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Agencies in this issue—

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Agricultural Stabilization and Conservation Service
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Environmental Quality Council
Federal Aviation Administration
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Water Pollution Control Administration
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Food and Drug Administration
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Interior Department
International Commerce Bureau
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Securities and Exchange Commission
Treasury Department
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Wage and Hour Division

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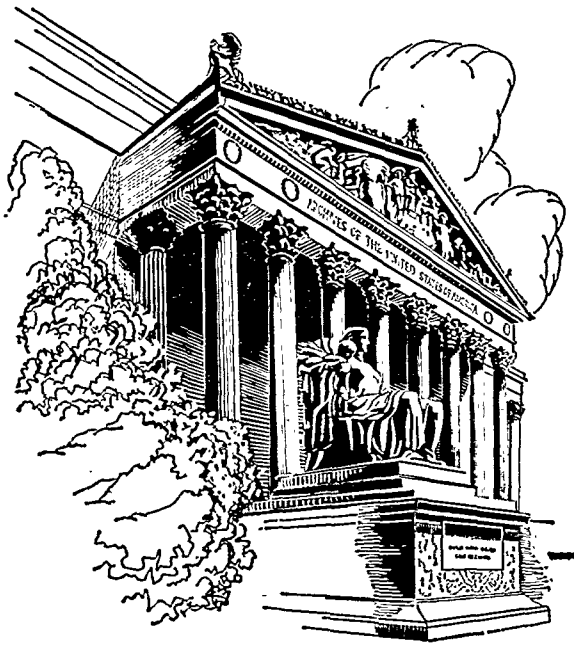

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

Volume 82

UNITED STATES STATUTES AT LARGE

[90th Cong., 2d Sess.]

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

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

REGULATED AREAS

Correction

In F.R. Doc. 70-4850 appearing at page 6369 in the issue of Tuesday, April 21, 1970, the following change should be made in § 301.79-2a: The first entry under Florida should read as follows:

Escambia County. The property of J. E. Cunningham located in the SE¼, sec. 13, T. 3 N., R. 32 W., west of State Road 97.

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

Correction

In F.R. Doc. 70-5047 appearing on page 6639 in the issue of Saturday, April 25, 1970, § 404.25 should read as set forth below:

§ 404.25 The application and the policy.

* * * * *

7. * * *

(b) * * *

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

[Amdt. 2]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

Correction

In F.R. Doc. 70-5050 appearing at page 6640 in the issue of Saturday, April 25, 1970, § 411.6 should read as set forth below:

§ 411.6 The application and the policy.

* * * * *

7. * * *

(b) * * *

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of the death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

TERMINATIONS OF QUOTAS; 1970-71 MARKETING YEAR

Basis and purpose. Section 724.36 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim (1) that the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1970-71 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and (2) the termination of existing marketing quotas for such kind of tobacco for the 1970-71 marketing year.

A notice that an investigation was to be made to determine the existence of the fact stated in (1) above, and if such fact was found to exist, the actions to be taken with respect to an increase in or termination of marketing quotas on Cigar-binder (types 51 and 52) tobacco for the 1970-71 marketing year was published in the FEDERAL REGISTER on February 21, 1970 (35 F.R. 3293). In such notice interested persons were given the opportunity to submit data, views, and recommendations pertaining to the investigation and action to be taken on the basis thereof. For the most part, the submissions received pursuant to the notice recommended against terminating quotas, even though the fact that a short supply of Cigar-binder tobacco existed was not disputed. A few submissions favored termination of quotas or were noncommittal.

The notice referred to above contained the latest available statistics of the Federal Government pertaining to the normal supply, total supply, and prospective supply of Cigar-binder (types 51 and 52) tobacco for the 1970-71 marketing year. On the basis of the investigation which has been made, and after due consideration within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, of the submissions made pursuant to the notice, it has been determined that the operation of farm marketing quotas on Cigar-binder (types 51 and 52) tobacco for the 1970-71 marketing year will cause the amount of such tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and that farm marketing quotas on such kind of tobacco for the 1970-71 marketing year should be terminated.

This document constitutes a substantive rule which relieves marketing quota restrictions, and producers of Cigar-binder tobacco, who are preparing to plant their 1970 crops, need to know immediately the provisions hereof. Accordingly, this document shall become effective upon the date of its filing with the Director, Office of the Federal Register.

§ 724.36 Cigar-binder (types 51 and 52) tobacco.

It has been determined that the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1970-71 marketing year will cause the amount of such kind of tobacco which is free of marketing restrictions to be less than the normal supply of such kind of tobacco, and farm marketing quotas for the 1970-71 marketing year for such kind of tobacco are hereby terminated.

(Secs. 371, 375, 52 Stat. 64, as amended, 66, as amended; 7 U.S.C. 1371, 1375)

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

Signed at Washington, D.C., on May 8, 1970.

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

[F.R. Doc. 70-5851; Filed, May 8, 1970; 1:15 p.m.]

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

[Lemon Reg. 425, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 910.725 (Lemon Reg. 425, 35 F.R. 7003) are hereby amended to read as follows:

§ 910.725 Lemon Regulation 425.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 7,440 cartons.

(ii) District 2: 272,490 cartons.

* * * * *

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

Dated: May 6, 1970.

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

[F.R. Doc. 70–5771; Filed, May 11, 1970; 8:46 a.m.]

[Peach Reg. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) The recommendation of the Industry Committee embodies its appraisal of the crop and the marketing outlook for 1970. Restrictions should be made effective on May 13, 1970, to prevent peaches smaller than 1¾ inches in diameter from being marketed. Some of the earlier maturing varieties are now reaching maturity and such peaches are generally smaller than later varieties. Commencing May 18, 1970, the size restrictions should prevent the shipment of peaches smaller than 1⅞ inches in diameter, in that, other varieties of peaches which normally attain a larger size will be maturing and will be available for market. The regulation with respect to grade is designed to provide consumers with good quality fruit consistent with the overall general quality of the crop. Hence, the regulation specifies a minimum of 85 percent U.S. No. 1 grade, except for peaches marketed in adjacent markets. The exception with respect to peaches in bulk shipped to destinations in adjacent markets follows the custom and pattern of prior years and is designed to provide those markets with peaches of lower grade, size, and quality without requiring inspection thereof, as contemplated by the provisions of said marketing agreement and order, which provide for such exceptions.

(3) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 13, 1970. The committee held an open meeting on May 7, 1970, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulations; 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 regulation, 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 peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or about May 13, 1970, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 918.312 Peach Regulation 1.

(a) Order: (1) During the period May 13, 1970, through August 31, 1970, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well healed hail marks, split pits that are not scored as serious damage, and not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 13, 1970, through May 17, 1970, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 18, 1970, through August 31, 1970, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets during the period specified in paragraph (a) (1) of this section.

(c) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (a) (1) of this section.

(d) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

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

Dated: May 8, 1970.

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

[F.R. Doc. 70-5883; Filed, May 11, 1970; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops

The regulations issued by the Commodity Credit Corporation, published in 31 F.R. 5941, 32 F.R. 7843, 9301, and 13376, 33 F.R. 222, 2564, 5659, 6097, 8220, 12821, and 16142 and 34 F.R. 1228, 8361, and 11583, and containing the general regulations governing price support for the 1964 and subsequent crops of grains and similarly handled commodities are hereby superseded by the following provisions for the 1970 and subsequent crops of grains and similarly handled commodities. The material appearing in §§ 1421.50 to 1421.79 remains in full force and effect as to the crops to which it is applicable.

Sec.
1421.1 General statement.
1421.2 Administration.
1421.3 Eligible producers.
1421.4 Eligibility requirements.
1421.5 Miscellaneous requirements.
1421.6 Program availability, disbursement and maturity of loans.
1421.7 Approved storage.
1421.8 Applicable forms.
1421.9 Warehouse receipts.
1421.10 Liens.
1421.11 Fees and charges.
1421.12 Interest rate.
1421.13 Transfer of producer's interest prohibited.
1421.14 Insurance on farm-storage loans.
1421.15 Setoffs.
1421.16 Loss or damage to the commodity.
1421.17 Personal liability of the producer.
1421.18 Farm storage loans.
1421.19 Release of the commodity under loan.
1421.20 Liquidation of farm storage loans.
1421.21 Liquidation of warehouse storage loans.
1421.22 Purchase agreement.
1421.23 Settlement.
1421.24 Foreclosure.
1421.25 Weed control laws.
1421.26 Handling payments and collections not exceeding $3.
1421.27 Definitions.
1421.28 Death, incompetency, or disappearance.
1421.29 ASCS Commodity Office and Data Processing Center.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, and 1425.

§ 1421.1 General statement.

This subpart contains the regulations which set forth the general requirements with respect to price support loans and purchases for the 1970 crop and each subsequent crop of barley, corn, dry edible beans, flaxseed (except direct purchases under the Texas Flaxseed Purchase Program), grain sorghum, oats, rice, rye, soybeans, and wheat. Price support shall be made available for a particular crop of any such commodity only if an annual commodity supplement applicable to the crop is issued authorizing a price support program. The regulations in this subpart shall also apply to other commodities to the extent specified in the regulations applicable to such commodities. Price support payment-in-kind regulations, where applicable, will be issued separately. Farm storage loans will be evidenced by notes and secured by chattel mortgages and security agreements. Warehouse storage loans will be evidenced by notes and security agreements and secured by the pledge of warehouse receipts representing an eligible commodity stored in approved warehouse storage. A producer may sell to CCC any or all of his eligible commodity which is not security for a price support loan by delivering the commodity to CCC or by delivering warehouse receipts representing the commodity in approved warehouse storage. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation, and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

§ 1421.2 Administration.

(a) *Responsibility.* The Commodity Programs Division, ASCS, will administer the regulations in this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, ASCS, in accordance with program provisions and policy determined by the CCC Board of Directors and the Executive Vice President, CCC. In the field, the regulations in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees (hereinafter called State and county committees), ASCS Commodity Offices and the ASCS Data Processing Center.

(b) *Documents.* Any member of the county committee, the county executive director, or other employee of the ASCS county office (hereinafter called county office), designated by the county executive director to act in his behalf, is authorized to approve documents under this program except where otherwise specified in the regulations in this subpart. Any such designation shall be in writing and a copy thereof shall be on file in the county office.

(c) *Limitation of authority.* County executive directors, State and county committees, ASCS commodity offices, and the ASCS Data Processing Center do not have authority to modify or waive any of the provisions of the regulations in this subpart.

(d) *State committee.* The State committee may take any action authorized or required by the regulations in this subpart to be taken by the county committee which has not been taken by such committee. The State committee may also (1) correct or require a county committee to correct any action taken by such county committee which is not in accordance with the regulations in this subpart, or (2) require a county committee to withhold taking any action which is not in accordance with the applicable regulations in this subpart.

(e) *Executive Vice President, CCC.* No delegation herein to a State or county committee, an ASCS commodity office, or the ASCS Data Processing Center shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee, an ASCS commodity office, or the ASCS Data Processing Center.

§ 1421.3 Eligible producers.

(a) *Producer.* An eligible producer of a crop of a commodity shall be an individual, partnership, association, corporation, estate, trust, State or political subdivision or agency thereof, or other legal entity (1) which produces such crop as landowner, landlord, tenant, or sharecropper, or in the case of rice, furnishes water for a share of the rice crop, and (a) which meets the requirements for eligibility for price support contained in the regulations in this subpart.

(b) *Estates and trusts.* A receiver or trustee of an insolvent or bankrupt debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate of a ward or an incompetent person, and trustees of a trust estate shall be considered to represent the insolvent or bankrupt debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian, or trustee shall be considered to be the production of the person or estate he represents. Loan or purchase documents executed by any such person will be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; (3) any note signed by the minor is cosigned by a financially responsible person; or (4) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

(d) *Joint loans.* Two or more eligible producers may obtain a joint loan on an eligible commodity produced by them if

stored in the safe farm storage facility, or in the case of a warehouse storage loan, if the warehouse receipt is issued jointly to such producers. If, under a commodity supplement, the price support rate is based on the county where the commodity is produced, the loan rate and the settlement rate shall be the lowest county rate which would have been used if the commodity had been stored in the county where produced and individual loans had been made to each producer. Each producer who is a party to a joint loan will be jointly and severally liable for the breach of the obligations set forth in the loan documents and in the regulations applicable to the price support program for the commodity on which the loan was made.

(e) *Approval by county committee.* If a producer has been convicted of a criminal act, or has made a misrepresentation, in connection with any price support program, or has unlawfully disposed of any loan collateral, or if the county committee has had difficulty in settling a loan with the producer because of his failure to protect properly the mortgaged commodity, or for other reasonable grounds, the producer may be denied price support until the county committee is satisfied that both he and the commodity offered for price support meet the eligibility requirements of the program, and that CCC will be fully protected against any possible loss other than a loss assumed by CCC under the regulations in this subpart.

(f) *Warehouse storage loans to warehousemen.* Warehouse storage loans may be made to a warehouseman who, in his capacity as a producer, tenders to CCC warehouse receipts issued by him on a commodity produced by him only in those States where the issuance and pledge of such warehouse receipts is valid under State law.

(g) *Approved cooperative.* A cooperative marketing association which is approved by the Executive Vice President, CCC, pursuant to Part 1425 of this chapter, to obtain price support on a crop of dry edible beans, rice, soybeans, or tung oil, may obtain price support on eligible production of such crop of the commodity on behalf of its members. A cooperative is not eligible to obtain price support on any quantity of a commodity produced by a member (1) whose name is entered on a claim control record (indicating the indebtedness of such member) maintained by a county office, or (2) who owes an installment on a storage facility or drying equipment loan which is due and payable, until the debt is paid or the cooperative receives information from the applicable ASCS State office (hereinafter called State office) or county office showing that such debt has been paid. Before tendering any quantity of a commodity to CCC for price support, the cooperative shall obtain from State or county offices lists containing the names and identifying numbers of such persons. For the information of the cooperative, these lists will also contain, (i) names of persons having storage facility and drying equipment loan installments which will become due and payable during the period of loan availability, and (ii) the dates such installments will become due and payable. The term "producer" as used in this subpart and on applicable forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved cooperative marketing association.

§ 1421.4 Eligibility requirements.

(a) *Requesting price support.* To obtain price support on an eligible commodity, a producer must request a loan on, or notify the county office of his intention to sell his eligible commodity by delivering to the county office a completed Purchase Agreement (Form CCC-614), no later than the date specified in the applicable commodity supplement.

(b) *Area of availability.* Except in the case of rice and wheat, price support shall be available to eligible producers on commodities produced in any area of the United States. Price support shall be available on wheat produced only in the commercial wheat producing area and on rice produced only in the continental United States. Commodities produced in violation of restrictive leases on federally owned land shall not be eligible for price support. Commodities produced on land which is owned by the Federal Government and which is occupied without a lease, permit, or other right of possession shall also be ineligible for price support.

(c) *Beneficial interest.* To be eligible for price support, the beneficial interest in the commodity must be in the producer tendering the commodity as security for a loan or for purchase and must always have been in him or in him and a former producer whom he succeeded before it was harvested, except that heirs who (1) succeed to the beneficial interest of a deceased producer, (2) assume the decedent's obligation under a loan if a loan has already been obtained, and (3) assure continued safe storage of the commodity if under farm storage loan shall be eligible for price support as producers whether such succession occurs before or after harvest of the commodity. A producer shall be considered to have transferred the beneficial interest to a quantity of a commodity when the producer enters into a contract or otherwise becomes obligated to deliver such quantity of a commodity to a person who does not meet the requirements for succession of interest. A simple option to purchase the commodity for a reasonable consideration shall not be considered a transfer of a beneficial interest unless the option holder also exercises some control over the production, handling or disposition of the commodity. Commodities obtained through payment-in-kind certificates or by purchase shall not be eligible for price support. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-members who delivered the commodity to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the commodity was harvested, except as provided in the case of heirs of a deceased producer. Commodities so delivered to a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the commodity as provided in Part 1425 of this chapter.

(d) *Succession of interest.* To meet the requirements of succession to the beneficial interest of a former or deceased producer under paragraph (c) of this section, the rights, responsibilities, and interest of the former produced with respect to the farming unit on which the commodity was produced shall have been substantially assumed by the person claiming succession. Mere purchase or inheritance of a crop prior to harvest without acquisition of any additional interest in the farming unit on which the crop is produced, does not constitute succession to such beneficial interest.

(e) *Doubtful cases.* Any producer in doubt as to whether his interest in the commodity complies with the requirements of this section, before requesting price support, shall make available to the county committee all pertinent information which will permit a determination to be made by CCC.

§ 1421.5 Miscellaneous requirements.

(a) *Revenue stamps.* Farm Storage Note, Chattel Mortgage and Security Agreements, and Warehouse Storage Note and Security Agreements must have State and documentary revenue stamps affixed thereto where required by law.

(b) *Restrictions in use of agents.* A producer shall not delegate to any person (or his representative) who has any interest in storing, processing, or merchandising any commodity eligible for price support under a program to which this subpart is applicable, authority to exercise on behalf of the producer any of the producer's rights or privileges under such program or any note and security agreement, or other instrument executed in obtaining price support under such program, unless the person (or his representative) to whom authority is delegated is serving in the capacity of a farm manager for the producer. Any delegation of authority given in violation of this paragraph shall be without force and effect and shall not be recognized by CCC.

§ 1421.6 Program availability, disbursement and maturity of loans.

(a) *Where to request price support.* A producer should request price support at the local county office. An approved cooperative marketing association must request price support at the county office for the county in which the principal office of the cooperative is located unless the State committee designates some other county office.

(b) *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by drafts drawn on CCC or by credit to the producer's ac-

count. The producer shall not present the loan documents for disbursement unless the commodity covered by the mortgage or pledge is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly by the producer.

(c) *Availability and maturity dates.* Availability and maturity dates applicable to loans and purchases will be specified in the annual commodity supplements to the regulations in this subpart. Whenever the final date of availability or the maturity date falls on a nonwork day for county offices, the applicable final date shall be extended to include the next workday.

(d) *Extended warehouse storage loans.* CCC may, by public announcement prior to the applicable loan maturity date, extend the time for repayment of the loan indebtedness with respect to warehouse storage loans secured by the pledge of one or more of the commodities listed in § 1421.1. If any such loan maturity date is extended, CCC will pay the storing warehouse, at the rates specified in the applicable CCC storage agreement, any charges which have accrued and are unpaid through the original loan maturity date with respect to the commodity pledged to secure the extended loan indebtedness and the amount so paid shall be for the account of the producer and shall become a part of the loan indebtedness, except that the producer will not be required to pay interest to CCC thereon. Storage charges which accrue after the original loan maturity date with respect to commodities securing repayment of extended warehouse storage loans shall be for the account of CCC. If the time for repayment of the loan indebtedness of warehouse storage loans for any crop of a commodity is extended, a producer who does not have a loan and wishes to participate in the extended warehouse loan program must request a warehouse storage loan upon or before the final loan availability date specified in the applicable commodity supplement and disbursement of the warehouse storage loan shall be completed not later than the original maturity date. A producer who wishes to transfer a commodity, or part thereof, which is under a farm storage loan to a warehouse storage loan must request approval by a county office for such transfer, obtain its consent to deliver the commodity subject to the farm stored loan, or other eligible commodity of the same kind and crop year, to an approved warehouse and deliver acceptable warehouse receipts to the county office on or before the original maturity dates specified in the applicable commodity supplement. Disbursement of the warehouse storage loan shall be completed not later than the original maturity date (with settlement as provided in paragraph (d) of § 1421.18). Notwithstanding any of the provisions of this § 1421.6, the county committee may authorize on an individual producer basis a later date of disbursement of an extended warehouse storage loan transferred from farm storage during the 30 day period following the original maturity date in emergency situations such as are described in paragraph (d) of § 1421.18.

(e) *Loan repayment acceleration.* CCC may at any time accelerate the time for repayment of a price support loan indebtedness. In the event of any such acceleration, CCC will give the producer notice of such acceleration at least 10 days in advance of the accelerated loan maturity date.

§ 1421.7 Approved storage.

Loans will be made only on commodities in approved storage as defined below:

(a) *Farm storage.* Approved farm storage shall consist of a storage structure located on or off the farm (excluding public warehouses) which is determined by a representative of the county committee to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of (1) a public warehouse for which a CCC storage agreement for the commodity is in effect and which is approved by CCC for price support purposes and (2) except in the case of dry edible beans and rice, a warehouse which is approved by CCC and operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which a custodian agreement is in effect. The warehouses described in subparagraphs (1) and (2) of this paragraph are referred to in the regulations in this subpart as "approved warehouses". The names of approved warehouses may be obtained from the ASCS commodity office or from State and county offices.

§ 1421.8 Applicable forms.

The forms for use in connection with this program shall be as follows: Form CCC-614, Purchase Agreement; Form CCC-677, Farm Storage Note, Chattel Mortgage, and Security Agreement; Form CCC-678, Warehouse Storage Note and Security Agreement; Form CCC-679, Lien Waiver; Form CCC-681, Authorization for Removal of Farm Stored Collateral; Form CCC-685, Authorization to Release Warehouse Receipts; Form CCC-687-1, Approval to Move Loan Collateral; Form CCC-691, Commodity Delivery Notice; Form CCC-692, Settlement Statement; Form CCC-693, Price Support Settlement Intention (Farm Storage); Form CCC-694, Price Support Settlement Intention (Warehouse Storage); Form CCC-696, Receipt for Prepayment of Warehouse Storage Charges; Form CCC-697, Settlement Statement Warehouse Storage Loan (Reconcentrated); Form CCC-697-1, Confirmation of Settlement Price; Form CCC-698, Notice of Loan Commodity to be Moved; Form CCC-828, List Furnished to Cooperative Associations; Form CCC-864, Lienholder's Subordination Agreement; and such other forms as may be prescribed by CCC. These forms may be obtained in State and county offices.

§ 1421.9 Warehouse receipts.

(a) *General.* Warehouse receipts tendered to CCC under this program must meet all of the requirements of this section and any other requirements contained in the regulations in this subpart and in the applicable commodity supplement. Notwithstanding any provisions of the Warehouse Storage Note and Security Agreement (Form CCC-678), CCC may, after written notice thereof to the producer, move the commodity represented by warehouse receipts pledged to secure a warehouse storage loan from one storage point to another as CCC may determine necessary or appropriate.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder. Receipts must be issued by an approved warehouse and, except in the case of dry edible beans and rice, must represent a commodity which is deemed to be stored commingled. The receipts must be negotiable, must cover the eligible commodity actually in storage in the warehouse of original deposit, and must be registered or recorded with appropriate State or local officials when required by State law.

(c) *Where warehouseman is also owner.* If the receipt is issued for a commodity which is owned by the warehouseman, either solely, jointly or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by a warehouseman on his own commodity is not valid under State law, if the warehouseman elects to deliver the commodity to CCC for purchase, the warehouse receipt shall be issued in the name of CCC.

(d) *Insurance.* Each warehouse receipt or accompanying supplemental certificate representing a commodity stored in an approved warehouse which has a storage agreement with CCC shall indicate that the commodity is insured in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued by eastern common carriers and representing a commodity to be placed under loan shall indicate that the commodity is insured at the full market value against loss or damage by fire, lightning, explosion, windstorm, cyclone, and tornado. The cost of such insurance shall not be for the account of CCC.

§ 1421.10 Liens.

If there are any liens or encumbrances on the commodity, waivers that will fully protect the interest of CCC must be obtained even though the liens or encumbrances are satisfied from the loan or purchase proceeds. Notwithstanding the foregoing provisions, in lieu of waiving his prior lien on a commodity tendered as security for a loan, a lienholder may execute a Lienholder's Subordination Agreement (Form CCC-864) with CCC in which he subordinates his security interest to the rights of CCC

in the commodity subject to the loan or such other quantity of the commodity as is delivered in satisfaction of a loan under applicable program provisions. No additional liens or encumbrances shall be placed on the commodity after the loan is approved.

§ 1421.11 Fees and charges.

(a) *Loan service fee.* A producer shall pay a loan service fee of $8 for each farm storage loan disbursed and $4 for each warehouse storage loan disbursed. The loan service fee is not refundable.

(b) *Delivery charge.* A delivery charge, in addition to the loan service fee, shall be paid by producers on the quantity of the commodity delivered to CCC. The rate is one-half cent per bushel for commodities handled on a bushel basis and 1 cent per hundredweight for commodities handled on a hundredweight basis. In the case of farm storage loans, identity preserved and modified commingled warehouse storage loans, and purchases, such delivery charge shall be paid at time of settlement. In the case of commingled warehouse storage loans, such delivery charge shall be deducted from loan proceeds and will be credited to the producer's account on any quantity redeemed.

§ 1421.12 Interest rate.

Loans shall bear interest at the rate announced in a separate notice published in the FEDERAL REGISTER.

§ 1421.13 Transfer of producer's interest prohibited.

(a) *Warehouse storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse storage loan, nor shall anyone acquire such interest or right. The producer's interest or right of redemption will not be deemed to have been transferred in violation of this paragraph if, under § 1421.19(c), he or his properly authorized agent has filed a statement with the county office authorizing the release of such warehouse receipts to others, and the loan is repaid within 15 days following the date of such authorization.

