Chicago, Ill.

No. MC 119531 (Sub-No. 136), filed January 5, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber drums, and materials, equipment, and supplies* used in manufacture, sale and distribution of fiber drums, between Van Wert, Ohio, on the one hand, and, on the other, points in Kentucky, Michigan, New York, Pennsylvania, Tennessee, and those in the portion of Indiana on and north of U.S. Highway 30. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119619 (Sub.-No. 21), filed January 9, 1970. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, packinghouse products and articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins, and except commodities in bulk, in tank vehicles), and *buckwheat flour, maple syrup, cheese and advertising materials* used in the promotion and sale of the foregoing commodities, in straight or mixed shipments, from the plantsite and storage facilities of Jones Dairy Farms at Fort Atkinson, Wis., to points in Maryland, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, District of Columbia, Pennsylvania, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 169), filed January 12, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon mixture*, from Calvert City, Ky., to Niagara Falls, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126970 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 Louisville, Ky.

No. MC 119789 (Sub-No. 29), filed December 31, 1969. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 1006, Opelousas, La. 70570. Applicant's representatives: Paul M. Daniell and Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, from Liberal, Kans., to points in Alabama, Tennessee (except Memphis), Florida, Georgia, South Carolina, North Carolina, Virginia, Rhode Island, Pennsylvania, Maryland, District of Columbia, Delaware, New Jersey, New York, Connecticut, Massachusetts, West Virginia, Vermont, New Hampshire, and Maine. 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 119880 (Sub-No. 36), filed January 12, 1970. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. 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: *Alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to Chicago, Ill., Toledo, Ohio, and 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 Chicago, Ill.

No. MC 123212 (Sub-No. 4), filed December 15, 1969. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. 08882. Applicant's representative: Alexander Markowitz, Post Office Box 793, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products, light standard foundations, conduit, junction boxes, covers, catch basins, iron and steel frames or grates, reinforcing bars, rods or mesh, and anchor bolts, such as are used in construction or architectural projects*, from the plantsite of Prepco, Inc., at or near Somerville, N.J., to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating is being sought. Common control may be involved. If a hearing is deemed necessary, applicants request it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 123383 (Sub-No. 44) (Clarification), filed December 10, 1969, published in the FEDERAL REGISTER issue of January 15, 1970, and republished as clarified, this issue. Applicant: BOYLE BROTHERS, INC., 2036 South Fourth Street, Camden, N.J. 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: *Building materials* (except those in bulk, and those which because of size or weight require the use of special equipment), from points in New Jersey and New York within 25 miles of Newark, N.J., including Newark, N.J., to points in 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. Applicant further states that it presently provides service through a gateway plant at Camden, N.J., and the purpose of this application is to eliminate need of the gateway. The purpose of this republication is to reflect the tacking information. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123502 (Sub-No. 31), filed January 12, 1970. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from the facilities of the Morton Salt Co., at or near Seneca Lake, Yates County, N.Y., to points in Delaware, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 421), filed January 21, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite or storage facilities of Monsanto located at or near Anniston, Ala., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Mississippi, Tennessee (except Kingsport), and Kentucky. Restriction: The above authority is restricted to traffic originating at the above plantsite or storage facilities and destined to points in the above-named destination states. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 124078 (Sub-No. 422), filed January 12, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis.

53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Olathe, Kans., to points in Missouri. 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 identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126545 (Sub-No. 5), filed January 9, 1970. Applicant: GLENERY, INC., 173 Hickory Street, Kearny, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel spring helicals*, in shipper-owned trailers, from Washingtonville, N.Y., to Kearny, N.J., under contract with Kenny Steel Treating Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127834 (Sub-No. 48), filed January 12, 1970. Applicant: CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe and tubing*, from Grand Rapids, Mich., to points in Davidson County, Tenn., and Washington County, Va. 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 Nashville, Tenn.

