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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11501

ADMINISTRATION OF FOREIGN MILITARY SALES

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The following functions conferred upon the President by the Foreign Military Sales Act (P.L. 90-629), hereinafter referred to as the "Act", are hereby delegated as follows:

(a) Those under section 3(a) of the Act, with the exception of 3(a)(1), to the Secretary of State.

(b) Those under section 21 of the Act to the Secretary of Defense.

(c) Those under section 22 of the Act to the Secretary of Defense.

(d) That under section 23 of the Act to the Secretary of Defense.

(e) Those under section 24 of the Act to the Secretary of Defense.

(f) Those under section 34 of the Act to the Secretary of State. To the extent the standards and criteria for credit and guaranty transactions are based upon national security and financial policies, the Secretary of State shall obtain the prior concurrence of the Secretary of Defense and the Secretary of the Treasury, respectively.

(g) Those under section 35(a) of the Act to the Secretary of State.

(h) Those under section 35(b) of the Act to the Secretary of Defense.

(i) That under section 42(b) of the Act to the Secretary of Defense.

SEC. 2. Nothing in this order shall be construed as modifying in any way the responsibility conferred upon the Secretary of State by section 2(b) of the Act for the continuous supervision and general direction of sales under the Act, including, but not limited to, determining whether a sale should be negotiated, concluded, or terminated and the amount thereof.

SEC. 3. In carrying out the functions delegated to them under this order, the Secretaries of State and Defense shall consult with the Secretary of the Treasury, the Administrator of the Agency for International Development, and the Director of the Arms Control and Disarmament Agency on matters pertaining to their responsibilities.

SEC. 4. All functions conferred upon the President by the Act that are not delegated by the provisions of this order are hereby reserved to the President.

SEC. 5. Funds appropriated to the President for carrying out the Act shall be deemed to be allocated to the Secretary of Defense without any further action of the President.

SEC. 6. References in this order to the provisions of the Act shall be deemed to include references thereto, respectively, as amended from time to time.

Richard Nixon

THE WHITE HOUSE,
December 22, 1969.

[F.R. Doc. 69-15360; Filed, Dec. 23, 1969; 10:07 a.m.]

Executive Order 11502

ENLARGING THE MEMBERSHIP OF THE PRESIDENT'S COMMITTEE ON THE NATIONAL MEDAL OF SCIENCE

By virtue of the authority vested in me as President of the United States, Executive Order No. 11287 of June 28, 1966, entitled "Award and presentation of the National Medal of Science," is hereby amended as follows:

(1) By substituting for the words "one ex officio member" in subsection (a) of section 2 the following: "two ex officio members".

(2) By substituting for subsection (c) of section 2 the following:

"(c) The following shall be ex officio members of the Committee:

"(1) The President's Science Adviser.

"(2) The President of the National Academy of Sciences."

Richard Nixon

THE WHITE HOUSE,
December 22, 1969.

[F.R. Doc. 69-15361; Filed, Dec. 23, 1969; 10:07 a.m.]

Executive Order 11503

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON DECEMBER 26, 1969

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Employees of the several executive departments, independent establishments, and other governmental agencies, including the General Accounting Office and the Government Printing Office, and their field services (except those employees of the Department of State, the Department of Defense, or other agencies who in the judgment of their agency heads should be at their posts of duty for national security or other public reasons, and those employees whose absence from duty would be inconsistent with the provisions of existing law) shall be excused from duty on Friday, December 26, 1969, the day following Christmas Day. Such day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, as amended, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

SEC. 2. The heads of departments, agencies, and independent establishments shall, to the extent consistent with the needs of the service, adopt a liberal policy for the granting of annual leave to all employees who wish to take such leave over the holiday period.

Richard Nixon

THE WHITE HOUSE,
December 23, 1969.

[F.R. Doc. 69-15381; Filed, Dec. 23, 1969; 1:24 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 1601—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Use or Redemption of Coupons by Eligible Households

Section 1601.9, paragraph (e), relating to the application for refund of unused coupons is amended to establish the requirements for documenting refund requests for unused coupons. The amended regulations are now covered by § 1601.9, paragraphs (e) and (f), which read as follows:

§ 1601.9 Use or redemption of coupons by eligible households.

* * * * *

(e) In the event a household which holds properly issued coupons elects to discontinue participation in the Program, unused coupons may be returned to FNS for a refund on the same ratio of cash to coupons as was applied by the State agency in the issuance of the coupons to the household. A request for a refund shall be submitted to the local counterpart office of the State agency. The request will then in turn be forwarded to FNS with a statement explaining the basis of the household's participation. The request for such a refund shall be made in accordance with the following requirements:

(1) It shall be in ink or typed.

(2) It shall contain the applicant's address.

(3) It shall be dated and signed.

(4) The unused coupons shall be attached.

(5) There shall also be attached any additional documents or statements required by § 1601.9, paragraph (f) to show the claimant's right to a refund.

(f) Refunds may be requested and paid in the following order of precedence and in accordance with the following conditions:

(1) To the household member who applied for participation in the program, or his or her spouse.

(2) When the head of the eligible household is incompetent, to a guardian, close relative, or other individual or organization who has assumed partial or complete financial responsibility for his care and custody, provided a statement is furnished describing the relationship between the claimant and the incompetent and the claimant certifies that the appointment of a legal representative is not contemplated and that the refund will be used for the benefit of the incompetent.

(3) When the head of the eligible household is deceased, the administrator, executor, or other legally authorized representative of the estate, when supported by a copy of the court order or other document legally establishing his authority to act.

(4) In the absence of such administrator, executor, or other legally authorized representative, to the sole heir or any one of a number of heirs to the estate of the deceased, provided in the latter case he satisfactorily affirms that the refund will be applied toward the payment of outstanding obligations of the deceased or shared with other heirs in accordance with the laws of the State in which the deceased resided.

(5) In any event, to a general assistance agency to which the previously issued coupons were returned and for which such agency directly paid the purchase requirement.

None of the provisions outlined above will preclude an eligible claimant from waiving a claim for the unused coupons returned.

* * * * *

(78 Stat. 703–709; 7 U.S.C. 2011 et seq.)

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

Signed at Washington on December 18, 1969.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15255; Filed, Dec. 23, 1969; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Wage and Labor Standards who serves as Director, Office of Federal Contract Compliance, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (i) is added under § 213.3315 as set out below.

§ 213.3315 Department of Labor.

* * * * *

(i) *Office of Federal Contract Compliance.* (1) One Special Assistant to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-15268; Filed, Dec. 23, 1969; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Confidential Secretary to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (a) of section 213.3394 is amended as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(3) Two Confidential Secretaries to the Secretary.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

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

[F.R. Doc. 69-15269; Filed, Dec. 23, 1969; 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 the 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, 134–134h), 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 States of Indiana, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New York,

North Carolina, Rhode Island, Tennessee, Texas, and 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) *Indiana.* Montgomery County.

(2) *Kentucky.* Simpson County.

(3) *Maryland.* Wicomico and Worcester Counties.

(4) *Massachusetts.* Essex County.

(5) *Mississippi.* Calhoun, Grenada, Rankin, Tallahatchie, Tishomingo, and Webster Counties.

(6) *Missouri.* Clinton and Lincoln Counties; and that portion of Worth County lying south of the Iowa-Missouri State line, east of County Roads K and Z, north of County Roads M and W, and west of the Harrison County line.

(7) *New York.* Montgomery County.

(8) *North Carolina.* Duplin, Edgecombe, Gates, Johnson, Pitt, and Wayne Counties; and that portion of Cumberland County lying east of the Cape Fear River, south of the Harnett County line, west of the Sampson County line, and north of the Bladen County line; and that portion of Wilson County lying south of the Nash County line, east of State Highwty 581, north of State Highway 42, and west of State Highway 58.

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

(10) *Tennessee.* Dyer County.

(11) *Texas.* Dallas, Falls, Fayette, Harris, Henderson, Houston, Lee and Upshur Counties.

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

(13) *Virginia.* Campbell, Charlotte, City of Virginia Beach, and Rockbridge Counties.

(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:

Connecticut.	Michigan.
Delaware.	Minnesota.
Florida.	Oklahoma.

(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.	Utah.
Idaho.	Vermont.
Montana.	Washington.
Nevada.	West Virginia.
North Dakota.	Wisconsin.
Oregon.	Wyoming.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 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 of § 76.2(e) shall become effective upon issuance.

The amendment quarantines Pitt County in the State of North Carolina and Fayette County in the State of Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest.

The foregoing provisions also include without substantive amendments the text 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.

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 foregoing provisions are impracticable, unnecessary and contrary to the public interest, and good cause is found for making the amendment of § 76.2(e) effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of December 1969.

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

[F.R. Doc. 69–15254; Filed, Dec. 23, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8070; Amdt. No. SFAR 23–1]

[Special Federal Aviation Regulation No. 23]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Airworthiness Standards: Small Airplanes Capable of Carrying More Than 10 Occupants

The purpose of these amendments to Special Federal Aviation Regulation No. 23 (SFAR–23) is to clarify certain provisions of the regulation, to remove an unnecessary restriction, and to make minor editorial corrections.

Notice 67–11 made it clear that the requirements set forth therein applied to multiengine airplanes. However, this is not specifically stated in SFAR–23 and there has been some question in this regard. Therefore, the applicability clause in section 1 of SFAR–23 is amended to make it clear that the regulation applies to the type certification of multiengine airplanes.

The reference to paragraph (f) in section 4(d) is a typographical error and the section is corrected herein to reference paragraph (e).

It has come to the attention of the FAA that there is some confusion concerning whether the decision speed V_1 specified in section 5(b)(1) could be an airborne speed. The confusion has apparently been compounded by the fact that section 5 refers to the decision speed as a speed not less than the speed at which the airplane is rotated for takeoff. This has been interpreted as meaning the rotation speed used in service.

The speed V_1 has historically been considered to be a speed associated with the airplane on the ground and it has consistently been so applied. Moreover, to use the speed as an airborne speed would be considered unsafe. Therefore, appropriate amendments to section 5 have been made to make it clear that the V_1 speed is not an airborne speed.

There is also a slight inconsistency between the provisions of paragraph (b) and paragraph (c) of section 5. Thus, while paragraph (b) defines V_1 as the decision speed which, in the case of engine failure, would occur subsequent to the failure, paragraph (c) is based on the assumption that the critical engine fails at V_1. Since paragraph (b) contains the correct definition of V_1 speed, paragraph (c) is amended to make it consistent with paragraph (b).

The FAA has recently been advised that at least one manufacturer is having difficulty meeting the climb speed requirements of section 6(a)(2). As now written, section 6(a)(2) does not provide optimum climb performance. It states, in effect, that the landing climb must be determined at a speed not less than the approach speed at the 50-foot height used in determining the landing distance. Thus, under the current rule, the landing climb speed must be equal to or greater than the approach speed which could lead to a situation in which the airplane would have to be accelerated during a go around; a practice which the FAA considers to be unsafe. It therefore appears that the current requirements of section 6(a)(2) are unrealistic and more severe than the requirements applicable to transport category airplanes under Part 25. It has now been determined that the landing climb should be demonstrated at a speed not greater than the approach to the 50-foot height speed. A lower limit on the speed is necessary to prevent the climb from being conducted at a speed less than the engine out minimum control speed or the stalling speed.

Section 12 states that required flight instruments must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In effect, if two pilots are required for the operation of an airplane, this section could

require a separate set of flight instruments for each pilot. Since there has been some confusion in this connection, section 12 is amended to make it clear that the flight instruments must be centered as nearly as practicable about the vertical plane of each pilot's forward vision.

Section 35 is amended by changing the word "aircraft" in paragraphs (h) and (i) to the word "airplane". The regulation applies only to airplanes and the use of the term "aircraft" in paragraphs (h) and (i) was an oversight.

Since these amendments either remove an unnecessary restriction or contain clarifying or minor editorial changes, and since they impose no additional burden on any person, notice and public procedures hereon are unnecessary and they may be made effective in less than 30 days.

In consideration of the foregoing, Special Federal Aviation Regulation No. 23 is hereby amended, effective December 24, 1969, as follows:

1. Section 1 is amended by striking out the word "engine" and inserting the word "multiengine" in place thereof.

2. Section 4(d) is amended by striking out the reference to paragraph "(f)" and inserting the reference to paragraph "(e)" in place thereof.

3. Paragraph (b)(1) of section 5 is amended by inserting after the words "calibrated airspeed" in the introductory statement the words "on the ground", and by striking out the words "is rotated" in subdivision (iv) and inserting the words "can be rotated" in place thereof.

4. Paragraph (c)(1)(ii) of section 5 is amended to read as follows:

5. *Takeoff.*

* * * * *

(ii) Decelerate the airplane from V_2 to a speed not greater than 35 knots, assuming that in the case of engine failure, failure of the critical engine is recognized by the pilot at the speed V_1. The landing gear must remain in the extended position and maximum braking may be utilized during deceleration.

* * * * *

5. Paragraph (a)(2) of section 6 is amended to read as follows:

6. *Climb.* * * *

* * * * *

(2) A climb speed not greater than the approach speed established under section 7 of this regulation and not less than the greater of $1.05V_{MC}$ or $1.10V_{SR}$.

* * * * *

6. Paragraph (b) of section 12 is amended by striking out the word "the" between the words "of" and "pilot's" in the introductory statement and inserting the word "each" in place thereof.

7. Paragraphs (h) and (i) of section 35 are amended by deleting the word "aircraft" and inserting the word "airplane" in place thereof.

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

Issued in Washington, D.C., on December 17, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-15257; Filed, Dec. 23, 1969; 8:47 a.m.]

[Docket No. 69-CE-23-AD; Amdt. 39-895]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250-C18 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive with respect to Allison Model 250-C18 series engines was published in the FEDERAL REGISTER (34 F.R. 15845), on October 15, 1969. The proposal required at next overhaul, but no later than 750 hours since last overhaul or since new if never overhauled, after the effective date of the airworthiness directive, modification of the Allison Model 250-C18 series engines in accordance with the Allison Commercial Engine Bulletins listed therein except that the power and accessories gear box may be modified in accordance with applicable portions of said Allison Commercial Engine Bulletins at next overhaul but no later than 1,125 hours since last overhaul or since new if never overhauled. The proposal also stated that all engines must be modified no later than October 1, 1971.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments were received. One comment concurred with the issuance of the airworthiness directive as proposed.

The other comment was received from Fairchild-Hiller Corp., which, while not objecting to the issuance of the airworthiness directive presented certain arguments in connection with the airworthiness directive for consideration by the Federal Aviation Administration. They stated that adequate emphasis had not been placed on the fuel control and governing system and recommended that Allison Commercial Engine Bulletins 250CEB-3, -8, -10, -17, -22, -29, -30 and -33 be listed in the airworthiness directive as mandatory. Allison Commercial Engine Bulletins 250CEB-8, -10, -22, -29, -30 and -33 are prerequisite changes which must be incorporated prior to the other bulletins which are listed in the airworthiness directive as mandatory. Consequently, listing of these bulletins as recommended by the Corporation would be redundant. Allison Commercial Engine Bulletin 250CEB-3 adds a fuel filter drain for aircraft which do not have a fuel system drain required by the regulations applicable to the aircraft. This is not an airworthiness item applicable to the engine and is therefor not appropriate subject matter for this airworthiness directive. Allison Commercial Engine Bulletin 250CEB-17 has been incorporated on production fuel controls since 1966 and on units at overhaul since 1967. There is no apparent need to make this change mandatory in the airworthiness directive. The Corporation also questioned the capability of the engine manufacturer to support the large scale modification program on the time scale required by the proposal. This item was discussed with the manufacturer prior to publication of the proposed rule and they assured the agency that they could meet the proposed time schedule. Thirdly, the Corporation questioned the controls established to assure that a modified engine will not be returned to the previous configuration by the addition of unmodified spare components. While this possibility exists, agency experience has demonstrated that the required entries indicating compliance with an airworthiness directive in the engine maintenance records provide adequate controls.

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

ALLISON. Applies to Model 250-C18 Series Engines.

Compliance: Unless already accomplished, accomplish the following:

(1) At next overhaul but no later than 750 hours' time in service since last overhaul or since new if never overhauled, modify the engine in accordance with Allison Commercial Engine Bulletins numbered 250CEB-57, -58, -59, -61, -62, -63, -65, -66, -67, -68, -69, -70, -72, -73, -74, -75, -76, -77, -78, -79, -80, -81, -85, -86, and -89, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, except as specified in (2) below.

(2) At next overhaul but no later than 1,125 hours' time in service since last overhaul or since new if never overhauled, modify the power and accessories gear box in accordance with applicable portions of Allison Commercial Engine Bulletins specified in (1) above, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(3) All engines must be modified in accordance with (1) and (2) above on or before October 1, 1971.

This amendment becomes effective December 25, 1969.

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

Issued in Kansas City, Mo., on December 15, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-15258; Filed, Dec. 23, 1969; 8:47 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-599]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Use of Turbojet Aircraft in Excess of 12,500 and Under 27,000 Pounds Certificated Takeoff Weight in Planeload Charter Operations in the Carriage of Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of December 1969.

By circulation of EDR–167 (Docket 21298), dated August 11, 1969, and publication at 34 F.R. 13157, the Board gave notice that it proposed to amend Part 298 to permit the Postmaster General to utilize air taxi operators for the carriage of mail in planeload operations in turbojet aircraft with maximum certificated takeoff weight in excess of 12,500 and under 27,000 pounds and with maximum passenger capacity of 12 persons. Comments opposing the rule were filed by certain employee unions (jointly),[1] by Texas International Airlines, Inc., a local service carrier, and by the Post Office Department, the first two opposing the rule in toto and the latter, expressing opposition only in part. The Postmaster General requests modification of the proposed rule in two respects: (1) Delete any reference to seating limitations, and (2) permit the carriage of mail in planeload charters by air taxi operators utilizing piston-powered or turboprop aircraft providing a useful capacity not exceeding 6,000 pounds.

The union groups oppose the rule. They assert that there has been no showing that the mail carriage needs via heavy aircraft could not be, or are not being satisfied by the certificated air carriers. However, the proposed rule merely gives the Postmaster General the same right to use air taxi aircraft exceeding 12,500 pounds certificated takeoff weight for the carriage of mail that is presently available for the transportation of persons or property. We know of no reason, nor has any been presented in the comments filed, as to why the Postmaster General should not have the same type of service available to him as is available to the other users of air taxi transportation. Also, the unions express concern that the grant of the Postmaster General's petition would authorize the use of large aircraft without limit as to size or power in scheduled mail operations and might place air taxis in direct competition with the subsidized local service carriers engaged in mail carriage to the detriment of the public. However, the authority set forth in the proposed rule and granted herein[2] will be limited to turbojet aircraft under 27,000 pounds certificated takeoff weight and, in the case of competitive markets, can only be implemented after notice to the certificated route carrier which would be directly affected thereby.[3] Finally, they state that any further expansion of air taxi authority will increase the potential of this relatively unregulated group of carriers for impairment of existing standards in air transportation, without any compensating benefit to the traveling public and that the air taxi-commuter airline industry requires more, not less, regulation of carrier fitness and qualification. However, these allegations are general in nature, no factual data have been presented and we are not persuaded that these considerations are relevant to the additional authority granted herein.

A local service carrier (Texas International), opposing the rule, also contends that finalization of the proposed rule would divert substantial mail service pay from local service carriers at a time when they are in urgent need of revenues,[4] and requests that the Board set the matter for evidentiary hearing. We note that of all the certificated carriers served with the notice of rule making, only Texas International has filed an objection or made any claim as to diversion. In any event, the carrier will have full opportunity to object to any specific proposed service which it believes would cause diversion of its revenues in competitive markets.