(b) *Farm storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm storage loan, nor shall anyone acquire such interest or right. Subject to the provisions of § 1421.19, a producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must request and obtain prior written approval of the county office on a form prescribed by CCC to remove a specified quantity of the commodity from storage. Any such approval shall be subject to the terms and conditions set out in the applicable form, copies of which may be obtained by producers at the county office. Any such approval shall not be deemed to constitute a release of CCC's security interest in the commodity or to release the producer from liability for any amounts due on his loan indebtedness if full payment of such amounts is not received by the county office.

§ 1421.14 Insurance on farm storage loans.

CCC does not require the producer to insure the commodity placed under a farm storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the commodity involved in the loss.

§ 1421.15 Setoffs.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are due and payable under the provisions of the note evidencing such loan out of any amount due the producer under the regulations in this subpart, the amount due the producer, after deduction of applicable fees and charges and amounts due prior lienholders, shall be applied to satisfy the amounts due and payable on such installment(s).

(b) *Producers listed on county claim control record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county claim control record, amounts due the producer under the regulations in this subpart, after deduction of amounts due and payable on farm storage facilities or drying equipment and other amounts provided in paragraph (a) of this section, shall be applied as provided in the Secretary's Setoff Regulations, Part 13 of this title, to such indebtedness.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1421.16 Loss or damage to the commodity.

The producer is responsible for any loss in quantity or quality of the commodity placed under a farm storage loan or identity preserved warehouse storage loan, or for any loss in quality of the commodity placed under a modified commingled warehouse storage loan. Notwithstanding the foregoing, any such loss occurring and reported to the county office after disbursement of the loan funds and prior to redemption or delivery to CCC will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed up to a quantity not in excess of that required to secure the outstanding loan (or if the commodity is not destroyed, in an amount equivalent to the extent of the loss or damage as determined by CCC), less any insurance proceeds to which CCC may be entitled and the salvage value of the commodity, if the producer establishes to the satisfaction of CCC each of the following conditions: (a) The physical loss or damage occurred without fault or negligence on the part of the producer or any other person having control of the storage structure; (b) the physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft by a person not entrusted with possession of the commodity and occurring without the knowledge or consent (express or implied) of the producer, fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (c) the producer has given the county office immediate notice of such loss or damage prior to redemption or delivery to CCC; and (d) the producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to the date of disbursement of the loan funds to the producer will be assumed by CCC.

§ 1421.17 Personal liability of the producer.

(a) *Fraud relating to farm storage and warehouse storage loans and unlawful dispositions.* The making of any fraudulent representation by a producer in the loan documents, in obtaining a loan, or in connection with settlement or delivery under a loan, or the unlawful disposition of any portion of the commodity by him, shall render the producer subject to criminal prosecution under Federal law. Any such loans shall become payable upon demand and the producer shall be personally liable, aside from any additional liability under criminal and civil frauds statutes, for the amount of the loan, for any additional amount paid to the producer in connection with the commodity, and for all costs which CCC would not have incurred had it not been for the producer's fraudulent representation or unlawful disposition, together with interest on such amounts. Notwithstanding the provisions of section 6(b) of the Farm Storage Note, Chattel Mortgage and Security Agreement (Form CCC-677) and section 6(b) of the Warehouse Storage Note and Security Agreement (Form CCC-678), if a producer has made any such fraudulent representation or unlawful disposition, the amount with which he will be credited for any commodity delivered to or removed by CCC will be, whichever is applicable, (1) the market value as determined by CCC as of the date of delivery to or removal by CCC or the loan settlement value, whichever is the lower, in the case of farm storage loans, (2) the market value of the commodity at the close of the market on the final date for repayment or the loan settlement value, whichever is the lower, in the case of warehouse storage loans, or (3) the sales price, less any costs sustained by CCC, if the commodity is sold by CCC in order to determine its market value, or the loan settlement value, whichever is the lower. If the unlawful disposition of the loan collateral is determined by CCC not to have been a willful conversion, the value of the commodity, or part thereof delivered to CCC or removed by CCC, shall be the same as the settlement value for an eligible commodity acquired by

CCC as provided in the applicable commodity supplement.

(b) *Fraud relating to purchases.* If the producer has made a fraudulent representation in a price support purchase by CCC or in the purchase documents, he shall be personally liable, aside from any additional liability under criminal or civil fraud statutes, for any loss which CCC sustains upon the commodity delivered under the purchase agreement. For the purpose of this program, such loss shall be deemed to be the price paid to the producer on the commodity delivered under the purchase agreement plus all costs sustained by CCC in connection with the commodity together with interest on such amounts, less the lowest of the following: The market value, as determined by CCC, of the commodity as of the close of the market on the date of delivery; the sales price if the commodity is sold in order to determine its market value; or CCC's purchase price.

(c) *Poisonous substances and contamination.* A producer shall be personally liable for any damages resulting from delivering to CCC a commodity containing mercurial compounds or other substances poisonous to man or animals or food commodities which are contaminated.

(d) *Overdisbursement.* If the amount disbursed under a loan or purchase or in settlement thereof, exceeds the amount authorized under these regulations and the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(e) *Undercollection.* If the amount collected from the producer in satisfaction of the loan is less than the amount required according to this part, the producer shall be personally liable for repayment of the amount of such deficiency.

(f) *Joint loans.* In the case of joint loans, the personal liability for the amounts specified in this section shall be joint and several on the part of each producer signing the note.

§ 1421.18 Farm storage loans.

(a) *Quantity for loan.* Farm storage loans shall not be made on more than a percentage (herein called the "loan percentage"), as established by the State committee, of the measured quantity of the eligible commodity stored in approved farm storage and covered by the chattel mortgage. The maximum loan percentage shall be 85 percent in the case of ear corn and peanuts and 90 percent in the case of all other farm stored commodities. The State committee shall establish the loan percentage each year for each commodity on a statewide basis or for specified areas within the State. Prior to the establishment of a loan percentage, the State committee shall consider conditions in the State or areas within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. Loan percentages previously determined shall be lowered if warranted by changed conditions but new loan percentages shall apply only to new loans and not to loans already made. Factors to be considered by the State committee in determining the loan percentages are: (1) General crop conditions, (2) factors affecting quality peculiar to an area or State, and (3) climatic conditions affecting storagability. The loan percentages established by the State committee may be lowered by the county committee on an individual farm or producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the commodity, (iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the commodity and occurring without the knowledge and consent (express or implied) of the producer (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the quantity, (v) producers who have been approved under § 1421.3(e), and (vi) factors peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral. Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortage shall cover all of the the commodity in the bin, crib, or lot in which the commodity on which the loan is made is stored.

(b) *Commingling eligible and ineligible commodity.* Except when stored in an approved warehouse, if a quantity of an eligible commodity is commingled with a quantity of the commodity which is ineligible for price support, the entire quantity shall be ineligible for price support.

(c) *Commingled farm storage-support rate based on the county where produced.* If a quantity of a commodity produced by an eligible producer(s) in more than one county is stored commingled and the price support rate stated in the applicable commodity supplement for the commodity is based on the county where the commodity is produced, the loan rate and the settlement rate for the commingled quantity shall be the lowest county rate which would have been used if the commodity had been stored separately in the counties where produced.

(d) *Transfer from farm storage loan to warehouse storage loan.* Upon request by the producer, the county committee may approve the transfer of a commodity or part thereof which is under a farm storage loan to a warehouse storage loan at any time during the loan period. Notwithstanding the foregoing, the county committee shall approve such transfer of a farm storage loan or part thereof to a warehouse storage loan during the 30-day period after the maturity date only in emergency situations, such as insect infestation that cannot be controlled, danger of flood, damage to the storage structure, loss of control of the storage structure or failure to transfer before the maturity date due to illness, road conditions or similar emergency situations. In the case of emergency transfers, the producer must make the request in writing describing the emergency. Liquidation of the farm storage loan or part thereof shall be made through the pledge of warehouse receipts for the commodity placed under warehouse storage loan and the immediate payment by the producer of the amount by which the warehouse storage loan is less than the farm storage loan or part thereof plus interest. Any amounts due the producer shall be disbursed by the county office.

§ 1421.19 Release of the commodity under loan.

(a) *Obtaining release—farm storage loan.* A producer shall not remove any collateral covered by a chattel mortgage until he has received prior written approval for such removal from the county committee on one of the applicable forms listed in § 1421.8. A producer may at any time obtain release of all or part of the commodity remaining under loan by paying to CCC the amount of the loan made with respect to the quantity of the commodity released plus interest. CCC will permit removal of a quantity of the commodity from storage, without any payment on the loan, if the principal amount outstanding on the loan does not exceed the maximum loan which may be obtained based on the quantity remaining in storage after removal of the quantity requested by the producer. When the proceeds of a sale of the commodity are needed to repay all or part of the loan, see § 1421.13.

(b) *Release of chattel mortgage.* The chattel mortgage shall not be released until the loan has been satisfied in full. After satisfaction of a loan, the county executive director shall release the chattel mortgage.

(c) *Obtaining release, warehouse storage loans.* The producer may arrange with the county office for release of all or part of the commodity under warehouse storage loan on or prior to maturity by repayment of the amount of the loan with respect to the quantity of the commodity to be released plus interest, or in the case of extended warehouse loans by repayment of the amount of the loan, plus interest, plus any storage charges paid or to be paid by CCC as provided in paragraph (d) of § 1421.6. Each partial release must cover all of the commodity represented by one warehouse receipt. Subject to provisions of § 1421.5(b), warehouse receipts redeemed by repayment shall be released only to the producer or his authorized agent, except that redeemed warehouse receipts may be released to persons designated in a written authorization filed with the county office by the producer or his properly authorized agent and dated within 15 days prior to the date of repayment.

§ 1421.20 Liquidation of farm storage loans.

(a) *General.* In the case of farm storage loans, the producer is required to pay off his loan, reseal the commodity if a reseal program is authorized, or deliver to CCC a sufficient quantity of the eligible commodity having a price support value equal to or greater than the outstanding balance of the loan. Deliveries may be either of the identical commodity which is subject to the chattel mortgage or of other eligible commodity of the same kind. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. Any quantity delivered in excess of the quantity necessary to settle the amount due on the loan may be delivered to CCC with settlement as provided in § 1421.23.

(b) *Notice to county office.* If the producer desires to deliver the commodity to CCC he should, on or before maturity, give the county office notice in writing of his intention to do so.

(c) *Commodity going out of condition.* If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county office and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and the commodity cannot be satisfactorily conditioned by the producer and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made subject to the provisions of § 1421.16 on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, for the quantity actually delivered.

(d) *Delivery before maturity date.* If the producer loses control of the storage structure, or if there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure making it unsafe to continue storage of the commodity on the farm, the commodity may be delivered before the maturity date of the loan upon prior approval of the county committee. Settlement will be made with the producer as provided in § 1421.23.

§ 1421.21 Liquidation of warehouse storage loans.

If a producer does not repay the loan indebtedness upon maturity of the loan, CCC shall have the right to sell or acquire title to the commodity pledged as security for the loan indebtedness. If, on or before maturity of the loan, a producer seeks to redeem a commodity pledged as security for the loan indebtedness which CCC has removed from the original storing warehouse, the rights of CCC and the producer shall be as provided in § 1421.23(m).

§ 1421.22 Purchase agreement.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of his eligible commodity which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan: *Provided,* That he executes and delivers to the county office prior to the program maturity date a Purchase Agreement (Form CCC-614) indicating the approximate quantity of the commodity he will sell to CCC.

(b) *Delivery period.* In the case of an eligible commodity not in an approved warehouse, the producer must make delivery of the commodity he desires to sell to CCC within the period of time after the loan maturity date as specified in delivery instructions issued by the county office. The county office may for good cause extend the time for delivery. In the case of eligible commodities stored in an approved warehouse, the producer must submit to the county office not earlier than 10 days before the maturity date nor later than the day after the maturity date warehouse receipts for the quantity of the commodity he elects to sell to CCC. Notwithstanding any of the provisions of this § 1421.22, in the case of an eligible farm stored commodity covered by an approved Purchase Agreement (Form CCC-614), the county committee may on request of the producer authorize delivery of the commodity before the maturity date for the commodity if the producer loses control of the storage structure, or if there is insect infestation that cannot be controlled, danger of flood, or damage to the storage structure, making it unsafe to continue storage of the commodity on the farm.

§ 1421.23 Settlement.

(a) *General.* Settlement with producers for commodities acquired by CCC under loans or purchases made under this subpart will be made as provided in this section and in the applicable commodity supplement. The support rate at which settlement will be made shall be determined under the provisions of the applicable commodity supplement. Settlement will be made on the basis of the grade, quality, and quantity of the commodity delivered by the producer. In the case of dry edible beans, paragraphs (b), (c), (e), (g), and (h) of this section shall not apply, and in the case of rice, paragraphs (b), (c), (e), (f), (g), and (h) of this section shall not apply.

(b) *Warehouse storage.* Settlement for eligible commodities stored in an approved warehouse and acquired by CCC shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents, as applicable, issued by such warehouse.

(c) *Other than approved warehouse storage.* (1) Settlement for corn, oats, and soybeans delivered from other than approved warehouse storage shall be based (i) on the basic county support rate for the county where the commodity was produced, and (ii) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose.

(2) Settlement for barley, flaxseed, grain sorghum, rye, and wheat delivered from other than approved warehouse storage shall be based on the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except that if the producer is directed to deliver his commodity to a warehouse located within the switching limits of a designated terminal market, and such movement is made by truck or barge, settlement shall be made in the manner prescribed in the support rate section of the applicable commodity supplement. If the producer is directed to ship his commodity by rail to a designated terminal market or to a warehouse for storage in line of transit to such market, settlement shall be based on the support rate established for the county from which the commodity was shipped plus the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail load-out charges computed in accordance with the applicable rates of the CCC storage agreement in effect at the time of delivery of the commodity. Settlement shall be based on the quality and quantity delivered as indicated on warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made or, if applicable, the quantity and quality delivered as shown on a form prescribed by CCC.

(d) *Ineligible commodity inadvertently accepted by CCC.* If an ineligible commodity is inadvertently accepted by CCC, the settlement value shall be the market value as of the date of delivery as determined by CCC, but in no event more than the applicable support price. If CCC sells the commodity for the purpose of determining its market value, the settlement value shall be the lower of the sales price or the support price after applying applicable premiums and discounts. If a commodity is delivered to CCC which contains mercurial compounds or other substances poisonous to man or animals, any sale by CCC shall be for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals. The provisions of § 1421.17 shall be applicable to settlement on ineligible commodities where there has been a fraudulent representation on the part of the producer.

(e) *Compensation for hauling.* When a producer is directed by the county office to haul his commodity a greater distance than would have been necessary to make delivery to his customary delivery point, he will be allowed compensation (as determined by the State committee at not to exceed the common carrier truck rate or the rate available from local truckers) for hauling the eligible commodity the additional distance: *Provided, however,*

That, in the case of barley, flaxseed, grain sorghum, rye, and wheat, if the producer is directed to deliver his commodity to a warehouse located within the switching limits of a designated terminal market, no compensation shall be allowed for hauling. In determining the rate of payment for excess haul, the State committee may establish reasonable mileage minimums below which producers will not receive compensation for hauling.

(f) *Trackloading*—(1) *Delivery.* Producers may request trackloading where approved warehouse space is not available locally or where the county office determines that it would be to the benefit of CCC. Where local weighing facilities are not available or when requested by producers, destination weights may be used for settlement purposes. All producers loading in the same car must sign an agreement stating the percentage share of the total quantity to be credited to each. When requested by producers prior to delivery of the commodity, settlement may be made on the basis of destination grades. Such destination grade determination for a car shall be applied to the entire quantity of a commodity loaded into the same car, irrespective of the grade or quality of a commodity loaded into the car by any producer.

(2) *Payments.* A trackloading payment of 4¼ cents per bushel (or 7½ cents per hundredweight in the case of dry edible beans, grain sorghum, and rice) shall be made to the producer on an eligible commodity delivered to CCC on track at a country point.

(g) *Storage deduction for early delivery.* If a farm stored commodity is delivered in advance of the applicable loan maturity date as provided in §§ 1421.20 and 1421.22, a deduction for storage charges shall be made. The deduction shall be made for the period from the date of delivery to the applicable maturity date for the commodity in accordance with the schedule of deductions for warehouse charges in the applicable commodity supplement. No deduction for storage charges shall be made for early delivery of a farm stored commodity if the loan maturity date is accelerated by CCC under a general acceleration of the maturity date in a particular area.

(h) *Warehouse storage loans called prior to maturity and not redeemed.* A refund of warehouse storage charges will be made by CCC to the producer if (1) the maturity date of a warehouse storage loan is accelerated by CCC for reasons other than any wrongful act or omission on the part of the producer, (2) storage charges have been deducted from the loan amount or prepaid by the producer for a period subsequent to the accelerated maturity date, and (3) the period of the unearned storage can be determined by CCC. The amount of the storage charges to be refunded if such charges have been prepaid by the producer shall be for the period of unearned storage and shall be computed at the lower of (i) the rate prepaid, or (ii) the rate under the applicable CCC storage agreement or the rate applicable to the Eastern common carrier involved. The amount to be refunded if storage charges were deducted from the loan rate, shall be the amount of the storage deduction less storage charges which have accrued on the commodity as of the accelerated maturity date of the loan.

(i) *Refund of prepaid handling charges.* If a warehouseman charges the producer for the receiving or the receiving and loading out charges on an eligible commodity in an approved warehouse, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges in the amount specified in the applicable CCC storage agreement if the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid. If an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on an eligible commodity, the producer shall, upon delivery to CCC of warehouse receipts representing the commodity stored in such warehouse, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff if the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid and CCC has not previously given the producer credit for such charges.

(j) *Payment of amount due producer.* If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount shall be paid to the producer.

(k) *Payment of deficiency by producer.* If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon shall be paid to CCC, except as provided in § 1421.16, and may be set off against any payment which would otherwise be due the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(l) *Storage payment where CCC is unable to take delivery.* A producer may be required to retain a commodity stored in other than an approved warehouse under loan or for sale to CCC for a period of 60 days after the maturity date without any cost to CCC. If CCC is unable to take delivery of the commodity within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the commodity to CCC: *Provided,* That, in the case of sales to CCC, a storage payment shall be paid a producer whose commodity is stored in other than an approved warehouse only if he had properly given notice of his intention to sell the commodity to CCC. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment for grains shall be computed at the storage rates as shown in the applicable CCC storage agreement. The storage payment for dry edible beans or rice shall be computed at the rate for commodities stored on an identity preserved basis as shown in the schedule of rates in the applicable CCC storage agreement.

(m) *Basis for settling warehouse storage loans where the commodity has been moved by CCC.* Notwithstanding any provisions of the Warehouse Storage Note and Security Agreement, if a producer desires to redeem a commodity pledged as security for his loan indebtedness (herein called "the pledged commodity") which CCC has moved from the warehouse in which it was stored when such pledge was made, he shall give written notice thereof to the county office through which the loan was made. Whereupon, CCC shall take title to the pledged commodity and shall, at its election, either (1) return to the producer warehouse receipts representing a grade, quality, and quantity of the same kind of a commodity which has a market value determined by CCC to be equivalent to the market value of pledged commodity, or (2) settle with the producer by paying him the amount, if any, by which the market value of the pledged commodity exceeds the loan indebtedness. If CCC elects to return warehouse receipts to the producer, such receipts may be issued by any warehouse which has a storage agreement with CCC and which CCC determines is located in the same locality as the warehouse in which the pledged commodity was stored when such pledge was made. Market value of a pledged commodity shall be determined by CCC on the basis of (i) the quantity, grade, and quality of the pledged commodity as shown on the original warehouse receipts, (ii) the location of the warehouse where the commodity was stored when such pledge was made, and (iii) the date the producer notified the county office in writing of his desire to redeem. For purposes of settlement under this subsection, the amount of the producer's loan indebtedness shall be the amount of the loan principal disbursed to or in behalf of the producer or credited to his account and interest thereon from the date of disbursement at the rate specified in the note and loan agreement, plus the amount of any warehouse charges which accrued for the account of the producer prior to the original maturity date and were paid by CCC.

§ 1421.24 Foreclosure.

(a) *Removal from storage.* If the loan indebtedness (i.e., the amount of the note, interest, and charges) is not satisfied upon maturity, CCC may remove the commodity from storage, and assign, transfer, and deliver the commodity or documents evidencing title thereto at

such time, in such manner, and upon such terms as CCC may determine, at public or private sale. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and CCC may become the purchaser of the whole or any part of the commodity.

(b) *When CCC takes title to commodity.* Upon maturity and nonpayment of the producer's note, title to the unredeemed collateral securing the note shall, at CCC's election, immediately vest in CCC without a sale thereof. When CCC acquires title to the unredeemed collateral, CCC shall have no obligation to pay for any market value which such collateral may have in excess of the loan indebtedness, i.e., the unpaid amount of the note plus interest and charges.

(c) *Payments to producer.* Nothing herein shall preclude the making of the following payments to the producer, or to his personal representative only, without right of assignment to or substitution of any other party: (1) Any amount by which the settlement value of the mortgaged or pledged commodity exceeds the loan indebtedness, or (2) the amount by which the proceeds of sale exceed the loan indebtedness if the loan collateral is sold to third persons rather than CCC acquiring title to such loan collateral.

(d) *Commodity sold at less than amount due on loan.* If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC plus interest on such difference. The amount of the deficiency may be set off against any payment which would otherwise be due the producer under any other agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 1421.25 Weed control laws.

Where the State committee determines that State, district, or county weed control laws, as administered, affect the commodity, the price support rate shall be reduced by the discount as shown in the applicable commodity supplement. The discount will not apply, however, if the producer furnishes a certification from the appropriate weed control official that the commodity complies with the weed control laws, or the storing warehouseman in the case of approved storage furnishes a certification that the commodity complies with the weed control laws, and that he will save CCC harmless from loss or penalty. The certification of the warehouseman shall be in substantially the following form:

CERTIFICATION

This is to certify that the commodity evidenced by warehouse receipt No. ------ issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that if such commodity be taken over by CCC in settlement of a loan or be purchased by CCC the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the commodity was stored under the above warehouse receipt.

(Signature)
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§ 1421.26 Handling payments and collections not exceeding $3.

In order to avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less which are due the producer will be paid only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1421.27 Definitions.

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

(a) *General.* The following words or phrases: "Person," "State committee," "State Executive Director," "county committee," "county executive director," and "farm," respectively, shall each have the same meaning as the definitions of such term in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendments thereto.

(b) *Settlement value.* The term "settlement value" means the value at which settlement is made with the producer on the mortgaged or pledged commodity or the commodity offered for purchase, as determined under the provisions of the regulations in this part.

(c) *Charges.* The term "charges" means all fees, costs, and expenses incident to insuring, carrying, handling, storing, conditioning, and marketing the commodity and otherwise protecting the interest in the loan collateral of CCC or the producer, including foreclosure costs.

(d) *Basic price support rate.* The term "basic price support rate" means the support rate for a commodity for an applicable area or county before adjustment for premiums and discounts.

(e) *County committee.* The term "county committee" means only the committee and not its representative.

(f) *Representative of the county committee and county committee representative.* The terms "representative of the county committee" and "county committee representative" means a member of the county committee, the county executive director or a person designated by the county executive director to act in his behalf.

(g) *The regulations in this subpart.* The term "the regulations in this subpart" means the regulations in Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops, and in the applicable commodity supplements together with any amendments thereto.

(h) *Request for price support.* The term "request for price support" means a request for loan or execution of Purchase Agreement (Form CCC-614) as applicable.

(i) *Chattel mortgage.* The term "chattel mortgage" means any security instrument which secures a farm storage loan.

§ 1421.28 Death, incompetency, or disappearance.

In case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum in settlement of a loan or a purchase, payment shall, upon proper application to the county office which made the loan or purchase, be made to the persons who would be entitled to such producer's payment under the regulations contained in Part 707 of this title—Payments Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1421.29 ASCS Commodity Office and Data Processing Center.

(a) The Kansas City ASCS Commodity Office, Post Office Box 205, Kansas City, Mo. 64141, will serve all States.

(b) Accounting, recording, and reporting for all States will be handled through the Kansas City ASCS Data Processing Center, Post Office Box 205, Kansas City, Mo. 64141.

Effective date: Upon publication in the FEDERAL REGISTER.

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

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 70-5797; Filed, May 11, 1970; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, paragraph (e) is amended and paragraphs (f) and (g) are reissued to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of hog cholera in the State of Arizona, Georgia, Illinois, Indiana, Massachusetts, Minnesota, Mississippi, New Jersey, New Mexico, New York, North Carolina, Rhode Island, South Carolina, Texas, Virginia, and West Virginia, and the Commonwealth of Puerto Rico, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Arizona.* That portion of Maricopa County bounded by a line beginning at the junction of Yuma Road and Perryville Road; thence, following Perryville Road in a southerly direction to its junction with Baseline Road and the Gila and Salt River Base Line; thence, following the Gila and Salt River Base Line in an easterly direction to the southeastern corner of sec. 31, of T. 1 N., R. 1 W.; thence, following the eastern boundaries of secs. 31, 30, and 19, of T. 1 N., R. 1 W. in a northerly direction to Reams Road; thence, following Reams Road in a northerly direction to Yuma Road; thence, following Yuma Road in a westerly direction to its junction with Perryville Road.