No. MC 127840 (Sub-No. 25), filed January 8, 1970. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, Ill. 60480. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil residues*, in bulk, from Rochester, N.Y., and Yorkville, Ohio, to Bradley, Ill. NOTE: Applicant indicates tacking the proposed authority with its existing authority under MC 127840 and Subs Nos. 1 and 5, wherein applicant is authorized to serve points in Illinois, Connecticut, Colorado, Delaware, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127991 (Sub-No. 2), filed January 15, 1970. Applicant: P. F. HUNTLEY COMPANY, a corporation, East 6305 Mallon Street, Spokane, Wash. 99206. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quarry tile*, from Spokane Industrial Park (Spokane County), Wash., 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 Spokane or Seattle, Wash.

No. MC 128273 (Sub-No. 56), filed December 30, 1969. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from New Orleans, La., to points in Montana, Wyoming, Colorado, New Mexico, Arizona, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Wisconsin, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it is authorized to conduct operations 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 Washington, D.C.

No. MC 128473 (Sub-No. 12), filed January 2, 1970. Applicant: MONTANA EXPRESS, INC., Post Office Box 888, Laurel, Mont. 59044. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, from Billings, Butte, Bozeman, Glasgow, Great Falls, Havre, Helena, Kalispell, Lewistown, Miles City, Missoula, and Sidney, Mont., and Worland, Wyo. to Los Angeles and San Francisco, Calif., Portland, Oreg., and Seattle, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 128474 (Sub-No. 2), filed January 12, 1970. Applicant: MORE TRUCK LINES, a corporation, 10680 Douglas Road, Anaheim, Calif. 92805. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Borax and borate rock*, in bulk, from plants and mine sites of United States Borax & Chemical Corp. near Boron, Calif., to points in the Los Angeles Harbor Commercial Zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128732 (Sub-No. 7), filed January 5, 1970. Applicant: TRANSPORTATION UNLIMITED OF CALIFORNIA, INC., 1521 San Ysidro Drive, Beverly Hills, Calif. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Harlan, Dennison, Sioux City, Iowa Falls, Oakland, Perry, Marshalltown, Storm Lake, Des Moines, Waterloo, Columbus Junction, Davenport, Cherokee, and Sioux Center, Iowa; York, Omaha, and Dakota City, Nebr., and Madison, Wis., and Fort Morgan, Colo., to points in California, under contract with Hoffman Brothers Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129184 (Sub-No. 3), filed November 24, 1969. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, Wash. 98230. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor and cigarettes;* (1) between Fort Lauderdale and Miami, Fla., on the one hand, and, on the other, West Palm Beach, Fla., and Blaine, Wash.; and (2) between West Palm Beach, Fla., on the one hand, and, on the other, Tampa, Fla.; Blaine, Wash.; New Orleans, La.; Laredo, Tex.; New York, N.Y.; Ogdensburg, N.Y.; Alexandria Bay, N.Y.; Buffalo, N.Y.; Detroit, Mich.; Duluth, Minn.; Superior, Wis.; and Port Huron, Mich.; under contract with Exports, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129307 (Sub-No. 33), filed January 12, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Sioux City, Iowa, to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 129569 (Sub-No. 1), filed December 31, 1969. Applicant: J. B. MOORE, 525 Alleghany Avenue, Lynchburg, Va. 24501. Applicant's representative: Carlyle C. Ring, Jr., 710 Ring Building, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A

and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the cities of Roanoke, Salem, Buena Vista, and Farmville, Va., and points in Roanoke, Montgomery, Floyd, Franklin, Rockbridge, Bedford, Botetourt, Craig, Campbell, Appomattox, and Amherst Counties, Va., on the one hand, and, on the other, Dulles International Airport, Fairfax, Va., National Airport, Arlington, Va., and Byrd Airport, Sandston, Va., restricted to shipments having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 129618 (Sub-No. 3), filed January 12, 1970. Applicant: EISENBACH ENTERPRISES LIMITED, 327 Murray Street, Brantford, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, chrome splits, bellies, materials, and supplies* used in the processing, preserving or curing of hides, skins or glue (except chemicals in bulk), between the international boundary between the United States and Canada at the Detroit and St. Clair Rivers, and St. Cloud, Duluth, and St. Paul, Minn.; Butler, Mo.; Omaha, Nebr.; Roanoke and Luray, Va.; Memphis, Knoxville, and Nashville, Tenn.; and points in North Carolina, South Carolina, Iowa, Mississippi, and Kentucky (except Louisville). 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 Washington, D.C.