The Postmaster General objects to the proposed rule insofar as it limits the carriage of mail in large aircraft to turbojet aircraft. He states, inter alia, that there are markets in which capacity and not speed is the problem, that the need is for authority to use piston or turboprop aircraft exceeding 12,500 pounds gross certificated takeoff weight, and that a maximum useful payload capacity of 6,000 pounds would be sufficient and such authorization would permit the use of DC–3 type aircraft. Also, he maintains that use of the exemption procedure of Part 302 of the Board's procedural regulations, as suggested in the notice of rule making, would not satisfy the Post Office Department's needs since the use of the exemption procedure would be too time consuming.

We are not persuaded to modify the proposed rule in this respect. The relief which we are giving here will enable the Post Office Department to make the same use of jet aircraft as can any other shipper. The Post Office Department's proposal would add a new category of aircraft to Part 298 which could be used solely for postal service operations. Quite apart from the potential competitive impact which this proposal could have on local service carriers, the proposal would invite regulatory problems. In most instances postal requirements are for late evening or early morning services, and air taxi operators would in many instances find it difficult to restrict their activities to postal services with respect to these aircraft in view of the economic pressures on them to make maximum efficient use of the aircraft. This circumstance could result in severe regulatory problems for the Board. Where the mail volume is such as to warrant the use of large nonturbojet aircraft and the certificated carriers cannot meet the needs, the Post Office Department may seek relief by means of the exemption procedure. While we recognize that this approach would be more cumbersome than that of a blanket exemption, we are not prepared, on the basis of the present showing, to adopt the radical change which the Post Office Department's proposal entails. In this connection, see ER–549, 33 F.R. 18234 (Dec. 7, 1968) where the Board refused to extend the blanket exemption for air taxi operations to the use of large nonturbojet aircraft in planeload charter operations (mimeo., pp. 6–8).

Finally, the Post Office Department requests that the Board delete from the proposed rule any reference to seating limitations. It asserts that some turbojets which could be useful to the Department would be excluded by the seating configuration in the proposed rule; that there is no danger that such aircraft could divert passengers from certificated carriers since it could be used only for planeload mail operations; and that a simple limitation such as gross takeoff weight would enable the Department to determine what aircraft types may be used when the capacity of large aircraft is required.

We shall modify the proposed rules so as to delete any reference to seating capacity in the Department's use of large turbojet aircraft for the planeload carriage of mail. We see no need to restrict the use of this type of aircraft to no more than 12-seat passenger equipment, since the use of turbojet aircraft over 12,500 and under 27,000 pounds certificated weight by the Post Office Department without regard to the number of passenger seats in the aircraft would not be competitive with the passenger service of the certificated carriers. Moreover, the affected certificated carriers will have an opportunity to file objections with the Board pursuant to the procedures of § 298.24 noted above (p. 2, supra) before the Post Office Department will be authorized to use such large aircraft in competitive markets.

Except for the above change, we shall finalize the rule as proposed. Therefore, except as otherwise noted herein, the tentative findings set forth in EDR–167, supra, are incorporated herein by reference and made final.

Accordingly, the Board hereby amends Part 298 of the economic regulations (14 CFR Part 298), effective January 24, 1970, as follows:

1. Amend paragraphs (a) and (i) of § 298.21 to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and

[1] Air Line Dispatchers Association; Air Line Employees' Association; Air Line Pilots Association, International Airline Division, International Brotherhood of Teamsters; International Association of Machinists; Transport Workers Union, AFL–CIO.

[2] The limitation in the proposed rule that large turbojet aircraft used by air taxi operators would be restricted to aircraft with passenger capacity of 12 persons will not be imposed. See p. 5, infra.

[3] See § 298.24 of the Board's economic regulations (14 CFR Part 298).

[4] It asserts that the Post Office Department predicted that in 1968 air taxi operators' revenues from mail service would be $8,500,000 and by 1972 air taxi operators would receive $15.7 million in mail service.

(2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds[*] and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however,* That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the State of Alaska or Hawaii: *And provided further,* That the aircraft seat limitation in subparagraph (2) above shall not be applicable to the carriage of mail. For purposes of this section, "charter flight" means air transportation performed by an air taxi operator on a time, mileage or trip basis where the entire capacity of one or more aircraft has been engaged (i) for the movement of persons and property (a) by a person for his own use, or (b) by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group, or (ii) for the transportation of mail for the Post Office Department.

* * * * *

(i) *Filing of reports by operators of turbojet aircraft.* Air taxi operators which engage in air transportation with turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each charter flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the number of pounds of mail transported, the charter price, and the model aircraft used.

Note: Service * * *

(Secs. 204(a), 401(a), 406, and 416(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 763, and 771; 49 U.S.C. 1324, 1371, 1376, and 1386.)

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

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15345; Filed, Dec. 23, 1969; 8:51 a.m.]

[*] The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1634]

PART 13—PROHIBITED TRADE PRACTICES

Aaron Stern, Inc., and Aaron Stern

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception:* 13.1055-50 Preticketing merchandise misleadingly. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Aaron Stern, Inc., et al., New York, N.Y., Docket C-1634, Nov. 19, 1969]

In the Matter of Aaron Stern, Inc., a Corporation, and Aaron Stern, Individually and as an Officer of said Corporation

Consent order requiring a New York City wholesale distributor of watches to cease preticketing its merchandise, misrepresenting the amounts of savings available to purchasers, furnishing others means to mislead retail customers, and failing to maintain required records.

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

It is ordered, That respondents Aaron Stern, Inc., a corporation, and its officers, and Aaron Stern, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of watches or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Disseminating or distributing any purported retail price or preticketing merchandise with any stated price amount unless (a) it is respondents' bona fide estimate of the actual retail price of the product in the area where respondents do business and (b) it does not appreciably exceed the highest price at which substantial sales of said product are made in said trade area.

2. Using any tags, labels, words or any other representation which, directly or by implication, refer to any amount as manufacturer's list price or other price designed or suggested by the manufacturer unless the price amount so referred to was in fact provided by the manufacturer and is the price at which the merchandise is regularly offered for sale in the trade area where respondents do business and does not appreciably exceed the highest price at which substantial sales of said product are made in said trade area.

3. Misrepresenting, in any manner, the prices at which respondents' merchandise is sold at retail.

4. Misrepresenting, in any manner, the amount of savings available to purchasers of respondents' merchandise at retail.

5. Furnishing to others any means or instrumentalities whereby the purchasing public may be misled or deceived as to the retail prices of respondents' merchandise or savings in connection with the purchase of said merchandise.

6. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims, and comparative value pricing claims and similar representations of the type described in paragraphs 1-4 of this order, are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1-4 of the order can be determined.

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

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

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

Issued: November 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15321; Filed, Dec. 23, 1969; 8:51 a.m.]

[Docket No. C-1629]

PART 13—PROHIBITED TRADE PRACTICES

Auteuil Fabrics, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

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

Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, Auteuil Fabrics, Inc., et al. New York, N.Y., Docket C-1629, Nov. 17, 1969]

In the Matter of Auteuil Fabrics, Inc., a Corporation, Royale Accessories, Inc., a Corporation, and David Schneider and Selma Schneider, Individually and as Officers of Said Corporation

Consent order requiring two New York City importers of wearing apparel including ladies' scarves to cease marketing dangerously flammable articles of clothing and falsely guaranteeing their textile fiber products.

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

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

It is further ordered, That the respondents herein shall within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof and (3) any disposition of such product since February 26, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or fabric with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents Auteuil Fabrics, Inc., a corporation, and its officers, and Royale Accessories, Inc., a corporation, and its officers, and David Schneider and Selma Schneider, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile product is not misbranded or falsely invoiced when the respondents have reason to believe that such textile product may be introduced, sold, transported or distributed in commerce.

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

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15314; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. 8782]

PART 13—PROHIBITED TRADE PRACTICES

Bar V O Chinchilla Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of products or service;* § 13.190 *Results.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1715 *Quality;* § 13.1730 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Bar V O Chinchilla Co., Inc., et al., Coats, Kans., Docket No. 8782, Nov. 19, 1969]

In the Matter of Bar V O Chinchilla Co., Inc., a Corporation, and Grace Irene Gerstner and Michael J. Gerstner, Individually and as Officers of Said Corporation, and Ambrose J. Gerstner, Individually and as a Director of Said Corporation

Order requiring a Coats, Kans., corporation selling chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of the stock, and misrepresenting its services to purchasers.

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

It is ordered, That respondents Bar V O Chinchilla Co., Inc., a corporation, and its officers, and Grace Irene Gerstner and Michael J. Gerstner, individually and as officers of said corporation, and Ambrose J. Gerstner, individually and as a director of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages or attics, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation and other environmental conditions.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, caring for and raising of such animals.

3. Chinchillas are hardy animals or are not susceptible to disease.

4. Purchasers of respondents' chinchilla breeding stock will receive select or choice quality chinchillas.

5. Each female chinchilla purchased from respondents and each female offspring will produce at least four live young per year.

6. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

7. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of one to four live offspring at 111-day intervals.

8. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla from respondents' breeding stock unless in fact the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of

litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

9. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of $20 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from $20 to $30 each.

10. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless in fact the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

11. A purchaser starting with three females and one male will have, from the sale of pelts, an annual income, earnings or profits of $7,000 in the fourth year after purchase.

12. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless in fact the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

13. Breeding stock purchased from respondents is guaranteed or warranted without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform thereunder and the identity of the guarantor.

14. Purchasers of respondents' chinchilla breeding stock will receive three or any other number of service calls from respondents' service personnel each year or at any other interval or frequency unless purchasers do in fact receive the represented number of service calls at the represented interval or frequency.

15. Purchasers of respondents' chinchilla breeding stock are given guidance in the care and breeding of chinchillas or are furnished advice by respondents as to the breeding of chinchillas unless purchasers are actually given the represented guidance in the care and breeding of chinchillas and are furnished the represented advice by respondents as to the breeding of chinchillas.

16. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

17. The assistance or advice furnished to purchasers of respondents' chinchilla breeding stock by respondents will enable purchasers to successfully breed or raise chinchillas as a commercially profitable enterprise.

B. Misrepresenting, in any manner, the assistance, training, service or advice supplied by respondents to purchasers of their chinchilla breeding stock.

C. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen and other persons engaged in the sale of the respondent's products or services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

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

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

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

Issued: November 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15315; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1633]

PART 13—PROHIBITED TRADE PRACTICES

Baruch Petranker Import Co., Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Baruch Petranker Import Co., Inc., et al., San Francisco, Calif., Docket C-1633, Nov. 17, 1969]

In the Matter of Baruch Petranker Import Co., Inc., a Corporation, and Baruch Petranker and Ingeborg Petranker, Individually and as Officers of Said Corporation

Consent order requiring a San Francisco, Calif., importer of gift items including scarves and T-shirts to cease marketing dangerously flammable products.

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

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

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the fabric, product or related material which gave rise to the complaint, (1) the amount of such fabric, product or related material in inventory, (2) any action taken to notify customers of the flammability of such fabric, product or related material and the results thereof and (3) any disposition of such fabric, product or related material since May 14, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report.

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

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15319; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1630]

PART 13—PROHIBITED TRADE PRACTICES

Design Fabrics, Inc., et al.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Design Fabrics, Inc., et al., Los Angeles, Calif., Docket C-1630, Nov. 17, 1969]

In the Matter of Design Fabrics, Inc., a Corporation, Trading as Design House, and George Herooka and Stephen Shinto, Individually and as Officers of Said Corporation

Consent order requiring a Los Angeles, Calif., manufacturer of women's and misses' wearing apparel to cease marketing dangerously flammable products.

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

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

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

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

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15316; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1631]

PART 13—PROHIBITED TRADE PRACTICES

Salvatore F. Greco and Greco Furs

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Salvatore F. Greco, et al., New York, N.Y., Docket C-1631, Nov. 17, 1969]

In the Matter of Salvatore F. Greco, an Individual, Trading as Greco Furs

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

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

It is ordered, That respondent Salvatore F. Greco, individually and trading as Greco Furs or any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Falsely or deceptively labeling or otherwise falsely or deceptively identifying such fur product by representing, directly or by implication, that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

3. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

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

2. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which represents, directly or by implication, that the fur contained in such fur product is natural when the fur contained therein is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15320; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1635]

PART 13—PROHIBITED TRADE PRACTICES

Hi-Gear Tire & Auto Supply, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–15 Comparative; 13.155–100 Usual as reduced, special, etc. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat 719, as amended; 15 U.S.C. 45) [Cease and desist order, Hi-Gear Tire & Auto Supply, Inc., et al., Capitol Heights, Md., Docket C-1635, Nov. 19, 1969]

In the Matter of Hi-Gear Tire & Auto Supply, Inc., a Corporation, and Murray Friedman, Stanley Love, and Abe Shuster, Individually and as Officers of Said Corporation

Consent order requiring a Capitol Heights, Md., distributor of automobile tires, parts, and accessories to cease making false pricing and saving claims in the sales promotion of its products and failing to maintain adequate records to support such claims.

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

It is ordered, That respondents Hi-Gear Tire & Auto Supply, Inc., a corporation, and its officers, and Murray Friedman, Stanley Love and Abe Shuster, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of automobile tires, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "sale", "special", "save" or any other word or words of similar import or meaning in connection with an offer to sell an automobile tire or otherwise representing, directly or by implication, that a person purchasing such tire at respondent's offering price will realize savings in an unspecified amount unless the price at which the tire is being offered is (a) significantly reduced from the actual bona fide price at which respondents recently and regularly sold the offered tire to the public for a reasonably substantial period of time prior to the offer, or (b) significantly reduced from the lowest price of the prices at which said tire was sold to the public by respondents in the recent regular course of their business prior to such offer.

2.(a) Representing, in any manner, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such merchandise has been sold at the former price by respondents for a reasonably substantial period of time in the recent, regular course of their business.

(b) Representing, in any manner, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of respondents' merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or higher and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

3. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims and similar representations of the type are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 1 and 2 of this order can be determined.

4. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

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

It is further ordered, That respondents forthwith distribute a copy of this order to each of the operating divisions or departments of the corporate respondent and to the present and future manager of each of respondents' retail outlets.

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

Issued: November 19, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15317; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. C-1632]

PART 13—PROHIBITED TRADE PRACTICES

Men's Wear, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Men's Wear, Inc., et al., Seattle, Wash., Docket C-1632, Nov. 17, 1969]

In the Matter of Men's Wear, Inc., a Corporation, and Benjamin H. Genauer and Sheldon P. Steinberg, Individually and as Officers of Said Corporation

Consent order requiring a Seattle, Wash., manufacturer of men's and boys' clothing to cease misbranding its wool products.

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

It is ordered, That respondents Men's Wear, Inc., a corporation, and its officers, and Benjamin H. Genauer and Sheldon P. Steinberg, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

3. Setting forth information required under section 4(a)(2) of the Wool Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to wool products.

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

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

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

Issued: November 17, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-15318; Filed, Dec. 23, 1969; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965____)

Subpart O—Providers of Services, Independent Laboratories, and Suppliers of Portable X-ray Services; Determinations and Appeals Procedures

MISCELLANEOUS AMENDMENTS

Subpart O of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations, as amended (20 CFR Part 405), is amended as indicated in paragraphs 1 through 16 below.

1. The heading of Subpart O is revised to read as set forth above.

2. Sections 405.1501 through 405.1503 are revised to read as follows:

§ 405.1501 Providers of services, independent laboratories, and suppliers of portable X-ray services; determinations and appeals procedures.

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, extended care facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of title XVIII of the Social Security Act and Subparts J, K, L, or Q of this part 405, as appropriate; the termination of the Secretary's agreement with a provider of services; and whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405).

(b) Any institution, facility, agency, or clinic dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services may request the Administration to reconsider that determination (see § 405.1510). If dissatisfied with the reconsidered determination of the Administration, or with an initial determination terminating the Secretary's agreement with it, an institution, facility, agency, or clinic is entitled to a hearing thereon and, if dissatisfied with the Secretary's final decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

(c) Any independent laboratory or supplier of portable X-ray services which is dissatisfied with an initial determination (see § 405.1502) that its services do not meet the conditions for coverage (see Subparts M and N of this Part 405) may request the Administration to reconsider that determination (§ 405.1510). If dissatisfied with the reconsidered determination of the Administration, or where a determination had been made that an independent laboratory's or portable X-ray supplier's services met the respective conditions for coverage, with an initial determination thereafter that its services no longer meet the respective conditions for coverage, a laboratory or portable X-ray supplier may request a hearing thereon (see § 405.1530), and if dissatisfied with the decision of the hearing examiner may request Appeals Council review. A laboratory or portable X-ray supplier is not entitled to judicial review of the Secretary's final decision after such hearing and review.

(d) To be a participating provider of services, eligible for payment, a provider must be in compliance with Title VI of the Civil Rights Act of 1964 and must enter into an agreement with the Secretary under section 1866 of the Social Security Act (see Subpart F of this Part 405). The provisions of this Subpart O do not govern in any respect the adjudication of issues related to the compliance of an institution or agency with Title VI of the Civil Rights Act of 1964, or the implementing regulation (45 CFR Part 80) issued by the Secretary of Health, Education, and Welfare.

§ 405.1502 Initial determinations.

The Administration will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

(a) Whether an institution, facility, agency, or clinic is a provider of services within the meaning of title XVIII of the Social Security Act and the provisions set forth in Subparts J, K, L, or Q of this part, as appropriate, if the institution, facility, agency, or clinic has filed a written request for such a determination;

(b) (1) Whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405), if the laboratory or portable X-ray supplier has filed a written request for such a determination; or

(2) Whether an independent laboratory or supplier of portable X-ray services continues to meet the appropriate conditions for coverage of its services following such visit, resurvey, and/or certification by a State agency as is provided in §§ 405.1306, 405.1307, 405.1406, or 405.1407 of this part as appropriate; and

(c) The termination by the Secretary of an agreement with a provider of services, because the provider no longer meets the appropriate conditions of participation necessary to qualify as a provider, or for any other cause for termination by the Secretary described in the provisions of § 405.614.

§ 405.1503 Notice of initial determination.

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to the termination of an agreement; or with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and will include the basis or reasons for the determination, and information concerning the appeal rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1510 and 405.1530).

3. Sections 405.1505 through 405.1513 are revised to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart O include, but are not limited to, the following:

(a) The finding, in accordance with the provisions set forth in §§ 405.1005, 405.1105, 405.1205, 405.1305, 405.1405, or 405.1705, as appropriate, that an institution, facility, agency, or clinic determined to be a provider has deficiencies with respect to one or more conditions of participation, or that an independent laboratory or supplier of portable X-ray services, determined to be in substantial compliance with the conditions, has deficiencies with respect to one or more conditions for coverage of services of independent laboratories or suppliers of portable X-ray services.

(b) The finding that an institution, facility, or agency does not meet the conditions for participation as set out in Subparts J, K, or L of this part, as appropriate, but only where such institution, facility, or agency is nevertheless approved as a provider of services on the basis of a special access certification (see §§ 405.1010, 405.1110, and 405.1209).

(c) The finding that the services of a laboratory are covered under the health insurance program because the laboratory is not independent of a hospital for purposes of section 1861(s) (10) and (11) of the Act and the laboratory meets the health and safety standards prescribed for such laboratories.