(2) [Reserved]

(3) *Georgia.* That portion of Marion County bounded by a line beginning at the junction of State Highway 41 and the Juniper Creek; thence, following State Highway 41 in a generally southerly direction to Secondary Road S 640; thence, following Secondary Road S 640 in a generally southwesterly direction to the Marion-Chattahoochee County line; thence, following the Marion-Chattahoochee County line in a generally northerly direction to the Upatoi Creek; thence, following the south bank of the Upatoi Creek in an easterly direction to the Juniper Lake; thence, following the west bank of the Juniper Lake in a generally southeasterly direction to the Juniper Creek; thence, following the south bank of the Juniper Creek in an easterly direction to its junction with State Highway 41.

(4) *Illinois.* (i) That portion of Menard County comprised of Road Districts 3 and 11.

(ii) That portion of Franklin County comprised of Barren, Benton, Browning, and Ewing Townships.

(iii) The adjacent portions of Monroe County comprised of Road Districts No. 1, 2, and 3 and of St. Clair County comprised of Millstadt and Prairie Dulong Townships.

(iv) That portion of Kendall County comprised of Kendall and Fox Townships.

(5) *Indiana.* (i) That portion of Cass County comprised of Clinton, Deer Creek, and Jackson Townships, and the portion of Washington and Tippon Townships lying south of County Road 500–S.

(ii) That portion of Carroll County comprised of Rock Creek, Liberty, Washington, Deer Creek, Jackson, Carrollton, Monroe, and Madison Townships.

(iii) That portion of Knox County bounded by a line beginning at the junction of U.S. Highways 150, 50 and the Knox-Daviess County line; thence, following the Knox-Daviess County line in a generally southerly direction to the Knox-Pike County line; thence, following the Knox-Pike County line in a generally westerly direction to the Harrison-Johnson Township line; thence, following the Harrison-Johnson Township line in a generally northerly direction to the Johnson-Palmyra Township line; thence, following the Johnson-Palmyra Township line in a northerly direction to the Palmyra-Vincennes Township line; thence, following the Palmyra-Vincennes Township line in a northerly direction to U.S. Highways 150, 50; thence, following U.S. Highways 150, 50 in a southeasterly direction to its junction with the Knox-Daviess County line.

(iv) That portion of Rush County bounded by a line beginning at the junction of County Road 300–S and the Rush-Fayette County line; thence, following the Rush-Fayette County line in a southerly direction to the Rush-Franklin County line; thence, following the Rush-Franklin County line in a southerly direction to the Rush-Decatur County line; thence, following the Rush-Decatur County line in a westerly direction to the Richland-Anderson Township line; thence, following the Richland-Anderson Township line in a northerly direction to the Anderson-Noble Township line; thence, following the Anderson-Noble Township line in a northerly direction to the Noble-Rushville Township line; thence, following the Noble-Rushville Township line in a northerly direction to County Road 300–S; thence, following County Road 300–S in an easterly direction to its junction with the Rush-Fayette County line.

(6) *Massachusetts.* (i) Bristol County.

(ii) That portion of Middlesex County comprised of Lincoln, Concord, and Waltham Townships.

(iii) That portion of Essex County comprised of Saugus Township.

(7) *Minnesota.* That portion of Kandiyohi County bounded by a line beginning at the junction of County Road 85 and U.S. Highway 71; thence, following U.S. Highway 71 in a northerly direction to County State Aid Highway 23; thence, following County State Aid Highway 23 in an easterly direction to County Road 86; thence, following County Road 86 in an easterly direction to County Road 134; thence, following County Road 134 in a southerly direction to the southeast corner of sec. 24, of T. 118 N., R. 34 W.; thence, following the southern boundaries of secs. 24, 23, 22, 21, and 20 of T. 118 N., R. 34 W. in a westerly direction to County State Aid Highway 3; thence, following County State Aid Highway 3 in a westerly direction to U.S. Highway 71; thence, following U.S. Highway 71 in a southerly direction to County State Aid Highway 7; thence, following County State Aid Highway 7 in a westerly direction to County Road 1; thence, following County Road 1 in a northerly direction to State Highway 23; thence, following State Highway 23 in a northeasterly direction to County Road 85; thence, following County Road 85 in an easterly direction to its junction with U.S. Highway 71.

(8) *Mississippi.* (i) Alcorn, Prentiss, Tippah, and Tishomingo Counties.

(ii) That portion of Itawamba County bounded by a line beginning at the junction of U.S. Highway 78 and the Mississippi-Alabama State line; thence, following U.S. Highway 78 in a generally northwesterly direction to the East Fork Tombigbee River; thence, following the east bank of the East Fork Tombigbee River in a northerly direction to the Itawamba-Prentiss County line; thence, following the Itawamba-Prentiss County line in an easterly direction to the Itawamba-Tishomingo County line; thence, following the Itawamba-Tishomingo County line in an easterly direction to the Mississippi-Alabama State line; thence, following the Mississippi-Alabama State line in a southwesterly direction to its junction with U.S. Highway 78.

(iii) The adjacent portions of Madison and Hinds Counties bounded by a line beginning at the junction of U.S. Highway 49 and State Road 22; thence, following State Road 22 in a generally easterly direction to State Road 463; thence, following State Road 463 in a southeasterly direction to U.S. Highway 51; thence, following U.S. Highway 51 in a southwesterly direction to the Hinds-Madison County Line Road; thence, following the Hinds-Madison County Line Road in a westerly direction to U.S. Highway 49; thence, following U.S. Highway 49 in a northerly direction to its junction with State Road 22.

(iv) That portion of Rankin County bounded by a line beginning at the junction of U.S. Highway 80 and State Highway 468; thence, following U.S. Highway 80 in an easterly direction to State Highway 18; thence, following State Highway 18 in a southeasterly direction to Tumbaloo Creek; thence, following the north bank of Tumbaloo Creek in a northwesterly direction to Richland Creek; thence, following the north bank of Richland Creek in a northwesterly direction to State Highway 468; thence, following State Highway 468 in a northerly direction to its junction with U.S. Highway 80.

(v) The adjacent portions of Holmes and Attala Counties bounded by a line beginning at the junction of State Highway 17 and the Holmes-Carroll County line; thence, following the Holmes-Carroll County line in a southeasterly direction to the Big Black River (also Holmes-Attala County line); thence, following the west bank of the Big Black River in a southwesterly direction to State Highway 19; thence, following

State Highway 19 in a southeasterly direction to State Highway 35; thence, following State Highway 35 in a southerly direction to State Highway 43; thence, following State Highway 43 in a southwesterly direction to State Highway 14; thence, following State Highway 14 in a generally southwesterly direction to State Highway 17; thence, following State Highway 17 in a generally northwesterly direction to its junction with the Holmes-Carroll County line.

(9) *New Jersey.* That portion of Gloucester County bounded by a line beginning at the junction of Bark Bridge Road and Tanyard Road; thence, following Tanyard Road in a northerly direction to State Highway 47; thence, following State Highway 47 in a northerly direction to the New Jersey Turnpike; thence, following the New Jersey Turnpike in a southwesterly direction to Egg Harbor Road; thence, following Egg Harbor Road in a southeasterly direction to Boundry Lane Road; thence, following Boundry Lane Road in a southerly direction to Mail Avenue; thence, following Mail Avenue in a southwesterly direction to Glassboro-Woodbury Road; thence, following Glassboro-Woodbury Road in a southeasterly direction to Bark Bridge Road; thence, following Bark Bridge Road in a northeasterly direction to its junction with Tanyard Road.

(10) *New Mexico.* That portion of Dona Ana County bounded by a line beginning at the junction of County Road 110 and State Road 273; thence, following State Road 273 in a generally northerly direction to La Union; thence, following State Highway 273 in an easterly direction to State Highway 28; thence, following State Highway 28 in a generally northerly direction to the Gadsden-Anthony Highway; thence, following the Gadsden-Anthony Highway in an easterly direction to the New Mexico-Texas State line; thence, following the New Mexico-Texas State line in a generally southeasterly direction to the United States-Mexico international boundary; thence, following the United States-Mexico international boundary in a westerly direction to Range Line 2–3 East; thence, following Range Line 2–3 in a northerly direction to County Road 110; thence, following County Road 110 in an easterly direction to its junction with State Road 273.

(11) *New York.* That portion of Montgomery County lying south of the Mohawk River, east of County Roads 27 and 145; north of the New York State Thruway, and west of State Highway 30.

(12) *North Carolina.* (i) That portion of Nash County bounded by a line beginning at the junction of U.S. Highway 64 and State Highway 231; thence, following U.S. Highway 64 in a generally northeasterly direction to State Highway 581; thence, following State Highway 581 in a generally southeasterly direction to Secondary Road 1915; thence, following Secondary Road 1915 in a generally easterly direction to Secondary Road 1306; thence, following Secondary Road 1306 in a generally southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a generally southwesterly direction to State Highway 97; thence, following State Highway 97 in a northwesterly direction to Secondary Road 1949; thence, following Secondary Road 1949 in a generally southwesterly direction to Secondary Road 1134; thence, following Secondary Road 1134 in a generally northwesterly direction to Secondary Road 1145; thence, following Secondary Road 1145 in a northerly direction to Secondary Road 1141; thence, following Secondary Road 1141 in a northerly direction to Secondary Road 1158; thence, following Secondary Road 1158 in a generally westerly direction to Secondary Road 1157; thence, following Secondary Road 1157 in a generally northerly direction to State Highway 231; thence, following State Highway 231 in a generally northeasterly direction to its junction with U.S. Highway 64.

(ii) The adjacent portions of Wayne and Lenoir Counties bounded by a line beginning at the junction of the Lenoir-Greene County line and Secondary Road 1001; thence, following Secondary Road 1001 in a generally southeasterly direction to Secondary Road 1327; thence following Secondary Road 1327 in a southwesterly direction to Secondary Road 1326; thence, following Secondary Road 1326 in a generally southwesterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northwesterly direction to Secondary Road 1733; thence, following Secondary Road 1733 in a northwesterly direction to Secondary Road 1719; thence, following Secondary Road 1719 in a northerly direction to Secondary Road 1718; thence, following Secondary Road 1718 in a generally easterly direction to Secondary Road 1715; thence, following Secondary Road 1715 in a southeasterly direction to the Wayne-Lenoir County line; thence, following the Wayne-Lenoir County line in a northeasterly direction to the Greene-Lenoir County line; thence, following the Greene-Lenoir County line in an easterly direction to its junction with Secondary Highway 1001.

(iii) That portion of Pasquotank County bounded by a line beginning at the junction of Secondary Road 1144 and the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a northeasterly direction to U.S. Highway 17,158; thence, following U.S. Highway 17,158 in a southerly direction to State Highway 168; thence, following State Highway 168 in a southeasterly direction to Secondary Road 1169; thence, following Secondary Road 1169 in a southwesterly direction to Secondary Road 1101; thence, following Secondary Road 1101 in a northwesterly direction to Secondary Road 1135; thence, following Secondary Road 1135 in a southwesterly direction to Secondary Road 1139; thence, following Secondary Road 1139 in a northerly direction to Secondary Road 1144; thence, following Secondary Road 1144 in a northwesterly direction to its junction with the Norfolk Southern Railway.

(13) *Rhode Island.* The entire State.

(14) *South Carolina.* (i) That portion of Hampton County bounded by a line beginning at the junction of Primary Highway 88 and U.S. Highway 278; thence, following U.S. Highway 278 in a southerly direction to the Coosawhatchie River; thence, following the east bank of the Coosawhatchie River in a southeasterly direction to Secondary Highway 36; thence, following Secondary Highway 36 in a northeasterly direction to Primary Highway 68; thence, following Primary Highway 68 in a northwesterly direction to its junction with U.S. Highway 278.

(ii) That portion of Marion County bounded by a line beginning at the junction of the Lumber River and the Little Pee Dee River; thence, following the north bank of the Little Pee Dee River in a northwesterly direction to the Marion-Dillon County line; thence, following the Marion-Dillon County line in a northeasterly and southeasterly direction to the Lumber River; thence, following the west bank of the Lumber River in a southwesterly direction to its junction with the Little Pee Dee River.

(iii) That portion of Williamsburg County bounded by a line beginning at the junction of State Highway 512 and the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Highway 74; thence, following Secondary Highway 74 in a northwesterly direction to the Pine Island Bay Road; thence, following the Pine Island Bay Road in a northwesterly direction to Secondary Highway 218; thence, following Secondary Highway 218 in a northeasterly direction to Secondary Highway 24; thence, following Secondary Highway 24 in a southeasterly direction to Secondary Highway 86; thence, following Secondary Highway 86 in a northeasterly direction to Secondary Highway 51; thence, following Secondary Highway 51 in a generally northerly direction to State Highway 512; thence, following State Highway 512 in a southeasterly direction to its junction with the Seaboard Coast Line Railroad.

(15) *Texas.* (i) Dallas and Henderson Counties.

(ii) The adjacent parts of Comanche, Erath, and Hamilton Counties bounded by a line beginning at the junction of Farm to Market Road 1702 and State Highway 6 in Erath County; thence, following State Highway 6 in a southeasterly direction to its junction with U.S. Highway 281; thence, following U.S. Highway 281 and State Highway 6 in a southeasterly direction to the town of Hico in Hamilton County; thence, following U.S. Highway 281 in a southwesterly direction to the west bank of the Leon River; thence, following the west bank of the Leon River in a generally southeasterly direction to State Highway 22; thence, following State Highway 22 in a southwesterly direction to State Highway 36; thence, following State Highway 36 in a northwesterly direction

to the Hamilton-Comanche County line; thence, following the Hamilton-Comanche County line in a southwesterly direction to the Comanche-Mills County line; thence, following the Comanche-Mills County line in a northwesterly direction to State Highway 16; thence, following State Highway 16 in a northwesterly direction to U.S. Highway 377; thence, following U.S. Highway 377 in a northeasterly direction to the Comanche-Erath County line; thence, following the Comanche-Erath County line in a southeasterly direction to Farm to Market Road 1702; thence, following Farm to Market Road 1702 in a northerly direction to its junction with State Highway 6.

(iii) That portion of El Paso County bounded by a line beginning at the junction of U.S. Highway 54 with the New Mexico-Texas State line; thence, following U.S. Highway 54 in a southwesterly direction to the north bank of the Rio Grande River; thence, following the north bank of the Rio Grande River in a generally northwesterly direction to the New Mexico-Texas State line; thence, following the New Mexico-Texas State line in a generally northerly direction to the northwest corner of El Paso County; thence, following the New Mexico-Texas State line in an easterly direction to its junction with U.S. Highway 54.

(iv) That portion of Hale County bounded by a line beginning at the junction of Farm or Ranch to Market Road 1424 and the Hale-Swisher County line; thence, following the Hale-Swisher County line in an easterly direction to the Hale-Floyd County line; thence, following the Hale-Floyd County line in a southerly direction to Farm or Ranch to Market Road 784; thence, following Farm or Ranch to Market Road 784 in a generally westerly direction to Farm or Ranch to Market Road 400; thence, following Farm or Ranch to Market Road 400 in a northerly direction to Farm or Ranch to Market Road 1914; thence, following Farm or Ranch to Market Road 1914 in a westerly direction to Farm or Ranch to Market Road 1424; thence, following Farm or Ranch to Market Road 1424 in a generally northerly direction to its junction with the Hale-Swisher County line.

(v) That portion of Hidalgo County bounded by a line beginning at the junction of U.S. Highway 281 and Farm to Market Road 490; thence, following Farm to Market Road 490 in a generally easterly direction to Farm to Market Road 493; thence, following Farm to Market Road 493 in a generally northerly direction to State Highway 186; in a generally northwesterly direction to U.S. Highway 281; thence, following U.S. Highway 281 in a generally southerly direction to its junction with Farm to Market Road 490.

(vi) That portion of Jones County bounded by a line beginning at the junction of Farm to Market Roads 1636 and 1226; thence, following Farm to Market Road 1226 in a generally southerly direction to U.S. Highway 83; thence, following U.S. Highway 83 in a southeasterly direction to Farm to Market Road 605; thence, following Farm to Market Road 605 in a westerly direction to Farm to Market Road 707; thence, following Farm to Market Road 707 in a northwesterly direction to Farm to Market Road 1812; thence, following Farm to Market Road 1812 in a southwesterly direction to Farm to Market Road 126; thence, following Farm to Market Road 126 in a northwesterly direction to U.S. Highway 83; thence, following U.S. Highway 83 in a southeasterly direction to Farm to Market Road 1636; thence, following Farm to Market Road 1636 in a generally easterly direction to its junction with Farm to Market Road 1226.

(vii) That portion of Tarrant County bounded by a line beginning at the junction of U.S. Highway 287 and the Tarrant-Johnson County line; thence, following the Tarrant-Johnson County line in a westerly direction to Interstate Highway 35W; thence, following Interstate Highway 35W in a northerly direction to Interstate Highway 820; thence, following Interstate Highway 820 in an easterly direction to U.S. Highway 287; thence, following U.S. Highway 287 in a southeasterly direction to its junction with the Tarrant-Johnson County line.

(viii) The adjacent portions of Limestone, Navarro, and Freestone Counties bounded by a line beginning at the junction of the Limestone-Freestone County line and U.S. Highway 84; thence, following U.S. Highway 84 in a southwesterly direction to Farm to Market Road 2310; thence, following Farm to Market Road 2310 in a northwesterly direction to Federal Aid Secondary Road 73; thence, following Federal Aid Secondary Road 73 in a northeasterly direction to Federal Aid Secondary Road 171; thence, following Federal Aid Secondary Road 171 in a northwesterly direction to Pin Oak Creek; thence, following the south bank of Pin Oak Creek in a generally northeasterly direction to Richland Creek; thence, following the south bank of Richland Creek in a southeasterly direction to U.S. Highway 75; thence, following U.S. Highway 75 in a southeasterly direction to Farm to Market Road 80; thence, following Farm to Market Road 80 in a southerly direction to U.S. Highway 84; thence, following U.S. Highway 84 in a northwesterly direction to its junction with the Limestone-Freestone County line.

(ix) That portion of Smith County bounded by a line beginning at the junction of State Highway 31 and the Smith-Henderson County line; thence, following State Highway 31 in a northeasterly direction to U.S. Highway 69; thence, following U.S. Highway 69 in a southerly direction to the Smith-Cherokee County line; thence, following the Smith-Cherokee County line in a westerly direction to the Smith-Henderson County line; thence, following the Smith-Henderson County line in a northerly direction to its junction with State Highway 31.

(x) That portion of Waller County bounded by a line beginning at the junction of State Highway 159 and U.S. Highway 290; thence, following U.S. Highway 290 in a southeasterly direction to the Waller-Harris County line; thence, following the Waller-Harris County line in a southeasterly direction to the Waller-Fort Bend County line; thence, following the Waller-Fort Bend County line in a southwesterly direction to the Brazos River; thence, following the east bank of the Brazos River in a generally northerly direction to State Highway 159; thence, following State Highway 159 in a northeasterly direction to its junction with U.S. Highway 290.

(xi) That portion of Montgomery County bounded by a line beginning at the junction of Farm to Market Road 2090 and the Montgomery-Liberty County line; thence, following the Montgomery-Liberty County line in a southeasterly direction to the Montgomery-Harris County line; thence, following the Montgomery-Harris County line in a generally southwesterly direction to Interstate Highway 45; thence, following Interstate Highway 45 in a northerly direction to State Highway 105; thence, following State Highway 105 in an easterly direction to Farm to Market Road 1485; thence, following Farm to Market Road 1485 in a southeasterly direction to Farm to Market Road 2090; thence, following Farm to Market Road 2090 in a southeasterly direction to its junction with the Montgomery-Liberty County line.

(xii) That portion of San Jacinto County bounded by a line beginning at the junction of State Highway 150 and Farm to Market Road 2025; thence, following Farm to Market Road 2025 in a southeasterly direction to Farm to Market Road 945; thence, following Farm to Market Road 945 in a generally northwesterly direction to State Highway 150; thence, following State Highway 150 in a northeasterly direction to its junction with Farm to Market Road 2025.

(xiii) That portion of Cottle County bounded by a line beginning at the junction of Farm to Market Road 104 and the Pease River; thence, following Farm to Market Road 104 in a generally southwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a generally southwesterly direction to the Cottle-Motley County line; thence, following the Cottle-Motley County line in a northerly direction to the South Pease River; thence, following the south bank of the South Pease River in a generally northeasterly direction to the Pease River; thence, following the south bank of the Pease River in a generally southeasterly direction to its junction with Farm to Market Road 104.

(xiv) That portion of El Paso County bounded by a line beginning at the junction of State Highway 375 and Interstate Highway 10; thence, following Interstate Highway 10 in a southeasterly direction to State Highway 793; thence, following State Highway 793 in a southwesterly direction to U.S. Highway 80; thence, following U.S. Highway 80 in a northwesterly direction to Farm to Market Road 258; thence, following Farm to

Market Road 258 in a northwesterly direction to State Highway 375; thence, following State Highway 375 in a northeasterly direction to its junction with Interstate Highway 10.

(16) *Virginia.* (i) That portion of Augusta County bounded by a line beginning at the junction of U.S. Highways 250 and 340; thence, following U.S. Highway 250 in a southeasterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a southwesterly direction to Secondary Highway 634; thence, following Secondary Highway 634 in a northerly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a northerly direction to U.S. Highway 340; thence, following U.S. Highway 340 in a northeasterly directly to its junction with U.S. Highway 250.

(ii) The adjacent portions of Essex and King and Queen Counties bounded by a line beginning at the junction of U.S. Highway 17 and Secondary Highway 607; thence, following Secondary Highway 607 in a southwesterly direction to Secondary Highway 612; thence, following Secondary Highway 612 in a southeasterly direction to Secondary Highway 617; thence, following Secondary Highway 617 in a southeasterly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally easterly direction to Secondary 604; thence, following Secondary Highway 604 in a northeasterly direction to Secondary Highway 719; thence, following Secondary Highway 719 in a southeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a northwesterly direction to its junction with Secondary Highway 607.

(iii) The adjacent portions of King William and Hanover Counties bounded by a line beginning at the junction of Secondary Highway 605 and U.S. Highway 360; thence, following U.S. Highway 360 in a southwesterly direction to Secondary Highway 614; thence, following Secondary Highway 605 in a northwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a northeasterly direction to Secondary Highway 614; thence, following Secondary Highway 614 in an easterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a northwesterly direction to State Highway 30; thence, following State Highway 30 in a southeasterly direction to Secondary Highway 610; thence, following Secondary Highway 610 in a southerly direction to Secondary Highway 605; thence, following Secondary Highway 605 in a southeasterly direction to its junction with U.S. Highway 360.

(iv) That portion of Nansemond County bounded by a line beginning at the junction of Primary Highways 32, 10 and Secondary Highway 603; thence, following Secondary Highway 603 in a southeasterly direction to the Nansemond River; thence, following the west bank of the Nansemond River in a generally southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a generally northerly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a southeasterly direction to Primary Highways 32, 10; thence, following Primary Highways 32, 10 in a northerly direction to its junction with Secondary Highway 603.

(v) That portion of Rockbridge County bounded by a line beginning at the junction of Secondary Road 608 and Secondary Road 714; thence, following Secondary Road 714 in a northwesterly direction to Secondary Road 713; thence, following Secondary Road 713 in a generally northerly direction to Secondary Road 706; thence, following Secondary Road 706 in a northeasterly direction to Secondary Road 712; thence, following Secondary Road 712 in a northwesterly direction to U.S. Highway 11; thence, following U.S. Highway 11 in a northeasterly direction to Secondary Road 706; thence, following Secondary Road 706 in a southerly direction to Secondary Road 707; thence, following Secondary Road 707 in a generally easterly direction to Secondary Road 608; thence, following Secondary Road 608 in a southwesterly direction to its junction with Secondary Road 714.

(vi) The adjacent portions of Surry, Isle of Wight, Southampton, and Sussex Counties bounded by a line beginning at the junction of Secondary Highways 612 and 611; thence, following Secondary Highway 611 in a southeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a southwesterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a generally southeasterly direction to Primary State Highway 31; thence, following Primary State Highway 31 in a northeasterly direction to Secondary Highway 616; thence, following Secondary Highway 616 in a generally northeasterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally southeasterly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a southwesterly direction to Secondary Highway 680; thence, following Secondary Highway 680 in a southeasterly direction to Secondary Highway 683; thence, following Secondary Highway 683 in a southerly direction to Secondary Highway 623; thence, following Secondary Highway 623 in a westerly direction to Secondary Highway 621; thence, following Secondary Highway 621 in a generally southwesterly direction to Secondary Highway 618; thence, following Secondary Highway 618 in a southwesterly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a generally northwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally northerly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a southwesterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally northwesterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a generally northwesterly direction to Secondary Highway 602; thence, following Secondary Highway 602 in a generally northeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a generally southeasterly direction to Primary State Highway 40; thence, following Primary State Highway 40 in a northeasterly direction to Secondary Highway 615; thence, following Secondary Highway 615 in a southeasterly direction to Secondary Highway 612; thence, following Secondary Highway 612 in a generally northeasterly direction to its junction with Secondary Highway 611.