No. MC 129645 (Sub-No. 12), filed January 5, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood dimension stock*, from points in Adams Township, Houghton, Mich., to points in New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Alabama, Louisiana, Connecticut, New Jersey, Michigan, Wisconsin, Minnesota, Illinois, Ohio, Indiana, Missouri, Arkansas, California, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 127093 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133415 (Sub-No. 5), filed January 8, 1970. Applicant: SID PLANAMENTA, doing business as S & R AUTO PARTS DELIVERY SERVICE, 913 McKinley Street, Peekskill, N.Y. 10566. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, supplies, and accessories*, from storage facilities of TRW Replacement Division of TRW, Inc., at Carlstadt, N.J., to points in New York, N.Y., and Nassau, Suffolk and Westchester Counties, N.Y., and *returned shipments*, on return under contract with TRW Replacement Division of TRW, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133515 (Sub-No. 4), filed January 5, 1970. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Yogurt, snack dips, ice cream, ice milk, dairy products, vegetable fat products and fruit flavored drinks*, from Des Moines, Iowa, to Kansas City, Mo., under contract with Borden, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133686 (Sub-No. 3), filed January 16, 1970. Applicant: TOM SAWYER, Box 3, Kingston, Idaho 83839. Applicant's representative: Joseph O. Earp, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Fargo, N. Dak., to Portland, Oreg., Seattle, and Spokane, Wash., under contract with North Star Dairy. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133689 (Sub-No. 5), filed January 16, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., Post Office Box 2667, New Brighton, Minn. 55112. Applicant's representatives: James F. Sexton (same address as above), also Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, and *canned and frozen foods*, from St. Paul and Twin Lakes, Minn., and Eau Claire, Monroe, and Portage, Wis., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that it could tack with authority sought in MC 133689 to provide service from points in Minnesota. Applicant has contract carrier authority in MC 76025 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 133741 (Sub-No. 5), filed December 22, 1969. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poly-vinyl chloride pipe*, from Austin, Minn., to points in Wyoming, Colorado, Idaho, Montana, Nebraska, South Dakota, and Utah; under contract with Riverton Concrete Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Denver, Colo.

No. MC 133774 (Sub-No. 2), filed January 14, 1970. Applicant: HARRY R. OLOFFSON AND HAROLD F. OLOFFSON, a partnership, doing business as OLOFFSON TRUCKING SERVICE, Manlius, Ill. 61338. Applicant's representative: Samuel G. Harrod, 106½ East Center Street, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow farm boxes and related parts and running gears*, from Manlius, Ill., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin, under contract with Smith & Co., Manlius, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Peoria or Chicago, Ill.

No. MC 133805 (Sub-No. 1), filed December 15, 1969. Applicant: LONE STAR CARRIERS, INC., Post Office Box 11304, 740 North Houston, Fort Worth, Tex. 76109. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from the plantsite of Glover Packing Co., at or near Amarillo, Tex., to points in Florida, North Carolina, South Carolina, Georgia, New York, New Jersey, Massachusetts, Connecticut, Utah, Idaho, Washington, and Oregon, restricted to traffic originating at the plantsite and warehouse facilities of Glover Packing Co. 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 Fort Worth or Dallas, Tex.