(d) The finding that laboratory services are physician's services for the reason that the laboratory is being maintained primarily for the physician's patients, and such physician's services are covered under the supplementary medical insurance program (see §§405.231 and 405.1301(b)).

(e) The refusal by the Secretary to accept for filing, an agreement submitted by an institution, facility, agency, or clinic under the terms of section 1866 of the Social Security Act where such institution, facility, agency, or clinic is not in compliance with the provisions of Title VI of the Civil Rights Act of 1964.

(f) The finding that, pursuant to section 1866(c) of the Act, a provider is not eligible for participation after the Secretary has terminated his agreement with the provider. (See §§ 405.614 and 405.616.)

§ 405.1510 Reconsideration; right to reconsideration.

Any institution, facility, agency, or clinic which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services or any independent laboratory or supplier of portable X-ray services which is dissatisfied with an initial determination that its services do not meet the conditions for coverage (see Subparts M and N of this Part 405) as appropriate, may request that the Administration reconsider the determination. The Administration will reconsider an initial determination if a written request for reconsideration is filed by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned, as provided in § 405.1511.

§ 405.1511 Time and place of filing request for reconsideration.

(a) A request for reconsideration must be in writing (see § 405.1512) and should state the issues or findings of fact with which the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, as appropriate disagreee and the reasons for disagreement.

(b) The request for reconsideration must be filed within 6 months after the date of the mailing of the notice of the initial determination unless the time for filing is extended as provided in § 405.1518. The request is to be filed at an office of the Social Security Administration or with an employee of the Administration authorized to accept such requests at a place other than such office. A request for reconsideration which has been timely filed with the State agency that performed the survey and certification function will be considered to have been filed with the Social Security Administration.

§ 405.1512 Proper party for filing request for reconsideration.

The legal representative or other authorized official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to an initial determination shall file the request for reconsideration of such determination (see §§ 405.1510 and 405.1511).

§ 405.1513 Withdrawal of request for reconsideration.

A request for reconsideration may be withdrawn prior to the mailing of notice of the reconsidered determination (see § 405.1516) if a written request for withdrawal is filed with the Administration by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which filed the request for reconsideration and the Administration approves the request.

4. Sections 405.1515 and 405.1516 are revised to read as follows:

§ 405.1515 Submission of evidence.

The Administration will receive in evidence any documents or written statements which are relevant and material to the matters at issue and which are submitted within a reasonable time after the filing of a request for reconsideration. The reconsidered determination will be based on the evidence considered in making the initial determination and whatever other written evidence may be submitted prior to the time of the reconsidered determination, taking into account facts relating to the status of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier as of a date subsequent to the initial determination.

§ 405.1516 Notice of reconsidered determination.

Written notice of a reconsidered determination (see § 405.1514) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned. The notice of the reconsidered determination will contain findings on conditions with respect to which the institution, facility, agency, clinic, laboratory, or portable X-ray supplier fails to meet the requirements of the law and regulations, if such be the case, and a statement of the reasons for the determination, and will inform the institution, facility, agency, clinic, laboratory, or portable X-ray supplier of its right to a hearing (see § 405.1530).

5. Sections 405.1519 and 405.1520 are revised to read as follows:

§ 405.1519 Revision of initial or reconsidered determination.

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Administration upon its own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination (see § 405.1520).

§ 405.1520 Notice of revision.

Written notice of the revision of an initial or reconsidered determination (see § 405.1519) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination. The notice of revision will state the basis or reasons for the revised determination and, if the determination be that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services (see Subparts M and N of this Part 405), will contain findings on conditions with respect to which the laboratory or portable X-ray supplier fails to meet the requirements of the law and regulations and will inform the laboratory or portable X-ray supplier of its right to a hearing as provided in § 405.1530.

6. Sections 405.1530 through 405.1532 are revised to read as follows:

§ 405.1530 Hearing; right to hearing.

After an initial and reconsidered determination that it does not qualify as a provider of services or that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services (see §§ 405.1502 (a) and (b)(1) and 405.1514); or after an initial determination described in § 405.1502 (b)(2) and (c); or after a revised determination described in § 405.1519, an institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall be entitled to a hearing with respect to such determination, if the representative of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier files a written request for a hearing as provided in § 405.1531.

§ 405.1531 Filing a request for a hearing; time and manner of filing.

(a) The request for a hearing shall be made in writing, signed by a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Administration, or with a hearing examiner or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502 (b)(2) or (c), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

(b) The request for a hearing shall contain a statement as to the specific issues or findings of fact and conclusions of law in the preceding determination with which the institution, facility, agency, clinic, laboratory, or portable X-ray supplier disagrees, and the basis for its contention that the specific issues and/or findings and conclusions were incorrect.

(c) The legal representative or any other authorized official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall be a proper person to file the request for hearing.

§ 405.1532 Parties to the hearing.

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the prior determination

(see §§ 405.1502(b)(2) and (c), 405.1514, and 405.1519) and the Bureau of Health Insurance. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

7. Section 405.1534 is revised to read as follows:

§ 405.1534 Disqualification of hearing examiner.

No hearing examiner shall conduct a hearing in a case in which he is prejudiced or partial with respect to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, or where he has any interest in the matter pending for decision before him. Notice of any objection which a party to the hearing may have to the hearing examiner who will conduct the hearing shall be made at the earliest opportunity. The hearing examiner shall consider the objection(s) and shall, in his discretion, either proceed with the hearing or withdraw. If the hearing examiner withdraws, another hearing examiner shall be designated (see § 405.1533) to conduct the hearing. If the hearing examiner does not withdraw, the objecting party may, after the hearing, present his objections to the Appeals Council as reasons why he believes the hearing examiner's decision should be revised or a new hearing held before another hearing examiner.

8. Sections 405.1536 and 405.1537 are revised to read as follows:

§ 405.1536 Time and place of prehearing conference.

The hearing examiner shall fix a time and place for the prehearing conference, written notice of which shall be mailed to the parties not less than 10 days prior to the conference date. The notice shall inform the parties of the purpose of the prehearing conference and the issues sought to be resolved, stipulated to, or excluded. If a party has information which will involve additional issues for consideration at the prehearing conference, other than those set forth in the notice of determination (see §§ 405.1503, 405.1516, and 405.1520) and the request for hearing by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, timely notice should be given to the hearing examiner and the other party of such information. The hearing examiner may also raise any additional issues by including them in his notice of the prehearing conferences or during the conference.

§ 405.1537 Conduct of prehearing conference.

The prehearing conference shall be open to the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the representatives of the Bureau of Health Insurance, to their technical advisors, and to such other persons as the hearing examiner deems necessary or proper. The hearing examiner may accept the agreement of the parties as to those facts which are not in controversy and as to questions which have been resolved favorably to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier subsequent to the determination in dispute. The hearing examiner may accept the agreement of the parties as to the remaining issues to be resolved. The parties may be requested to indicate what witnesses will be present to testify at the hearing, the qualifications of such witnesses, and the nature of other evidence to be submitted.

9. Sections 405.1542 and 405.1543 are revised to read as follows:

§ 405.1542 Hearing on new issues.

(a) On the application of either party, or on his own motion, the hearing examiner may give notice at any time after a request for hearing has been filed (see § 405.1531), but prior to the closing of the record, that he will consider any specific new issue which may affect the rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, even though the Administration has not made an initial and reconsidered determination with respect to the issue and even though the issue arose after the request for hearing or prehearing conference: Except that, in the case of an initial determination described in § 405.1502 (b)(2) or (c), the hearing examiner shall not consider any issue which arose on or after (1) the effective date of the termination of an institution's, facility's, agency's, or clinic's agreement with the Secretary or (2) the date on which it is determined that a laboratory or portable X-ray supplier no longer meets the conditions for coverage of its services. Notice of the time and place of the hearing on any new issue shall, unless waived (see § 405.1550), be given to the parties within the time and manner prescribed in § 405.1540. Upon giving of such notice, the hearing examiner shall, except as otherwise provided, proceed to hearing on such new issues in the same manner as he would on an issue in which an initial and reconsidered determination had been made by the Administration and a hearing request with respect thereto had been filed.

(b) On the application of either party, or on his own motion, in lieu of considering any new issue in the manner described in the preceding paragraph, the hearing examiner may remand the case to the Bureau of Health Insurance for consideration of the new issue and, where appropriate, a determination. Where necessary the hearing examiner may direct that the case be returned to him for further proceedings. See also § 405.1560.

§ 405.1543 Joint hearings.

When two or more institutions, facilities, agencies, clinics, laboratories, or portable X-ray suppliers have requested hearings and the same or substantially similar matters are in issue, the hearing examiner may, if all parties agree, fix the same times and places for each prehearing conference or hearing and conduct all such procedings jointly. Where joint hearings are held, a single record of the proceedings shall be made and a separate decision issued with respect to each institution, facility, agency, clinic, laboratory, or portable X-ray supplier.

10. Section 405.1545 is revised to read as follows:

§ 405.1545 Conduct of the hearing.

The hearing shall be open to the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the representatives of the Bureau of Health Insurance, their technical advisors, and to such other persons as the hearing examiner deems necessary or proper. The hearing examiner shall inquire fully into all of the matters at issue (see § 405.1542) and shall receive in evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the hearing examiner believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing examiner may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of hearing examiner.

11. Sections 405.1550 through 405.1554 are revised to read as follows:

§ 405.1550 Waiver of right to appear and present evidence.

If the institution, facility, agency, clinic, laboratory, or portable X-ray supplier waives its right to appear before the hearing examiner and present testimony, it shall not be necessary for the hearing examiner to give notice of and conduct an oral hearing. A waiver of this right shall be made in writing and filed with the hearing examiner. A waiver may be withdrawn by an institution, facility, agency, clinic, laboratory, or portable X-ray supplier, for good cause shown, at any time prior to the mailing of notice of the decision in the case. Even though an institution, facility, agency, clinic, laboratory, or portable X-ray supplier has filed a waiver of a hearing before a hearing examiner, the hearing examiner may, nevertheless, give notice of a time and place and conduct a hearing if he believes that testimony of the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or other persons is needed to clarify the facts in issue, or on a showing of good cause by the Bureau of Health Insurance of the need to present oral evidence. When such a waiver has been filed and no testimony received, the hearing examiner shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial, reconsidered, or revised determination (see §§ 405.1502, 405.1514, and 405.1519), and whatever additional relevant and material evidence was submitted by the parties for consideration by the hearing examiner. Any additional evidence submitted by either party shall be furnished to the other party and that party shall be given a reasonable opportunity to submit further evidence in rebuttal. The parties may submit briefs or other written statements of evidence

and/or proposed findings of fact or conclusions of law, copies of which shall be sent in accordance with § 405.1595. After the hearing examiner sets the case for oral hearing and gives notice of the time and place set for the hearing, the request for hearing shall be dismissed in accordance with § 405.1552 where the institution, facility, agency, clinic, laboratory, or portable X-ray supplier fails to appear without good cause.

§ 405.1551 Dismissal of request for hearing.

The hearing examiner, at any time prior to the mailing of notice of the decision (see § 405.1557), may dismiss a hearing request where a party withdraws its request for a hearing or where the institution, facility, agency, clinic, laboratory, or portable X-ray supplier asks that its request be dismissed. An institution, facility, agency, clinic, laboratory, or portable X-ray supplier may request a dismissal by filing a written notice with the hearing examiner.

§ 405.1552 Dismissal by abandonment.

The hearing examiner may dismiss a request for hearing upon its abandonment by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier on whose behalf it was filed. An institution, facility, agency, clinic, laboratory, or portable X-ray supplier may be deemed to have abandoned a request for hearing if the representative or proper official does not appear at the prehearing conference or hearing and prior to that time has not shown good cause as to why he could not appear; or, within 10 days after the mailing of a notice to the representative by the hearing examiner to show cause, did not show good cause for failing to appear or to notify the hearing examiner prior to the time for the prehearing conference or hearing that he could not appear.

§ 405.1553 Dismissal for cause.

On his own motion, or on the motion of a party to the hearing, the hearing examiner may dismiss a hearing request either entirely or as to any stated issue, under any of the following circumstances:

(a) *Resjudicata.* Where there has been a previous determination or decision by the Secretary with respect to the rights of the same institution, facility, agency, clinic, laboratory, or portable X-ray supplier on the same facts and law pertinent to the same issue or issues which has become final either by judicial affirmance or, without judicial consideration, upon failure of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier timely to request reconsideration, hearing, or review, or to commence a civil action with respect to such determination or decision.

(b) *No right to hearing.* Where the party requesting a hearing is not a proper party (see § 405.1531(c)) or does not otherwise have a right to a hearing.

(c) *Hearing request not timely filed.* Where an institution, facility, agency, clinic, laboratory, or portable X-ray supplier has failed to file a hearing request timely and the time for filing such request has not been extended.

§ 405.1554 Notice of dismissal and right to request review thereof.

Notice of the hearing examiner's dismissal action shall be mailed to the parties. Such notice shall advise the institution, facility, agency, clinic, laboratory, or portable X-ray supplier of its right to request review by the Appeals Council as provided in §§ 405.1561 and 405.1562.

12. Section 405.1563 is revised to read as follows:

§ 405.1563 Action by the Appeals Council on request for review.

The review or denial of the hearing examiner's decision shall be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. Except as provided in § 405.1568, the Appeals Council shall review the hearing examiner's decision or dismissal where an institution, facility, agency, clinic, laboratory, or portable X-ray supplier, files a request for review. The Appeals Council may dismiss, deny, or grant a request for review filed by the Bureau of Health Insurance. If the review is granted, the Appeals Council may either modify, affirm, or reverse the hearing examiner's decision. Notice of the action by the Appeals Council shall be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the Bureau of Health Insurance.

13. Section 405.1567 is revised to read as follows:

§ 405.1567 Effect of the Appeals Council decision.

The decision of the Appeals Council shall be final and binding unless a civil action (see § 405.1501(b)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act or unless the decision is revised in accordance with § 405.1570. (Section 1869(c) of the Act does not grant judicial review of the Secretary's decision with respect to whether an independent laboratory or supplier of portable X-ray services meets the conditions for coverage, as required by Subparts M and N, respectively.)

14. Section 405.1569 is revised to read as follows:

§ 405.1569 Extension of time to request a hearing or review or begin civil action.

(a) Any institution, facility, agency, clinic, laboratory, or portable X-ray supplier which is a party to an initial determination described in § 405.1502(b)(2) or (c); or to a reconsidered determination that it does not qualify as a provider of services or does not meet the conditions for coverage; or to a revised determination described in § 405.1519; or which is a party to a decision of a hearing examiner may request an extension of time for filing a request for hearing or review, as the case may be, although the time for filing the request has passed. If an extension of time for filing a request for hearing before a hearing examiner is sought, the request may be filed with the hearing examiner. In any other case, the request shall be filed with the Appeals Council. The request shall be in writing and shall state the reasons why the request was not filed within the required time. An institution, facility, agency, or clinic which is a party to a decision of the Appeals Council, may ask the Appeals Council for an extension of time for commencing civil action in a district court within 60 days from the date of the notice of the Appeals Council action and shall state the reasons an extension is required. For good cause shown, the hearing examiner may extend the time for filing a request for hearing or the Appeals Council may extend the time for filing a request for review or civil action.

(b) An independent laboratory or supplier of portable X-ray services is not entitled to judicial review of the Secretary's final decision after the hearing and review.

15. Sections 405.1572 and 405.1590 are revised to read as follows:

§ 405.1572 Effect of revised determination.

A revised decision by a hearing examiner shall be final and binding upon the parties thereto unless reviewed by the Appeals Council in accordance with §§ 405.1561–405.1563. A revised decision by the Appeals Council shall be final and binding unless a civil action (see § 405.1501(b)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act.

§ 405.1590 Representation.

An institution, facility, agency, clinic, laboratory, or portable X-ray supplier may appoint as its representative any individual except an individual disqualified or suspended from acting as a representative in proceedings before the Social Security Administration or otherwise prohibited by law. Except where the representative appointed is an attorney, an institution, facility, agency, clinic, laboratory, or portable X-ray supplier must give written notice of the appointment of a representative. The notice of appointment shall be filed at an office of the Administration, or with the hearing examiner or the Appeals Council. Where the representative appointed is an attorney, in the absence of information to the contrary, his representation that he has the authority to represent the party shall be accepted as evidence of his authority.

16. Section 405.1592 is revised to read as follows:

§ 405.1592 Fees for services.

Fees for any services rendered by a representative appointed and qualified

as in §§ 405.1590 and 405.1591 on behalf of any institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall not be the subject to the provisions of section 206 of title II of the Social Security Act.

(Secs. 1102, 1866, 1869, 1871, 1872, 49 Stat. 647, as amended; 79 Stat. 327; 79 Stat. 330–332; 42 U.S.C. 1302, 1395 et seq.)

17. *Effective date.* The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER.

Dated: November 28, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 18, 1969.

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

[F.R. Doc. 69-15284; Filed, Dec. 23, 1969; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 222—STATE LICENSES OF SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Miscellaneous Amendments

In the FEDERAL REGISTER of November 11, 1969, there was published on pages 18125 and 18126 a notice of proposed rule making to amend the regulations in Parts 222 and 223 of Title 31 of the Code of Federal Regulations governing the certification of surety companies as acceptable sureties on obligations to the United States and the acceptability of such obligations. After consideration of all such relevant matter as was presented by interested persons, the proposed amendments are adopted, effective January 1, 1970, subject to the following changes:

1. Section 223.16 is changed by adding a new concluding sentence.

2. Section 223.17 is changed by revising the second sentence in paragraph (a) and the first sentence in paragraph (b).

Dated: December 19, 1969.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

1. Part 222 is amended by revoking the part and section heading, by revising the text, and by redesignating the revised text as paragraph (b) of § 223.5 (see 4 below).

2. Section 223.2 is amended by revising the section heading and text to read:

§ 223.2 Application for certificate of authority.

Every company wishing to apply for a certificate of authority shall address the Assistant Comptroller (Chief Auditor), Bureau of Accounts, U.S. Department of Treasury, Washington, D.C. 20226, who will notify the company of the data which the Secretary of the Treasury determines from time to time to be necessary to make application. In accord with 6 U.S.C. 8 the data will include a copy of the applicant's charter or articles of incorporation and a statement, signed and sworn to by its president and secretary, showing its assets and liabilities.

3. Section 223.3 is amended by revoking the final sentence thereof.

4. Section 223.5 is amended by designating the existing section as paragraph (a) and by adding a new paragraph (b), so that the entire section as amended reads:

§ 223.5 Business.

(a) The company must engage in the business of fidelity insurance and suretyship, whether or not also making contracts of insurance in other classes of insurance, but shall not be engaged in any type or class of business not authorized by its charter or by the laws of the State in which the company is incorporated. It must be the intention of the company to engage actively in the execution of fidelity and surety bonds in favor of the United States.

(b) No bond is acceptable if it has been executed by a company or its agent in a State where it has not obtained that State's license to do a fidelity and surety business. However, bonds executed by any surety company at its home office or outside the boundaries of a State wherein it is not licensed for a principal residing in such State or for a contract to be performed therein are acceptable.

5. Section 223.9 is amended by revising the text to read:

§ 223.9 Valuation of assets.

In determining the financial condition of every such company, its assets and liabilities will be computed on the basis recommended by the National Association of Insurance Commissioners so far as practicable and consistent with the regulations in this part. However, the Secretary of the Treasury may, in his discretion, value the assets or other securities of such companies in accordance with the best information obtainable. Credit will be allowed for reinsurance in all classes of risks if the reinsuring company holds a certificate of authority from the Secretary of the Treasury, or has been recognized as an admitted reinsurer in accord with § 223.12.