(vii) That portion of Southampton County bounded by a line beginning at the junction of Secondary Highway 701 and the Virginia-North Carolina State line; thence, following the Virginia-North Carolina State line in a westerly direction to the Southampton-Greensville County line; thence, following the Southampton-Greensville County line in a northwesterly direction to Secondary Highway 730; thence, following Secondary Highway 730 in a northeasterly direction to Secondary Highway 653; thence, following Secondary Highway 653 in a northeasterly direction to Secondary Highway 659; thence, following Secondary Highway 659 in a southeasterly direction to Secondary Highway 666; thence, following Secondary Highway 666 in a southwesterly direction to Secondary Highway 701; thence, following Secondary Highway 701 in a southerly direction to its junction with the Virginia-North Carolina State line.

(viii) The adjacent portions of Isle of Wight and Southampton Counties bounded by a line beginning at the junction of Secondary Highways 620 and 646; thence, following Secondary Highway 646 in a southeasterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a southwesterly direction to Secondary Highway 646; thence, following Secondary Highway 646 in a southeasterly direction to Secondary Highway 638; thence, following Secondary Highway 638 in a southwesterly direction to Secondary Highway 603; thence, following Secondary Highway 603 in a generally southwesterly direction to Secondary Highway 635; thence, following Secondary Highway 635 in a generally northeasterly direction to Secondary Highway 620; thence, following Secondary Highway 620 in a generally easterly direction to its junction with Secondary Highway 646.

(ix) That portion of Rockingham County bounded by a line beginning at the junction of Secondary Highways 659 and 689; thence, following Secondary Highway 689 in a southwesterly direction to Secondary Highway 679; thence, following Secondary Highway 679 in a

southeasterly direction to Secondary Highway 681; thence, following Secondary Highway 681 in a southwesterly direction to Secondary Highway 682; thence, following Secondary Highway 682 in a northwesterly direction to Primary Highway 257; thence, following Primary Highway 257 in a northwesterly direction to Primary Highway 42; thence, following Primary Highway 42 in a northeasterly direction to the Bridgewater City limits; thence, following the Bridgewater City limits in a northwesterly direction to Secondary Highway 738; thence, following Secondary Highway 738 in a northerly direction to Primary Highway 257; thence, following Primary Highway 257 in a northwesterly direction to Secondary Highway 742; thence, following Secondary Highway 742 in a generally northerly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a northeasterly direction to Secondary Highway 732; thence, following Secondary Highway 732 in a northwesterly direction to U.S. Highway 33; thence, following U.S. Highway 33 in an easterly direction to Secondary Highway 612; thence, following Secondary Highway 612 in a northeasterly direction to Secondary Highway 726; thence, following Secondary Highway 726 in a generally southeasterly direction to Secondary Highway 701; thence, following Secondary Highway 701 in a southerly direction to Primary Highway 42; thence, following Primary Highway 42 in a northeasterly direction to the Harrisonburg City limits; thence, following the Harrisonburg City limits in a generally southeasterly direction to Secondary Highway 726; thence, following Secondary Highway 726 in a southeasterly direction to Secondary Highway 659; thence, following Secondary Highway 659 in a southeasterly direction to its junction with Secondary Highway 689.

(x) That portion of Page County bounded by a line beginning at the junction of U.S. Highway 340 and Secondary Highway 650; thence, following Secondary Highway 650 in a generally southeasterly direction to the western boundary of the Shenandoah National Park; thence, following the west boundary of the Shenandoah National Park in a southerly direction to Secondary Highway 604; thence, following Secondary Highway 604 in a southwesterly direction to the Page-Rockingham County line; thence, following the Page-Rockingham County line in a northwesterly direction to the South Fork Shenandoah River; thence, following the east bank of the South Fork Shenandoah River in a generally northerly direction to U.S. Highway 340; thence, following U.S. Highway 340 in a southerly direction to its junction with Secondary Highway 650.

(xi) The northeastern portion of York County bounded by a line beginning at the junction of U.S. Highway 17 and the south bank of the York River; thence, following the south bank of the York River in a generally easterly direction to the eastern boundary of York County (Chesapeake Bay Coastline); thence, following the eastern boundary of York County (Chesapeake Bay Coastline) in a generally southerly direction to Secondary Road 621; thence, following Secondary Road 621 in a generally westerly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to State Primary Highway 173; thence, following State Primary Highway 173 in a generally westerly direction to the York-City of Newport News County line; thence, following the York-City of Newport News County line in a northwesterly direction to Secondary Road 637; thence, following Secondary Road 637 in a generally northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a northeasterly direction to its junction with the south bank of the York River.

(xii) That portion of Charlotte County bounded by a line beginning at the junction of Primary Highway 47 and Secondary Highway 666; thence, following Primary Highway 47 in a southeasterly direction to Primary Highway 40; thence, following Primary Highway 40 in a westerly direction to Secondary Highway 645; thence, following Secondary Highway 645 in a generally southwesterly direction to Secondary Highway 619; thence, following Secondary Highway 619 in a northwesterly direction to Secondary Highway 617; thence, following Secondary Highway 617 in a northerly direction to Secondary Highway 675; thence, following Secondary Highway 675 in a generally northeasterly direction to Secondary Highway 727; thence, following Secondary Highway 727 in a northerly direction to Secondary Highway 666; thence, following Secondary Highway 666 in a northeasterly direction to its junction with Primary Highway 47.

(xiii) That portion of Appomattox County bounded by a line beginning at the junction of Primary Highway 24 and Secondary Highway 618; thence, following Secondary Highway 618 in a southeasterly direction to Secondary Highway 614; thence, following Secondary Highway 614 in a generally easterly direction to Secondary Highway 651; thence, following Secondary Highway 651 in a generally southeasterly direction to Secondary Highway 626; thence, following Secondary Highway 626 in a southeasterly direction to Secondary Highway 601; thence, following Secondary Highway 601 in a southwesterly direction to Secondary Highway 627; thence, following Secondary Highway 627 in a southeasterly direction to Secondary Highway 600; thence, following Secondary Highway 600 in a southwesterly direction to U.S. Highway 460; thence, following U.S. Highway 460 in a northwesterly direction to Secondary Highway 634; thence, following Secondary Highway 634 in a northwesterly direction to Secondary Highway 631; thence, following Secondary Highway 631 in a northeasterly direction to Secondary Highway 627; thence, following Secondary Highway 627 in a northwesterly direction to Primary Highway 24; thence, following Primary Highway 24 in a northeasterly direction to its junction with Secondary Highway 618.

(xiv) That portion of Rockingham County bounded by a line beginning at the junction of Primary Highway 42 and Secondary Highway 721; thence, following Primary Highway 42 in a southwesterly direction to Secondary Highway 765; thence, following Secondary Highway 765 in a generally southwesterly direction to Secondary Highway 763; thence, following Secondary Highway 763 in a northwesterly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a northerly direction to Secondary Highway 771; thence, following Secondary Highway 771 in a northwesterly direction to Secondary Highway 773; thence, following Secondary Highway 773 in a northeasterly direction to the Linville-Central District line; thence, following the Linville-Central District line in a northwesterly direction to the Little North Mountain boundary; thence, following the Little North Mountain boundary 2¾ miles in a northeasterly direction along the Little North Mountain boundary; thence, following the eastern slope of the Little North Mountain boundary in a southeasterly direction to the junction of Secondary Highways 877 and 776; thence, following Secondary Highway 776 in a southeasterly direction to Secondary Highway 613; thence, following Secondary Highway 613 in a southwesterly direction to Secondary Highway 774; thence, following Secondary Highway 774 in a southeasterly direction to Secondary Highway 876; thence, following Secondary Highway 876 in a southeasterly direction to Secondary Highway 752; thence, following Secondary Highway 752 in a northerly direction to Secondary Highway 721; thence, following Secondary Highway 721 in a southeasterly direction to its junction with Primary Highway 42.

(17) *West Virginia.* That portion of Pendleton County bounded by a line beginning at the junction of Secondary Road 24 and Secondary Road 25; thence, following Secondary Road 24 in a generally northerly direction to Secondary Road 21; thence, following Secondary Road 21 in a northeasterly direction to Secondary Road 21,2; thence, following Secondary 21,2 in a generally northwesterly direction to Secondary Road 220,7; thence, following Secondary Road 220,7 in a generally northwesterly direction to U.S. Highway 220; thence, following U.S. Highway 220 in a southwesterly direction to Secondary Road 23; thence, following Secondary Road 23 in a generally southerly direction to Secondary Road 25; thence, following Secondary Road 25 in a generally southeasterly direction to its junction with Secondary Road 24.

(18) *The Commonwealth of Puerto Rico.* The entire Commonwealth.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of

such States, and that such States are designated as hog cholera eradication States:

California.	Maryland.
Connecticut.	Oklahoma.
Delaware.	Tennessee.
Florida.	

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera-free States:

Alaska.	Oregon.
Idaho.	Utah.
Michigan.	Vermont.
Montana.	Washington.
Nevada.	Wisconsin.
North Dakota.	Wyoming.

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

Effective date. The foregoing amendments of § 76.2 shall become effective upon issuance.

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

The amendments also exclude a portion of Randolph County, Arkansas and portions of Jo Daviess and Stephenson Counties in Illinois from the area heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas. However, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The provisions also include without amendment the texts of § 76.2 (f) and (g) which continue in effect. In this respect, the provisions do not change the rights or duties of any person.

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

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

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

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

[F.R. Doc. 70-5772; Filed, May 11, 1970; 8:46 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

In § 76.2, in paragraph (e)(12) relating to the State of North Carolina, subdivision (i) relating to Nash County is deleted.

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

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

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

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-5796; Filed, May 11, 1970; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U]

MAXIMUM LOAN VALUE OF STOCKS AND CONVERTIBLE BONDS

Parts 207, 220, and 221 of Title 12 are amended as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Effective May 6, 1970, § 207.5 (a) and (b) (the Supplement to Regulation G) is amended to read as follows:

§ 207.5 Supplement.

(a) *Maximum loan value of margin securities.* For the purpose of § 207.1, the maximum loan value of any margin security, except convertible securities subject to § 207.1(d), shall be 35 percent of its current market value, as determined by any reasonable method.

(b) *Maximum loan value of convertible debt securities subject to § 207.1(d).* For the purpose of § 207.1, the maximum loan value of any security against which credit is extended pursuant to § 207.1(d) shall be 50 percent of its current market value, as determined by any reasonable method.

* * * * *

PART 220—CREDIT BY BROKERS AND DEALERS

2. Effective May 6, 1970, § 220.8(a)(1), (c), and (d) (the Supplement to Regulation T) is amended to read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of securities in a general account subject to § 220.3 shall be.

(1) Of a registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and of a margin equity security (except as provided in § 220.3(c) and paragraphs (b) and (c) of this section), 35 percent of the current market value of such securities.

* * * * *

(c) *Maximum loan value for special convertible debt security account.* The maximum loan value of a margin security eligible for a special convertible security account pursuant to § 220.4(j) shall be 50 percent of the current market value of the security.

(d) *Margin required for short sales.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3(d)(3), as margin required for short sales of securities (other than exempted securities) shall be 65 percent of the current market value of each security.

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

3. Effective May 6, 1970, § 221.4 (a) and (b) (the Supplement to Regulation U) is amended to read as follows:

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 35 percent of its current market value, as determined by any reasonable method.

(b) *Maximum loan value of convertible debt securities subject to § 221.3(t).* For the purpose of § 221.3(t), the maximum loan value of any security against which credit is extended pursuant to § 221.3(t) shall be 50 percent of its current market value, as determined by any reasonable method.

* * * * *

4a. These amendments are issued pursuant to section 7(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(b)). The changes are to lower the margin requirements for purchasing or carrying (1) stocks from 80 to 65 percent and (2) convertible bonds from 60 to 50 percent.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because following such requirements would have prevented the Board's action from becoming effective as promptly as necessary in the public interest.

By order of the Board of Governors, May 5, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-5793; Filed, May 11, 1970; 8:47 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 24,064]

PART 545—OPERATIONS

Loans on Low-Rent Housing

APRIL 30, 1970.

Resolved that the Federal Home Loan Bank Board, on the basis of its consideration of the advisability of amending Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of liberalizing the authority of Federal savings and loan associations to invest in mortgage loans covering real estate which is, or which is being constructed, remodeled, rehabilitated, modernized, or renovated to be, the subject of an annual contributions contract under the provisions of the United States Housing Act of 1937, as amended, hereby amends Part 545 by revising § 545.6-23 to read as follows, effective May 12, 1970:

§ 545.6-23 Loans on low-rent housing.

(a) *General.* The limitations contained in this part relating to maximum loan terms and loan-to-value ratios, except the limitations in § 545.6-16, shall not be applicable to any loan on the security of a first lien on real estate which is, or which is being constructed, remodeled, rehabilitated, modernized, or renovated to be, the subject of an annual contributions contract for low-rent housing under the provisions of the United States Housing Act of 1937, as amended. No loan by a Federal association on the security of such real estate shall exceed 90 percent of the amount of the appraisal or, in lieu of such appraisal, 90 percent of the purchase price if the real estate is to be purchased by a local public housing authority. This section shall be applicable to a loan on such real estate only when it first becomes, or when it is first constructed, remodeled, rehabilitated, modernized, or renovated to be, the subject of a contributions contract under said Act.

(b) *Appraisals.* The appraisal of any such real estate required by § 545.6-9 shall be (1) appraisal of the value of the land in the case of real estate with newly-constructed improvements thereon, or to be constructed thereon, plus appraisal of the cost of such improvements, or (2) appraisal of the value of the land and existing improvements, in the case of real estate with existing improvements thereon, plus appraisal of the cost of remodeling, rehabilitation, modernization, or renovation, if any.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp. p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, and the Board hereby so finds; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 70-5807; Filed, May 11, 1970; 8:49 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 24,065]

PART 561—DEFINITIONS

PART 563—OPERATIONS

Loans on Low-Rent Housing

APRIL 30, 1970.

Resolved, that the Federal Home Loan Bank Board considers it advisable to amend Parts 561 and 563 of the rules and regulations for Insurance of Accounts (12 CFR Parts 561, 563) for the following purposes:

1. Amending the definition of "scheduled items" to include only 20 percent of slow loans on low-rent housing;

2. Amending the definition of "specified assets" to exclude 80 percent of loans on low-rent housing; and

3. Excepting loans on low-rent housing from the limitations on loans to one borrower.

Accordingly, the Federal Home Loan Bank Board, on the basis of such consideration, hereby amends said Parts 561 and 563 as follows, effective May 12, 1970:

1. Part 561 is amended by revising paragraphs (a), (b), and (e) of § 561.15 to read as follows:

§ 561.15 Scheduled items.

The term "scheduled items" means:

(a) Slow loans (other than loans specified in paragraph (b) of this section),

(b) 20 percent of slow loans which are insured or guaranteed or which are secured by a first lien on low-rent housing, and 20 percent of guaranteed obligations upon which one or more interest payments due have not been paid,

* * * * *

(e) Any investment securities upon which one or more interest payments due have not been paid (other than guaranteed obligations),

* * * * *

2. Part 561 is amended by revising paragraph (a) of § 561.17 to read as follows:

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, Federal Home

Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in subparagraphs (2) and (3) of paragraph (g) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured and guaranteed loans, loans which are secured by a first lien on low-rent housing, and guaranteed obligations.

* * * * *

3. Part 561 is amended by adding a new § 561.23, immediately after § 561.22, to read as follows:

§ 561.23 Low-rent housing.

The term "low-rent housing" means real estate which is, or which is being constructed, remodeled, rehabilitated, modernized, or renovated to be, the subject of an annual contributions contract for low-rent housing under the provisions of the United States Housing Act of 1937, as amended.

4. Part 563 is amended by revising paragraph (b) of § 563.9-3 to read as follows:

§ 563.9-3 Loans to one borrower.

* * * * *

(b) *Limitations.* An insured institution shall not make a loan on the security of real estate to one borrower, as defined in paragraph (a) of this section, if the sum of (1) the amount of such loan and (2) the total balances of all outstanding loans on the security of real estate owed to such institution by such borrower exceeds an amount equal to 10 percent of such institution's withdrawable accounts or an amount equal to the sum of such institution's notwithdrawable accounts, surplus, undivided profits, and reserves for losses, whichever amount is less: *Provided,* That, notwithstanding any other limitation of this sentence, any such loan may be made if the sum of subparagraphs (1) and (2) of this paragraph does not exceed $100,000 or if such loan is secured by a first lien on low-rent housing.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that such amendments become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date thereof is contrary to the public interest; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[F.R. Doc. 70-5808; Filed, May 11, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-EA-23; Amdt. 39-987]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an amendment to AD 68-3-1 applicable to Fairchild Hiller type FH-227 airplanes.

Subsequent to the publication of the AD, Fairchild Hiller had submitted data substantiating a relaxation of the inspection intervals for aircraft which were equipped with a modified trim tab. As the data has proved satisfactory, an amendment is being issued to relax the inspection requirements for modified trim tabs.

Since the amendment is less restrictive in nature and does not impose an additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 68-3-1 as follows:

1. Delete paragraph (c) and insert in lieu thereof:

(c) Visually inspect the entire elevator tab structure for loose rivets, cracks, or any structural deformation. Prior to further flight, remove and replace loose rivets, replace deformed trim tabs, and repair or replace cracked trim tabs with a part of the same part number that has been inspected in accordance with this directive prior to installation or with an equivalent part or repair approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

2. Delete paragraph (h) and insert in lieu thereof:

(h) For aircraft with a modified elevator trim tab approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, comply with paragraphs (a), (b), (c), and (d), prior to accumulating 600 hours' time in service on the modified tab, and thereafter at intervals not to exceed 600 hours' time from the last inspection. If the inspections of (a), (b), (c), or (d), reveal a discrepancy, then the requirements of paragraphs (e), (f), and (g)(1) and (g)(2), must be complied with prior to further flight.

This amendment is effective May 27, 1970.

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

Issued in Jamaica, N.Y., on May 1, 1970.

GEORGE M. GARY, *Director, Eastern Region.*

[F.R. Doc. 70-5777; Filed, May 11, 1970; 8:46 a.m.]

[Airspace Docket No. 69-EA-164]

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

Alteration of Control Zone and Transition Area

On page 4265 of the FEDERAL REGISTER for March 7, 1970, the Federal Aviation Administration published a proposed rule which would alter the Bradford, Pa., control zone (35 F.R. 2054) and transition area (35 F.R. 2134).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 25, 1970.

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

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

GEORGE M. GARY, *Director, Eastern Region.*

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bradford, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 2.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of a 315° and a 135° bearing from the Bradford Regional Airport Runway 32 ILS LOM, extending from the 5-mile radius zone to 8 miles southeast of the LOM; within 2 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bradford, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 4.5 miles northeast and 9.5 miles southwest of the Bradford Regional Airport Runway 32 ILS localizer southeast course,

extending from the LOM to 18.5 miles southeast of the LOM; within 5 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 11-mile radius area to 14 miles northwest of the VORTAC.

[F.R. Doc. 70-5781; Filed, May 11, 1970; 8:46 a.m.]

[Airspace Docket No. 70-EA-2]

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

Alteration of Control Zone and Transition Areas

On page 3923 of the FEDERAL REGISTER for February 28, 1970, the Federal Aviation Administration published a proposed rule which would alter the Bowling Green control zone (35 F.R. 2062) and transition area (35 F.R. 2151) and Logansport, Ky., transition area (35 F.R. 2212).

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 25, 1970.

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

Issued in Jamaica, N.Y., April 22, 1970.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bowling Green, Ky., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky., and within 3 miles each side of the Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Bowling Green, Ky., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky.; and within 3.5 miles each side of the Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 16.5 miles southwest of the VORTAC. That airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 4.5 miles northwest of the Bowling Green VORTAC 206° radial, extending from the VORTAC to the Tennessee transition area.

(b) Delete the description of the Logansport, Ky., 1,200-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 1,200 feet above the surface, northwest of the Bowling Green, Ky., 1,200-foot transition are bounded on the southwest by V-7E, on the north by V-178, on the east by V-243 and on the southeast by the Bowling Green, Ky., 1,200-foot transition area.

[F.R. Doc. 70-5782; Filed, May 11, 1970; 8:46 a.m.]

[Airspace Docket No. 70-WE-11]

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

Alteration of Control Zone and Transition Area

On February 28, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 3924) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Casper, Wyo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 25, 1970.

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

Issued in Los Angeles, Calif., on May 1, 1970.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (35 F.R. 2054) the description of the Casper, Wyo., control zone is amended to read as follows:

CASPER, WYO.

Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles southwest of the VORTAC; within 3 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 10 miles west of the OM; within 2 miles each side of the 270° bearing from the Casper RBN, extending from the 5-mile radius zone to the RBN and within 4 miles each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC.

In § 71.181 (35 F.R. 2134) the description of the Casper, Wyo., transition area is amended to read as follows:

CASPER, WYO.

That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Casper ILS localizer west course, extending from the OM to 18.5 miles west of the OM and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Casper RBN and that airspace northwest of Casper extending upward from 11,500 feet MSL, extending from the 35-mile radius area to an arc of a 60-mile radius circle centered on the Casper VORTAC, bounded on the south by the north edge of V-298 and on the east by the west edge of V-19.

[F.R. Doc. 70-5783; Filed, May 11, 1970; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[12th Gen. Rev. of the Export Regs. (Amdt. 14)]

PART 371—GENERAL LICENSES

Commodities Exportable to Romania

Part 371 of the Code of Federal Regulations is amended as set forth below.

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

Effective date: May 6, 1970.

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

Section 371.3 is amended by adding a new paragraph (c) to read as follows:

§ 371.3 General License G-DEST; shipments of commodities to destinations not requiring a validated license.

* * * * *

(c) *Exceptions to validated license requirement for Romania.* The commodities listed in Supplement No. 1 to this Part 371 are exportable to Romania under this general license regardless of the symbol "W" shown in the column entitled "Validated License Required for Country Groups Shown Below" on the Commodity Control List.

NOTE: Supplement 1 to Part 371 was filed with the Office of the Federal Register as part of the original document. Copies are available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; Exporter's Service Section, Office of Export Control, Bureau of International Commerce, Department of Commerce, Washington, D.C. 20230; and Field Offices, Bureau of International Commerce, Department of Commerce.

[F.R. Doc. 70-5776; Filed, May 11, 1970; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Federal Water Pollution Control Administration, Department of the Interior

PART 620—WATER QUALITY STANDARDS

Adoption, Identification, and Availability of State Standards; Interstate Waters of State of Iowa

On page 17730 of the FEDERAL REGISTER for November 1, 1969, the Secretary of

the Interior published proposed regulations setting forth standards of water quality to be applicable to interstate waters of the State of Iowa.

Interested persons were given 90 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adpoted and shall be effective thirty (30) days after this publication in the FEDERAL REGISTER.

(Sec. 10(c)(2), Federal Water Pollution Control Act, as amended, 79 Stat. 908; 33 U.S.C. 466g(c)(2))

1. Part 620 is amended by adding § 620.11 as follows:

§ 620.11 Iowa water quality standards.

(a) *Waters.* The water quality standards of this section are applicable to the interstate waters located in the State of Iowa, of the Mississippi River, Missouri River, Fox River, Des Moines River, East Fork of the Des Moines River, West Fork of the Des Moines River, Iowa River, Cedar River, Shellrock River, Winnebago River, Wapsipinicon River, Upper Iowa River, Chariton River, Middle Fork Medicine River, Weldon River, Little River, Thompson River, East Fork of the Big River, Grand River, Platte River, East Fork of the 102 River, Middle Fork of the 102 River, Nodaway River, West Tarkio River, Tarkio River, Nishnabotna River, Little Sioux River, Big Sioux River, Rock River, and Kanaranzi Ditch.

(b) *Dilution.* Dilution shall not be considered a substitute for proper waste treatment at any time.

(c) *Temperature.* Heat additions from manmade sources in all interstate waters, except the Mississippi River and Missouri River, shall not raise the mean daily temperature more than 5° F. and shall not exceed a maximum temperature for each individual water body such as is necessary to protect the production of locally occurring desirable fish populations and their associated biota, and in any case shall not exceed at any time a maximum temperature of 90° F.

(d) *Phenols.* Concentrations of phenols from other than natural sources shall not exceed one part per billion (0.001 mg/1).

(e) *Public water supply.* Waters designated as a source of public water supply shall be of such quality that USPHS Drinking Water Standards for finished water can be met after conventional water treatment, consisting of coagulation, sedimentation, rapid sand filtration and disinfection.

(f) *Treatment.* All municipal wastes discharged into the interstate waters of the Mississippi River and the Missouri River shall receive a minimum of secondary treatment to achieve a ninety percent (90%) reduction of BOD prior to discharge no later than December 31, 1973. All industrial wastes discharged into such interstate waters shall receive equivalent treatment prior to discharge no later than December 31, 1973.

(g) *Disinfection.* Continuous disinfection shall be provided for all municipal waste treatment effluents and for all other wastes which may be sources of bacterial pollution throughout the year where such wastes are discharged into interstate waters designated for public water supplies, and throughout the recreational season (April 1 to October 31) where such wastes are discharged into interstate waters used or classified for recreational use, and at all other times as necessary to prevent bacterial pollution which may endanger the public health or welfare.

§ 620.10 [Amended]

2. Section 620.10 is amended by deleting from the paragraph entitled "Iowa" the following: "except for the treatment requirements and implementation plan for waste discharges into the Mississippi and Missouri Rivers, the requirement for disinfection of controllable waste discharges which may be sources of bacteriological pollution, and the temperature criteria for the interstate waters of Iowa other than the Mississippi and Missouri Rivers," and by inserting in lieu thereof the following: "except for any parts thereof which may be in conflict with the provisions of § 620.11."