No. MC 133937 (Sub-No. 2), filed December 18, 1969. Applicant: CAROLINA CARTAGE COMPANY, INC., 654 Keith Drive, Greenville, S.C. Applicant's representative: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General*

commodities, having a prior or subsequent movement by air; (1) between points in South Carolina; (2) between points in South Carolina, on the one hand, and, on the other, airports at or near Atlanta, Ga., and Charlotte, N.C.; and (3) between airports located at or near Atlanta, Ga., and Charlotte, N.C. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 133962 (Sub-No. 1), filed December 29, 1969. Applicant: JAMES W. ALDRICH, 742 Northeast 35th Street, Ocala, Fla. 32670. Applicant's representatives: Ben Daniels, Jr., 307 Northwest Third Street, Ocala, Fla. 32670 and Phillip R. Trovillo. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Charcoal,* both bulk and packaged, *fly ash, metal lighter fluid containers, and related products* which may be used in charcoal manufacturing, between points in Arkansas, Kansas, Florida, Maine, Oklahoma, New Hampshire, Rhode Island, Vermont, West Virginia, Wisconsin, Texas, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, North Carolina, South Carolina, Georgia, Alabama, Kentucky, Ohio, Tennessee, Indiana, Illinois, Michigan, Minnesota, Iowa, Missouri, Louisiana, Colorado, and Nebraska, under contract with Timberland Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tampa, Fla.

No. MC 133980 (Sub-No. 1), filed January 9, 1970. Applicant: J. FRANKLIN WILKINS, doing business as J. F. WILKINS, Route No. 1, Callao, Va. 22435. Applicant's representative: J. R. Farley, 10 South 10th Street, Richmond, Va. 23219. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cans, crabmeat and oyster;* and *knockdown cardboard reshipper containers* for oysters and crabmeat, from Baltimore, Md., to points in Northumberland and Westmoreland Counties, Va. 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 Richmond, Va., or Washington, D.C.

No. MC 133985 (Sub-No. 1), filed January 8, 1970. Applicant: RICHARD M. GODFREY TRUCKING, INC., 1358 East 6400 South, Salt Lake City, Utah. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Campers and folding trailers,* not wheel mounted, in truckaway service, in initial movements, from Idaho Falls, Idaho, and points in Salt Lake County, Utah, to points in Washington, Oregon, California, Nevada, New Mexico, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Texas, Nebraska, Kansas, Oklahoma, North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Indiana, Illinois, Missouri, Ohio, and Alaska; and (2) *parts and supplies* used in the construction of the above commodities, from points in Washington, Oregon, California, Utah, Idaho, Montana, Colorado, Texas, Minnesota, Wisconsin, Iowa, Indiana, Illinois, and Ohio to Idaho Falls, Idaho, and points in Salt Lake County, Utah, for the account of Vista International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134113 (Sub-No. 1), filed December 12, 1969. 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,* from Pueblo, Colo., and the commercial zone of Pueblo, Colo., to points in Idaho, Montana, Wyoming, and North Dakota. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 134176, filed November 20, 1969. Applicant: CHARLES JACQUIN ET CIE., INC., 2633 Trenton Avenue, Philadelphia, Pa. 19125. Applicant's representative: J. Hardin Peterson, Jr., Post Office Drawer BS, 215 East Lime Street, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Citrus products,* frozen and not frozen and *citrus byproducts,* in mixed or straight shipments, other than bulk, from points in Florida to points in Virginia, Maryland, District of Columbia, New Jersey, Pennsylvania, and New York, under contract with Adams Packing Association, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando or Tampa, Fla.

No. MC 134207 (Sub-No. 1), filed January 16, 1970. Applicant: ASSOCIATED FOOD STORES, INC., 1810 South Empire Road, Salt Lake City, Utah 84104. 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: *Wearing apparel and materials* used in the manufacture of wearing apparel; (1) between Monroe, Circleville, and Panguitch, Utah, and Buckeye, Ariz.; (2) between Monroe, Circleville, and Panguitch, Utah, and Los Angeles, Calif.; and (3) between Monroe, Circleville, and Panguitch, Utah, and San Francisco, Calif., under contract with Associated Food Stores, Inc. NOTE: If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah.