6. Section 223.10 is amended by revising the text to read:

§ 223.10 Limitation of risk.

Except as provided in § 223.11, no company holding a certificate of authority shall underwrite any risk on any bond or policy on behalf of any individual, firm, association, or corporation, whether or not the United States is interested as a party thereto, the amount of which is greater than 10 percent of the paid-up capital and surplus of such company, as determined by the Secretary of the Treasury. That figure is hereinafter referred to as the underwriting limitation.

7. Section 223.11 is amended by revising the section heading and text to read:

§ 223.11 Limitation of risk: Protective methods.

The limitation of risk prescribed in § 223.10 may be complied with by the following methods:

(a) *Coinsurance.* Two or more companies may underwrite a risk on any bond or policy, the amount of which does not exceed their aggregate underwriting limitations. Each company shall limit its liability upon the face of the bond or policy, to a definite specified amount which shall be within its underwriting limitation.

(b) *Reinsurance.* (1) In respect to bonds running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond with a company holding a certificate of authority from the Secretary of the Treasury. Reinsurance is not permissable on bonds covering formal contracts with the United States for the construction of any building, or the prosecution and completion of any public work, or for repairs upon any public building or public work; such liability shall be protected in the manner set forth in paragraph (a) of this section; i.e., coinsurance.

(2) In respect to risks covered by bonds or policies not running to the United States, liability in excess of the underwriting limitation shall be reinsured within 45 days from the date of execution and delivery of the bond or policy with:

(i) Any company holding a certificate of authority from the Secretary of the Treasury, or

(ii) Any company recognized as an admitted reinsurer in accord with § 223.12, or

(iii) A pool, association, etc., to the extent that it is composed of such companies.

(3) No certificate-holding company may cede to a reinsuring company recognized under § 223.12 any risk in excess of 10 percent of the latter company's paid-up capital and surplus.

(c) *Other methods.* Excess liability may otherwise be protected:

(1) By the deposit with the company in pledge, or by conveyance to it in trust for its protection, of property the current market value of which is at least equal to the liability in excess of its underwriting limitation, or

(2) If such obligation was incurred on behalf of or on account of a fiduciary holding property in a trust capacity, by a joint control agreement which provides that the whole or a sufficient portion of the propery so held may not be disposed of or pledged in any way without the consent of the insuring company.

8. Section 223.12 is amended by revising the section heading and the text to read:

§ 223.12 Recognition as reinsurer.

(a) *Application by U.S. company.* Any company organized under the laws of the United States or of any State thereof, wishing to apply for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States, shall file with the Assistant Comptroller (Chief Auditor):

(1) A certified copy of its charter or articles of incorporation, and

(2) A certified copy of a license from any State in which it has been authorized to do business, and

(3) A copy of the latest available report of its examination by a State Insurance Department, and

(4) A statement of its financial condition, as of the close of the preceding calendar year, on the annual statement form of the National Association of Insurance Commissioners, signed and sworn to by two qualified officers of the company, showing that it has a capital stock paid up in cash of not less than $250,000, in the case of a stock insurance company, or has net assets of not less than $500,000 over and above all liabilities, in the case of a mutual insurance company, and

(5) Such other evidence as the Secretary of the Treasury may determine necessary to establish that it is solvent and able to keep and perform its contracts.

(b) *Application by a U.S. branch.* A U.S. branch of an alien company applying for such recognition shall file with the Assistant Comptroller (Chief Auditor):

(1) The submissions listed in subparagraphs (1) through (5) of paragraph (a) of this section, except that the financial statement of such branch shall show that it has net assets of not less than $250,000 over and above all liabilities and

(2) Evidence satisfactory to the Secretary of the Treasury to establish that it has on deposit in the United States not less than $250,000 available to its policyholders and creditors in the United States.

(c) *Financial reports.* Each company recognized as an admitted reinsurer shall file with the Assistant Comptroller (Chief Auditor) on or before the first day of March of each year its financial statement and such additional evidence as the Secretary of the Treasury determines necessary to establish that the requirements of this section are being met.

9. Section 223.16 is amended by revising the section heading and text to read:

§ 223.16 List of certificate holding companies.

A list of qualified companies is published annually as of July 1 in Department Circular No. 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, with information as to underwriting limitations, areas in which licensed to transact a fidelity and surety business and other details. If the Secretary of the Treasury shall take any exceptions to the annual financial statement submitted by a company, he shall, before issuing Department Circular 570, give a company due notice of such exceptions. Copies of the Circular are available from the Assistant Comptroller (Chief Auditor) upon request. Selection of a particular qualified company from among all companies holding certificates of authority is discretionary with the principal required to furnish bond.

10. The existing §§ 223.17 and 223.18 are revoked.

11. New §§ 223.17 and 223.18 are added to read:

§ 223.17 Performance of obligations.

(a) Every company shall honor its obligations to Federal agencies promptly. If an agency's prompt demand upon a company for payment of a claim against it is not settled to the agency's satisfaction, and the agency's review of the situation thereafter establishes that the default is clear and the company's refusal to pay is not based on adequate grounds, the agency may make a report to the Secretary of the Treasury, including the basis for the claim against the company; a chronological resume of efforts to obtain payments; a statement of all reasons offered for nonpayment, and a statement of the agency's views on the matter.

(b) On receipt of such report from the Federal agency the Secretary will, if the circumstances warrant, notify the company concerned that the agency report may demonstrate that the company is not keeping and performing its contracts and that, in the absence of satisfactory explanation, the company's default may preclude the renewal of the company's certificate of authority, or warrant prompt revocation of the existing certificate. This notice will provide opportunity to the company to demonstrate its qualification for a continuance of the certificate of authority.

§ 223.18 Revocation.

Whenever in the judgment of the Secretary of the Treasury a company is not complying with the requirements of 6 U.S.C. 6–13 and of the regulations in this part, he shall (a) in all cases notify the company of the facts or conduct which indicate such failure, and provide opportunity to the company to respond, and (b) in those cases where the public interest in the constant financial stability of such a company allows, also provide opportunity to the company to demonstrate or achieve compliance with those requirements. The Secretary shall revoke a company's certificate of authority with advice to it if (1) the company does not respond satisfactorily to his notification of noncompliance, or (2) the company, provided an opportunity to demonstrate or achieve compliance, fails to do so.

[F.R. Doc. 69-15285; Filed, Dec. 23, 1969; 8:49 a.m.]

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Foreign Assets Control Regulations are being amended in the following respects:

Section 500.204 is being amended to remove the restrictions on dealings outside the United States by Americans in so-called "presumptive merchandise", i.e., merchandise subject to the provisions of § 500.204(a) (2), (3), or (4). The restrictions of § 500.204(a)(1) continue to apply to all dealings by Americans in merchandise of mainland Chinese, North Korean or North Viet Namese origin, and the restrictions of § 500.204(a) (2), (3), and (4) continue to apply to all imports into the United States of "presumptive merchandise", except as described hereafter.

Section 500.537 of the regulations is being revoked as unnecessary in view of the amendment to § 500.204.

Section 500.538 of the regulations is being amended to permit American carriers to transport mainland Chinese origin merchandise from one foreign country to another (except blocked countries). Insurance companies are also authorzied by the amended section to insure such shipments.

Section 500.540 of the regulations authorizing tourist purchases of up to $100 of such merchandise is being revoked as unnecessary in view of the issuance of § 500.544.

A general license (§ 500.541) is being issued authorizing American-controlled business enterprises and banks located in foreign countries to engage in trade and financial transactions with Communist China and to deal in merchandise originating in mainland China or presumed to originate there. The license does not authorize shipments of strategic goods to mainland China, or the supply of petroleum products to Communist Chinese-controlled vessels, nor does it authorize American-controlled vessels to call at mainland Chinese ports. Transactions in U.S. dollars or in property subject to the jurisdiction of the United States continue to be prohibited. Such American-controlled foreign business enterprises are being authorized by another general license (§ 500.543) to export limited types of technical data to mainland China.

A general license (§ 500.544) is also being issued authorizing persons subject to the jurisdiction of the United States to purchase and import into the United States for noncommercial purposes any merchandise of mainland Chinese origin, and to purchase and import for such purposes merchandise of any other origin which is subject to the restrictions of § 500.204(a) (2), (3), or (4), i.e., so-called "presumptive merchandise".

Section 500.545 of the regulations authorizing certain transactions incident to

travel in mainland China is being amended to conform with the provisions of § 500.544.

Section 500.204 is amended to read as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, persons subject to the jurisdiction of the United States may not purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States specified in following subparagraph (1) of this paragraph, and they may not import into the United States merchandise specified in following subparagraphs (2), (3), or (4) of this paragraph:

(1) Merchandise the country of origin of which is China (except Formosa), North Korea, or North Viet-Nam. Articles which are the growth, produce or manufacture of these areas shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling, or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, if there shall have been added to such articles any embroidery, needle point, petit point, lace or any other article of adornment which is the product of China (except Formosa), North Korea, or North Viet-Nam notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa), North Korea, or North Viet-Nam.

(2) Merchandise specified in this subparagraph, howsoever processed, unless such merchandise originated in a country named as excepted for that type of merchandise and is imported into the United States directly from that country:

Type of merchandise	*Excepted countries*
(i) All merchandise, not elsewhere specified in this paragraph, if prior to December 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and,	None.
(ii) All of the following specified types of merchandise:	
Aniseed, star	None.
Aniseed oil	None.
Antiques, Chinese type (except Chinese porcelain which qualified under items 766.20–25 of Title I—Tariff Schedules of the United States, Tariff Act of 1930, as amended, and which is decorated with the armorial bearing, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices, or with European or American figures, ships, or other scenes, or with motifs or inscriptions in English, Latin, or any other European language).	None.
Bamboo, split	None.
Braids, straw	Italy, Japan.
Bristles, hog (except nondyed European hog bristles).	None.
Brushes, paint and hair pencil, and parts thereof, containing hog bristles more than 1½ inches in total length or more than 1¼ inches in length out of the ferrule.	None.
Carpet wool, Tibetian and Nepalese types.	None.
Cashmere	Iran.
Cassia	Indonesia.
Cassia oil	None.
Chinese type:	
Art objects	None.
Beverages	None.
Drugs	None.
Foodstuffs	None.
Garments	None.
Herbs	None.
Ivory articles	None.
Jade articles	None.
Medicines, prepared.	None.
Rugs	None.
Tea	Formosa.
Cinnamic aldehyde	None.
Cinnamon oil	Ceylon, Seychelles.
Cornmint oil	Argentina, Brazil.
Eggs, poultry:	
Whole in the shell, preserved.	None.
Dried (whole, albumen, or yolks).	None.
Embroideries and embroidered articles of types chiefly imported from China prior to December 17, 1950.	None.
Feathers and down, Asiatic, except peacock feathers.	Burma, India, Formosa, Thailand, and those areas of Viet-Nam which are not under Communist control.
Firecrackers	None.
Floor coverings, grass, straw and seagrass.	Japan.
Fur skins:	
Goat and kid	Argentina, Ethiopia, Iran, Iraq.
Kolinsky	Republic of Korea.
Weasel	Canada.
Gallnuts, except Aleppo gallnuts.	None.
Ginger root, candied or otherwise prepared or preserved.	None.
Hair, human, Asiatic	None.
Hats, unfinished:	
Manila hemp (abaca).	None.
Palm leaf	Mexico, Philippines.
Straw	Brazil, Dominican Republic, Italy, Japan, Philippines.
Jade stones, cut but not set, suitable for use in jewelry.	None.
Menthol, natural and synthetic (except racemic).	Brazil.
Musk	None.
Rutin	None.
Seagrass mats and squares.	Japan.
Silk, tussah, muga, eri.	None.
Silk piece goods, tussah, muga, eri.	None.
Sophera Japonica	None.
Tannic acid, from gallnuts other than Aleppo gallnuts.	None.
Tung oil	Argentina, Brazil, Paraguay.
Walnuts, except black or pickled walnuts.	France, Iran, Italy, Turkey.
Yak hair	None.

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

Type of Merchandise
Agar-agar.
Bamboo:
Bags, baskets and other manufactures, except furniture.
Poles and sticks.
Brocades and brocade articles.
Camphor, natural and synthetic.

Type of Merchandise—Continued
Camphor oil, natural and synthetic.
Cane webbing.
Carpet wool.
Carpets.
Castor beans.
Castor oil.
Chinaware.
Citronella oil.
Cotton manufactures.
Cotton waste.
Earthenware.
Embroideries and embroidered articles.
Hair, animal.
Hair nets of any material.
Handkerchiefs.
Hardwood manufactures, except bentwood furniture.
Hats, paper.
Hides, buffalo.
Ivory manufactures.
Lace and lace articles.
Linen manufactures, except wearing apparel not containing any lace, embroidery or brocade.
Ores and metals:
Antimony.
Bismuth.
Mercury.
Molybdenum.
Tin.
Tungsten.
Peanut Oil.
Peanuts.
Ramie.
Rugs.
Seagrass manufactures.
Sesame oil.
Sesame seed.
Shoes, leather soled with nonleather uppers, except ladies' high-heel shoes.
Silk:
Manufactures except Western style suits and Indian saris.
Raw.
Waste.
Skins, deer and goat.
Stones, semiprecious.
Stones, semiprecious, manufactures.
Straw manufactures.
Tapestries.
Tapioca.
Tapioca flour.

(4) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong or Macao.

Type of Merchandise
Feather manufactures.
Glass, sheet (window).
Graphite.
Honey.
Marine products, edible.
Pigeons, frozen or otherwise prepared or preserved.
Poultry, frozen or otherwise prepared or preserved.

§ 500.537 [Revoked]

Section 500.537 is revoked.

Section 500.538 is amended to read as follows:

§ 500.538 Transportation and insurance of certain merchandise.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, to the extent that transportation or insurance of merchandise is prohibited by §§ 500.201 or 500.204, such transportation by carriers or insurance is authorized.

(b) This section does not authorize the transportation of merchandise being carried directly to or from mainland China.

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea or North Viet-Nam, nor does it authorize the transportation or insurance of any merchandise of North Korean or North Viet-Namese origin.

(d) This section does not authorize the transportation indirectly to mainland China or insurance of:

(1) Any merchandise of U.S. origin, except as authorized by § 500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the Department of Commerce (15 CFR Part 399) and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10.

§ 500.540 [Revoked]

Section 500.540 is revoked.

Section 500.541 is added to read as follows:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (d), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving U.S. dollar accounts or any other property subject to the jurisdiction of the United States.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Any merchandise of U.S. origin, except as authorized by § 500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the U.S. Department of Commerce set forth in 15 CFR Part 399 and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10; or

(3) Any technical data, as that term is defined in § 500.543, except to the extent authorized by that section.

(d) This section does not authorize the transportation aboard any vessel which is owned or controlled by any person described in paragraph (a) of this section of any merchandise directly to or from mainland China except when export of such merchandise is authorized by § 500.533.

(e) This section does not authorize the supply of petroleum products to any vessel.

(f) This section does not authorize any transaction involving North Korea or North Viet-Nam or their nationals, or merchandise the country of origin of which is North Korea or North Viet-Nam.

Section 500.543 is added to read as follows:

§ 500.543 Technical data.

(a) As used in this section and in § 500.541, the term "technical data" means technical data as defined in § 379.1 of Part 379 of the Export Control Regulations of the Department of Commerce (15 CFR Part 379).

(b) Technical data of United States origin are authorized to be exported to mainland China if their export or reexport to that destination has been licensed or otherwise authorized by the Office of Export Control, Department of Commerce, pursuant to Part 379 of the Export Control Regulations (15 CFR Part 379).

(c) Technical data not of United States origin are authorized to be exported to mainland China by persons specified in § 500.541(a) if:

(1) Similar technical data of United States origin are authorized to be exported to any destination under § 379.3 of the Export Control Regulations (15 CFR 379.3); or

(2) The technical data are in such forms as manuals, instruction sheets, or blueprints, provided they are:

(i) Sent as part of a transaction involving, and directly related to, a commodity authorized by § 500.541 to be exported to mainland China;

(ii) Sent no later than 1 year following the shipment of the commodity to which the technical data are related;

(iii) Of a type delivered with the commodity in accordance with established business practice;

(iv) Necessary to the assembly, installation, maintenance, repair, or operation of the commodity; and,

(v) Not related to the production, manufacture, or construction of the commodity; or

(3) The technical data support a prospective or actual quotation, bid, or offer to sell, lease, or otherwise supply any commodity, *Provided*, That:

(i) The commodity is authorized by § 500.541 to be exported to mainland China;

(ii) The technical data are of a type customarily transmitted with a prospective or actual quotation, bid, or offer (in accordance with established business practice); and

(iii) The export will not disclose the detailed design, production, or manufacture, or the means of reconstruction, of either the quoted item or its product.

Section 500.544 is added to read as follows:

§ 500.544 Noncommercial dealings in Chinese origin and Chinese type merchandise.

(a) Except as provided in paragraphs (b) and (c) of this section, all transactions by any person subject to the jurisdiction of the United States incident to

the purchase, transport, or import of merchandise prohibited by § 500.201 or § 500.204 are hereby authorized if:

(1) The merchandise is being acquired by an individual for his personal or household use or as a gift, the merchandise is in noncommercial quantity, and the merchandise is not for resale; or

(2) The merchandise is being acquired, for its own use and not for resale, by an organization which has received a certificate of exemption from taxation under 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) as a religious, tional organization: *Provided*, That there is filed with the entry documents a certificate which shall:

(i) Fully describe the merchandise;

(ii) Identify the exempt organization which is the purchaser and the number of its certificate of exemption from taxation;

(iii) State that the merchandise has been unconditionally purchased by the exempt organization for its own use and not for resale; or

(iv) State that the merchandise has been purchased conditionally and that if the purchase is not completed by said exempt organization within 6 months after the date of importation it will be reexported by the importer within 7 months after the date of entry; and

(v) Be signed by an authorized official of the exempt organization, and by the importer of record.

(b) If the purchase by the exempt organization is completed within 6 months after the date of importation, the importer shall file with the Office of Foreign Assets Control not later than 6 months and 10 days after importation, a certificate from the exempt organization confirming that it has unconditionally purchased the particular merchandise. Such certificate shall fully describe the merchandise, identify the port of entry, date of entry, number of the entry document, and, the importer of record.

(c) If the purchase by the exempt organization is not completed within 6 months after the date of importation, the importer shall file a certificate of reexportation with the Office of Foreign Assets Control no later than 7 months and 10 days after the date of importation, unless some other disposition of the merchandise has been authorized by the Office of Foreign Assets Control. Such certificate shall fully describe the merchandise, identify the port of entry, date of entry, number of the entry document, importer of record, port of exportation, date of exportation, and exporter of record. The certificate shall be endorsed by the Director of Customs at the port of exportation and the endorsement shall state that the merchandise was exported under his supervision.

(d) This section does not authorize any dealing in merchandise the country of origin of which is North Korea or North Viet-Nam.

(e) Customs transactions incident to the importation of merchandise purchased and being imported in compliance with this section are authorized, notwithstanding the provisions of § 500.808.

Section 500.545 is amended to read as follows:

§ 500.545 Certain transactions incident to travel to and in mainland China.

(a) All persons bearing a U.S. passport valid for travel in mainland China are authorized to engage in the following transactions:

(1) All transactions ordinarily incident to travel to and from mainland China.