Dated: May 5, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-5773; Filed, May 11, 1970; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Poloxalene

The Commissioner of Food and Drugs has evaluated the new animal drug application (39-729V) filed by Norden Laboratories, Inc., Lincoln Nebr. 68501, proposing the safe and effective use of poloxalene as a drench in cattle. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 135c.

§ 135c.23 Poloxalene.

(a) *Chemical name.* Polyoxypropylene-polyoxyethylene glycol nonionic block polymer.

(b) *Specifications.* (1) Molecular weight range: 2,850-3,150.

(2) Hydroxyl number: 35.7-39.4.

(3) Cloud point (10 percent solution): 42° C.-46° C.

(4) Structural formula:

$$HO(CH_2\text{-}CH_2\text{-}O)_{(11\text{-}13)}(\underset{\underset{CH_3}{|}}{CH}\text{-}CH_2\text{-}O)_{(32\text{-}34)}(CH_2\text{-}CH_2\text{-}O)_{(11\text{-}13)}H$$

(c) *Sponsor.* Norden Laboratories, Inc., Lincoln, Nebr. 68501.

(d) *Conditions of use.* For treatment of legume (alfalfa, clover) bloat in cattle. Administer as a drench at the rate of 25 grams for animals up to 500 pounds and 50 grams for animals over 500 pounds of body weight.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: May 4, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-5774; Filed, May 11, 1970; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Transportation of Claimants and Beneficiaries

In § 17.100, paragraphs (e) and (g)(2) are amended to read as follows:

§ 17.100 Transportation of claimants and beneficiaries.

* * * * *

(e) *Interstation transfers for treatment, diagnosis, or domiciliary care.* Prior consent of the Regional Medical Director will be had for transfers of patients or members en bloc within the area, and of both Regional Medical Directors if interarea transfers are involved. Interstation transfer will include transfer from a Veterans Administration hospital to a nursing home.

* * * * *

(g) *Outpatient services.* * * *

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof; for veterans under § 17.60(h); and for non-service-connected conditions to avoid interruption of training authorized under 38 U.S.C. ch. 31, subject to exceptions defined in paragraph (h) of this section.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: May 6, 1970.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 70-5786; Filed, May 11, 1970; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200, Subpart D in the Table of Contents, the headings of §§ 200.56, 200.58, 200.59, 200.59a, 200.61, 200.61f, 200.65, 200.65b, and 200.108 are amended as follows:

Sec.
200.56 Assistant Commissioner Unsubsidized Insured Housing Programs and Deputy.
200.58 Director Multifamily Division and Deputy.
200.59 Assistant Commissioner Subsidized Housing Programs and Deputy.
200.59a Director Publicly Financed Housing Division and Deputy.
200.61 Director Subsidized Mortgage Insurance Division and Deputy.
200.61f Chief Multifamily Housing Assistance Branch.
200.65 Assistant Commissioner Programs and Deputy.
200.65b Director Economic and Market Analysis Division and Deputy.
200.108 Director Management and Operations Assistance Division and Deputy.

In § 200.56 the heading thereof is amended and a new paragraph (e) is added to read as follows:

§ 200.56 Assistant Commissioner Unsubsidized Insured Housing Programs and Deputy.

* * * * *

(e) To sign modification agreements prior to final endorsement for all projects under his jurisdiction.

In § 200.58 the heading thereof is amended and a new paragraph (d) is added to read as follows:

§ 200.58 Director Multifamily Division and Deputy

* * * * *

(d) To sign modification agreements prior to final endorsement for all projects under his jurisdiction.

In § 200.59 the heading thereof and paragraphs (e) and (f) are amended to read as follows:

§ 200.59 Assistant Commissioner Subsidized Housing Programs and Deputy.

* * * * *

(e) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under the rent supplement program and the rental housing assistance program; for insurance and servicing of mortgages under sections 235 and 237; for noninsured assistance to State and local housing programs under the rent supplement program and the rental housing assistance program; and for technical and loan assistance to nonprofit sponsors of low and moderate income housing.

(f) To act for the Commissioner in approving applications for financial assistance under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended; in approving the waiver of interest on loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and in providing technical assistance to nonprofit sponsors authorized under the 1969 Amendments to the Appalachian Regional Development Act; and to recommend to the Loan Assistance Committee approval or disapproval of the waiver of repayment in whole or in part of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended.

* * * * *

In § 200.59a the heading thereof and paragraph (b) are amended to read as follows:

§ 200.59a Director Publicly Financed Housing Division and Deputy.

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the administration of the Alaska housing program and the college housing program from preapplication through construction completion, determination of the final loan and/or grant amount, and final closing and execution of the loan and/or grant documents.

* * * * *

In § 200.61 the heading thereof and paragraphs (a) and (b) are amended to read as follows:

§ 200.61 Director Subsidized Mortgage Insurance Division and Deputy.

* * * * *

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages under section 221(d)(3), exclusive of prescribing forms and procedures for cooperatives and condominiums; for insurance of mortgages under the rent supplement program, the rental housing assistance program, and the credit assistance program; for insurance and servicing of mortgages under sections 235 and 237; for noninsured assistance to State and local housing programs under the rent supplement program and the rental housing assistance program; for technical and loan assistance to nonprofit sponsors of low and moderate income housing; and for control and utilization of contract authority under the rent supplement program, the homeownership assistance program, and the rental housing assistance program, and the allocation of special assistance funds under the section 221(d)(3) below market interest rate program.

(b) To act for the Commissioner in approving applications for financial assistance under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended; in approving the waiver of interest on loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and in providing technical assistance to nonprofit sponsors authorized under the 1969 Amendments to the Appalachian Regional Development Act; and to recommend approval or disapproval of the waiver of repayment in whole or in part of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended.

* * * * *

In § 200.61f the heading thereof and paragraphs (a), (b), and (c) are amended to read as follows:

§ 200.61f Chief Multifamily Housing Assistance Branch.

* * * * *

(a) To develop and recommend policies and establish operating procedures for the insurance of mortgages under section 221(d)(3), section 236, and the rent supplement program; and for noninsured assistance to State and local housing programs under the rent supplement program and the rental housing assistance program.

(b) To be responsible for utilization and control of the contract authority for the rent supplement program and the rental housing assistance program; for approval of loans under the direct loan program for housing the elderly or handicapped under section 202 of the Housing Act of 1959, and for conversion of section 202 projects to insured private financing with interest assistance under section 236 of the National Housing Act.

(c) To approve applications for financial assistance under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended; to approve the waiver of interest on loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; to provide technical assistance to nonprofit sponsors under the Appalachian Development program; and to recommend approval or disapproval of the waiver of repayment in whole or in part of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended.

In § 200.65 the heading thereof is amended and a new paragraph (c) is added to read as follows:

§ 200.65 Assistant Commissioner Programs and Deputy.

* * * * *

(c) To establish and circulate appropriate family income limits for individual counties and/or localities in the United States as required by operations of section 221(h), section 235(i), section 235(j), and section 236 of the National Housing Act.

In § 200.65b the heading thereof is amended and a new paragraph (b) is added to read as follows:

§ 200.65b Director Economic and Market Analysis Division and Deputy.

* * * * *

(b) To establish and circulate appropriate family income limits for individual counties and/or localities in the United States as required by operations of section 221(h), section 235(i), section 235(j), and section 236 of the National Housing Act.

In § 200.85 new paragraphs (b) and (c) are added to read as follows:

§ 200.85 Executive Board.

* * * * *

(b) *Functions.* The functions of the Executive Board are to consider and advise with respect to basic policy, plans and general program matters of the Administration.

(c) *Minutes.* The Commissioner shall designate a secretary to the Board who shall prepare minutes of each Board meeting, which shall constitute the official record of matters considered and actions taken by the Board. Such minutes shall be dated, consecutively numbered and shall be signed by each member who attended the meeting. The original of such minutes shall be retained by the Assistant Commissioner-Comptroller, in the official FHA records.

In § 200.94 paragraph (a) is amended to read as follows:

§ 200.94 Loan Assistance Committee.

(a) *Members.* The Loan Assistance Committee is composed of the following members: Assistant Commissioner for Subsidized Housing Programs, Chairman; Assistant Commissioner-Comptroller; and Assistant Commissioner for Programs, or their designees.

* * * * *

In § 200.108 the heading thereof and paragraph (c) are amended to read as follows:

§ 200.108 Director Management and Operations Assistance Division and Deputy.

* * * * *

(c) To execute as Contracting Officer contracts for credit reports and to issue orders for publication of notices and advertisements in newspapers, magazines, and periodicals for securing such contracts.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., May 6, 1970.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[F.R. Doc. 70-5785; Filed, May 11, 1970; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 142—PRECANCELED STAMPS

Sale of Coil Stamps

The Department's regulations are being amended in § 142.2(f)(1) to denote a change regarding philatelic sales of rolls of coil stamps; and in § 142.4(c)(2) to show a Bureau redesignation.

1. In § 142.2 *Sale and use of precanceled stamps,* amend paragraph (f)(1) to read as follows:

§ 142.2 Sale and use of precanceled stamps.

* * * * *

(f) *Philatelic sales*—(1) *Nonpermit holders.* Not more than 10 stamps of each of the precanceled denominations in sheet form which are available at a post office may be purchased in person or by mail by nonpermit holders for collection purposes. Complete rolls of precanceled coil stamps may not be broken for philatelic sales. Each mail order must be accompanied with a stamped, self-addressed envelope for use in returning stamps to the purchaser. Precanceled stamps are available only at post offices which prepare or obtain them for sale to permit holders.

* * * * *

§ 142.4 [Amended]

In § 142.4 *Precancel permits,* under (c)(2) strike out the bureau designation "Director, Classification and Special Services Division, Bureau of Operations" and insert in lieu thereof "Director, Office of Mail Classification, Bureau of Finance and Administration".

NOTE: The corresponding Postal Manual sections are 142.261 and 142.432.

(5 U.S.C. 301, 39 U.S.C. 501)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-5788; Filed, May 11, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

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 area.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Kossuth County, Iowa, is permitted only on the area designated by signs as open to fishing. This open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from June 1, 1970, through September 15, 1970, during daylight hours only.

(2) The use of boats or other floating devices 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, Part 33, and are effective through September 15, 1970.

ROBERT H. STRATTON, Jr.,
Refuge Manager, Union Slough National Wildlife Refuge, Titonka, Iowa.

MAY 5, 1970.

[F.R. Doc. 70-5787; Filed, May 11, 1970; 8:47 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

PART 790—GENERAL STATEMENT AS TO THE EFFECT OF THE PORTAL-TO-PORTAL ACT OF 1947 ON THE FAIR LABOR STANDARDS ACT OF 1938

Miscellaneous Amendments

The Portal-to-Portal Act made reference to certain activities engaged in by employees prior to May 14, 1947, the effective date of the act. As these provisions no longer have practical legal effect, Part 790 of Title 29, Code of Federal Regulations, is hereby amended by deleting reference to certain activities engaged in by employees before May 14, 1947. Part 790 is also amended by changing several footnotes to conform to the foregoing deletions and also to make reference to the current minimum wage and the current interpretative bulletin.

As these changes are clerical, and deal only with the deletion of obsolete interpretative rules, no notice and public procedure are required, and no delay in effective date is provided. The changes shall be effective upon publication in the FEDERAL REGISTER.

Part 790 of Title 29 of the Code of Federal Regulations is hereby amended as follows:

1. Section 790.1 is amended by changing footnote 3 thereto, and as amended § 790.1 reads as follows:

§ 790.1 Introductory statement.

* * * * *

[3] Sections 790.23 through 790.29 in the prior edition of this Part 790 have been omitted in this revision because of their obsolescence in that they dealt with those sections of the Act concerning activities prior to May 14, 1947, the effective date of the Portal-to-Portal Act.

* * * * *

2. Section 790.4 is amended by changing footnote 16 thereto, and as amended § 790.4 reads as follows:

§ 790.4 Liability of employer; effect of contract, custom or practice.

* * * * *

[16] The Fair Labor Standards Act, as amended, requires the payment of the applicable minimum wage for all hours worked and overtime compensation for all hours in excess of 40 in a workweek at a rate not less than one and one-half times the employee's regular rate of pay, unless a specific exemption applies.

* * * * *

3. Section 790.6 is amended by changing footnote 36 thereto, and as amended § 790.6 reads as follows:

§ 790.6 Periods within the "workday" unaffected.

* * * * *

[36] The determinations of hours worked under the Fair Labor Standards Act, as amended is discussed in Part 785 of this chapter.

* * * * *

4. Section 790.7 is amended by changing footnote 46 thereto, and as amended, § 790.7 reads as follows:

§ 790.7 "Preliminary" and "postliminary activities.

* * * * *

[46] These principles are discussed in Part 785 of this chapter.

* * * * *

5. Section 790.8 is amended by changing footnote 53 thereto, and as amended, § 790.8 reads as follows:

§ 790.8 "Principal" activities.

* * * * *

[53] See §§ 790.4 through 790.6 of this bulletin and Part 785 of this chapter, which discusses the principles for determining hours worked under the Fair Labor Standards Act, as amended.

* * * * *

§§ 790.23–790.29 [Deleted]

6. Sections 790.23 through 790.29, including footnotes thereto, are hereby deleted. The heading entitled "Provisions relating to certain activities engaged in by employees prior to May 14, 1947," which appears immediately before § 790.23, is also deleted.

(Secs. 1–19, 52 Stat. 1060, as amended, 29 U.S.C. 201, et. seq.; secs. 1–15, 61 Stat. 84, 29 U.S.C. 251, et. seq.)

Signed at Washington, D.C., this 5th day of May 1970.

ROBERT D. MORAN,
Administrator.

[F.R. Doc. 70-5775; Filed, May 11, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-WE-33]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Cody, Wyo., control zone and transition area.

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 Chief, Airspace and Program Standards Branch, 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. 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, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The prescribed instrument departure and arrival procedures at Cody, Wyo., Municipal Airport have been reviewed in accordance with U.S. Standard for Terminal Instrument Procedures (TERPS). The proposed amendments are required to provide controlled airspace protection for published instrument procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions:

In § 71.171 (35 F.R. 2054) the description of the Cody, Wyo., control zone is amended to read as follows:

CODY, WYO.

Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to the VOR. 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 Airmen's Information Manual.

In § 71.181 (35 F.R. 2134) the description of the Cody, Wyo., transition area is amended to read as follows:

CODY, WYO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 3 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles North of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles West and 9.5 miles East of the Cody VOR 022° and 202° radials, extending from 2.5 miles South to 18.5 miles North of the VOR.

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

Issued in Los Angeles, Calif., on May 1, 1970.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 70-5778; Filed, May 11, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-EA-17]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Concord, New Hampshire control zone (35 F.R. 2069) and transition area (35 F.R. 2164).

The U.S. Standard for Terminal Instrument Approach Procedures requires the alteration of the Concord, N.H. control zone and 700-foot transition area to provide airspace protection for aircraft executing the instrument approach procedures for Concord Municipal Airport, Concord, N.H., and Boire Field, Nashua, N.H.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region. Any data or views 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.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Concord, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Concord, N.H., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W., of Concord Municipal Airport, Concord, N.H.; within 2 miles each side of the Concord VORTAC 284° radial extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; within 3 miles each side of the 133° bearing from the Pembroke, N.H., RBN (43°10'57" N., 71°28'18" W.) extending from the 5-mile radius zone to 8.5 miles southeast of the RBN and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles north of the end of the runway.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Concord, N.H., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W., to 43°09'30" N., 71°17'30" W., to 43°09'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., to 71°09'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°35'00" W., to 42°43'00" N., 71°36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°08'00" N., 71°59'00" W., to 43°21'00" N., 71°56'00" W., to 43°19'00" N., 71°38'00" W. to point of beginning.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on April 17, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-5784; Filed, May 11, 1970; 8:47 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 157]

[Docket No. R-360]

RIGHTS-OF-WAY ROUTES AND ABOVE-GROUND FACILITIES OF NATURAL GAS COMPANIES

Selection, Clearing, Construction, and Maintenance

MAY 4, 1970.

Notice amending notice of proposed statement of general policy and proposed rulemaking issued June 6, 1969.

The notice issued in this proceeding on June 6, 1969 (F.R. Doc. 69-6954, filed June 12, 1969, and published in the FEDERAL REGISTER on June 13, 1969, at 34 F.R. 9348) is amended by the addition of the following paragraph following paragraph number 6:

7. The Commission's staff, on its own motion, or upon request of any person filing comments in this proceeding is authorized to call conferences to discuss the amendments proposed herein.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5762; Filed, May 11, 1970; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

SS SANSINENA

Request for Waiver of Coastwise Laws

MAY 8, 1970.

On April 25, 1970, the Treasury Department published in the FEDERAL REGISTER, volume 35, No. 81, p. 6664, a notice of a Treasury Department review of action previously taken with regard to waiving coastwise trading restrictions on the "SS Sansinena." Pursuant to that notice, relevant data must be submitted by May 15, 1970.

The Treasury has now received requests that opportunity be given to respond in writing to submissions made pursuant to that notice. Accordingly, such responses may be submitted in writing, in quadruplicate, to the Assistant Secretary of the Treasury for Enforcement and Operations, Washington, D.C. 20220, not later than May 25, 1970.

As in the case of the notice published on April 25, submissions filed pursuant to this notice, that are not determined by the Treasury Department to be exempt from disclosure pursuant to 31 CFR 1.5, may be examined during office hours in the public reading room of the Treasury Department, 15th Street and Pennsylvania Avenue NW., Washington, D.C. 20220.

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

[F.R. Doc. 70-5889; Filed, May 11, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

OUTER CONTINENTAL SHELF OFF LOUISIANA

Request for Comments Prior to Oil and Gas Lease Offering

1. The Department of the Interior is considering an offering of oil and gas leases under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. secs. 1331-1343) on or about July 21, 1970, for some or all of the tracts listed in paragraph 3 of this notice. This lease offering is being considered for resource conservation purposes, in that each of said tracts adjoins a tract which presently has production and the producible hydrocarbon reservoir of which extends beyond the limits of tracts now under lease. Federal oil and gas deposits in these areas are consequently threatened by drainage, and irretrievable loss to the United States will be suffered unless production by Federal lessees is soon obtained. Prior to the final announcement of the lease offering an opportunity is being granted under section 102(2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-190; 83 Stat. 852, 853) to all State and local agencies which are authorized to develop and enforce environmental standards to submit their comments and views with respect to the environmental impact involved in the offering of such leases. Members of the general public may also submit their comments and views. All comments should be submitted in writing to:

The Secretary of the Interior, Washington, D.C. 20240.

All comments must be received by the close of business on June 11, 1970. Parties submitting comments should refer to individual leasing tracts by number and description, and should consider the following five points:

(i) The environmental impact of the proposed action,

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

(iii) Alternatives to the proposed action,

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

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

2. Upon the receipt of these comments they will be given careful review by the Department of the Interior, and only after such careful review of comments with respect to each individual tract will the Department finally determine whether it will proceed to offer leases and which of those leasing tracts listed in paragraph 3 of this notice will be included in the offering.

3. The tracts which the Department is considering offering for lease are described according to official leasing maps of the Department of the Interior. These maps, in a set of 25, may be obtained from either:

Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue, New Orleans, La., or Post Office Box 53226, New Orleans, La. 70150.

or:

Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.

The following tracts are under consideration:

LOUISIANA

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 1

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1960)

West Cameron Area

Tract No.	Block	Description	Acreage
La. 2064	28	N½; N½N½S½ [1]	2,025
La. 2065	132	N½	2,500
La. 2066	181	E½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 2

(Approved June 8, 1954; Revised Apr. 28, 1960)

East Cameron Area

La. 2067	33	NE¼	1,250
La. 2068	117	W½	2,500
La. 2069	118	N½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3

(Approved June 8, 1954; Revised June 25, 1954; July 22, 1954; Apr. 28, 1960)

Vermilion Area

La. 2070	189	N½	2,500
La. 2071	199	All [4]	5,000
La. 2072	207	SE¼	3,750
	208	S½	

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3B

(Approved Sept. 8, 1959; Revised Apr. 28, 1960)

Vermilion Area—South Addition

La. 2073	267	N½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3A

(Approved Aug. 7, 1959; Revised Apr. 28, 1960)

South Marsh Island Area

La. 2074	20	S½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 3C

(Approved Sept. 8, 1959; Revised Apr. 28, 1960)

South Marsh Island Area—South Addition

La. 2075	107	E½	2,500
La. 2076	114	NE¼	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4

(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1960)

Eugene Island Area

La. 2077	229	SE¼	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 4A

(Approved Sept. 8, 1959; Revised Apr. 28, 1960)

Eugene Island Area—South Addition

La. 2078	270	N½	2,500
La. 2079	287	S½; S½N½	3,750
La. 2080	307	W½	2,500
La. 2081	314	N½	2,500
La. 2082	315	N½	2,500

See footnotes at end of table.

OFFICIAL LEASING MAP, LOUISIANA MAP No. 5
(Approved June 8, 1954; Revised Apr. 28, 1966; July 22, 1968)
Ship Shoal Area

Tract No.	Block	Description	Acreage
La. 2083	13	S½SW¼	625
La. 2084	14	N½SW¼	625
La. 2085	15	All [1]	1,355
La. 2086	16	S½SW¼ [1]	1,244.71
	26	W½W½	
La. 2087	37	S½NE¼	937
	38	S½NW¼ [1]	
La. 2088	94	N½SE¼; S½NE¼ [4]	998
La. 2089	187	W½	2,502.23
La. 2090	211	SE¼	2,530.705
	212	NE¼	
La. 2091	225	N½	2,500

OFFICIAL LEASING MAP, LOUISIANA MAP No. 5A
(Approved Sept. 8, 1959; Revised Apr. 28, 1966)
Ship Shoal Area—South Addition

La. 2092	291	SW¼	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP No. 7
(Approved June 8, 1954; Revised Apr. 28, 1966)
Grand Isle Area

La. 2093	78	SW¼	2,500
	81	NW¼	
La. 2094	82	NE¼	1,250

OFFICIAL LEASING MAP, LOUISIANA MAP No. 8
(Approved June 8, 1954; Revised Apr. 28, 1966)
West Delta Area

La. 2095	20	SW¼SW¼; S½N½S½	937.50
La. 2096	36	E½ [2]	1,769
La. 2097	80	NE¼SW¼; SE¼NW¼; S½NE¼; N½SE¼.	1,875

OFFICIAL LEASING MAP, LOUISIANA MAP No. 10
(Approved June 8, 1954; Revised July 22, 1954; Apr. 28, 1966)
Main Pass Area

La. 2098	7	N½SW¼; S½S½ [3]	1,067.56
La. 2099	96	S½	2,497.275
La. 2100	102	N½	2,497.275

[1] Portion in Zone 2 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

[2] Portion in Zone 3 only, as that zone is defined in the agreement between the United States and the State of Louisiana, Oct. 12, 1956.

[3] That portion of the S½S½ more than 3 geographical miles seaward of the line described in par. 1 of the Supplemental Decree of the U.S. Supreme Court entered Dec. 13, 1965, in United States v. Louisiana No. 9 Original (382 U.S. 288) and that portion of the N½SW¼ seaward of (a) that line which is 3 geographical miles seaward from the line described in par. 1 of said Supplemental Decree (382 U.S. 288) and between (b) the line between Zones 1 and 2 as defined in the agreement between the United States and the State of Louisiana Oct. 12, 1956.

[4] This tract is within the area of the Ship Shoal Block 113 Unit agreement (No. 14-08-001-2931), approved by the Acting Director of the Geological Survey on June 6, 1956. Ocean Drilling and Exploration Company is the approved unit operator. The unit agreement prescribes the conditions for joinder and may be inspected in the offices of the U.S. Geological Survey, Washington, D.C., and Metairie, La.

[5] This tract is within the area of the Vermilion Block 203 unit agreement (No. 14-08-0001-8804), approved by the Acting Director of the Geological Survey on August 5, 1966. Forest Oil Corp. is the approved unit operator. The unit agreement prescribes the conditions for joinder and may be inspected in the offices of the U.S. Geological Survey Washington, D.C., and Metairie, La.

WALTER J. HICKEL,
Secretary of the Interior.

MAY 8, 1970.

[F.R. Doc. 70-5866; Filed, May 11, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Delegations of Authority to Regional Health Directors

On February 27, 1970, the Administrator of the Health Services and Mental Health Administration issued to the Regional Health Directors a set of delegations of authority that greatly enlarged their role. For the benefit of State and local government officials, professional associations, and voluntary organizations, this document is set forth below.