No. MC 134209, filed December 5, 1969. Applicant: FRED F. CLASSY, doing business as AIRPORT SERVICE, Post Office Box 151, Hickory, N.C. 28601. Applicant's representative: A. W. Flynn, Jr., Post Office Box 180, 1006 Wachovia Building, Greensboro, N.C. 27402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* except articles of unusual value, high explosives, household goods, commodities in bulk, and commodities requiring special equipment, between the Douglas Municipal Airport in Mecklenburg County, N.C., on the one hand, and, on the other, points in Catawba, Burke, Alexander, Lincoln, Iredell, Caldwell, and McDowell Counties, N.C., restricted to the transportation of shipments having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 134235, filed December 17, 1969. Applicant: KUHNLE BROS. INC., Post Office Box 128, Chagrin Falls, Ohio 44022. Applicant's representative: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt,* from points in Milo Township, Yates County, N.Y., to points in Pennsylvania, Maryland, Delaware, New Jersey, Massachusetts, Connecticut, Vermont, and New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134242, filed December 12, 1969. Applicant: STORE DOOR DELIVERY, INC., 303 Washington Street, Jersey City, N.J. 07302. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Flour,* in bulk, in hopper dump vehicles, from Brooklyn, N.Y., to the plantsite of Roman Products, Inc., South Hackensack, N.J., under contract with Roman Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 134246, filed December 15, 1969. Applicant: ROBERT TAHSLER, doing business as TUBEE TRUCKING, 6951 Greenbrier Drive, Farma Heights, Ohio 44130. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Copper and aluminum bars,* from Eminence, Ky., to Cleveland, Ohio, under a continuing contract with Hussey Metals, Division of Copper Range Co., Cleveland, 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 Columbus, or Cleveland, Ohio, or Washington, D.C.

No. MC 134249, filed December 22, 1969. Applicant: CHARLES MILLER TRUCKING CORP., 181 Hopkins Street, Brooklyn, N.Y. 11206. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metals,* other than precious, in flat-bed trucks and trailers, between the piers, wharves, and warehouses in the New York, N.Y., commercial zone, as defined by the Commission in 53 M.C.C. 451 (in New York and New Jersey) on the one hand, and,

on the other, points in Nassau and Suffolk Counties, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134251, filed December 22, 1969. Applicant: BERNARD VANCE, doing business as VANCE MOTORS, 7405 Calumet, Hammond, Ind. 46324. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Room 1206, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and replacement vehicles for such wrecked and disabled vehicles, and vehicles* to be used on construction sites such as, *trailers, trucks, and cranes*, to or from points within the States of Illinois, Indiana, Michigan, Ohio, Pennsylvania, Iowa, Wisconsin, Kentucky, Missouri, Kansas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 134253, filed December 14, 1969. Applicant: JOSEPH JOHN O'BRIEN, SR., doing business as O'BRIEN'S GARAGE, Albany Street Extension, Portsmouth, N.H. 03801. Applicant's representative: Joseph John O'Brien, Sr., 3 Melbourne Street, Portsmouth, N.H. 03801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, wrecked, or disabled motor vehicles* by towing, between points in Maine, New Hampshire, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 134254 (Sub-No. 2), filed January 12, 1970. Applicant: NANC CORPORATION, 2610 North Dort Highway, Flint, Mich. 48506. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail, guard rail posts, and accessories and sign supports* (joists), from Flint, Mich., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Michigan, Montana, Nevada, Oregon, Utah, Washington, and Wyoming), with return movements of said *commodities that have been damaged, refused, rejected, or tendered for restoration or repair*, under continuing contract with Anderson "Safeway" Guard Rail Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 134257, filed December 22, 1969. Applicant: CARROLL'S TRANSFER, INC., Post Office Box 188, Dublin, N.C. 28332. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* in bags, in bulk, in liquid, between points in North Carolina, South Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Wilmington, N.C.

No. MC 134258, filed January 2, 1970. Applicant: RALPH'S TRANSPORT, LTD., Hoyt, New Brunswick, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood, forest products, crossarms, wood stave tanks, wood pipe, lumber, concrete products, steel and supplies and materials* as are necessary to the installation of the described commodities, from ports of entry on the international boundary line of the United States and Canada at or near Calais, Houlton, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, and *returned and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bangor or Portland, Maine, or Boston, Mass.