(2) All transactions ordinarily incident to travel in mainland China, including living expenses and the acquisition in mainland China of goods for personal consumption therein; and,

(3) The purchase of goods for importation into the United States to the extent authorized by § 500.544.

(b) Persons who are in mainland China for the purpose of gathering news for dissemination in the United States are also authorized to acquire for transmission to the United States such photographs, films, magazines, newspapers, and similar publications as are directly related to their news-gathering activities. Customs transactions incident to the importation of such merchandise are authorized notwithstanding the provisions of § 500.808.

(c) Persons who travel in mainland China with a passport validated for such travel are licensed as unblocked nationals provided that this license does not authorize any transaction prohibited by any other section of this part and not authorized by this section.

MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 69-15295; Filed, Dec. 22, 1969; 10:11 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4749]

[Utah 3873; 010449]

UTAH

Powersite Cancellation No. 261; Partial Cancellation of Powersite Classification No. 377; Revocation of Public Land Order No. 944; Withdrawing Lands for Atomic Energy Commission

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and to the determination of the Federal Power Commission in DA-176-Utah, it is ordered as follows:

1. The Departmental Order of April 16, 1946, creating Powersite Classification No. 377, is hereby canceled so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 28, SW¼NE¼, NW¼SE¼.

The areas described aggregate 80 acres in Grand County.

2. Public Land Order No. 944 of March 16, 1954, which withdrew lands for use of the Atomic Energy Commission is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 27, lots 5 and 6, W½SW¼;
Sec. 28, lot 4, W½W½E½SE¼NE¼, W½SE¼NE¼, E½SW¼NE¼, W½W½E½NE¼SE¼, W½NE¼SE¼.

The areas described aggregate 207.63 acres in Grand County of which lots 5 and 6 and the W½SW¼ of sec. 27 are patented lands.

The lands are located on a bend of the Colorado River, approximately 3 miles west of Moab. They are gently sloping toward the river and are traversed by State Highway 279. The lands support a sparse blackbrush type vegetation and are not suitable for farming.

3. At 10 a.m. on January 23, 1970, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 23, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The public lands in paragraph 2, will be open to location under the U.S. mining laws and to application and offers under the mineral leasing laws at 10 a.m. on January 23, 1970. The lands in paragraph 1, except for those also in paragraph 2, have been open to applications and offers under the mineral leasing laws, and to mineral locations under the mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior

DECEMBER 18, 1969.

[F.R. Doc. 69-15235; Filed, Dec. 23, 1969; 8:45 a.m.]

[Public Land Order 4750]

[Nevada 047407; 047425]

NEVADA

Partial Revocation of Stock Driveways

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental Orders of September 13, 1918, and June 18, 1919, creating Stock Driveway Withdrawals Nos. 37 and 85, respectively, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

T. 37 N., R. 54 E.,
Sec. 2.
T. 38 N., R. 54 E.,
Sec. 36, W½W½.

The areas described aggregate 801.58 acres in Elko County.

The lands are located north of Elko, Nev. The terrain is flat to rolling with a vegetative covering of sagebrush.

2. At 10 a.m. on January 23, 1970, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m. on January 23, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws, subject to the regulations in 43 CFR 3400.3.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 18, 1969.

[F.R. Doc. 69-15236; Filed, Dec. 23, 1969; 8:46 a.m.]

[Public Land Order 4751]

[Montana 12808]

MONTANA

Partial Revocation of National Forest Withdrawal

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order 3053 of February 28, 1919, withdrawing certain lands in aid of legislation to secure their use as a game preserve, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN, MONTANA
GALLATIN NATIONAL FOREST

T. 8 S., R. 7 E.,
Secs. 1 and 2;
Sec. 3, lots 8, 9, 10, and 11, E½;
Sec. 4, lots 1, 2, 3, 7, and 8;
Sec. 10, E½;
Secs. 11 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 35 and 36.
T. 9 S., R. 7 E.,
Secs. 1, 2, 11, and 12.

The areas described aggregate approximately 13,911 acres in Park County.

2. At 10 a.m. on January 23, 1970, the lands shall be open to such forms of disposition as may be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 18, 1969.

[F.R. Doc. 69-15237; Filed, Dec. 23, 1969; 8:46 a.m.]

[Public Land Order 4752]

[Wyoming 14928]

WYOMING

Withdrawal for Research Purposes

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the protection of the Stratton Sagebrush Hydrology Study Area:

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 86 W.,
Sec. 17, N½, SW¼, and N½SE¼;
Sec. 18;
Sec. 19, lots 1, 3, and 4, NW¼NE¼, NE¼NW¼, E½SW¼, and SE¼;
Sec. 20, E½NE¼, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 21, N½NW¼ and SW¼NW¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1 to 4, incl., NE¼, E½W½, and NW¼SE¼.
T. 17 N., R. 87 W;
Secs. 13, 14, 22 and 23;
Sec. 24, S½N½ and S½;
Sec. 25;
Sec. 26, N½, N½S½, and SE¼SE¼.

The areas described aggregate 6,899.02 acres in Carbon County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 18, 1969.

[F.R. Doc. 69-15238; Filed, Dec. 23, 1969; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1036]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. Authorized To Operate Over Tracks of Missouri-Kansas-Texas Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of December 1969.

It appearing, that the Missouri-Kansas-Texas Railroad Co., in Finance Docket No. 25694, has been authorized by the Commission to abandon its line between Whitesboro, Tex., and Wichita Falls, Tex.; that shippers located on this line at Gainesville, Tex., will thereby be deprived of railroad service; that the Atchison, Topeka and Santa Fe Railway Co. has agreed to serve shippers located on tracks of the Missouri-Kansas-Texas Railroad Co. at Gainesville, Tex.; that the Commission is of the opinion that operation by the Atchison, Topeka and Santa Fe Railway Co. over tracks of the Missouri-Kansas-Texas Railroad Co. at Gainesville, Tex., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice:

It is ordered, That:

§ 1033.1036 Service Order No. 1036.

(a) *The Atchison, Topeka and Santa Fe Railway Co. authorized to operate over tracks of the Missiouri-Kansas-Texas Railroad Co.* The Atchison, Topeka and Santa Fe Railway Co. be, and it is hereby, authorized to operate over tracks of the Missouri-Kansas-Texas Railroad Co. at Gainesville, Tex., pending acquisition of these tracks by the Atchison, Topeka and Santa Fe Railway Co.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., January 3, 1970.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-15277; Filed, Dec. 23, 1969; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18271; FCC 69-1369]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

PART 85—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

Miscellaneous Amendments

In the matter of amendment of Parts 2, 81, 83, and 85—to effect orderly shifts from present double sideband (DSB) and/or single sideband (SSB) to new (replacement) frequencies; to establish a revised schedule of dates, technical standards, frequencies and other requirements for the transition of ship and coast stations from DSB to SSB radiotelephony on frequencies within the revised frequency allotments adopted by the World Administrative Radio Conference, Geneva—1967, for the exclusive HF maritime mobile service bands between 4 and 23 Mc/s; Docket No. 18271; RM-1132.

1. A notice of proposed rule making in the above-captioned matter was released on August 8, 1968, and was published in the FEDERAL REGISTER on August 16, 1968 (33 F.R. 11669). By its order released September 24, 1968, and published in the FEDERAL REGISTER on September 28, 1968 (33 F.R. 14603), the Commission granted an extension of time in which to file comments. The dates for filing comments and replies thereto have passed. A first report and order in this proceeding was released by the Commission on September 18, 1969, and was published in the FEDERAL REGISTER on September 23, 1969 (FCC 69-1010, 34 F.R. 14690). A second report and order in this proceeding was released by the Commission on October 31, 1969, and was published in the FEDERAL REGISTER on November 5, 1969 (FCC 69-1185, 34 F.R. 17878). In the first and second report and order the Commission stated that formal codification of the changes described therein would be accomplished by a subsequent order of the Commission in this docket pursuant thereto, formal codification of the changes described in the first and second report and order are set forth in the attached appendix.

2. Comments were filed by: Amcom, Inc. (AMCOM), American Telephone and Telegraph Co. (A.T. & T.), Ashland Oil and Refining Co. (Ashland), Collins Radio Co. (Collins), COM/NAV Electronics Inc. (COM/NAV), R. A. Gartman (Gartman), Konel Corp. (Konel), Lake Carriers Association (LCA), Lorain Electronics Corp. (Lorain), Pearce-Simpson, Inc. (Pearce-Simpson), Raytheon Co. (Raytheon), Radio Corp. of America (RCA), and U.S. Power Squadrons (USPS). A number of letters were filed approximately 1 year after closing dates for submission of comments and reply comments. These letters were directed to the matter of difficulties associated with changing frequencies aboard west coast fishing vessels. While no request for late filing was received with respect to these letters, the Commission did consider the substance of the comments.

3. In their comments Konel, Lorain, Pearce-Simpson, RCA, and USPS urged that the date after which DSB would not be authorized in new installations aboard ship be changed from January 1, 1969, to a later date. Pearce-Simpson recommended January 1, 1970; Lorain proposed January 1, 1970; Konel recommended March 1, 1970; RCA recommended January 1, 1971; and USPS proposed January 1, 1971. Since the date of January 1, 1969, has passed and only a few weeks remain until January 1, 1970, it is necessary that a new date be specified. In selecting a new date, account is taken of the Commission's 1964 decision to discontinue, effective January 1, 1974, use by the maritime services of DSB in the bands between 4 and 23 Mc/s. Equipment purchased on January 1, 1970, will have a useful life of 4 years before becoming obsolete. It appears doubtful that a boat operator would normally purchase a DSB transceiver having a useful life of 4 years or less. Since the option to purchase rests with the boat operator, there is small, if any, difference between the dates 1970, 1971, or 1972. Of these three dates, January 1, 1972, is the most lenient. Accordingly, § 83.139(c) is amended to prohibit new installations of DSB equipment in ship stations after January 1, 1972.

4. The Commission proposed, in amendment of §§ 81.133 and 83.133, that the authorized bandwidth of single sideband emissions (2.8A3A, 2.8A3H, and 2.8A3J) in the Maritime mobile service bands between 4 and 23 Mc/s, be reduced from 3.5 to 3.0 kc/s. A.T. & T., Collins and Raytheon submitted comments regarding the proposed reduction of authorized bandwidth. RTCM, in commenting in another proceeding, also submitted relevant comments.

5. While generally supporting the Commission's proposals, A.T. & T. recommended the authorized bandwidth of 3.5 kc/s be retained for these emissions. In support of their recommendation, A.T. & T. expressed the belief that the reduced bandwidth may prevent the use of recently developed techniques that would lead to improved quality of transmission. With respect to the use of the recently developed techniques, the Commission has in the past and will in the future continue to encourage the development and use of improved techniques in all services, including the maritime mobile service. In this regard, then, the Commission supports fully A.T. & T.'s plans to utilize improved techniques and concurs that the technique proposed to be used by A.T. & T. will provide substantial improvement. As proposed by A.T. & T., the new technique would not be contained within the channel spacing adopted by the WARC. To that extent the improvement would be obtained at the expense of the user of the next higher adjacent channel. A.T. & T. argues that this spillover is not a significant problem since modern receivers do not have sufficient selectivity to permit use of the adjacent channels in common areas under typical operating conditions, even where the new technique is not employed. Without contesting the adequacy of this latter argument, it does not logically follow that receivers in the future, also, will not have an adequate selectivity capability. More important, however, is the matter of whether the new technique can be contained within the channel spacing provided by the WARC. In the view of the Commission, it is economically and technically feasible to do so, without impeding the use of the new technique.

6. In the new technique described by A.T. & T., voice frequencies are limited to the band 250–2700 c.p.s. and a frequency modulated control signal is placed in the band 2840–2960 c.p.s. This control signal completes a closed-loop, from the receiver back to the transmitter, and is applied to speech processing equipment at the input to the transmitter, to compress or expand the talkers voice over a range of approximately 45 db. Thus, the transmitter's compression/expansion level is directed by the receiver. As long as the receiver input does not fall below a predetermined level, the output to the customer remains within a uniform level of ±1.5 db. This, of course, will provide a substantial improvement in the communication channel. A.T. & T. argues, correctly, that use of the specific above described technique is precluded by the proposed authorized bandwidth of 3.0 kc/s, where, under the provisions of sections 81.140 and 83.136 of the Commission's rules, frequencies in the band 2900 to 5900 c.p.s. above the carrier frequency must be attenuated 25 db. The conclusion that use of the new technique would be precluded by adoption of an authorized bandwidth of 3.0 kc/s, taken in conjunction with current rules, is completely dependent upon location of the FM control signal in the band 2840–2900 c.p.s. On the other hand, the use of this technique is not precluded if the voice frequencies are limited to the band 250–2500 c.p.s. and the FM control signal is moved to the band 2520 to 2680 c.p.s., as proposed by the United Kingdom to the cognizant Study Group of the I.T.U. International Radio Consultative Committee (CCIR), September–October 1969, Geneva.

7. In examining the new technique described by A.T. & T., it is probable that worldwide standardization of various technical parameters will be necessary as a means of assuring that the ship terminal and coast terminal will be able to intercommunicate satisfactorily. For example, the stability, nominal center frequency and excursion of the FM control tone must be fixed if switching of the

control tone oscillator and receiver filters are to be avoided. Further, adoption of worldwide standards would minimize the number of different equipments which would be necessary aboard a ship going overseas, or at a coast station serving vessels of national and foreign registry in order to employ this technique.

8. It is not appropriate nor does the Commission propose in this proceeding to adopt standards for the above referenced techniques. The Commission is confident, however, based on the foregoing, that this technique can be accommodated within an authorized bandwidth of 3.0 kc/s.

9. Raytheon also, recommended that the authorized bandwidth be retained at 3.5 kc/s. Raytheon requested, alternatively, that no final action be taken in this proceeding pending finalization of the proposed rule making in Dockets 18307[1] and 1786.[2] Collins recommended, in regard to frequency assignment and potential interference considerations, that the Commission give further consideration to the differences which will exist in distribution of energy within the authorized bandwidth for, on the other hand, emission A3J. In their comments, A.T. & T. and RTCM made reference to one or the other, or both, of these two proceedings. In the proceeding in Docket No. 18307, the Commission proposed, among other things, that the authorized bandwidth of SSB radiotelephony emissions (2.8A3A, 2.8A3H, and 2.8A3J) employed on frequencies below 4000 kc/s, be reduced from 3.5 kc/s to 3.0 kc/s. In the proceeding in Docket No. 17869, the Commission proposed, among other things, amendment of § 2.579, with respect to the measurements required for transmitter type acceptance, to require, for emissions A3A or A3J, submission of measurement data using the two-tone test procedure, where the tones are 700 and 2500 c.p.s.

10. Most of the opposition to the Commission's proposed reduction in authorized bandwidth is based on measurement results which would be produced by use of a two-tone test procedure, where the tones are 700 and 2500 c.p.s. As clearly displayed in figure 1 annexed to A.T. & T.'s comments, employing the test tones of 700 and 2500 c.p.s. and a transmitter output power of 10 kW PEP, both the ninth and 11th modulation products would have to be attenuated to the −80 db level. The Commission concurs that for single sideband transmitters in the maritime services, attenuation of the ninth modulation product beyond the −35 db level if unnecessary. It is apparent, of course, that selection of other test tones will bring the ninth modulation product within the −35 db level. For example, for an authorized bandwidth of 3.0 kc/s, test tones of 700 and 2300 c.p.s., and a transmitter output power of 10 kW PEP, the ninth modulation product would have to be attenuated −35 db and the 11th modulation product would have to be attenuated −80 db. Thus, it is clear that two test tones can be selected which are appropriate to a given authorized bandwidth and this is the procedure which the Commission will apply. The matter of selection of the test tones to be employed for testing of single sideband transmitters in the maritime services, however, falls within the scope of the proceeding in Docket No. 17869 and will be treated thereunder.

11. With regard to Collins recommendation, the Commission concurs that relative to the center of the channel or to the assigned frequency, the distribution of energy within the authorized bandwidth is unequal and different between each of the three emissions and is particularly pronounced between A3H and A3J. If the ultimate objective were exclusive use of emission A3J in the maritime services, it would appear feasible, once the transition to A3J had been completed, to relocate the distribution of energy within the authorized bandwidth to equalize the impact upon the two adjacent channels. Before such a program is undertaken, it would be necessary to evaluate the interference potential in the light of practical considerations, such as the cost of relocating the carrier frequencies in both transmitters and receivers, which could be extensive. However, with the trend in the maritime services towards greater use of emission A3A for public correspondence it would be premature to consider the relocation of the carrier for the purpose of equalizing the energy within the authorized bandwidth.

12. Based on the foregoing considerations, the Commission has amended §§ 81.133 and 83.133 of the rules to provide, for SSB emissions (2.8A3A, 2.8A3H, and 2.8A3J) in the maritime services bands between 4 and 23 Mc/s, an authorized bandwidth of 3.0 kc/s, as set forth below.

13. In its notice, the Commission proposed that the authorized bandwidth of 7.0 kc/s for emissions A3B, which currently appears in the rules, remain unchanged. Technically, the authorized bandwidth for emissions A3B should be 6.0 kc/s, to conform with the new authorized bandwidth of 3.0 kc/s, herein established for emissions A3A, A3H, and A3J. Future use of emissions A3B in the maritime mobile service will be indefinite following transition to SSB and entry into force of the new SSB allotment plan adopted by the WARC, Geneva, 1967. The WARC, in Resolution No. MAR 3, specified its agreement that the World Administrative Radio Conference (1973) must consider whether class A3B emissions should be maintained (after 1973). The arrangement of frequencies set forth in the attached appendix have not been based on anticipated use of A3B emissions. Further, in the attached appendix, provision has been made for the use of the lower half-channel at a location removed from the location at which the upper half-channel will be used. Upon completion of implementation of the attached appendix, the channel spacing available on the listed frequencies will be 3.1 to 3.5 kc/s, which substantially eliminates use of emissions A3B and, consequently, the need to retain provision for use of emissions A3B in the Commission's rules for the maritime services.

14. The Commission proposed that each SSB transmitter be capable of operation with three SSB modes, A3A, A3H, and A3J. An exception was made for continued use of transmitters type accepted before the effective date of the final order in this proceeding and which had capability for operation with SSB modes A3H and A3J, but not for SSB mode A3A. In their comments RCA recommended that SSB transmitters operating on limited coast or ship station frequencies (see §§ 81.361 and 83.351(a)(4)) be not required to provide capability to operate with emission A3A, (reduced carrier) in order to be type accepted. In support of their recommendation, RCA noted that the Commission's rules permit use of emission A3J (suppressed carrier) only on these frequencies. Further, RCA noted that the primary purpose of emission A3A is to provide a carrier for use with receivers employing automatic frequency control (AFC) and, in that regard, advises that the frequency tolerance adopted by the Commission in Docket No. 15068 (20 c.p.s. for coast stations and 50 c.p.s. for ship stations) obviates the need for AFC on other than public correspondence frequencies. RCA poses no objection to requiring that each SSB transmitter be capable of operating in SSB modes A3H and A3J. USPS proposed that only emission A3J be required.

15. In regard to SSB emission A3A, several considerations are applicable and are summarized as follows:

(a) The CCIR, Draft Report D.d., Special Meeting of Study Group XIII, April 17–28, 1967, Geneva, submitted the following recommendation to the ITU World Administrative Radio Conference (WARC) on marine matters, Geneva, 1967:

> 4.2 Unless it is known that the coast station will accept class A3J emissions, the ship station, when initiating a call, should transmit a reduced carrier (i.e., class of emission A3A).