DELEGATIONS OF AUTHORITY

Effective March 1, 1970, except as otherwise specified herein, I hereby delegate to the Regional Health Directors the general authority for representing the Administrator in their respective Regions in carrying out Administration policies and for providing leadership, coordination, evaluation, and general administrative supervision of all Administration representatives located in the respective Regional Offices. I also hereby delegate to the Regional Health Directors, within their respective Regions, the following:

A. *Program delegations.* (1) The authority to direct and coordinate a comprehensive program for facilitating and improving the ability of States, communities, and voluntary groups to organize and deliver physical and mental health services in the respective Regions, through:

(a) The injection of a strong health element into Department-wide Regional planning;

(b) The identification of Regional health needs, the evaluation of the effectiveness of HSMHA programing in meeting such needs, the establishment of Regional priorities, and the development and direction of Regional plans, including arrangements for focusing special attention on such urgent and conjointly supported HSMHA projects as Model Cities and Neighborhood Centers;

(c) The development and provision of an integrated and balanced program of technical, professional, and administrative consultation and assistance to States, communities, and voluntary groups concerned with the organization and delivery of physical and mental health services;

(d) The supervision and the effective utilization of HSMHA Regional personnel and other resources; and

(e) The development and management of central program services required for the efficient operation of HSMHA Regional activities.

(2) Effective April 30, 1970, the administration of migrant health programs under section 310 of the Public Health Service Act, including the approval and funding of applications for project grants submitted by public and other nonprofit agencies, institutions, and organizations, for family health service clinics and other projects to improve health conditions and services for domestic agricultural migratory workers and their families.

(3) The authority, under section 311 (a) of the Public Health Service Act, to assist States and their political subdivisions in the prevention and suppression of communicable diseases, cooperate with and aid State and local authorities in the enforcement of their quarantine and other health regulations, and advise the several States on matters relating to the preservation and improvement of the public health.

(4) The authority, under section 311 (c) of the Public Health Service Act, with regard to health emergencies: (a) To enter into agreements providing for (1) cooperative planning between the Administration's medical facilities and community health facilities to cope with health problems arising from disaster, and (2) participation by the Administration's medical facilities in carrying out such planning; (b) at the request of the appropriate State or local authority, to extend temporary assistance (not in excess of 45 days) to States or localities in meeting health emergencies of such a nature as to warrant Federal assistance; and (c) to require such reimbursement to the United States for aid (other than planning) as he may determine to be reasonable under the circumstances.

(5) The administration of comprehensive health planning and services programs under section 314 of the Public Health Service Act, including:

(a) The approval of State plans (including budgets) relating to formula grants for comprehensive health planning under section 314(a) and for public health services under section 314(d) and the funding of approved plans.

(b) The approval or disapproval of projects for areawide health planning under section 314(b) and the funding of approved projects.

(c) The approval or disapproval of projects for health services development under section 314(e) and the funding of approved projects.

(d) The arrangement, under section 314(f), for assignment to State or local governments of Administration employees engaged in work related to health, for work that will aid the Administration in more effective discharge of its responsibilities in the field of health as authorized by law, including cooperation with States and the provision of technical or other assistance: *Provided, however,* That the period of assignment of any employee under an arrangement shall not exceed 2 years.

(e) The authority to determine that the costs of a PHS officer or employee detailed to a State or local government may be paid by reducing payments from grant funds, pursuant to section 314(g) of the Public Health Service Act.

(6) The authority to accept unconditional gifts, pursuant to section 501 of the Public Health Service Act, not in excess of $1,000 cash, or personal property of equivalent market value, made by will or otherwise, for the benefit of the HSMHA programs of the Regional Office.

(7) The administration, including funding, of hospital facilities planning and construction programs under title VI of the Public Health Service Act, including:

(a) The review and approval of State plans and modifications of State plans under section 604(b) of the Act and § 53.122(d) of the Public Health Service Regulations; the review and approval of project applications and amendments of approved applications submitted under sections 605 and 610 of the Act; the making of findings required by sections 605(b) and 610; the entering into of agreements as to terms, conditions, and covenants of loans pursuant to section 610(c); the determination of the necessary cost of construction pursuant to section 625(j); and the approval of transfers of allotments among categories under section 602(e)(1) of the Act; and

(b) The approval of requests by State agencies that portions of their hospital and medical facilities construction allotments be made available to pay necessary annual expenditures for proper and efficient State plan administration, pursuant to section 606(c) of the Act, including: The determination of what expenditures are necessary annually for the proper and efficient administration of approved State plans; the review and approval of or the taking of necessary action on requests by States that a portion of their allotment(s) be made available annually to pay for such expenditures; and the making of determinations regarding payments of the amounts due.

(8) The authority delegated by the Secretary of Housing and Urban Development under the Housing and Urban Development Act of 1968 (Public Law 90-448)—which added a new section 242 to the National Housing Act—to review proposals and make determinations of approvability with respect to mortgage insurance for the construction or rehabilitation of, and the purchase of equipment for, nonprofit hospitals.

(9) The administration of the following functions related to construction of, and initial staffing for, community mental health centers (except alcoholic and narcotic treatment facilities) under the Community Mental Health Centers Act of 1963 (Public Law 88-164), as amended (42 U.S.C. 2861 et seq.): (a) Review and approval of State plans for the construction of community mental health centers under section 204; (b) approval of State requests for funds for administration of such State plans under section 403(c); (c) review and approval of applications for grants for the construction of community mental health centers under section 205; (d) effective July 1, 1970, review and approval of applications for grants for initial staffing costs of professional and technical personnel of such centers under section 220; and (e) the commitment of funds, within authorized limits, for grants for such construction of, and initial staffing of, community mental health centers: *Provided, however,* That such construction and staffing grants shall be made only upon recommendation of the National Advisory Mental Health Council.

(10) The authority to perform the following functions related to financial assistance for the construction of community hospitals that will serve both Indians and non-Indians under Public Law 85-151 (42 U.S.C. 2005):

(a) The review and approval of architectural plans and specifications for Indian health projects, and the waiver of technical compliance with requirements of the terms and conditions of agreements; and

(b) The authorization and scheduling of payments of the Federal portion of costs of construction of community hospital facilities to project sponsors who have executed agreements with the Health Services and Mental Health Administration for the construction of such facilities to provide care for Indians except that the schedule of advance payments shall be submitted to and approved by the Director, Indian Health Service, prior to notifying a project sponsor that such schedule of payments will be followed.

(11) Effective March 20, 1970, the administration of maternal and child health and crippled children's services programs under title V of the Social Security Act as amended, as follows:

(a) The approval of State plans (including budgets) and special project grants to State agencies under sections 503, 504, 505, and 506, and the funding for these purposes; and

(b) The approval or disapproval of special project grants under sections 508, 509, and 510 and the funding of approved projects.

(12) Effective March 20, 1970, the administration of family planning programs, including the approval and funding of special project grants for family planning under section 508 of the Social Security Act as amended.

(13) Effective March 31, 1970, the authority to perform the functions, including funding, under section 202 (subject to the limitations of section 223) and other provisions of the Appalachian Regional Development Act of 1965 (Public Law 89-4), as amended, relating to the planning, construction, equipment, and operation of demonstration health projects in the Appalachian region.

(14) The nominating of members of the Regional Health Advisory Committees, for appointment by higher authority.

GENERAL NOTES: (1) Whenever there does not appear to be a satisfactory basis for the approval of any State plan, budget, or application for formula grants, or a modification or amendment thereof, or where a significant variation from established policies is involved, the State's proposal shall be referred to the Administrator, who will approve, or, after consultation and discussion with the Secretary, disapprove same.

(2) The above authorities may be redelegated by the Regional Health Director, but may not be further redelegated.

(3) The delegations shall be exercised in accordance with the pertinent regulations and procedures of the Administration. They are also subject to the financial and personnel resources made available and to the limitations and reservations set forth in the HEW Organization Manual, especially Parts 2 and 5.

B. *Administrative delegations.* (The delegations previously made, for subject areas covered in the HEW General Administration Manual, continue in effect. They will be reflected in a subsequent revision of this document.)

C. *Personnel delegations.* (1) The authority to make final selection of HSMHA Regional Office employees up to and including grade GS-15 or equivalent salary levels, and authority to select members of the PHS Commissioned Corps to fill equivalent-level positions: *Provided, however,* That selection of any Regional Program Representative is to have the concurrence of the corresponding headquarters component director.

(2) The authority to approve or recommend action, with respect to HSMHA Regional Office employees, personnel actions in the following subject areas: details of personnel, including details under sections 214 and 314 (f) and (g) of the Public Health Service Act; leaves, absences, and overtime; within-grade increases; incentive awards based on deeds and performance; training in non-Government facilities not exceeding 60 days; interagency training; grievances and adverse actions; and outside work and statements of employment and financial interests.

NOTE: The delegations in section C do not include those authorities designated in the HEW and Commissioned Corps Personnel Manuals as reserved for exercise by officials in the Office of the Secretary or for exclusive exercise by the Administrator. The delegations shall be exercised in accordance with the policies, procedures, and limitations prescribed in the HEW and Commissioned Corps Personnel Manuals. They are applicable not only to Regional Office employees, but also to persons assigned out of or through the Regional Offices.

D. *Travel delegations.* (1) The authority to authorize or approve travel, transportation, and related expenses of HSMHA Regional Office employees, commissioned officers, and others in the following subject areas: Domestic travel; advance of funds; actual and necessary travel and subsistence expenses of members of public advisory committees appointed under section 222 of the Public Health Service Act; missing persons; and deceased and injured persons.

NOTE: The delegations in section D shall be exercised in accordance with the policies, procedures, and limitations prescribed in the HEW Travel Manual.

Dated: February 27, 1970.

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

[F.R. Doc. 70-5765; Filed, May 11, 1970; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR PROGRAM COORDINATION AND SERVICES, REGION III (ATLANTA)

Designation

The officers appointed to (or any officer duly designated to serve in an acting capacity in) the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region III, during the absence of the Assistant Regional Administrator for Program Coordination and Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided,* That no officer is authorized to serve as Acting Assistant Regional Administrator for Program Coordination and Services unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Assistant Regional Administrator for Program Coordination and Services.
2. Director, Planning Division.
3. Director, Economic and Market Analysis Division.
4. Director, Relocation Division.

This designation supersedes the designation effective March 22, 1967 (32 F.R. 4368–4369, Mar. 22, 1967).

(Delegation of authority effective May 4, 1962 (27 F.R. 4319, May 4, 1962); Dept. Interim Order II (31 F.R. 815, Jan. 21, 1966))

Effective as of the 12th day of May 1970.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 70-5794; Filed, May 11, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER, NORWOOD MUNICIPAL AIRPORT, NORWOOD, MASS.

Notice of Commissioning

Notice is hereby given that an Air Traffic Control Tower will be commissioned at Norwood Municipal Airport, Norwood, Mass., on or about May 1, 1970. It will provide for the safe and expeditious movement of terminal traffic consisting predominantly of general aviation aircraft. Communications to the Air Traffic Control Tower should be addressed as follows:

Air Traffic Control Tower, Department of Transportation, Federal Aviation Administration, Norwood Municipal Airport, Norwood, Mass. 02062.

(Sec. 313(a), 72 Stat. 752; 40 U.S.C. 1354)

Issued in New York, N.Y., on April 29, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-5780; Filed, May 11, 1970; 8:46 am.]

CIVIL AERONAUTICS BOARD

[Docket No. 22027; Order 70-5-29]

LOFTLEIDIR, H.F., AND SEABOARD WORLD AIRLINES, INC.

Order of Tentative Approval of Aircraft Leasing Transaction

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

By joint application filed March 20, 1970, Loftleidir, H.F. (Icelandic), and Seaboard World Airlines, Inc. (Seaboard), request Board approval without a hearing under section 408(b) of the Federal Aviation Act of 1958, as amended, (the Act) with respect to the dry lease of two DC-8-63F aircraft by Seaboard, as lessor, to Icelandic as lessee.

Icelandic is a foreign air carrier which holds a permit authorizing it to engage in foreign air transportation between the United States, Iceland, and Europe. Seaboard is a U.S. certificated air carrier operating all cargo and mail services over transatlantic route 119. Seaboard's certificate does not include authorization to serve points in Iceland.

By lease agreement dated February 26, 1970, Seaboard has agreed to lease two DC-8-63F aircraft to Icelandic for the 2-year period commencing May 13 and 14, 1970, respectively, and terminating April 30, 1972, with respect to both aircraft.[1] Pursuant to the lease agreement Icelandic will pay Seaboard monthly rentals of $165,000 for each aircraft. Icelandic may renew the lease agreement for either or both aircraft on the same terms and conditions for an additional year.

The application recites that the aircraft in question are two of the 11 DC-8-63F aircraft which constitute Seaboard's operating fleet. It is further asserted that the two aircraft to be leased are not required, during the term of the lease, by Seaboard in operation of its certificated services. These operations, according to the application, will require utilization of only five or six of Seaboard's 11 aircraft, and, in light of recent cutbacks in Military Airlift Command (MAC) procurement of civil airlift, only three of the remaining aircraft are utilized in charter service for the Department of Defense.

In further support of the transaction, the application recites that Seaboard is currently experiencing substantial losses in its operations due to MAC procurement cutbacks. In addition, it is asserted that the revenues Seaboard will receive by leasing the two aircraft to Icelandic are vitally needed by Seaboard at this time.

Comments on the lease were filed by Pan American.

Upon consideration of the foregoing, the Board concludes that the lease of two DC-8-63F aircraft to Icelandic by Seaboard would involve the leasing of a substantial portion of the properties of the latter, within the meaning of section 408 of the Act, and therefore, the lease is subject to such section. However, the Board has concluded tentatively that the lease transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing, and it is found that the public interest does not require a hearing.

It appears that Seaboard may, at the present time, be operating with a surplus of large jet aircraft, attributable, to some extent, to reductions in MAC civil airlift requirements. In this light, we believe that the lease of the two DC-8-63F aircraft which appear to be surplus to Seaboard's needs may prove beneficial to Seaboard through realization of apparently much needed revenues.[2]

In view of the foregoing, the Board tentatively concludes that it should approve without hearing under the third proviso of section 408(b) of the Act the lease of two DC-8-63F aircraft from Seaboard by Icelandic.

In accordance with section 408(b) of the Act, this order constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER and interested persons will be afforded

[1] By virtue of a supplemental letter from Seaboard to Icelandic, dated Feb. 26, 1970, the parties to the instant lease transaction have agreed that if Icelandic does, in fact, lease the two aircraft from Seaboard, then Seaboard will assume Icelandic's outstanding lease obligations incurred through its subsidiary, Hekla Holdings Ltd., for one DC-8-55 aircraft for a maximum of 47 and 17/31 aircraft months. The latter transaction may be qualified for the exemption from section 408 of the Act provided by Part 299 of the Board's economic regulations, and therefore is properly fileable thereunder. The aircraft involved is the subject of a wet lease agreement between Seaboard and Japan Air Lines (Docket 21628), approved in Order 70-3-156, Mar. 31, 1970.

[2] Pan American suggests that the Board refrain from processing the instant application until conclusion of the bilateral negotiations currently taking place between the governments of Iceland and the United States, so that the overall interest of the United States in the jet capacity of Icelandic will not be prejudiced. In view of Seaboard's need for the revenues it will receive from this transaction, and because the retention of jurisdiction over the transaction will enable the Board to take whatever action may be required in the public interest, we shall process the application at this time. That portion of Pan American's comments which requests disapproval of the wet lease by Seaboard to Japan Airlines of a DC-8-55 which Seaboard assumed from Icelandic is moot by virtue of our action in Order 70-3-156, Mar. 31, 1970.

an opportunity to file comments or request a hearing on the Board's tentative decision.[3]

Accordingly, it is ordered, That:

1. The lease without crew of two DC-8-63F aircraft from Seaboard to Icelandic be and it hereby is tentatively approved;

2. Interested persons are hereby afforded a period of time until May 12, 1970 in which to file comments or request a hearing with respect to the Board's proposed action;[4] and

3. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR, *Acting Secretary.*

[F.R. Doc. 70-5798; Filed, May 11, 1970; 8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of National Chairman, White House Conference on Children and Youth, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5799; Filed, May 11, 1970; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Relocation and Special Services, Renewal and Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5800; Filed, May 11, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5801; Filed, May 11, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy Assisant Director, Community Action Program.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5802; Filed, May 11, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Office of Research and Evaluation, Office of Planning, Research and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5803; Filed, May 11, 1970; 8:48 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5804; Filed, May 11, 1970; 8:48 a.m.]

POST OFFICE DEPARTMENT

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Post Office Department to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Postmaster General—Construction Engineering, Bureau of Facilities.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5805; Filed, May 11, 1970; 8:48 a.m.]

TAX COURT OF THE UNITED STATES

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Tax Court of the United States to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[F.R. Doc. 70-5806; Filed, May 11, 1970; 8:48 a.m.]

COUNCIL ON ENVIRONMENTAL QUALITY

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Interim Guidelines

APRIL 30, 1970.

1. *Purpose.* This memorandum provides interim guidelines to Federal departments, agencies and establishments

[3] In its final order, the Board will reserve jurisdiction over the transaction to take whatever action may be required in the public interest.

[4] Comments so filed shall conform to the requirements of the Board's rules of practice (14 CFR Part 302) for the filing of documents. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, as required by section 102(2)(C) of the National Environmental Policy Act (Public Law 91-190) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 F.R. 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals.

2. *Policy.* Before undertaking major action or recommending or making a favorable report on legislation that significantly affects the environment, Federal agencies will, in consultation with other appropriate Federal, State, and local agencies, assess in detail the potential environmental impact in order that adverse affects are avoided, and environmental quality is restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impact should be explored and both the long- and short-range implications to man, his physical and social surroundings, and to nature, should be evaluated in order to avoid to the fullest extent practicable undesirable consequences for the environment.

3. *Agency and BOB procedures.* (a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102(2)(C) of the Act. Consequently, each agency will establish no later than June 1, 1970, its own formal procedures for (1) identifying those agency actions requiring environmental statements, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. These procedures should be consonant with the guidelines contained herein. Each agency should file seven (7) copies of all such procedures with the Council on Environmental Quality, which will provide advice to agencies in the preparation of their procedures and guidance on the application and interpretation of the Council's guidelines.

(b) Each Federal agency should consult, with the assistance of the Council on Environmental Quality if desired, with other appropriate Federal agencies in the development of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities.

(c) It is imperative that existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions be utilized to the extent practicable in dealing with environmental matters. The Bureau of the Budget will issue instructions, as necessary, to take full advantage of existing mechanisms (relating to procedures for handling legislation, preparation of budgetary material, new policies and procedures, water resource and other projects, etc.).

4. *Federal agencies included.* Section 102(2)(C) applies to all agencies of the Federal Government with respect to recommendations or reports on proposals for (i) legislation and (ii) other major Federal actions significantly affecting the quality of the human environment. The phrase "to the fullest extent possible" in section 102(2)(C) is meant to make clear that each agency of the Federal Government shall comply with the requirement unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible. (Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.")

5. *Actions included.* The following criteria will be employed by agencies in deciding whether a proposed action requires the preparation of an environmental statement:

(a) "Actions" include but are not limited to:

(i) Recommendations or reports relating to legislation and appropriations;

(ii) Projects and continuing activities;

—Directly undertaken by Federal agencies;

—Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance;

—Involving a Federal lease, permit, license, certificate or other entitlement for use;

(iii) Policy—and procedure-making.

(b) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed by agencies with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated). Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed actions the environmental impact of which is likely to be highly controversial should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. The lead agency should prepare an environmental statement if it is reasonable to anticipate a cumulatively significant impact on the environment from the Federal action.

(c) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if, on balance, the agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human beings through adverse effects on the environment.

(d) Because of the Act's legislative history, the regulatory activities of Federal environmental protection agencies (e.g., the Federal Water Quality Administration of the Department of the Interior and the National Air Pollution Control Administration of the Department of Health, Education, and Welfare) are not deemed actions which require the preparation of an environmental statement under section 102(2)(C) of the Act.

6. *Recommendations or reports on proposals for legislation.* The requirement for following the section 102(2)(C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation and (ii) agency reports on legislation initiated elsewhere. (In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.) The Bureau of the Budget will supplement these general guidelines with specific instructions relating to the way in which the section 102(2)(C) procedure fits into its legislative clearance process.

7. *Content of environmental statement.* (a) The following points are to be covered:

(i) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action for population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services, of the area in question.

(ii) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of Public Law 91-190).

(iii) Alternatives to the proposed action (section 102(2)(D) of the Act requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This in essence requires the agency to assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires the agency to identify the extent to which the action curtails the range of beneficial uses of the environment.

(vi) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section may be added at the end of the review process in the final text of the environmental statement.)

(b) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment."

8. *Federal agencies to be consulted in connection with preparation of environmental statement.* The Federal agencies to be consulted in connection with preparation of environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards". These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior.
Department of Transportation.
Atomic Energy Commission.

For actions specially affecting the environment of their regional jurisdictions, the following Federal agencies are also to be consulted:

Tennessee Valley Authority.
Appalachian Regional Commission.

Agencies obtaining comment should determine which one or more of the above listed agencies are appropriate to consult. It is recommended that the above listed Departments establish contact points for providing comments and that Departments from which comment is solicited coordinate and consolidate the comments of their component entities. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies seeking comment may establish time limits of not less than thirty days for reply, after which it may be presumed the agency consulted has no comment to make.

9. *State and local review.* Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects and projects assisted under programs listed in Attachment D of the Bureau of the Budget Circular No. A-95, review by State and local governments will be through procedures set forth under Part 1 of Circular No. A-95.

(b) State and local review of agency procedures, regulations, and policies for the administration of Federal programs of assistance to State and local governments will be conducted pursuant to procedures established by Bureau of the Budget Circular No. A-85.

(c) Where these procedures are not appropriate and where the proposed action affects matters within their jurisdiction, review of the proposed action by State and local agencies authorized to develop and enforce environmental standards and their comments on the draft environmental statement may be obtained directly or by publication of a summary notice in the FEDERAL REGISTER (with a copy of the environmental statement and comments of Federal agencies thereon to be supplied on request). The notice in the FEDERAL REGISTER may specify that comments of the relevant State and local agencies must be submitted within 60 days of publication of the notice.

10. *Use of statements in agency review processes; distribution to Council on Environmental Quality.* (a) Agencies will need to identify at what stage or stages of a series of actions relating to a particular matter the environmental statement procedures of this directive will be applied. It will often be necessary to use the procedures both in the development of a national program and in the review of proposed projects within the national program. However, where a grant-in-aid program does not entail prior approval by Federal agencies of specific projects, the view of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals. Care should be exercised so as not to duplicate the clearance process, but when actions being considered differ significantly from those that have already been reviewed an environmental statement should be provided.

(b) Seven (7) copies of draft environmental statements (when prepared), seven (7) copies of all comments received thereon (when received), and seven (7) copies of the final text of environmental statements should be supplied to the Council on Environmental Quality in the Executive Office of the President (this will serve as making environmental statements available to the President). It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council early enough in the agency review process before an action is taken in order to permit meaningful consideration of the environmental issues involved.

11. *Application of section 102(2)(C) procedure to existing projects and programs.* To the fullest extent possible the section 102(2)(C) procedure should be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of Public Law 91-190 on January 1, 1970. Where it is not practicable to reassess the basic course of action, it is still important that further incremental major actions be shaped so as to minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

12. *Availability of environmental statements and comments to public.* The agency which prepared the environmental statement is responsible for making such statement and the comments received available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. sec. 552).

13. *Review of existing authority, policies and procedures in light of National Environmental Policy Act.* Pursuant to section 103 of the Act and section 2(d) of Executive Order 11514, all agencies, as soon as possible, shall review their present statutory authority, administrative regulations, and current policies and procedures, including those relating to loans, grants, contracts, leases, licenses, certificates and permits, for the purpose of determining whether there are any

deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of the Act. After such review each agency shall report to the Council on Environmental Quality not later than September 1, 1970, the results of such review and their proposals to bring their authority and policies into conformity with the intent, purposes and procedures set forth in the Act.

14. *Supplementary guidelines; evaluation of procedures.* (a) The Council on Environmental Quality after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council on Environmental Quality by December 1, 1970. Such reports should include an identification of problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures.

RUSSELL E. TRAIN,
Chairman.

[F.R. Doc. 70-5769; Filed, May 11, 1970; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

MATSON NAVIGATION CO. AND UNITED STATES LINES, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed for approval by:

Peter P. Wilson, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. DC-46 between Matson Navigation Co. (Matson) and United States Lines, Inc. (U.S. Lines), provides for the lease of container chassis owned by Matson, to U.S. Lines for use on the Island of Oahu.

By its terms U.S. Lines will have complete control and supervision over the equipment while in its possession. U.S. Lines will be liable for any damage or loss arising out of its use, operation, and possession of the chassis, and will release, agree to defend and hold harmless Matson in such an event.

Charges shall accrue to Matson at the rate of $10 per diem, excluding the day of the interchange. Matson will be responsible for any repairs which are required before U.S. Lines takes possession of the chassis pursuant to the agreement. Ordinarily maintenance and service adjustments caused by ordinary use will be absorbed by U.S. Lines when the cost thereof does not exceed $20. When the estimated cost thereof exceeds $20 it shall be billed to and borne by Matson. Such maintenance will be authorized by Matson prior to the commencement of repairs when the estimated cost would exceed $50.

Matson does not agree to make a definite number of chassis available at any particular time under the terms of the agreement.

The agreement is for a period of 1 year from the date of approval by the Federal Maritime Commission pursuant to section 15, Shipping Act, 1916 and will continue in effect from year to year. After 1 year either party may terminate the agreement at any time by giving the other party to the agreement 10 days notice of termination.

Dated: May 7, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-5795; Filed, May 11, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2737, etc.]

CITIES SERVICE GAS CO.