No. MC 134260, filed January 5, 1970. Applicant: MISSOURI VALLEY EASTERN EXPRESS, INC., 4440 Buckingham, Box 7078, South Omaha Station, Omaha, Nebr. 68107. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, 14th and J Streets, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses, from the plantsite and storage facilities utilized by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Vermont, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origins, under contract with Sioux-Preme Packing Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 134261, filed January 5, 1970. Applicant: JESSE JAMES, doing business as JESSE JAMES WRECKING SERVICE, 242 Lavon Street, Garland, Tex. 75040. Applicant's representative: G. H. Kelsoe, Jr., 620 Mercantile Dallas Building, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Accidentally wrecked, inoperative or disabled motor vehicles by towing*, from points in Arkansas, Oklahoma, Kansas, Louisiana, Mississippi, Tennessee, and New Mexico, to Dallas, Tex.; under contract with Greyhound Lines-West and Kraft Foods Division Kraft Co. Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 134263, filed December 22, 1969. Applicant: E. L. WARTHEN, doing business as REDWAY CARRIERS, Route 5, Box 100, Waukegan, Ill. 60085. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries, and cranberry products*, in containers, *machinery, materials, supplies, equipment*, incidental to or used in the processing canning, bottling, preserving, freezing, distribution, or sale of cranberries, and cranberry products, between the plantsite and warehouse of Ocean Spray Cranberries, Inc., Kenosha County, Wis., and points in Illinois, under contract with Ocean Spray Cranberries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 134271, filed January 5, 1970. Applicant: PRUITT MOVING AND STORAGE COMPANY, a corporation, 800 West Hardin Street, Findlay, Ohio 45840. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Ohio, restricted (1) to shipments having a prior or subsequent movement beyond said points, in containers; and (2) to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 423), filed January 16, 1970. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between points in Edison Township, N.J., from the junction of combined Interstate Highways 95 and 287 and U.S. Highway 1, over combined Interstate Highways 95 and 287 to junction of the New Jersey Turnpike at the 1287, Perth Amboy-Metuchen Interchange (Interchange No. 10) and access roads thereto, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 94132 (Sub-No. 2), filed December 29, 1969. Applicant: JOHN H. ANNETT, R.F.D. No. 3, Harrington, Del. 19952. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between points in Caroline County, Md., and Milford, Del. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or Wilmington, Del.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 111413 (Sub-No. 3), filed October 13, 1969. Applicant: EDWARD DIETIKER MOVING & STORAGE CO., a corporation, 4801 Goodfellow Boulevard, St. Louis, Mo. 63120. Applicant's representative: Charles Ephraim, 1411

K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, 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, between St. Louis, Mo., and points in Monroe, Ralls, Pike, Lincoln, St. Charles, Warren, Montgomery, Callaway, Boone, Audrain, Moniteau, Cole, Osage Gasconade, Franklin, Jefferson, St. Louis, Ste. Genevieve, Perry, St. Francois, Iron, Washington, Crawford, Maries, Miller, Pulaski, Camden, Morgan, Phelps, Dent, Texas, Shannon, Carter, Wayne, Butler, Bollinger, Cape Girardeau, Madison, and Reynolds Counties, Mo., and points in that part of Illinois bounded by a line beginning at the Iowa-Illinois State line and extending in an easterly direction along U.S. Highway 136 to intersection U.S. Highway 45 near Rantoul, thence in a southerly direction along U.S. Highway 45 to intersection Illinois Highway 37 near Effingham, thence along Illinois Highway 37 to Marion, thence in a westerly direction along Illinois Highway 13 to Carbondale, thence in a southerly direction along U.S. Highway 51 to intersection U.S. Highway 60 near Cairo, thence along U.S. Highway 60 to the Illinois-Missouri State line and along the Illinois-Missouri State line to intersection with the Illinois-Iowa State line and thence along the Illinois-Iowa State line to point of beginning, including points on the boundary lines specified but not including points in Alexander, Pulaski, and Union Counties. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 113908 (Sub-No. 203), filed December 29, 1969. Applicant: ERICKSON TRANSPORT CORPORATION, Box 3180, Glenstone Station, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, in bulk, in tank vehicles, from Cicero, Ill., to Chattanooga, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 126276 (Sub-No. 23), filed December 31, 1969. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends and supplies* used in the manufacture and distribution of metal containers and container ends that move with metal containers and container ends and tops and closures, from the plantsite of Crown Cork & Seal Co., Inc., at North Bergen, N.J., Philadelphia, Pa., Baltimore and Fruitland, Md., Winchester, Va., Lawrence, Mass. Chicago, Ill., Faribault, Minn., Bradley, Ill., St. Louis, Mo., Spartanburg, S.C., and Cleveland, Ohio, to points in Minnesota, Wisconsin, Michigan, Missouri, Illinois, Ohio, Indiana, Kentucky, and Maryland, under contract with Crown Cork & Seal Co., Inc.