(b) In accord with the CCIR recommendation, above, the WARC amended Article 35 of the ITU Radio Regulations to add the new provision (No. 1351A) which, in brief, requires that ship station equipment have the capability to operate in the SSB mode A3A.

(c) The interference creating capability of emission A3H is high and for that reason the Commission will not provide for its use in lieu of emission A3A. If SSB emission A3A were not provided, it would be necessary to use SSB emission

[1] Docket No. 18307. Notice of proposed rule making in the matter of amendment of Parts 2, 81, and 83, to establish a schedule of dates, etc., for the use of SSB radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes.

[2] Docket No. 17869. Notice of proposed rule making in the matter of amendment of Part 2, concerning applications, information, measurement data, and test conditions for type acceptance of equipment.

A3H in calls, or for working, to coast stations which require the presence of a carrier for one or more of the several servicing functions, i.e.:

(i) Receiver frequency control (AFC);

(ii) Gain control;

(iii) Tuning indicator for manually tuned receivers; or

(iv) Control of any muting circuits.

(d) Were the Commission to permit type acceptance of new SSB equipment which did not have the capability to operate with emission A3A, a severe penalty would be imposed upon those Commission ship station licensees who, initially, purchased SSB equipment for use solely on the limited coast/ship station frequencies between 4 and 23 Mc/s, but later found a need to communicate with public coast stations but could not do so because that equipment did not have capability to operate with SSB emission A3A.

16. Collins expresses a view similar to that of RCA in regard to the mandatory inclusion in SSB equipment of emission A3A. It is Collins view that this is an unnecessary imposition upon those users who have no need whatever for A3A emission. Similiar to RCA, Collins points to the frequencies available to limited coast and ship stations, on which only SSB emission A3J may be employed, as a service where availability in equipment of emission A3A would serve no useful purpose. Collins makes no mention, however, of the fact that many users employ those sets for the dual purpose of communicating with both limited and public correspondence stations. Collins points out, correctly, that there is no compulsory requirement throughout the world that public correspondence frequencies must be operated with A3A emission. On the other hand, there is little doubt that many countries will employ emission A3A in their public correspondence coast stations. Further, it seems inevitable that those coast stations desiring to provide an improved radiotelephony service, employing the recently developed technique described by A.T. & T. and discussed elsewhere in this report and order, will employ emission A3A. Collins states that the ultimate objective should be to abandon A3A, as well as A3H, emission at some time in the future. As applied to the maritime mobile radiotelephony service, the Commission concurs that emission A3H should be phased out as soon as practicable, but feels it would be premature, at this time and in view of current trends, to conclude that A3A emission should be abandoned.

17. On the basis of these considerations, the recommendations of RCA and Collins that SSB emission A3A be not required, and the proposal of the USPS that only SSB emission A3J be required, are rejected and the rules are amended to require that SSB ship station equipment type accepted after the effective date of this report have the capability to operate in three SSB modes, i.e., emissions A3A, A3H, and A3J.

18. In reference to the proposed amendment of section 83.139, Raytheon requested clarification of the intended procedure for withdrawal of transmitters from the Commission's "Radio Equipment List, Equipment Acceptable for Licensing". For example, was it intended that, in implementing the provisions of section 83.139, a transmitter type accepted under Parts 83, 87, 89, and 91, would be withdrawn from all of these Parts, or would withdrawal be limited to Part 83. Under Commission procedures, withdrawal of type acceptance pursuant to section 83.139 would be limited to Part 83 and would not be applicable to other parts of the rules. Thus, the transmitter removed pursuant to section 83.139, which be continued in the "Radio Equipment List" as acceptable for licensing under Parts 87, 89, and 91.

19. In regard to proposed § 81.142(j) and 83.137(h), Raytheon requests that the specification of audiofrequency response, i.e., 350–2700 cps with a permitted amplitude variation which does not exceed 6 db, be deleted. Raytheon gives no explanation of the nature of difficulty which is imposed by the proposed regulation. The Commission, therefore, is unable to determine if such difficulty accrues from the particular bandwidth, or from the permitted amplitude of variation which was proposed. It is clear that the audio response characteristic is an essential element in any radiotelephone system where uniformity of performance, or a minimum performance, is required. It is also clear that, in adopting standards for a radiotelephone system, the specification of the limits of the audio bandwidth and the permitted variation of amplitude within that band, are in conformity with conventional engineering practices. However, from the discussion in paragraphs 5 through 8 it is clear that the positioning of the FM control tone within the authorized bandwidth will substantially fix the upper limit of the voice band. Further, if the FM control tone is transmitted at the −16 db level, as mentioned by A.T. & T., this, also will have impact upon the required configuration of the transmitter audiofrequency band.

20. Raytheon also requested that the additional requirement set forth in the second sentence in §§ 81.142(j) and 83.137(h) be clarified. Namely, that the attenuation outside the band 350–2700 c.p.s. be limited to that necessary to comply with the provisions of §§ 81.140 (and 83.136). The Radio Technical Commission for Marine Services (RTCM), in commenting in another proceeding, has urged that this additional requirement be deleted, on the basis that the requirement is adequately covered by the existing provisions of §§ 81.140 and 83.136 and that its deletion would eliminate the possible question of interpretation.

21. Based on the discussion in paragraphs 19 and 20, the Commmission is of the view that it would be premature to adopt these standards at this time and, therefore, the proposals set forth in the Notice §§ 81.142(j) and 83.137(h) are not adopted.

22. In regard to the identical footnotes "4" to §§ 81.133 and 83.133, Raytheon suggests this footnote be clarified and that the ending of the footnote, i.e., "* * * may continue to be operated.", be changed to read "* * * may continue to be operated indefinitely". In the view of the Commission, footnote 4 permits continued use of these transmitters for an indefinite period of time, since it does not specify a cutoff or limiting date. The addition of the word "indefinitely" in no way changes the length of the period of use of these transmitters and, therefore, would serve no useful purpose.

23. In their comments, Lorain expressed the view that ship stations operating on frequencies in the 4–23 Mc/s bands should be permitted to use DSB until January 1, 1977. The date on which ship stations, including those on the Great Lakes, are to discontinue use of DSB was resolved by the Commission in its report and order, Docket No. 15068, released July 27, 1964, which established the date of January 1, 1974. That proceeding provided an amortization period of 9½ years, which the Commission deems to be fully adequate.

24. Both LCA and Lorain urged that a 6 Mc/s frequency be made available for use on the Great Lakes. Lorain states that the Great Lakes operators have been promised on numerous occasions that an effort would be made to again acquire a 6 Mc/s frequency for use on the Great Lakes. Lorain also states that with increasing use of automation, there will be an urgent need of data transmission in the near future and, for reliable and complete communication systems, the use of a 6 Mc/s frequency, in addition to the present 4 and 8 Mc/s frequencies, is essential. The Commission shares the view of Lorain that there are substantial benefits to be derived from use of data/record communications by the maritime services. As the need for such systems develop, the Commission plans to accommodate ship stations in the narrow-band direct-printing telegraph and data transmission bands, which were allotted by the WARC and recently included in the rules, Part 83, section 83.320. This section presently provides frequencies at 4, 6, 8, 12, 16, and 22 Mc/s. On this basis, it will not be necessary to provide additional 6 Mc/s frequencies for ship station use for data/record communication. In regard to transmission of data from coast to ship stations, it is appropriate that frequencies be taken from the bands allocated for coast telegraphy.

25. Turning now to the matter of providing a 6 Mc/s frequency for radiotelephony use on the Great Lakes, it is noted that due to the limited number of frequencies available in bands allocated to the maritime services, it has been necessary to resort to derogation of the international allocation table to fulfill the needs of the Mississippi River System for 6 Mc/s frequencies. Derogation of the international allocation table is an undesirable alternative which, if applied to any extensive degree by the many telecommunication administrations of the world, would destroy the substantial benefits which accrue from that table. In view of the years of operation on the Great Lakes without a 6 Mc/s frequency, there would appear to be inadequate

basis to warrant further derogation of the international allocational table in order to provide one or more 6 Mc/s frequencies for use on the Great Lakes.

26. There are other developments which support this course of action. The current developments in regard to employment of VHF to fulfill the communication requirements of commercial vessels on the Great Lakes is most encouraging. Canada has recently announced intent to provide full coverage of Canadian waters of the Great Lakes by use of VHF. This intent, aimed at completion in 1971, is supported by the Canadian maritime interests. The Great Lakes carriers, Lake Carrier's Association in particular, have had many years experience in use of VHF. The matter of expanded use of VHF as a means of avoiding or reducing the economic impact of converting from DSB to SSB on MF and HF has been under consideration by LCA for several years. If economically feasible, it is preferable to shift the Great Lakes to VHF, instead of converting to SSB on frequencies above 2000 kc/s.

27. On the basis of the foregoing situation, firstly, there is inadequate reason to warrant the Commission's undertaking the very substantial task involved in clearing, or attempting to clear, a 6 Mc/s radiotelephony frequency for use on the Great Lakes. Secondly, if the Great Lakes system is shifted to VHF, there would be no reason for addition of a 6 Mc/s frequency in the Great Lakes area. Thus, in the view of the Commission, it is not timely to give further consideration to addition of a 6 Mc/s radiotelephony frequency in the Great Lakes area.

28. The comments of LCA cover a wide latitude of subjects and are not directed to any particular proposal of the Commission. These comments fall more into the category of objection to the whole of the Commission's program than to any specific part thereof. At the end of these comments, LCA includes a paragraph which we assume comprehensively reviews the preceding text, and which reads as follows:

> In summary, the Lake Carriers Association emphasizes the need for careful planning in conversion to SSB and in splitting VHF channels. It is seriously concerned that the FCC proposes actions in these proceedings which would be premature and prejudicial to the orderly development of a conversion program. The Association therefore respectfully requests that the Commission not establish an implementation schedule that has effective dates earlier than those prescribed internationally.

29. In regard to LCA's reference to "splitting VHF channels", in the above summery, while treatment of VHF is not pertinent to this proceeding, it is appropriate to note that the VHF rulemaking (Docket No. 17295) was finalized by the Commission shortly before LCA filed their comments. The Commission released its report and order Docket No. 17295 on July 25, 1968, which, subsequently, was strongly contested by LCA. On April 28, 1969, a hearing commenced in the U.S. District Court, Northern District of Ohio Eastern Division to determine the effect of intermixture on VHF communications on the Great Lakes (Lake Carrier's Association, et al. v. United States and Federal Communications Commission, Case No. 19,488 in the U.S. Court of Appeals for the Sixth Circuit.) The hearing terminated May 16, 1969, testimony was given by 19 witnesses and a number of tests were received in evidence. The transcript ran more than 1,000 pages. The court concluded, based on all of the court's actual findings, that the safety of navigation on the Great Lakes had not been "seriously jeopardized," as alleged by LCA; nor are the vessels of petitioners and their crews thereby "exposed to increased hazards of collision and injury."

30. In regard to the above summary, LCA's major concern is that action should not be taken which would be premature and prejudicial to the orderly development of a program for conversion from DSB to SSB. LCA does not indicate that any specific Commission proposal, or the Commission's over all program would be either premature or prejudicial. Nonetheless, LCA requests "* * * that the Commission not establish an implementation schedule that has effective date earlier than those prescribed internationally."

31. Turning now to the international schedule for conversion from DSB to SSB in the bands between 4 and 23 Mc/s, two dates are significant, i.e., January 1, 1972, and January 1, 1978. On January 1, 1972: Any new installation of DSB in ship stations shall not be permitted; and coast stations shall cease use of all DSB emissions. The international schedule clearly states that "* * * administrations shall endeavor to discontinue the installation [aboard ship stations] of double sideband equipment at the earliest possible date after April 1, 1969." On January 1, 1978: Use of DSB shall be discontinued by ship stations and the only emissions which coast and ship stations may employ are A3A and A3J. In comparing the international schedule with the Commission's program, it is noted that the actions required by the two programs on January 1, 1972, are the same. With regard to the second date, the Commission's program calls for discontinuance of DSB by ship and coast stations on January 1, 1974, instead of the international schedule date of January 1, 1978.

32. The international schedule became effective April 1, 1969, and provides approximately 8½ years (ending Jan. 1, 1978) in which to complete the program for conversion from DSB to SSB. In comparison, the Commission's program was released July 27, 1964, and provides approximately 9½ years (ending Jan. 1, 1974), in which to complete conversion to SSB. The Commission's program (see report and order, released July 27, 1964, Docket No. 15068) was initiated by a notice of proposed rule making, released May 13, 1963. The report and order in that proceeding sets forth fully the basis and program adopted by the Commission for conversion to SSB. The 63 pages of that report and order include Commission consideration of the comments received. In regard to LCA comments filed in that proceeding, paragraph 3, page 1, states: "General opposition to the rulemaking was expressed by LCA." Approximately one and one-half pages of that report and order are given to discussion of LCA comments.

33. In regard to the first date, it is reasonable to assume that LCA can accept the Commission's program of actions called for on January 1, 1972, since they are essentially the same as those under the international schedule. In regard to the second date, the matter of discontinuance of DSB in the bands between 4 and 23 Mc/s was resolved with adoption by the Commission of the rule amendments released on July 27, 1964 (Docket No. 15068).

34. The USPC in its comments referred to the Commission's decision to discontinue use, effective January 1, 1974, of DSB emission in the maritime services bands between 4 and 23 Mc/s, as set forth in Docket No. 15068, released July 27, 1964. The USPS proposed this date be changed to January 1, 1978. In the 1964 proceeding the Commission provided a period of 9½ years in which to complete conversion from DSB to SSB. The USPS concurs that a period of 10 years for amortization of equipment has been accepted by past practice. The USPS argues that noncommercial boat owners who have purchased equipment in the past 5 years (1964–69), and those who will purchase equipment during the period 1969–74 will not be provided 10 years and, therefore, would have "just cause for bitter complaint". The USPS, therefore, concludes that the date for discontinuance of use of DSB in the 4–23 Mc/s bands should be moved from January 1, 1974, to January 1, 1978.

35. If we understand correctly the USPS argument, those noncommercial boat owners who purchased equipment during the period 1969–74 will have less than 10 years, before 1974, in which to amortize the cost of their equipment and, therefore, would have "just cause for bitter complaint". This problem should be minimal since the fact remains that the Commission provided a period of approximately 10 years in which to complete the transition from DSB to SSB in the bands between 4 and 23 Mc/s. On the basis of the foregoing considerations, the Commission is not persuaded there is need, or that the public interest would be served by postponement of its 1964 decision that in the maritime services bands between 4 and 23 Mc/s, use of DSB emission by ship stations be discontinued on January 1, 1974.

36. Collins proposed deletion of the provision from §§ 81.361(a) and 83.360 which prohibits use by aircraft of the maritime service frequencies between 4 and 23 Mc/s, available to limited coast and ship stations. Collins expresses the view that use of these limited coast/ship frequencies is the only means by which practicable communications may be provided between ships and coast stations, in the maritime services, and aircraft operated by ship operators. It is

apparent, of course, that the public correspondence frequencies in the bands between 2000 and 2850 kc/s and between 4 and 23 Mc/s are available to aircraft. Further, in amending Part 83 (Docket No. 17295, released July 25, 1968), one VHF–FM frequency (157.425 Mc/s) was provided for communication between commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

37. The question here is whether or not these arrangements may be categorized as "practicable" communications. In the absence of contrary information, the Commission is of the view that the above arrangements are both practicable and adequate. Taking into account (1) the large number of current maritime users which operate on these limited coast/ship station frequencies; (2) the arrangements now contained in the rules for communication with aircraft; (3) that the WARC reduced the number of frequencies available for use by limited coast/ship stations; and (4) that it is reasonable to expect a continuing growth in maritime usage of these frequencies, the Commission is not persuaded that it is either desirable or necessary to remove the prohibition against aircraft use of the limited coast/ship frequencies. Accordingly, this proposal is rejected.

38. Collins notes, in regard to §§ 81.361 and 83.351, that provision has been included in the rules to permit limited coast stations in ITU Region 2 to use 4136.5 kc/s and limited ship stations in Region 2 to use 4434.9 and 6518.6 kc/s, both on a simplex basis. In that regard, Collins points out that section 2.106 should be amended to include the substance of WARC footnotes ADD 1352.1 and ADD 1352A.2. Since the substance of these two WARC footnotes are contained in the above referenced sections of Parts 81 and 83, the further amendment of Part 2 is deemed unnecessary.

39. In regard to proposed §§ 81.361(b)(5) and 83.351(b)(24), applicable to the frequency 6518.6 kc/s and which states "Use should be limited to daytime", Collins states the WARC does not impose this limitation, and that 6518.6 kc/s should be available to U.S. station on both a day and night basis. The attention of Collins is called to WARC footnote ADD 1352A.2, the last sentence of which reads: "The use of 6518.6 kc/s * * * should be limited to daytime use * * *". Collins is correct the WARC does not limit use in ITU Region 2 of 6513.6 kc/s to daytime hours. The WARC recommends, however, that in ITU Region 2 this frequency be limited to daytime use. Since this same provision is contained in the proposed rules, §§ 81.361(b)(5) and 83.351(b)(24) are adopted without change, as set forth below.

40. Collins observed, correctly, that provision has not been included in the Alaska Rules, Part 85, § 85.152(a), for use of emission A2H on radiotelegraphy frequencies in Alaska. In a later proceeding, Docket No. 18632, released August 25, 1969, based on available information which indicates radiotelegraphy has not been used for a number of years on public coast and Alaska-public fixed frequencies above 1605 kc/s, the Commission proposed, except as specifically set forth in the proposed rules, that radiotelegraphy emissions on these frequencies be deleted. It is expected that comments received in response to Docket No. 18632 will clarify the matter of need for continued availability of radiotelegraphy on frequencies above 1605 kc/s in the Alaska area. The Commission will, therefore, treat the matter of use of radiotelegraphy in the Alaska area in Docket No. 18632.

41. Collins also noted that provision was not included in Part 85 § 85.152(a), for use of 121.5 Mc/s to bring its use into accord with the current provisions in Part 83, § 83.132(a)(iii). In Docket No. 18632, see above, the Commission proposed that Part 85 be merged into Parts 81 and 83 and that Part 85 be deleted. Under this proposal, § 83.132 would apply, also, to the Alaska area. This proposed action, when finalized, will correct the deficiency noted by Collins.

42. In their comments, relative to the public correspondence duplex radiotelephony frequencies available for use by A.T. & T. stations at Miami, Fla., New York, N.Y., and San Francisco, Calif., A.T. & T. requested appropriate provisions be included in the rules to permit any two stations to use the frequencies available at the third station. Under this arrangement, the three stations would have access to the total number of frequencies available at all three stations. An integral part of A.T. & T.'s plans is to provide means at each station whereby operating personnel at that station can immediately determine which frequency(s) is in use at the other two stations. Thus, it will be possible for licensees to obtain a higher utilization from the frequencies available. Since a substantial improvement in service rendered to the public will result, the Commission concurs with A.T. & T.'s request and, accordingly, has amended §§ 81.306(a)(1), 83.351, 83.354(a), and 83.355(a)(1) to include enabling provisions in the rules, as set forth below.