Notice of Filing of Settlement Proposal

MAY 4, 1970.

Take notice that on April 29, 1970, Cities Service Gas Co. (Gas Company) filed a request for approval of a Settlement Proposal in Dockets Nos. G-2737, RP64-9, RP68-16, and RP69-39. The settlement proposal is stated to arise out of discussions among Gas Company, the Commission's staff, and interested parties in the above-entitled proceedings, and is intended to represent a total settlement, in the amount of $27 million in full payment and settlement of any and all claims for refunds or alleged overcharges in Gas Company's jurisdictional rates arising from Gas Company's purchases of gas from Continental Gas Producing Co. and Continental Oil Co. in the Texas-Panhandle and Oklahoma-Hugoton Fields at the latters' effective rates on file with the Federal Power Commission, at all times on and after April 23, 1964, including such volumes of purchases as are involved in Dockets Nos. RP64-9, RP68-16, and RP69-39.

Copies of the proposed settlement were served on all parties of record in these proceedings.

Comments or objections relating to the proposed stipulation and agreement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before May 22, 1970.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5758; Filed, May 11, 1970; 8:45 a.m.]

[Docket No. CP70-256]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 4, 1970.

Take notice that on April 24, 1970, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP70-256 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station and approximately 1,000 feet of 4-inch pipeline in order to deliver up to 5,000 Mcf per day to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska) in Finney County, Kans. Applicant states that this proposal is only a rearrangement of deliveries under applicant's existing gas sales contract with Kansas-Nebraska and will not increase applicant's peak day or annual delivery obligations.

The total estimated cost of the proposed facilities is $14,502, which will be financed from current working funds on hand, funds from operations, or short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5759; Filed, May 11, 1970; 8:45 a.m.]

[Docket No. CP70-255]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

MAY 4, 1970.

Take notice that on April 24, 1970, Texas Eastern Transmission Corp. (applicant), Southern National Bank Building, Houston, Tex. 77002, filed in Docket No. CP70-255 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission granting permission and approval of the abandonment of certain natural gas facilities.

Applicant proposes to abandon and remove a measuring station located in Marshall County, W. Va., which was authorized in Docket No. G-880 for deliveries to Manufacturers Light and Heat Co. (Manufacturers). Applicant states that it has been advised by Manufacturers that service is no longer desired through this station and its facilities at that point are to be abandoned because they can no longer be economically maintained. Applicant further states that the proposed abandonment will not affect applicant's system operation nor its service to Manufacturers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-5760; Filed, May 11, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

HUNTINGTON BANCSHARES INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Huntington Bancshares Inc., Columbus, Ohio, for approval of acquisition of 80 percent or more of the voting shares of The Bank of Wood County Co., Bowling Green, 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)), the application of Huntington Bancshares Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The Bank of Wood County Co., Bowling Green, Ohio (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Ohio Superintendent of Banks 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 March 10, 1970 (35 F.R. 4312), 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 Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls four banks (26 offices) with total deposits of $505 million, representing 2.6 percent of the total bank deposits in the State of Ohio. (All banking data are as of June 30, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank ($41 million deposits), Applicant's share of State deposits would increase to 2.8 percent. Applicant has no subsidiary in Wood County, in which Bank is located; its closest subsidiary is located about 90 miles southeast of Bowling Green. Although Bank is the larger of two banks in Bowling Green, and the largest of 11 banks in Wood County, it has been conservatively operated, and affiliation with Applicant would likely increase its competitive effectiveness. Consummation of the proposed acquisition would not eliminate existing competition or foreclose significant potential competition, and would not have undue adverse effects on the viability or competitive effectiveness of any competing bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as applied to the facts of record, are consistent with approval of the application, and considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] May 1, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-5763; Filed, May 11, 1970; 8:45 a.m.]

[1] Voting for this action: Vice Chairman Robertson and Governors Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

HUNTINGTON BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Huntington Bancshares Incorporated, Columbus, Ohio, for approval of acquisition of 80 percent or more of the voting shares of Lagonda National Bank of Springfield, Springfield, 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)), the application of Huntington Bancshares Inc., Columbus, Ohio (applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Lagonda National Bank of Springfield, Springfield, Ohio (bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 25, 1970 (35 F.R. 5057), 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 Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant controls five banks (30 offices) with total deposits of $546 million, representing 2.8 percent of the total bank deposits in the State of Ohio. (All banking data are as of June 30, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date, including the proposal involving The Bank of Wood County Co., which the Board, under separate order, has approved today.) Upon acquisition of Bank ($42 million deposits), Applicant's share of State deposits would increase to 3 percent. Applicant has no subsidiary in Clark County, in which Bank is located, or in any adjacent county; its closest subsidiary is located about 38 miles from Springfield. Consummation of the proposed acquisition would not eliminate existing competition or foreclose significant potential competition, and would not have undue adverse effects on the viability or competitive effectiveness of any competing bank.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area. The banking factors, as applied to the facts of record, are consistent with approval of the application, and considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] May 1, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-5764; Filed, May 11, 1970; 8:45 a.m.]

[1] Voting for this action: Vice Chairman Robertson and Governors Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Burns and Governors Mitchell and Daane.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-8876]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Action Declaring Plan Effective

The Securities and Exchange Commission has announced that it has declared effective a plan filed by the National Association of Securities Dealers, Inc. (NASD), pursuant to the provisions of Rule 17a-10(b) (17 CFR 240.17a-10(b)) under the Securities Exchange Act of 1934 (the Act).

Rule 17a-10 (17 CFR 240.17a-10) requires that every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act file, not later than 120 days after the close of each calendar year, a report of his income and expenses and related financial and other information for such calendar year on Form X-17A-10 (17 CFR 249.618). Paragraph (b) of the rule provides that a national securities exchange or a registered national securities association may submit to the Commission a plan providing for reports from its members on forms consistent with Form X-17A-10, and for the transmission to the Commission of copies of such reports. Such a plan may also provide that, in transmitting copies of such records to the Commission, the names and addresses of members whose information is transmitted may be omitted. The Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act. Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the association or exchange in accordance with the plan and not with the Commission.

The NASD plan provides that members of the NASD will be required to file NASD Form 17A-10 with the Association.[1] In summary, the plan also provides that the NASD (1) will adopt and implement appropriate internal procedures for review of the information submitted by members, (2) will review all reports filed for reasonableness and accuracy, (3) will submit edited data to the SEC, (4) will maintain and preserve a copy of all information furnished it by any member and of related correspondence, memoranda, etc. for a period of 6 years, and (5) will undertake certain other obligations. A copy of the NASD plan is available for inspection at the main office of the Securities and Exchange Commission, Washington, D.C.

Commission action. The text of the Commission action declaring effective the NASD plan filed pursuant to § 240.17a-10(b) of Chapter II of Title 17 of the Code of Federal Regulations is as follows:

The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof and § 240.17a-10(b) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, hereby declares effective April 30, 1970, the plan filed by the National Association of Securities Dealers, Inc. (NASD), with the Commission pursuant to § 240.17a-10(b) on April 24, 1970, and amended on April 30, 1970, on the condition that if at any time it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of such plan by sending at least 60 days written notice to the NASD.

(Secs. 17(a), 23(a), 48 Stat. 897, 901 as amended by 49 Stat. 1379 and 52 Stat. 1076, 15 U.S.C. 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 30, 1970.

[F.R. Doc. 70-5768; Filed, May 11, 1970; 8:45 a.m.]

[1] NASD members will not be required to use or file the SEC Form X-17A-10. The NASD has already sent NASD Form 17A-10 to its members with the exception of those members who are also New York Stock Exchange (NYSE) members. The Staff of the NASD has indicated that it will be sending NASD Form 17A-10 to NASD-NYSE members shortly.

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 6, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 7, 1970, through May 16, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5767; Filed, May 11, 1970; 8:45 a.m.]

[Files Nos. 2-20318 (22-3339), 2-21180 (22-3505)]

KJOBENHAVNS TELEFON AKTIESELSKAB

Notice of Application and Opportunity for Hearing

MAY 6, 1970.

Notice is hereby given that Kjøbenhavns Telefon Aktieselskab (Copenhagen Telephone Co., Inc., the "Company") has filed an application under clause (ii) of section 310(b)(i) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that trusteeship of First National City Bank (the "Bank") under five indentures of the Company dated as of June 1, 1962 (the "1962 Indenture"), dated as of April 15, 1963 (the "1963 Indenture"), both of which have been qualified under the Act, dated as of July 1, 1964 (the "1964 Indenture"), dated as of April 1, 1966 (the "1966 Indenture"), and dated as of October 15, 1967 (the "1967 Indenture"), of which last three none have been qualified, and the trusteeship of the Bank under an indenture dated as of April 15, 1970 (the "1970 Indenture"), between the company and the Bank, which has not been qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under such five indentures and the 1970 Indenture.

Section 310(b) of the Act, provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture and becomes trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities or such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding:

(a) $12 million principal amount of its 5⅝ percent sinking fund dollar debentures due June 1, 1977, under an indenture (the 1962 Indenture) between the company and the Bank which has been qualified under the Act;

(b) $12 million principal amount of its 5⅜ percent sinking fund dollar debentures due April 15, 1978, under an indenture (the 1963 Indenture) between the company and the Bank which has been qualified under the Act;

(c) $15 million principal amount of its 5¾ percent sinking fund dollar debentures due July 1, 1984, under an indenture (the 1964 Indenture) between the company and the Bank which has not been qualified under the Act;

(d) $10 million principal amount of its 6¾ percent sinking fund dollar debentures due April 1, 1986, under an indenture (the 1966 Indenture) between the company and the Bank which has not been qualified under the Act;

(e) $10 million principal amount of its 6¾ percent sinking fund dollar debentures due October 15, 1982, under an indenture (the 1967 Indenture) between the company and the Bank which has not been qualified under the Act.

2. The company has issued outside of the United States and its territories to nonresidents thereof, $10 million principal amount of its 9 percent sinking fund dollar debentures due April 15, 1985, under an indenture (the 1970 Indenture) between the company and the Bank. The 1970 Indenture has not been qualified under the Act.

3. All the forementioned indentures are unsecured.

4. Aside from differences as to amounts, dates and interest rates the provisions of the six indentures are substantially identical and any difference in the provisions of the six indentures is unlikely to cause any conflict of interest between the respective trusteeship of the Bank under said indentures.

In the opinion of counsel for the company, the debentures issued under all such indentures will rank pari passu.

The company waives notice of hearing and waives a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission, 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than May 26, 1970, request in writing that a hearing be held in such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors unless a hearing is ordered by the Commission.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-5766; Filed, May 11, 1970; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 6, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41949—*Paper and paper articles, also returned shipments of paper winding cores, etc., from and to points in eastern Illinois, southern, western trunkline, and southwestern territories.* Filed by Southwestern Freight Bureau, agent (No. B-154), for interested rail carriers. Rates on paper and paper articles, also returned shipments of paper winding cores, plugs, wood, and skids or platforms, wooden, empty, in carloads, as described in the application, from points in eastern, Illinois, southern, southwestern, and western trunkline territories, on the one hand, to points in southwestern territory, on the other; also to points in the reverse direction.

Grounds for relief—Carrier competition.

Tariffs—Supplements 33 and 103 to Southwestern Freight Bureau, agent, tariffs ICC 4848 and 4716, respectively.

FSA No. 41950—*Potassium (potash) from specified points in Saskatchewan, Canada.* Filed by Canadian Freight Association (Western Lines) (No. 21), for

interested rail carriers. Rates on potassium (potash), in carloads, as described in the application, from specified points in Saskatchewan, Canada, to points in official and western trunkline territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Revised pages to Canadian Freight Association (Western Lines) tariff ICC 183.

By the Commission.

[SEAL] H. NEIL GARSON. *Secretary.*

[F.R. Doc. 70-5792; Filed, May 11, 1970; 8:47 a.m.]

[Notice 71]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 5, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 51 TA), filed April 27, 1970. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Seelyville, Ind., to East Greenville, Pa., for 180 days. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402; Eugene P. Sweet, Manager-Transportation (Refrigerated Division). Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 2860 (Sub-No. 76 TA), filed April 28, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit or fruit peel*, candied, crystallized, glazed or stuffed, from Plant City, Fla., to points in Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Virginia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Paradise Fruit Co., Inc., 1200 West Haines Street, Post Office Drawer Y, Plant City, Fla. 33566. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 29910 (Sub-No. 87 TA), filed April 24, 1970. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. 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: *General commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plantsite of International Paper Co., Southern Kraft Division, Cass County, Tex., approximately 10 miles south of Texarkana, Ark.-Tex., as an off-route point in connection with applicant's regular routes authority to serve Texarkana, Ark.-Tex., as authorized in MC 29910, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shipper: International Paper Co., Southern Kraft Division, Post Office Box 2328, Mobile, Ala. 36601. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 29555 (Sub-No. 57 TA), filed April 27, 1970. Applicant: BRIGGS TRANSPORTATION CO., 2360 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (except those requiring special temperature control) and those injurious or contaminating to other lading), from Madison, Wis., over U.S. Interstate Highway I-94 to Milwaukee, Wis., for the purpose of interlining, at Milwaukee, Wis., and tacking at Madison, Wis., restricted to traffic that applicant originates at its authorized points located in the State of Wisconsin, for 180 days. NOTE: Applicant states it intends to tack or interline with traffic presently being originated in Wisconsin (Briggs authorized points) and presently being taken to Chicago over present authorized routes for interchange at Chicago, Ill. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 30837 (Sub-No. 393 TA), filed April 28, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottling machinery and parts*, from Cudahy, Wis., to Laredo, Tex., for 180 days. Supporting shipper: Geo. J. Meyer Manufacturing Co., Box 452, Milwaukee, Wis. 53201 (Ron K. Ahrens, Traffic and Scheduling Coordinator). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 61403 (Sub-No. 204 TA), filed April 27, 1970. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dichlorovinyl dimethyl phosphate*, in bulk, in tank vehicles, from LeMoyne, Ala., to Ladora, Colo., for 120 days. Supporting shipper: Shell Oil Co., 1114 Texas Avenue, Houston, Tex. 77002. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 68078 (Sub-No. 31 TA), filed April 27, 1970. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1025 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Athens, Tenn., and Etowah and Englewood, Tenn., from Athens, over Tennessee Highway 30 to Etowah, Tenn., thence over U.S. Highway 411 to Englewood; thence over Tennessee Highway 39 to Junction Tennessee Highway 30; thence over Tennessee Highway 30 to Athens, Tenn.; return over same route; and to operate the route in alternate directions, serving all intermediate points and said route as above described; also between Etowah, Tenn., and the plantsite of J. M. Rubber Manufacturing Co. near Delane, Tenn., from Etowah south over U.S. Highway 411 about 5 miles then over unnumbered county road to plantsite and return over

same route. To be tacked or joined to and unified with all other interstate certificates of public convenience and necessity, for 180 days. Applicant does intend to tack authority here applied for at Athens, Tenn., to MC-68078 Sub 7 and in turn tacked through other certificates to serve all points on applicant's permanent authority and interchange to be performed at Chattanooga and Knoxville, Tenn., and Birmingham, Sheffield, and Mobile, Ala. Supporting shippers: Artcraft Industries, Inc., Englewood, Tenn., Eureka Garment Co., Englewood, Tenn., The Etowah Wholesale, Etowah, Tenn., Morgan Manufacturing Co., Inc., Etowah, Tenn., Etowah Utilities, Etowah, Tenn., Etowah Industries, Inc., Etowah, Tenn., Beaunit Corp., Gastonia, N.C., J.M. Huber Corp., Edison, N.J. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 96612 (Sub-No. 9 TA), filed April 28, 1970. Applicant: SEA-LAND FREIGHT SERVICE, INC., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, N.J. 07207. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, in bulk*, in marine-type containers; (1) between points in Alaska, except those in the Alaska Panhandle, and (2) between points in the Seattle, Wash., commercial zone, as defined by the Commission. Restriction: Restricted to the movement of such containers having a prior or subsequent movement by water, for 180 days. Supporting shippers: Cantu Mineral Association, 14633 Ambaum Boulevard SW., Seattle, Wash. 98166; Van Waters and Rogers, 4000 First Avenue South, Seattle, Wash. 98134; Dow Chemical Co., 1415 East First and Post Road, Post Office Box 1246, Anchorage, Alaska; Alaska Mill & Feed Co., Inc., 1415 East First and Post Road, Post Office Box 1246, Anchorage, Alaska 99501; Union Oil Co. of California, 2901 Western Avenue, Seattle, Wash. 98111. Send protests to: Walter J. Grossmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 105134 (Sub-No. 7 TA), filed April 27, 1970. Applicant: AUSTIN L. YEAGER, doing business as YEAGER'S TRUCKING, Rural Delivery No. 1, Clearfield, Pa. 16830. Applicant's representative: John A. Vuono, 2310 Grand Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Face brick and building brick*, from points in Bradford Township, Clearfield County, Pa., to points in New Jersey and New York, for 180 days. Supporting shipper: Marion Brick Corp., 341 Mount Vernon Avenue, Marion, Ohio 43302. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 105566 (Sub-No. 55 TA), filed April 28, 1970. Applicant: SAM TANKSLEY TRUCKING, INC., Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 405S Crystal Plaza, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products, dairy products, delicatessen products, candy and confectionary, canned goods, and bakery products*, in straight or mixed shipments, from the facilities of The Kroger Co., Cincinnati and Springdale, Ohio, to Memphis, Tenn., Dallas, Tex., and Los Angeles, Calif.; and *smoked meats* from Paris, Tex., to Los Angeles, Calif., for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, Ohio, 45201. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 107295 (Sub-No. 372 TA), filed April 27, 1970. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring and adhesives* used in the installation thereof, from Magnolia, Ark., to points in Illinois, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Peace Flooring Co., Inc., Post Office Box 87, Magnolia, Ark. 71753. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 373 TA), filed April 27, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (vent); *chimney assemblies; and accessories;* from points in Hocking County, Ohio, to points in the United States (except Washington, Oregon, California, Idaho, Utah, Arizona, and New Mexico), for 180 days. Supporting shipper: William Wallace Division, Wallace-Murray Corp., Post Office Box 188, Logan, Ohio 43138. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 378 TA), filed April 30, 1970. Applicant: PRE-FAB TRANSIT CO., Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drywall accessories including adhesives, cement, tape, beads, corners, studs, and nails* (except in bulk), from the plantsite and warehouse facilities of Supro Corp. of Ohio, to points in Connecticut, Maryland, New Jersey, Rhode Island, West Virginia, Massachusetts, Indiana south of U.S. Highway 40 (except Indianapolis, Columbus, Terre Haute, and Seymore), and Illinois, south of U.S. Highway 24, for 180 days. Supporting shipper: Supro Corp. of Ohio, 1115 East 152d Street, Cleveland, Ohio 44110. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107496 (Sub-No. 777 TA), filed April 30, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles with agitators, from Swift Agricultural Chemicals plantsite at Memphis, Tenn., to points in Arkansas and Mississippi, for 150 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, Ill. 60606. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108207 (Sub-No. 293 TA), filed April 28, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Santa Fe and Albuquerque, N. Mex., to Kankakee, Ill., for 150 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Rio Grande Plasma Products, Inc., Post Office Box 101, McAlester, Okla. 74501. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 109891 (Sub-No. 16 TA), filed April 24, 1970. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, S.C. 29405. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in bulk, and in containers, from the Charleston, S.C., commercial zone to points in Alabama and Kentucky; (2) *empty collapsible containers*, moving with petroleum and petroleum products in bulk, from the Charleston, S.C., commercial zone to points in Alabama, Georgia, Kentucky, and Tennessee, for 180 days. Supporting shippers: Gulf Oil Corp., 1375 Peachtree Street NE., Atlanta, Ga. 30309; Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 111401 (Sub-No. 300 TA), filed April 27, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Hoyt Gabbard (same address as above). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Perchloretylene,* from Harvey, La., to Dallas, Fort Worth, San Antonio, and Houston, Tex.; Oklahoma City and Tulsa, Okla.; Kansas City, Mo.; and Memphis, Tenn.; for 180 days. Supporting shipper: J. L. Guthrie, Traffic Manager, Apco Oil Corp., Liberty Bank Building, Oklahoma City, Okla. 73102. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 301 TA), filed April 27, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Asphalt,* in bulk, from Artesia, N. Mex., to points in Grant, Haskell, Morton, Seard, Stevens, and Stanton Counties, Kans., and Beaver, Cimarron, and Texas Counties, Okla., for 180 days. Supporting shipper: Ray L. Felts, Executive Vice President, Riffe Petroleum Co., Philtower Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 111545 (Sub-No. 135 TA), filed April 28, 1970. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydraulic cylinders,* from Pocahontas, Iowa, to Shady Grove, Pa., for 180 days. Supporting shipper: Iowa Industrial Hydraulics, Inc., Pocahontas, Iowa 50574. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 114301 (Sub-No. 60 TA), filed April 28, 1970. Applicant: DELAWARE EXPRESS CO., Post Office Box 97, Elkton, Md. 21921. Applicant's representative: James E. Spry (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed ingredients,* From Allentown and Nazareth, Pa., to points in New Jersey, Delaware, Maryland, Virginia, and West Virginia, for 180 days. Send protests to: Schoneck Farms, Inc., Nazareth and Macungie, Pa. (18064 and 18062) Clarence A. Reichard, President, Getkin Associates, Inc., Post Office Box 818–10 West Main Street, Norristown, Pa. 19404, Ralph E. Getkin, President. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 114533 (Sub-No. 211 TA), filed April 27, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier,* by motor routes, transporting: *Laboratory specimens* used in pathological testing, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, and Missouri, for 180 days. Supporting shipper: Mason-Barron Pathology Laboratories, S.C., 2056 North Clark Street, Chicago, Ill. 60614. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115181 (Sub-No. 21 TA), filed April 27, 1970. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand and gravel,* from points in Harford County, Md., to Peach Bottom, York County, Pa., for 150 days. Supporting shipper: Stancill's, Inc., Box 236, Aberdeen, Md. 21001. Send protests to: Paul J. Kenworthy, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 115904 (Sub-No. 21 TA), filed April 24, 1970. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products, including plywood, laminated beams, wallboard or hardboard, or boards or sheets consisting of sawdust or ground wood with added binder, also shingles,* from points in Lemhi and Custer Counties, Idaho, to points in Colorado, for 180 days. NOTE: Carrier does not intend to tack authority applied for to that already held. Supporting shippers: The Intermountain Co., Post Office Box 1208, Salmon, Idaho 83467; Brown Lumber Sales, 444 17th Street, Denver, Colo. 80202; North Fork Lumber Co., Inc., Post Office Box 1155, North Fork, Idaho 83466. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 116763 (Sub-No. 163 TA), filed April 27, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prepared animal food,* from Woburn, Mass., to points in Illinois and Indiana, for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89–209, New Boston Street, Woburn, Mass. 01801. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 118318 (Sub-No. 18 TA), filed April 28, 1970. Applicant: IDA-CAL FREIGHT LINES, INC., Post Office Box 422, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat distributed by meat packinghouses,* described in sections A and C, appendix I to report, *Descriptions in Motor in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Nampa, Idaho, to points in Washington, for 150 days. NOTE: Applicant intends to tack authority applied for to other authority held with its Sub-13 authority at Nampa, Idaho. Supporting shipper: D. A. Chute, Manager Transportation and Distribution Department, Fresh Meat Division, Armour & Co., Post Office Box 9222, Chicago, Ill. 62290. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 118831 (Sub-No. 72 TA), filed April 28, 1970. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. 27261. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Water treatment compounds,* dry, in bulk, from Charleston, S.C., to Pittsburgh, Pa., for 180 days. NOTE: It does not know of any present tacking potentialities. Supporting shipper: Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

No. MC 118939 (Sub-No. 43 TA), filed April 28, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. 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: *Water softeners with minerals and related fittings, and materials and supplies related thereto,* from the plantsite and/or facilities of Sta-Rite Industries, Inc., at Deerfield, Wis., to Centerville, Youngstown, Cleveland, and Lima, Ohio; Pontiac, Battle Creek, Howell, Lansing, and Petoskey, Mich., for 150 days. Supporting shipper: Sta-Rite Industries, Inc., Water Treatment Division, Deerfield, Wis. 53531. Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 52303.