No. MC 134044 (Sub-No. 1), filed December 29, 1969. Applicant: SAM M. FUGATE, doing business as SAM'S VANS, 95 Market Street, Oakland, Calif. 94607. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, Calif., 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 it does not intend to tack.

No. MC 134104 (Sub-No. 2) (Amendment), filed October 16, 1969, published in FEDERAL REGISTER, issue of January 15, 1970, amended October 22, 1969, and republished as amended, this issue. Applicant: GILBERT FONT & PETER J. BETZ, a partnership, doing business as B & F TRANSPORT COMPANY, 110 Moriches Bypass, Center Moriches, N.Y. 11934. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial refuse containers*, from Lindenhurst and Farmingdale, N.Y., to points in Delaware, Florida, Iowa, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Jersey, New York, Nebraska, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Wisconsin, and the District of Columbia, and *materials and supplies* used in the manufacture of industrial refuse containers from Maryland, Ohio, Pennsylvania, and West Virginia to Lindenhurst and Farmingdale, N.Y.; (2) *lamp shades*, from East Patchogue, N.Y., to points in Delaware, Maryland, Pennsylvania, and the District of Columbia; and (3) *industrial refuse containers*, from Baltimore, Md., to Lindenhurst and Farmingdale, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to change the scope of the authority in Part (1) and add new commodity description in Part (3).

By the Commission.

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

[F.R. Doc. 70-1449; Filed, Feb. 4, 1970; 8:45 a.m.]

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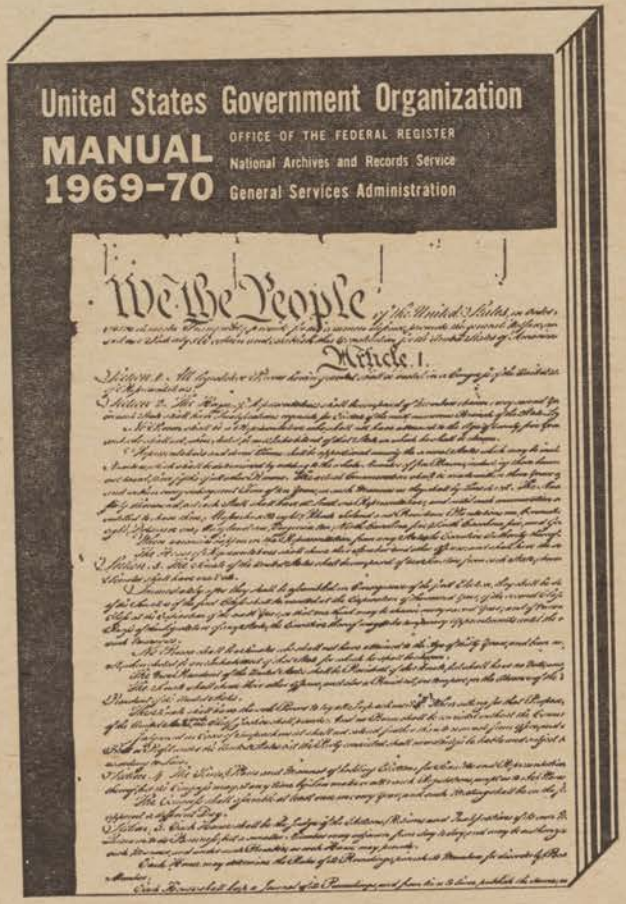

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