43. The need to fulfill other maritime services communication requirements, however, has prevented the allotment concurrent with transition to SSB, of both the upper and lower sideband channels of all DSB frequencies currently available or of the replacement frequencies provided by the WARC Agreement. Nonetheless, as viewed over all, it has been possible, as set forth in the attached appendix, to provide expansion, following conversion to SSB, of the number of frequencies available for the high seas service. The following table shows, for each megacycle order at each station, the number of frequencies currently available and primary allotments which will be available on January 1, 1974. This table does not indicate the number of additional frequencies which will be available as a result of the sharing described above.

Frequency band (Mc/s)	Miami		New York		San Francisco		Hawaii	
	Current	1974	Current	1974	Current	1974	Current	1974
4	1	1	3	3	1	2	1	1
8	1	2	2	4	1	3	1	1
13	1	2	2	2	1	2	1	1
17	0	1	2	3	1	2	1	1
22	0	1	2	3	1	2	0	0

44. While current developments in the Great Lakes area, as well as the comments filed in this proceeding, are viewed by the Commission as not necessitating expansion of the number of high frequencies available in that area, it is clear that it is not timely or appropriate to decrease the number of high frequency channels available in the Great Lakes. Therefore, with regard to frequencies available in the Great Lakes following conversion to SSB, the amendment of the rules as set forth in the attached appendix provide a "one-for-one" replacement, that is, the number of high frequency channels available in the Great Lakes after conversion to SSB is the same as the number of DSB channels currently available. The lower half-channels which will become available as a result of conversion to SSB have been deployed to satisfy need for expanded communication in other areas.

45. In the view of the Commission, the need for expanded communication lies principally in two areas: Public coast Class II–B stations located on the gulf coast and vessels operating in the Gulf of Mexico; and coast and ship stations operating in the Mississippi River and connecting inland waters (Mississippi River System), other than the Great Lakes.

46. As reported to the Commission, in brief, vessels operating in various parts of the Gulf of Mexico, because of distance, noise, and propagation conditions characteristic to that area, are unable to communicate, except during favorable conditions, with public correspondence Class II–B stations in Alabama, Florida, Louisiana, and Texas. Heretofore, only frequencies in the band 2000–2850 kc/s have been available to these stations. As set forth in the attached appendix, following conversion to SSB, three duplex pairs of 4 Mc/s radiotelephony SSB frequencies are added for use by ship stations and Class II–B public coast stations serving the gulf area, as follows:

Station located in the vicinity of—	Coast station	Ship station
Galveston and Corpus Christi, Tex.	4425.4	4126.8
Mobile, Ala., and Delcambre, La.	4412.6	4114.0
New Orleans, La., and Tampa, Fla.	4419.0	4120.4

47. A similar situation exists with regard to the Mississippi River system, in that, as a practical matter, the need for communication by the large number of vessels exceeds the capability of the limited number of frequencies, all of which

are shared between ship stations and the public coast stations serving this system. Within this system, various operational techniques have been and are being employed by the users of the system to increase the utilization of available channels in an effort to satisfy their need for communication. Substantial improvement of the present system, however, is contingent upon additional frequencies being made available. In examining the figures of quantity of cargo moved by vessels operating in this system it is apparent that the vessels operating in the Mississippi River system are an inseparable part of the maritime services of this country and that they provide a service which is indispensable to the Nation's economy. To the extent that additional frequencies can be made available, the improved service should permit the several coast stations to operate independently of each other. As set forth below, separate simplex 4 and 8 Mc/s and shared simplex 13 and 17 Mc/s radiotelephony SSB frequencies are provided, following conversion to SSB for use by public coast stations and by ship stations operating in the Mississippi River system, as follows:

Station located in the vicinity of—	*Coast and ship stations, transmit and receive (transmit and receive—kc/s)*
Louisville, Ky	4069.2, 8780.0, 13158.0, 17283.0.
Memphis, Tenn	4088.4, 8246.0, 12379.0, 16488.0.
Pittsburgh, Pa	4387.0, 8207.6, 12379.0, 16488.0.
St. Louis, Mo	4367.8, 8210.8, 13158.0, 17283.0.

48. In their comments, Amcom, Ashland, and Gartman urged the Commission to expand the communication capability on the Mississippi River system by increasing the number of frequencies available and by removing the applicable conditions of use which limit use of the frequencies currently available. COM/NAV, in their comments, supported these requests for improvement of communications in this area. The Commission concurs that there is need for expansion and improvement in communication capability on the Mississippi River system and is of the view, following conversion to SSB and availability of the additional frequencies, that the measures outlined above and set forth in the attached appendix will meet the majority of the requests of these commentators.

49. An application for modification submitted solely for a frequency change that is necessary to comply with any rule amendments adopted as a result of this proceeding may be submitted without a fee.

50. For the reasons stated herein and to meet certain international implementation dates, the Commission finds that good cause exists for making these rule changes effective less than 30 days after publication. This action is taken pursuant to 5 U.S.C. 553.

51. In view of the foregoing: *It is ordered*, That, pursuant to the authority contained in sections 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 2, 81, 83, and 85 of the Commission's rules are amended effective December 31, 1969, as set forth below.

52. *It is further ordered*, That the petition for rule making (RM–1132) filed by A.T. & T. is dismissed because the action taken herein provides the relief sought.

53. *It is further ordered*, That the proceeding in Docket No. 18271 is terminated.

Adopted: December 17, 1969.

Released: December 22, 1969.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; 47 U.S.C. 164, 303)

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations, is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the entries in column 7–11 for the 4063–4139.5, 4361–4438, 5950–6200, 6216.5–6244.5 and 8195–8281.2 kHz bands are amended to read as follows:

[2] Commissioner Johnson concurring in the result.

Federal Communications Commission

Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of stations	OF SERVICES
7	8	9	10	11	
* * *	* * *	* * *	* * *	* * *	
4063–4139.5	MARITIME MOBILE.	Ship.		Ship (telephony).	
* * *	* * *	* * *	* * *	* * *	
4361–4438	MARITIME MOBILE.	Coast.		Coast (telephony).	
* * *	* * *	* * *	* * *	* * *	
5950–6200 (NG 25)	BROADCASTING.	International broadcasting.		International broadcasting.	
* * *	* * *	* * *	* * *	* * *	
6216.5–6244.5	MARITIME MOBILE.	Ship.		Ship (wideband telegraphy, facsimile, and special transmission systems).	
* * *	* * *	* * *	* * *	* * *	
8195–8281.2	MARITIME MOBILE.	Ship.		Ship (telephony).	

* * * * * * *

2. In § 2.106, footnotes to the table, NG footnotes, NG29 is deleted, NG25 and NG27 are amended to read as follows:

NG25 The frequency 6147.5 kHz may be authorized for simplex operation by non-Government coast and ship radiotelephone stations operating in the Mississippi River system on the condition that harmful interference shall not be caused to stations operating in accordance with the Table of Frequency Allocations.

NG27 The carrier frequencies 6451.9 and 6455.0 kHz may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations and that any interference from such services must be accepted.

B. Part 81, Stations on Land in the Maritime Services is amended as follows:

1. In § 81.131, subparagraph (3) (i) of paragraph (b) is amended by the addition of footnote 1 to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(b) * * *

Frequency ranges	*Tolerance—parts in 10⁶ unless shown as cycles per second (c/s)*
(3) From 4000 to 27,500 kc/s:	
(i) For A3A, A3B, A3H, and A3J emissions	[1] 20 c/s

* * * * *

[1] Until Jan. 1, 1971, a tolerance of 15 parts per million is applicable to SSB and ISB transmitters employed at Class I public coast stations.

* * * * *

2. Subparagraph (2) of paragraph (a) and paragraph (d) of § 81.132 are amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(2) Coast stations using radiotelephony:

(i) For frequencies designated in § 81.304(a):	
2182 and 2638 kc/s	A3 and A3H.
All other frequencies	A3, A3H, A3A, A3B, or A3J as specified in § 81.304 (a) and (b).

(ii) For frequencies designated in § 81.361(a)	A3J.
(iii) For frequencies in the band 156 to 174 Mc/s	F3.

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

3. In § 81.133, paragraph (a) is amended to read as follows:

§ 81.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 81.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s)	
		1.6–4.0 Mc/s	4.0–23 Mc/s
A1	0.16A1	0.3	
A2	2.66A2	2.8	
A3	6A3	8.0	
F1	[1] 0.3F1	[1] 0.5	
F3	[2] 16F3	[2] 20.0	
F3	[3] 36F3	[3] 40.0	
P0	Variable	Variable	
A3A	2.8A3A	3.5	[4] 3.0
A3H	2.8A3H	3.5	[4] 3.0
A3J	2.8A3J	3.5	[4] 3.0
A3B	5.6A3B	7.0	7.0

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted for operation in the 4–23 Mc/s band prior to Dec. 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s may continue to be operated.

4. In § 81.137, subparagraph (2) of paragraph (a) is amended to read as follows:

§ 81.137 Transmitters required to be type accepted for licensing.

(a) * * *

(2) To single sideband and independent sideband transmitters when operating on frequencies below 27.5 Mc/s: *Provided, however,* That this requirement shall not apply until January 1, 1971, to transmitters in class I public coast stations when operating on frequencies between 4 and 27.5 Mc/s.

5. In § 81.140, the headnote is amended to read as follows:

§ 81.140 Emission limitations.

6. Section 81.142 is amended to read as follows:

§ 81.142 Modulation requirements.

(a) Transmitters using A3 emission shall be capable of proper technical operation with modulation of 75 percent on peaks but not more than 100 percent on negative peaks. Each such transmitter shall be so adjusted that the transmission of speech and the international radiotelephone alarm signal, if provision is made for transmission of the signal, normally produce peak modulation percentages within those limits.

(b) Transmitters using F3 emission in the band 156–162 Mc/s shall be capable of proper technical operation with a frequency deviation of ±5 kc/s, which is defined as 100 percent modulation. In general, transmitters shall be adjusted so that transmission of speech normally produces peak modulation percentages between 75 and 100 percent.

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to December 31, 1969, that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) of this chapter is applicable, may continue until further notice.

(e) In single sideband operation, the sideband on the higher frequency side of the carrier frequency shall be transmitted.

(f) Except as provided in paragraph (g) of this section, each radiotelephone transmitter licensed by the Commission for use of F3 or A3 emission in a coast, marine fixed, operational fixed or marine utility station on shore shall be provided with a device which automatically prevents modulation in excess of 100 percent.

(g) A modulation limiter as prescribed in paragraph (f) of this section is not required in the following stations or transmitters:

(1) Stations authorized for developmental operation;

(2) Transmitters of plate input power of 3 watts or less when used in marine utility stations or other stations of a portable nature;

(3) Transmitters using frequencies in the band 73.0–74.6 Mc/s in operational fixed stations authorized on December 1, 1961, which were first authorized or installed prior to July 1, 1950.

(h) Single sideband and independent sideband transmitters shall automatically limit the peak envelope power to the authorized transmitter power.

(i) Each transmitter operated in the bands 72.0–73.0 and 75.4–76.0 Mc/s shall be equipped with an audio low-pass filter. The audio low-pass filter shall be installed between the modulation limiter and the modulated stage, and, at audiofrequencies between 3 kc/s and 15 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 40 $\log_{10}$ (f3) decibels where "f" is the audiofrequency in kilocycles. At audiofrequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

(j) Each transmitter [1] operated in the band 156–162 Mc/s shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated (radiofrequency) stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least 60 $\log_{10}$ (f/3) decibels, where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

7. In § 81.304, subparagraphs (2) and (3) of paragraph (a) are amended with respect to the 4–23 Mc/s band, and subparagraphs (1) through (22) of paragraph (b) are amended to read as follows:

§ 81.304 Frequencies available.

(a) * * *

(2)

Carrier frequencies (kc/s)		Conditions of use
Old frequency	New frequency	
(1)	(2)	(3)
4069.3	4069.2	3, 5, 12, 15.
4072.4	4072.4	3, 5, 18, 22.
	4088.4	3, 5, 20.
4374.3	4367.8	3, 5, 12, 15.
4377.4	4371.0	3, 5, 11, 14, 15, 18.
4393.5		
	4387.0	3, 5, 20.
4396.6	4390.2	11, 14, 15.
4406.3	4399.8	12, 15.
4409.4	4403.0	11, 14, 15.
4419.1	4412.6	12, 15.
4422.2	4415.8	11, 14, 15.
4425.5	4419.0	12, 15.
4428.6	4422.2	11, 14, 15.
4431.8	4425.4	12, 15.
4434.9	4428.6	11, 14, 15.
6236.9		16.
6240.0	6147.5	3, 5, 11, 16, 17.
6451.9	6451.9	3, 4, 5, 12.
6455.0	6455.0	3, 4, 5, 11.
8207.7	8207.6	3, 4, 12, 15.
8210.8	8210.8	3, 4, 11.
	8246.0	3, 5, 20.
8731.3	8735.2	12, 15.
8734.4	8738.4	11, 14, 15.
8764.1	8748.0	12, 15.
8767.2	8751.2	11, 14, 15.
8770.5	8754.4	12, 15.
8773.6	8757.6	11, 14, 15.
8789.7	8773.6	12, 15.
8792.8	8776.8	11, 14, 15.
8796.1		
	8780.0	3, 5, 20.
8799.2	8783.2	11, 14, 15.
8808.8	8792.8	12, 15.
8811.9	8796.0	11, 14, 15.
	12,379.0	3, 5, 20.
13,151.2		
13,154.5		
13,138.2	13,137.0	12, 15.
13,161.5	13,140.5	11, 14, 15.
13,172.2	13,151.0	12, 15.
13,175.5	13,154.5	11, 14, 15.

[1] Transmitters type accepted after Mar. 1, 1969; transmitters type accepted prior to Mar. 1, 1969, shall be equipped by Jan. 1, 1971.

Carrier frequencies (kc/s)		
Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
13,179.2		
	13,158.0	3, 5, 20.
13,182.5	13,161.5	11, 14, 15.
13,193.2	13,172.0	12, 15.
13,196.5	13,175.5	11, 14, 15.
	16,488.0	3, 5, 20.
17,304.2	17,269.0	12, 15.
17,307.5	17,272.5	11, 14, 15.
17,318.2		
	17,283.0	3, 5, 20.
17,321.5	17,286.5	11, 14, 15.
17,339.2	17,304.0	12, 15.
17,342.5	17,307.5	11, 14, 15.
17,353.2	17,318.0	12, 15.
17,356.5	17,321.5	11, 14, 15.
22,678.2	22,653.5	12, 15.
22,681.5	22,657.0	11, 14, 15.
22,692.2	22,667.5	12, 15.
22,695.5	22,671.0	11, 14, 15.
22,713.2	22,688.5	12, 15.
22,716.5	22,692.0	11, 14, 15.

(3) [Reserved]

* * * * *

(b) * * *

(1) [Reserved]

(2) [Reserved]

(3) Available for assignment to coast stations serving vessels on the Mississippi River and connecting inland waters: *Except*, That this frequency shall not be used by coast stations to serve vessels on the Great Lakes.

(4) Transmission is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.

(5) Authorization to use this carrier frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) [Reserved]

(7) [Reserved]

(8) [Reserved]

(9) [Reserved]

(10) [Reserved]

(11) Until January 1, 1972, emission A3, A3B, A3A, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J: *Provided, however*, That during the period January 1, 1974, to January 1, 1978, emission A3H may be used with foreign ship stations not equipped for single sideband operation.

NOTE: Future use of emission A3B in the maritime mobile service will be indefinite following transition to SSB and entry into force of the new SSB allotment plan adopted by the WARC, Geneva, 1967. The WARC, in Resolution No. MAR 13, specified its agreement that the WARC, 1973, must consider whether class A3B emission should be maintained after 1973.

(12) The frequency listed in column (2) is available for use with emissions A3A and A3J during the period March 1, 1970, to January 1, 1972: *Provided*, That harmful interference is not caused to systems still employing double sideband emission; and during the period January 1, 1972, to January 1, 1974: *Provided*, That harmful interference is not caused to ship station receivers employing double sideband techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(13) [Reserved]

(14) The changeover from the currently available frequencies listed in column (1) to the replacement frequency listed in column (2) shall be made at 0001 G.m.t., March 1, 1970. Except for equipment testing, transmission on the replacement frequency shall not commence prior to 0001 G.m.t., March 1, 1970.

(15) Authorization for use of the frequency listed in column (1) is withdrawn effective March 1, 1970.

(16) Authorization for use of the frequency listed in column (1) is withdrawn effective November 1, 1969.

(17) The frequency listed in column (2) is available for use on September 26, 1969.

(18) Authorization for use on the Mississippi River system of the frequency listed in column (2) is withdrawn effective January 1, 1974.

(19) [Reserved]

(20) Available January 1, 1974, for use with emissions 2.8A3A and 2.8A3J, with coast and ship stations operating (simplex) on the same channel.

(21) [Reserved]

(22) Until January 1, 1972, emission A3, A3B, A3A, A3H, and A3J; during the period January 1, 1972, to January 1, 1974, emission 2.8A3A, 2.8A3H, and 2.8A3J.

* * * * *

8. Paragraphs (a), (b), (c), and (e) of § 81.306 are amended to read as follows:

§ 81.306 Frequencies available below 27.5 Mc/s.

(a) The carrier frequencies designated herewith are assignable to class I public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided*, That the designated carrier frequencies below 5000 kc/s and above 22,650 kc/s are assignable only to coast stations located in the vicinity of the specific harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided, further*, That the coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated herewith:

(1) Working frequencies below 5000 kc/s.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
2506	(*)	San Francisco, Calif.	2406	(*)
2530	(*)	Hawaii	2124	(*)
2590	(*)	New York, N.Y.	2198	(*)
4374.3	Deleted	San Francisco, Calif.	4099.3	Deleted
4377.4	4371.0	San Francisco, Calif.[3]	4072.4	4072.4
4377.4	4371.0	New York, N.Y.	4072.4	4072.4
4377.4	4371.0	Miami, Fla.	4072.4	4072.4
4393.5	Deleted	New York, N.Y.	4088.5	Deleted
4396.6	4390.2	New York, N.Y.[3]	4091.6	4091.6
4396.6	4390.2	San Francisco, Calif.	4091.6	4091.6
4396.6	4390.2	Miami, Fla.	4091.6	4091.6
4406.3	4399.8	New York, N.Y.	4101.3	4101.2
4406.3	4399.8	San Francisco, Calif.[3]	4101.3	4101.2
4406.3	4399.8	Miami, Fla.	4101.3	4101.2
4409.4	4403.6	New York, N.Y.	4104.4	4104.4
4409.4	4403.0	San Francisco, Calif.[3]	4104.4	4104.4
4409.4	4403.0	Miami, Fla.	4104.4	4104.4
4419.1	Deleted	Hawaii	4116.1	Deleted
4422.2	4415.8	Hawaii[3]	4117.2	4117.2
4425.5	[2] 4419.0	Miami, Fla.	4120.5	4120.4
4425.5	4419.0	New York, N.Y.	4120.5	4120.4
4428.6	4422.2	Miami, Fla.[3]	4123.6	4123.6
4428.6	4422.2	New York, N.Y.	4123.6	4123.6
4428.6	4422.2	San Francisco, Calif.	4123.6	4123.6
4431.8	[2] 4425.4	New York, N.Y.	4126.8	4126.8
4431.8	4425.4	San Francisco, Calif.	4126.8	4126.8
[1] 4434.9	[1] 4428.6	New York, N.Y.	4129.9	4130.0
4434.9	4428.6	San Francisco, Calif.[3]	4129.9	4130.0
4434.9	4428.6	Miami, Fla.	4129.9	4130.0

See footnotes at end of table.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
8751.3	8735.2	San Francisco, Calif.	8201.3	8201.2
8751.3	8735.2	New York, N.Y.[3]	8201.3	8201.2
8751.3	8735.2	Miami, Fla.	8201.3	8201.2
8754.4	8738.4	San Francisco, Calif.[3]	8204.4	8204.4
8754.4	8738.4	New York, N.Y.	8204.4	8204.4
8754.4	8738.4	Miami, Fla.	8204.4	8204.4
8764.1	8748.0	San Francisco, Calif.[3]	8214.1	8214.0
8767.2	8751.2	Hawaii[3]	8217.2	8217.2
8770.5	8754.4	New York, N.Y.	8220.5	8220.4
8770.5	8754.4	San Francisco, Calif.	8220.5	8220.4
8770.5	8754.4	Miami, Fla.[3]	8220.5	8220.4
8773.6	8757.6	New York, N.Y.[3]	8223.6	8223.6
8773.6	8757.6	San Francisco, Calif.	8223.6	8223.6
8773.6	8757.6	Miami, Fla.	8223.6	8223.6
[1] 8789.7	[1] 8773.6	Miami, Fla.	8239.7	8239.6
[1] 8789.7	[1] 8773.6	San Francisco, Calif.	8239.7	8239.6
[1] 8789.7	[1] 8773.6	New York, N.Y.[3]	8239.7	8239.6
[1] 8792.8	[1] 8776.8	Miami, Fla.[3]	8242.8	8242.8
[1] 8792.8	[1] 8776.8	San Francisco, Calif.	8242.8	8242.8
[1] 8792.8	[1] 8776.8	New York, N.Y.	8242.8	8242.8
8808.8	8792.8	New York, N.Y.	8258.8	8258.8
8808.8	8792.8	San Francisco, Calif.[3]	8258.8	8258.8
8808.8	8792.8	Miami, Fla.	8258.8	8258.8
8811.9	8796.0	New York, N.Y.	8261.9	8262.0
8811.9	8796.0	San Francisco, Calif.[3]	8261.9	8262.0
8811.9	8796.0	Miami, Fla.	8261.9	8262.0
13,151.2	Deleted	Miami, Fla.	12,351.2	Deleted
13,154.5	Deleted	Miami, Fla.	12,354.5	Deleted
13,158.2	13,137.0	New York, N.Y.	12,358.2	12,358.0
13,158.2	13,137.0	San Francisco, Calif.	12,358.2	12,358.0

See footnotes at end of table.