No. MC 123502 (Sub-No. 32 TA), filed April 28, 1970. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: William C. Nolte (same

address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent brewers grain*, in bulk, for use other than as a fertilizer, from Baltimore, Md., to points in Delaware, New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia, for 150 days. Supporting shipper: Baltimore Brewery Grains, Inc., Post Office Box 3581, Baltimore, Md. 21218. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 124027 (Sub-No. 6 TA), filed April 24, 1970. Applicant: MIDWEST BULK, INCORPORATED, 1100 Winneconne Avenue, Neenah, Wis. 54956. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products*, from plantsites and mines of Aggregate Specialties, Inc., located in Dickinson County, Mich., to points in Wisconsin; *returned and rejected shipments on return*, for 150 days. Supporting shipper: Fox Valley Stone Co., Inc., Breezewood Lane, Neenah, Wis. 54956. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126291 (Sub-No. 11 TA), filed April 28, 1970. Applicant: QUIRION TRANSPORT, INC., La Guadeloupe, Frontenac County, Quebec. 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: *Snowmobiles and snowmobile parts*, from ports of entry on the United States-Canada boundary line located in Michigan, New York, Vermont, and Maine, to Columbus and Youngstown, Ohio, and Detroit and Jackson, Mich., restricted to traffic originating at points in Frontenac County, Quebec, for 180 days. Supporting shipper: Boa Ski, Inc., La Guadeloupe, Frontenac County, Quebec. Send protests to: District Supervisor, Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 126372 (Sub-No. 6 TA), filed April 27, 1970. Applicant: SUREFINE TRANSPORTATION COMPANY, 1925 East Vernon Avenue, Los Angeles, Calif. 90058. Applicant's representative: 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: *New furniture, store fixtures, office fixtures, and kitchen equipment*, between points in California, on the one hand, and, on the other, points in Idaho, Montana, Utah, Washington, Oregon, and Wyoming, for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126869 (Sub-No. 2 TA), filed April 22, 1970. Applicant: M & W TRUCKING, INC., Post Office Box 58, Bowdon, Ga. 30108. Applicant's Representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solid and semipneumatic tires, plastic or rubber handle bar grips, pedals, and mud flaps, plastic streamers and wheels, steel wheels, and wheels, and wheels mounted with solid or semipneumatic tires, and rubber and plastic tile, and floor products, and wall facing strips*, from Bowdon, Ga., to points in Delaware, Florida, Iowa, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, Wisconsin, Connecticut, and Minnesota; (2) *Materials, equipment, and supplies* used in the production of the above named commodities, (3) *Rubber and plastic tile and floor product products, and wall facing strips*, from Bowdon, Ga., and Tuscumbia, Ala., to points in Alabama, Arkansas, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Connecticut, and Minnesota; (4) *Materials, equipment, and supplies* used in the production of the above-named commodities, from the destination States in (3) above to Bowdon, Ga., and Tuscumbia, Ala. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Textile Rubber Co., Inc., of Bowdon, Ga., for 180 days. NOTE: Applicant intends to tack with MC 126869 Sub 1. Supporting Shipper: Textile Rubber Co., Inc., Bowdon, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 128047 (Sub-No. 2 TA), filed March 30, 1970. Applicant: CLARK R. INGRAM, Rural Delivery No. 1, Weedville, Pa. 15868. Applicant's representative: Arthur J. Diskin, 806 Firck Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from Huston Township, Clearfield County, Pa., to Dunkirk, N.Y., for 180 days. Supporting shipper: The Valley Camp Coal Co., 700 Westgate Tower, Cleveland, Ohio 44116. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 128075 (Sub-No. 9 TA) (Correction), filed April 20, 1970, published in the FEDERAL REGISTER issue of April 25, 1970, and republished as part corrected, this issue. Applicant: LEON JOHNSRUD, 757 Second Street West, Cresco, Iowa 52136. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. NOTE: The purpose of this partial republication is to show *Ohio* as a destination State. The rest of the application remains as previously published.

No. MC 129924 (Sub-No. 2 TA), filed April 28, 1970. Applicant: WILLIAM F. McVEIGH, JR., doing business as McVEIGH TRANSPORTATION, 1122 East Grand Boulevard, Corona, Calif. 91720. Applicant's representative: Donald Murchison, Suite 211 Paris Building, 211 South Beverly Drive, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Yeast, food enriching compounds, and baking powder*, from points in Los Angeles and Orange Counties, Calif., to points in Arizona, for 180 days. Supporting Shipper: Universal Foods Corp., 5634 East Washington Boulevard, Los Angeles, Calif. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133316 (Sub-No. 3 TA), filed April 28, 1970. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, 1513 San Pedro Street, Post Office Box 22, Trinidad, Colo. 81082. Applicant's representative: Frank Givigliano (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perishable commodities*, requiring the use of mechanical refrigeration, from Denver, Colo., to points in New Mexico (except points in Colfax, Union, Harding, Mora, Taos, and San Miguel Counties, N. Mex., for 180 days. Supporting shipper: Sue Ellen's Hi-Country Kitchens, 1550 West Colfax Avenue, Denver, Colo. 80204. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 133581 (Sub-No. 4 TA), filed April 28, 1970. Applicant: HOLDT POTATO COMPANY, INC., Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick Coffman, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, (a) from points in Wisconsin to Red Cloud, Nebr., and points in Arizona, California, Missouri, Kansas, New Mexico, and Oklahoma; (b) from Red Cloud, Nebr., to points in Kansas, New Mexico, and Oklahoma; (2) *equipment, materials and supplies* used in the manufacture of cheese between points in Wisconsin and Nebraska; (3) *rejected and unused cheese;* (a) from points in Arizona, California, Kansas, Missouri, New Mexico,

and Oklahoma to Red Cloud, Nebr., and Wisconsin; (b) from Red Cloud, Nebr., to Wisconsin, for 180 days. Supporting shipper: Don Pauly Cheese Co., Post Office Box 686, Manitowoc, Wis. 54220. Send protests to: District Supervisor Johnston, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133676 (Sub-No. 4 TA), filed April 27, 1970. Applicant: COMET DISTRIBUTION SERVICES, INC., 2125 Sorrel Avenue, Post Office Box 3175, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, from Zee, La., to Baton Rouge, La., for subsequent movement by water, for 180 days. Supporting shipper: Crown Zellerbach Corp., Post Office Box 218, St. Francisville, La. 70775. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133922 (Sub-No. 2 TA), filed April 23, 1970. Applicant: WILLIAM H. NAGEL, doing business as JENKINS & NAGEL TRUCKING CO., Post Office Box 98, Wolcott, Ind. 47995. Applicant's representative: Alki E. Scopelitis, 816 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soy flour*, from Decatur, Ill.; Minneapolis, Minn.; and Cedar Rapids, Iowa, to Louisville, Ky.; (2) *corn flour*, from Danville, Ill., to Louisville, Ky.; (3) *delactosed whey*, from Winsted, Minn., to Louisville, Ky.; (4) *dry milk products*, blended with soy flour, corn flour, delactosed whey, casein, and caseinate, from Louisville, Ky., to Allentown, Pa.; New York, N.Y.; Jersey City, N.J.; Fort Smith, Ark.; Dayton and Columbus, Ohio; Detroit, Mich.; Philadelphia, Pa.; Atlanta, Ga.; Dallas, Tex., and Birmingham, Ala., for 180 days. Supporting shipper: Dry Milks, Inc., 303 East Caldwell, Louisville, Ky. 40203. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 133977 (Sub-No. 3 TA), filed April 28, 1970. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, Ohio 45304. 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: *Fertilizer, fertilizer material and fertilizer ingredients*, in bags, or in bulk, in dump vehicles, and *fungicides, herbicides and insecticides* when shipped in mixed shipments with fertilizer, fertilizer material and fertilizer ingredients, in bags, or in bulk in dump vehicles, between the plantsites of Swift Agricultural Chemical Corp. at Orrville and St. Bernard (as amended), Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, and Michigan, for 180 days. Supporting shipper: Swift Agricultural Chemical Corp., 2 North Riverside Plaza, Chicago, Ill. 60606. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134068 (Sub-No. 2 TA), filed April 22, 1970. Applicant: KODIAK REFRIGERATED LINES, INC., 5243 San Feliciano Drive, Woodland Hills, Calif. 91364. Applicant's representative: Dwane Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Anaheim, City of Industry, Fullerton, Gilroy, Hayward, Los Angeles, Merced, Modesto, Oakland, Oroville, Pittsburg, Richmond, Santa Clara, San Jose, Stockton, Sunnyvale, Thorton, and Terminal Island, Calif., and their commercial zones, to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, for 150 days. Apppicant states it already holds authority in docket MC 134068 on, "Canned goods in mixed loads with frozen foods or agriculture commodities as described in section 293(b)(6) of the Act as amended: * * * from points in California to Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming (among other States)" and the only purpose of the application is to be relieved of the mixed load restriction. Supporting shippers: Duffy-Mott Co., Bellomy and Campbell Avenues, Santa Clara, Calif. 95052; Gamble-Robinson Co., 661 Fifth Avenue North, Minneapolis, Minn. 54405; Kern Foods, Inc., 13000 East Temple Avenue, City of Industry, Calif. 91746; Star Kist Foods, Inc., 582 Tuna Street, Terminal, Calif., 90731; Dole Co., Fifth and Virginia Streets, San Jose, Calif. 95110; California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106; Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, Calif. 92634. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134114 (Sub-No. 2 TA), filed April 28, 1970. Applicant: ELMER WILSON), doing business as NEBRASKA BEEF EXPRESS, 8024 State Street, Ralston, Nebr. 68051. Applicant's representative: Kenneth P. Wiener, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to points in Will, Cook, Du Page, and Kane Counties, Ill., to Cedar Rapids and Waterloo, Iowa, and to Milwaukee, Kenosha, Madison, Green Bay, and Whitehall, Wis., for 150 days. Supporting shipper: J. F. O'Neill Packing Co., 3120 L Street, Omaha, Nebr. Send protests to: Keith P. Kohrs, District Supervisor, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134414 (Sub-No. 1 TA), filed April 27, 1970. Applicant: FRANCIS MOONEY TRUCKING, INC., Post Office Box 441, Dillon, Mont. 59725. 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: *Bananas, and other fruit and produce* exempt under 203(b)(6) of the Interstate Commerce Act, in mixed loads with bananas, from Long Beach and Los Angeles, Calif., and commercial zones thereof, to the international boundary between the United States and Canada at the port of entry at or near Sweetgrass, Mont., on traffic destined to points in Alberta, Canada, for 180 days. Supporting shippers: Nacdonalds Consolidated Ltd., 14040—125 Avenue, Edmonton, Alberta, Canada; Dominion Fruit Ltd., Division of Westfair Foods, Ltd., Post Office Box 487, Edmonton, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134447 (Sub-No. 1 TA), filed April 24, 1970. Applicant STEVEN PARAG and PAUL PARAG, doing business as PARAG TRANSPORT, 403 South Van Buren Street, Wilmington, Del. 19805. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Suite 634, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and pulpboard*, from Childs, Md., to Maspeth, Brooklyn, Jamaica, Syossett, and Deer Park, N.Y.; Zanesville and Massillon, Ohio; Teterboro, Clifton, Spotswood, Edison, Riegelsville and Belmawr, N.J.; Cambridge and Gardner, Mass.; Mount Carmel, Greensburg, Philadelphia, Eddington, and Pittsburgh, Pa., and Richmond, Va., and *equipment, materials, and supplies*, except commodities in bulk, in tank vehicles, from the aforesaid destination points to Childs, Md., on return, under contract with the Barrett Paper Corp., Ltd., for 180 days. Supporting shipper: Barrett Paper Corp., Ltd., of Maryland, Childs, Md. 21916; George V. Nocks, General Manager. Send protests to: District Supervisor Paul J. Lowry, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 134449 (Sub-No. 1 TA), filed April 28, 1970. Applicant: LESTER V. MOZNIK, 3753 Clydesdale Street, Burnaby, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes: *Kitchen cabinets, counter tops and parts thereof*, from ports of entry on the international boundary between the United States and Canada at or near Blaine and Sumas, Wash., to points in King and Pierce Counties, Wash., and

points in Alameda, San Francisco, Contra Costa, Marin, San Mateo, Santa Cruz, Santa Clara, Sonoma, and Solano Counties, Calif., for 150 days. Supporting shipper: Crestwood Kitchens, Ltd., 225 Number 5 Road, Richmond, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, ICC, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 134477 (Sub-No. 2 TA), filed April 28, 1970. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, from St. Paul, Minn., to Chicago and Rockford, Ill.; Cedar Rapids and Des Moines, Iowa; Boston, Mass.; Detroit, Mich.; Cincinnati and Columbus, Ohio; and Eau Claire and Milwaukee, Wis., for 180 days. Supporting shipper: St. Paul Dressed Beef, Inc., Box 124, South St. Raul, Minn. 55075. Send protests to: A. N. Sparth, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134521 TA, filed April 22, 1970. Applicant: JOHN R. LEHR, INC., Route 1, Box 37 B, Tangent, Oreg. 97389. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingots of titanium and titanium alloy and titanium scrap metal*, from Albany, Oreg., to points in Wisconsin, Ohio, Pennsylvania, Maryland, New York, Connecticut, Massachusetts, and California; *Titanium and titanium alloy and titanium alloyed scrap metal*, to Albany, Oreg., from points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, South Carolina, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Washington, California, Nevada, and Arizona for the account of Oregon Metallurgical Corp., Albany, Oreg., for 180 days. Supporting shipper: Oregon Metallurgical Corp., 120 West 34th Avenue, Post Office Box 580, Albany, Oreg. 97321. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 134531 TA, filed April 27, 1970. Applicant: AGGREGATE HAULERS, INC., Post Office Box 386, Cayce, S.C. 29033. Applicant's representative: Burton W. Lanier (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, portland and *mortar mix* in bags, on flat bed trucks; (2) *Crushed stone, sand and sand clay* (in bulk), (3) *Crushed stone* (in bulk), as follows; (1) From points in Richland County, S.C., to points in North Carolina and Georgia; (2) from points in Richmond and Columbia Counties, Ga., to points in Aiken, Barnwell, Allendale, Bamberg, Hampton, Orangeburg, Jasper, Colleton, Dorchester, Beaufort Counties, S.C.; (3) from points in Mecklenberg County, N.C., to points in York and Chester Counties, S.C., for 180 days. Supporting shippers: Louisville Cement Co., 501 South Second Street, Louisville, Ky. 40202; Highway Surfacing Co., Post Office Box 127, Greenville, S.C. 29602. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 134532 TA, filed April 27, 1970. Applicant: ALPHONSE DENTLINGER, Halbur, Iowa 51444. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated Alfalfa Pellets*, from Fremont, Nebr., to points in Carroll County, Iowa, for 180 days. Supporting shipper: Fremont Elevator Co., Fremont, Nebr. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 304, Sioux City, Iowa 51101.

No. MC 134533 TA, filed April 27, 1970. Applicant: MID-NORTH FURNITURE TRANSPORT, INC., 1175 South Cleveland, St. Paul, Minn. 55116. Applicant's representative: Mark Hertz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from St. Paul, Minn., to points in Minnesota, North Dakota, South Dakota, Wisconsin and those points on and north of U.S. Highway 30 in Iowa, for 180 days. Supporting shipper: Mid-North Furniture Distributing Center, St. Paul, Minn. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134548 TA, filed April 30, 1970. Applicant: ZENITH TRANSPORT, LTD., 2040 Alpha Avenue, Burnaby 2, British Columbia. Applicant's representative: M. A. Walley, H. H. Williamson Limited, No. 207, 7342 Government Road, Burnaby 2, British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, fresh fruit and vegetables*, moving in temperature controlled equipment, from points in California and Washington to the international boundary line, between the United States and Canada in the States of Washington, Idaho, Montana, and Canada for 180 days. Supporting shippers: Thirty-One Purchasing Service, Ltd., 101 West Hastings Street, Vancouver 3, British Columbia, Canada; Standard Fruit and Steamship Co., 1450 Panorama Drive, Long Beach, Calif. 90802; Malkins, Division of Westfair Foods, Ltd., 3377 Grandview Highway, Vancouver, British Columbia; Kelly Douglas & Co., Ltd., Post Office Box 2039, Vancouver 3, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

MOTOR CARRIER OF PASSENGERS

No. MC 541 (Sub-No. 4 TA), filed April 28, 1970. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, 333 Arch Street, New Britain, Conn. 06051. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, from Bristol, Plainville, New Britain, and Meriden, Conn., to Rockingham Race Track in Salem, N.H., and Green Mountain Race Track, Pownal, Vt., and return, for 150 days. Supporting shippers: Ed. F. Gesieki; Pierro; Joe Hogin; E. J. Phelan, Sr.; Edward Zind; Nicola Sabia (no addresses shown for above individuals on letters), Frank Owsianko (no address shown) John Sercio, Delux Rest. (No address shown), Jimmy's Quality Smoke Shop, Inc., New Britain, Conn., Joseph J. Mofale, Nesci Travel Agency (no address shown). Send protests to: District Supervisor, David J. Kierman, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 70-5789; Filed, May 11, 1970; 8:47 a.m.]

[Notice 72]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 6, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 395 TA), filed May 1, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P.

Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, except those which because of size or weight require use of special equipment or handling, from Oakland, Calif., to Huntington and Indianapolis, Ind., for 180 days. Supporting shipper: Data-Veyors Corp., 3246 Ettie Street, Oakland, Calif. 94608 (M. B. Sutliffe, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 42537 (Sub-No. 43 TA), filed May 1, 1970. Applicant: CASSENS TRANSPORT COMPANY, Post Office Box 468, Edwardsville, Ill. 62025. Applicant's representatives: Smith, Minton and Balch, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, in secondary movements, in truckaway service, from St. Louis, Mo., to points in Kentucky, Ohio, and Tennessee. Restriction: Restricted to traffic originating at the plantsite of Chrysler Corp. in Los Angeles, Calif., for 180 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, Mich. 48231. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 103993 (Sub-No. 522 TA), filed May 1, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* (except those designed to be drawn by passenger automobiles) and *undercarriages*, from Corvallis, Milwaukie, Springfield, Tualatin, and Sutherlin, Oreg., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Speedcut, Inc., Corvallis, Oreg. Send protests to: District Supervisor, J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 113828 (Sub-No. 175 TA), filed May 1, 1970. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferric chloride*, in bulk, from Washington, D.C. (except from points in the Washington, D.C., commercial zone which are not within Washington, D.C.), to points in Virginia, for 180 days. Supporting shipper: Pennwalt Corp., 3 Penn Center, Philadelphia, Pa. 19102. Send protests to: R. D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 114194 (Sub-No. 156 TA), filed May 1, 1970. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup, sweeteners and blends thereof*, in bulk, from the Tri-City Regional Park Complex, in Madison County, Ill., to points in the St. Louis, Mo.; East St. Louis, Ill., commercial zone, for 180 days. Supporting shipper: American Sugar Co., 460 South Northwest Highway, Park Ridge, Ill. 60068. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 116073 (Sub-No. 108 TA), filed May 1, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete or in sections, from Guttenberg, Iowa, to points in Colorado, Illinois, Indiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Ohio, for 180 days. Supporting shipper: Hilton Homes, Post Office Box 549, Guttenberg, Iowa 52052. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 123383 (Sub-No. 47 TA), filed May 1, 1970. Applicant: BOYLE BROTHERS, INC., 2036 South Fourth Street, Camden, N.J., 08104. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard and particleboard, and accessories* used in the installation thereof, from Camden, N.J., to points in Maine, New Hampshire, Vermont, Ohio, Michigan, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Evans Products Company, Post Office 880, Corona, Calif. 91720. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 124212 (Sub-No. 49 TA), filed May 1, 1970. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: A. Kundtz, National City Bank Building, Cleveland, Ohio 44122. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plantsite of Lehigh Portland Cement Co. at Providence, R.I., to Fitchville, Conn., for 180 days. Supporting shipper: The Lehigh Portland Cement Co., 718 Hamilton Street, Allentown, Pa. 18105. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 125844 (Sub-No. 21 TA), filed May 1, 1970. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Placenta, derivatives of placenta, cells, tissues, organs, and/or tissue cultures, blood, derivatives of blood*, from points in the United States to points in Kentucky, and from points in Kentucky to points in the United States, for 180 days. Supporting shipper: Shul, Inc., 10100 Preston Highway, Louisville, Ky. 40229. Send protest to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 125915 (Sub-No. 4 TA), filed May 1, 1970. Applicant: WAYNE INGERSOLL, doing business as INGERSOLL TRANSFER, Rural Route 1, Waverly, Iowa 50677. Applicant's representative: William B. Monney, First National Bank Building, Waverly, Iowa 50677. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk or cream substitutes*, from Waverly, Iowa, to Jacksonville, Ill., for 150 days. Supporting shipper: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 128072 (Sub-No. 1 TA), filed May 1, 1970. Applicant: CUSTOM BEVERAGE PACKERS, INC., 1333 Chillicothe Road, Aurora, Ohio 44202. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, from Detroit, Mich., to Berea, Ohio, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: American Can Co., 100 Park Avenue, New York, N.Y. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 133093 (Sub-No. 2 TA), filed May 1, 1970. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINES, 3010 McNutt Road, Sunland Park, N. Mex. 88063. Applicant's representative: Clifford Jones (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet foods*, from Los Angeles, Calif., to Dallas, El Paso, Houston, Lubbock, and San Antonio, Tex.; (2) *meat*

and meat products, from Dallas, El Paso, Friona, Houston, Lubbock, and San Antonio, Tex., to Los Angeles, Calif., for 150 days. Supporting shipper: Kal Kan Foods Inc., 3386 East 44th Street, Vernon, Calif. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, N. Mex. 87101.

No. MC 133492 (Sub-No. 2 TA), filed May 1, 1970. Applicant: CECIL CALXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Malt beverages,* from Newport, Ky., to Dublin and Savannah, Ga., and from Miami and Tampa, Fla., to Talladega, Ala., for 180 days. Supporting shipper: Talladega Beverage Co., Post Office Box 924, 120 East Battle Street, Talladega, Ala. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 134507 (Sub-No. 1 TA), filed May 1, 1970. Applicant: INTER CITIES DISTRIBUTING AND PACKAGING CORPORATION, Oak Street, Pittston Township, Pittston, Pa. 18640. Applicant's representative: Joseph Kane, Mears Building, 142 North Washington Avenue, Scranton, Pa. 18503. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Food, meat, meat products and byproducts;* from points in Pittston Township, Pa., to points in Luzerne, Lackawanna, Wyoming, Susquehanna, Wayne, Pike, Monroe, and Carbon Counties, Pa., and the reverse, in temperature controlled motor vehicles, for 150 days. Supporting shippers: John Morrell & Co., Ottumwa, Iowa 52501; Dubuque Packing Co., Dubuque, Iowa. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134518 (Sub-No. 1 TA), filed May 1, 1970. Applicant: CHEESE HAULING, INC., Post Office Box 138, Stitzer, Wis. 53825. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Cheese and materials, equipment, and supplies used in the manufacture of cheese,* between Bismark, Harvey, Selfridge, Wishek, N. Dak.; Timber Lake and Webster, S. Dak., on the one hand, and, on the other, Boscobel, Richland, Center, and Viroqua, Wis., for 180 days. Supporting shippers: Borden Foods, Inc., Richland Center, Wis. 53581; Selfridge Cheese Co., Inc., Selfridge, N. Dak. 58568; Wishek Cheese Co., Inc., Wishek, N. Dak. 58495; Timber Lake Cheese Co., Inc., Timber Lake, S. Dak. 57656. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 149 TA), filed April 21, 1970. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill, 60606. Applicant's representative: Bart Cook, 371 Market Street, San Francisco, Calif. 94106. 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 pasengers, (1) between the international boundary line between the United States and Canada north of Noyes, Minn., and the Minnesota-North Dakota State line west of East Grand Forks, Minn., from the said international boundary line over U.S. Highway 75 to junction Minnesota Highway 1 at Warren, Minn., thence over Minnesota Highway 1 to junction Minnesota Highway 220 at Alvarado, Minn., thence over Minnesota Highway 220 to the Minnesota-North Dakota State line at East Grand Forks; (2) between Grand Forks, N. Dak., and the North Dakota-Minnesota State line, from Grand Forks over U.S. Highway 2 (city route) to the point of intersection at the North Dakota-Minnesota State line, and return over the same routes in (1) and (2) above, serving all intermediate points, for 150 days. Supporting shippers: The application is supported by 10 individuals whose statements may be examined here at the office of the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the Commission's field office shown below. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5790; Filed, May 11, 1970; 8:47 a.m.]

[Notice 533]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 7, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35430. By order of April 28, 1970, the Motor Carrier Board approved the lease to Joe the Mover Corp., a corporation, Post Office Box 3495, Port Arthur, Tex., 78207, of the certificate of registration in No. MC-121587 issued November 30, 1966, to Gulf Coast Transportation, Inc., Winnie, Tex., 77665, and evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the service authorized in Specialized Motor Carrier Certificate No. 5217 dated September 8, 1964, reissued pursuant to transfer by the Railroad Commission of Texas, covering the transportation of commodities designated under the headings "oilfield equipment and pipe, pipe, and trenching machines", between all points in Texas.

No. MC-FC-72103. By order of April 30, 1970, the Motor Carrier Board approved the transfer to B & B Lines, Inc., Jonesboro, Ark., of permit in No. MC-126681, issued June 22, 1966, to C. S. Scott and Loyce Scott, a partnership, doing business as Scott Truck Line, Mammoth Spring, Ark., authorizing the transportation of: Glass bottles and jars, from Jonesboro, Ark., to points in Missouri, Alabama, Texas, Louisiana, Indiana, Illinois, Oklahoma, Kentucky, Georgia, Mississippi, Florida, and Tennessee. Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201, attorney for applicants.

No. MC-FC-72104. By order of April 30, 1970, the Motor Carrier Board approved the transfer to Allan L. Moltzer, Amery, Wis., of certificate No. MC-63116, issued June 4, 1962, to Donald Majeske, doing business as Majeske Trucking Service, Balsam Lake, Wis., authorizing the transportation of: General commodities, with the usual exceptions, between St. Paul, Minneapolis, South St. Paul, and Newport, Minn., on the one hand, and, on the other, specified towns in Polk County, Wis. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representing applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 70-5791; Filed, May 11, 1970; 8:47 a.m.]

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