*Subject to separate rule making proceeding.

[1] Available for use annually at New York, N.Y., during period December 15 to March 15.

[2] Station of primary allotment.

[3] Subject to noninterference to use at locations set forth in paragraphs (b) and (c) of this section.

(2) Working frequencies between 5000 kc/s and 27.5 Mc/s.

Coast station transmitting carrier frequency (kc/s)		Coast station located in the vicinity of—	Coast station receiving carrier frequency (kc/s)	
Old frequency	New frequency		Old frequency	New frequency
13, 158.2	13, 137.0	Miami, Fla.[1]	12, 358.2	12, 358.0
13, 161.5	13, 140.5	New York, N.Y.[1]	12, 361.5	12, 361.5
13, 161.5	13, 140.5	San Francisco, Calif.	12, 361.5	12, 361.5
13, 161.5	13, 140.5	Miami, Fla.	12, 361.5	12, 361.5
13, 172.2	13, 151.0	San Francisco, Calif.[1]	12, 372.2	12, 372.0
13, 175.5	13, 154.5	Hawaii[1]	12, 375.5	12, 375.5
13, 179.2	Deleted	San Francisco, Calif.	12, 379.2	Deleted
13, 182.5	13, 161.5	San Francisco, Calif.[1]	12, 382.5	12, 382.5
13, 182.5	13, 161.5	New York, N.Y.	12, 382.5	12, 382.5
13, 182.5	13, 161.5	Miami, Fla.	12, 382.5	12, 382.5
13, 193.2	13, 172.0	New York, N.Y.	12, 393.2	12, 393.0
13, 193.2	13, 172.0	Miami, Fla.[1]	12, 393.2	12, 393.0
13, 196.5	13, 175.5	New York, N.Y.[1]	12, 396.5	12, 396.5
13, 196.5	13, 175.5	Miami, Fla.	12, 396.5	12, 396.5
17, 304.2	17, 260.0	San Francisco, Calif.[1]	16, 474.2	16, 474.0
17, 307.5	17, 272.5	Hawaii[1]	16, 477.5	16, 477.5
17, 318.2	Deleted	New York, N.Y.	16, 488.2	Deleted
17, 321.5	17, 286.5	New York, N.Y.[1]	16, 491.5	16, 491.5
17, 321.5	17, 286.5	San Francisco, Calif.	16, 491.5	16, 491.5
17, 321.5	17, 286.5	Miami, Fla.	16, 491.5	16, 491.5
17, 339.2	17, 304.0	San Francisco, Calif.	16, 509.2	16, 509.0
17, 339.2	17, 304.0	New York, N.Y.[1]	16, 509.2	16, 509.0
17, 339.2	17, 304.0	Miami, Fla.	16, 509.2	16, 509.0
17, 342.5	17, 307.5	San Francisco, Calif.[1]	16, 512.5	16, 512.5
17, 342.5	17, 307.5	New York, N.Y.	16, 512.5	16, 512.5
17, 342.5	17, 307.5	Miami, Fla.	16, 512.5	16, 512.5
17, 353.2	17, 318.0	New York, N.Y.	16, 523.2	16, 523.0
17, 353.2	17, 318.0	Miami, Fla.[1]	16, 523.2	16, 523.0
17, 326.5	17, 321.5	New York, N.Y.[1]	16, 523.5	16, 526.5
17, 356.5	17, 321.5	Miami, Fla.	16, 526.5	16, 526.5
22, 678.2	22, 653.5	New York, N.Y.	22, 028.2	22, 028.0
22, 678.2	22, 653.5	Miami, Fla.[1]	22, 028.2	22, 028.0
22, 681.5	22, 657.0	New York, N.Y.[1]	22, 031.5	22, 031.5
22, 681.5	22, 657.0	Miami, Fla.	22, 031.5	22, 031.5
22, 692.2	22, 667.5	San Francisco, Calif.	22, 042.2	22, 042.0
22, 692.2	22, 667.5	New York, N.Y.[1]	22, 042.2	22, 042.0
22, 692.2	22, 667.5	Miami, Fla.	22, 042.2	22, 042.0
22, 695.5	22, 671.0	San Francisco, Calif.[1]	22, 045.5	22, 045.5
22, 695.5	22, 671.0	New York, N.Y.	22, 045.5	22, 045.5
22, 695.5	22, 671.0	Miami, Fla.	22, 045.5	22, 045.5
22, 713.2	22, 688.5	New York, N.Y.	22, 063.2	22, 063.0
22, 713.2	22, 688.5	San Francisco, Calif.[1]	22, 063.2	22, 063.0
22, 713.2	22, 688.5	Miami, Fla.	22, 063.2	22, 063.0
22, 716.5	22, 692.0	New York, N.Y.	22, 066.5	22, 066.5
22, 716.5	22, 692.0	San Francisco, Calif.[1]	22, 066.5	22, 066.5[2]
22, 716.5	22, 692.0	Miami, Fla.	22, 066.5	22, 066.5

[1] Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] Station of primary allotment.

(b) Subject to the specific limitations imposed in this paragraph and in § 81.304 with respect to particular frequencies, the carrier frequencies designated are assignable for working purposes to class II public coast stations using telephony when the coast station and the mobile station transmit alternately on different radio channels: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective coast station transmitting frequency: *Provided, further*, That each coast station shall receive transmissions from mobile stations on the associated receiving frequency also designated in this paragraph.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency (kc/s)[1]				Associated coast station receiving carrier frequency (kc/s)[1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Boston, Mass.	2450			None	2366			None
	2506			None	2406			None
	2566			5, 9	2290			5, 9
New York, N.Y.	2482			6	2382			6
	2522			None	2126			None
	2558			None	2166			None
	2590			None	2198			None
	4396.6	4390.2	4390.2	1, 29, 32	4091.6	4091.6	4091.6	33
	4409.4	4403.0	4403.0	1, 29, 32	4104.4	4104.4	4104.4	33
		4422.2	4422.2	30, 32		4123.6	4123.6	33
	4434.9	4428.6	4428.6	1, 7, 10, 32, 29	4129.9	4130.0	4130.0	10, 33, 3, 7
Wilmington, Del.	2558			None	2166			None
Baltimore, Md.	2558			None	2166			None
Norfolk-Quantico, Va.	2538			None	2142			None
	2450			5, 9	2366			5, 9
Charleston, S.C.-Jacksonville, Fla.	2566			None	2330			None
Lake Allatoona-Lake Sidney, Lanier, Ga.	2450			5	2366			5
Miami Fla.	2442			9	2406			9
	2490			8	2031.5			None
	2514			5, 11	2118			10
	2550			13	2158			12
			4371.0	31, 32			4072.4	33
		4403.0	4403.0	29, 32		4104.4	4104.4	33
	4428.6	4422.2	4422.2	1, 30, 32	4123.6	4123.6	4123.6	33
Tampa, Fla.	2466			None	2009			None
	2550			10	2158			10
			4419.0	32, 34			4130.4	33
Mobile, Ala.	2572			None	2430			None
			4412.6	32, 35			4114.0	33
New Orleans, La.	2598			None	2206			None
	2558			9, 14	2166			9
	2482			None	2382			None
			4419.0	32, 34			4130.4	33
Delcambre, La.	2506			5, 9	2458			5, 9
			4412.6	32, 35			4114.0	33
Galveston, Tex.	2530			None	2134			None
	2450			9, 16	2366			9, 15
			4425.4	32, 36			4126.8	33
Corpus Christi, Tex.	2538			18	2142			17
			4425.4	32, 36			4126.8	33
San Juan, P.R.	2530			None	2134			None
Great Lakes	2514			32	2118			None
	2550			32	2158			None
	2582			32	2206			19
	4422.2	4415.8	4415.8	1, 32	4117.2	4117.2	4117.2	33
	4434.9	4428.6	4428.6	1, 32	4129.9	4130.0	4130.0	3, 33
	8799.2	8783.2	8783.2	1, 32	8249.2	8249.2	8249.2	33
Los Angeles-San Diego, Calif.	2506			None	2009			None
	2466			21	2382			20
	2598			22	2206			21
	2522			22	2126			21
San Francisco-Eureka, Calif.	2450			24	2003			23
	2506			None	2406			None
	4377.4	4371.0	4371.0	1, 31, 32	4072.4	4072.4	4072.4	33
		4390.2	4390.2	29, 33		4091.6	4091.6	33
			4399.8	32, 31			4101.2	
Astoria, Oreg.	2442			5, 9	2009			5, 9
Astoria-Portland, Oreg.	2598			None	2206			None
Coos Bay, Oreg.	2506			22	2031.5			5, 22
Seattle, Wash.	2522			None	2126			None
	2482			25	2430			25
Kahuku, Hawaii	2530			None	2134			None
	4422.2	4415.8	4415.8	1, 32	4117.2	4117.2	4117.2	33
Hilo, Hawaii	2582			None	2198			None

See footnotes at end of table.

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency (kc/s)[1]				Associated coast station receiving carrier frequency (kc/s)[1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Palmyra Island, Hawaii	2530			27	2134			26
St. Thomas Isl., Virgin Islands	2506			28	2009			28

[1] In the table, for duplex working on frequencies above 2850 kc/s, coast station transmitting carrier frequencies appear in columns (2), (3), and (4); ship station transmitting carrier frequencies appear in columns (6), (7), and (8). Coast and ship station frequencies appearing on the same line are paired, as follows: Column (2) is paired with column (6); column (3) with (7); and column (4) is paired with (8). In general: The frequencies in columns (2) and (6) are available prior to Mar. 1, 1970, for coast stations, and prior to May 1, 1970, for ship stations; those in columns (3) and (7) will be converted to SSB (see §§ 81.304 and 83.351: coast, Jan. 1, 1972; ship, Jan. 1, 1974); and those in columns (4) and (8) will be available after Jan. 1, 1974.

Note 1: Frequencies above 2850 kc/s shown in columns (2) and (6) are available for DSB emission prior to Mar. 1, 1970 (or May 1, 1970), and will not be available after that date.

Note 2: Frequencies above 2850 kc/s shown in columns (3) and (7) and available for DSB emission; Will replace the DSB frequencies shown in columns (2) and (6); and are available in accordance with the provisions of this section and the conditions of use set forth in §§ 81.304 and 83.351. The frequencies listed in columns (3) and (7) will not be available after Jan. 1, 1974.

Note 3: Frequencies above 2850 kc/s shown in columns (4) and (8) will be available for 2.8A3A and/or 2.8A3J emission on Jan. 1, 1974, and will replace the frequencies listed in columns (3) and (7) on that date.

Note 4: The conditions of use referred to in columns (5) and (9) are set forth below the table.

(1) The frequency in column (2) is replaced by the frequency in column (3) in accordance with the conditions of use set forth in § 81.304.

(2) [Reserved]

(3) The frequency in column (6) is replaced by the frequency in column (7) in accordance with the conditions of use set forth in § 83.351 of this chapter.

(4) [Reserved]

(5) Available on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(6) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.

(7) Available for use annually during period December 15 to March 15.

(8) Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.

(9) Day only.

(10) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.

(11) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission.

(12) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(13) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(14) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc/s is assigned for transmission.

(15) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(16) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.

(17) Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(18) Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

(19) Not available to U.S. ship stations for transmission.

(20) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(21) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(22) 7 a.m. to 7 p.m., P.s.t., only.

(23) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc/s to a coast station located in the vicinity of either of these ports.

(24) Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.

(25) Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: Annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(26) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.

(27) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kc/s is assigned for transmission.

(28) 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(29) New York, N.Y., is the station of primary assignment. Use of this frequency is shared with Miami, Fla., and San Francisco, Calif.

(30) Miami, Fla., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and San Francisco, Calif.

(31) San Francisco, Calif., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and Miami, Fla.

(32) In accordance with § 81.304.

(33) In accordance with § 83.351 of this chapter.

(34) Shared by New Orleans, La., Tampa and Miami, Fla. Use by Miami, Fla., is on a secondary basis to use by New Orleans, La., and Tampa, Fla.

(35) Shared by Mobile, Ala., and Delcambre, La.

(36) Shared by Galveston and Corpus Christi, Tex.

(c) Subject to the specific limitations imposed in this paragraph and in

§ 81.304 with respect to particular frequencies, the carrier frequencies designated herein are assignable for working purposes to Class II public coast stations using telephony when the coast station and the mobile station transmit alternately on the same radio channel: *Provided*, That these frequencies are assignable only to coast stations located in the vicinity of the harbors, ports, or places designated hereinafter opposite the respective frequency:

Coast stations located in the vicinity of—	Coast and ship station transmitting and receiving carrier frequency (kc/s)			
	Note 1	Note 2	Note 3	Conditions of use note 4
(1)	(2)	(3)	(4)	(5)
Baltimore, Md	2400			(1)
Louisville, Ky	2782			(1)
	4069.3			(2)
	4072.4	4072.4	4069.2	
	4374.3			(2)
	4377.4	4371.0		
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9			(2)
	6455.0	6455.0	6455.0	
	8207.7			(2)
	8210.8	8210.8	8789.0	
			13,158.0	(4)
			17,283.0	(4)
Memphis, Tenn	2782			(1)
	4069.3			(2)
	4072.4	4072.4	4088.4	
	4374.3			(2)
	4377.4	4371.0		
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9		6451.9	(2)
	8207.7			(2)
	8210.8	8210.8	8246.0	
			12,379.0	(4)
			16,488.0	(4)
Pittsburgh, Pa	2782			(1)
	4069.3			(2)
	4072.4	4072.4		
	4374.3			(2)
	4377.4	4371.0	4387.0	
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9		6451.9	(2)
	6455.0	6455.0		
	8207.7		8207.6	(2)
	8210.8	8210.8		
			12,379.0	(4)
			16,488.0	(4)
St. Louis, Mo	2782			(1)
	4069.3			(2)
	4072.4	4072.4		
	4374.3			(2)
	4377.4	4371.0	4367.8	
	6236.9			(3)
	6240.0	6147.5	6147.5	(3)
	6451.9			(2)
	6455.0	6455.0		
	8207.7			(2)
	8210.8	8210.8	8210.8	
			13,158.0	(4)
			17,283.0	(4)
Lake Dallas-Lake Texhoma, Tex	2738			(1)
Lake Mead, Nev	2782			(1)
The Dalles-Umatilla, Oreg	2784			(1)

NOTE 1: Frequencies above 2850 kc/s shown in column (2), other than those to which footnote (2) or (3) is applicable, are available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J prior to Mar. 1, 1970.

NOTE 2: Frequencies above 2850 kc/s shown in column (3) are available during the period Mar. 1, 1970, to Dec. 31, 1973, for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J, and will replace the frequencies appearing on the same line in column (2) on Mar. 1, 1970.

NOTE 3: Frequencies above 2850 kc/s shown in column (4) are available effective Jan. 1, 1974, for use with emissions 2.8A3A and 2.8A3J and on that date will replace the frequencies shown in column (3). The frequencies appearing in column (3) will not be available after Dec. 31, 1973.

NOTE 4: The conditions of use referred to in column (5) are set forth below the table.

(1) Subject to a separate rule making proceeding.

(2) Until March 1, 1970, available for single sideband (SSB) emissions 2.8A3A and 2.8A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1 kc/s.

(3) Availability of 6236.9 and 6240 kc/s is withdrawn effective November 1, 1969. 6147.5 kc/s, the replacement frequency for 6240 kc/s, was made available effective September 25, 1969. Transition by ship and coast stations from 6240 to 6147.5 kc/s shall be effected during the period September 25–October 31, 1969.

(4) Availability of the frequency in column (4) for use during the period January 1, 1972, to January 1, 1974, is subject to the condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.2 or 3.5 kc/s.

* * * * *

(e) Class II coast stations shall use frequencies within the band 4000 kc/s to 27.5 Mc/s only when the use of frequency assignments outside this band will not provide effective communication.

9. Section 81.361 is amended to read as follows:

§ 81.361 Frequencies available between 4 and 27.5 Mc/s.

(a) The following carrier frequencies may be authorized to limited coast stations for communication with ship stations operating on the same carrier frequency. The conditions of use are set forth in paragraph (b) of this section.

Carrier frequencies (kc/s)		
Available until Feb. 28, 1970	Available after Jan. 1, 1970	Conditions of use
(1)	(2)	(3)
4133.0	4139.5	1, 2, 3, 4.
4136.5	4136.3	1, 2, 3, 4.
	4434.9	1, 4.
6209.5	6210.4	1, 2, 3, 4.
6294.0	6213.5	1, 2, 3, 4.
6207.5	6518.6	1, 2, 3, 4, 5.
8273.0	8281.2	1, 2, 3, 4.
8276.5	8284.4	1, 2, 3, 4.
12,407.0		1, 3.
12,410.5	12,421.0	1, 2, 3, 4.
12,414.0	12,424.5	1, 2, 3, 4.
12,417.5	12,428.0	1, 2, 3, 4.
16,537.0		1, 3.
16,540.5		1, 3.
16,544.0		1, 3.
16,547.5		1, 3.
16,551.0	16,565.0	1, 2, 3, 4.
16,554.5	16,568.5	1, 2, 3, 4.
16,558.0	16,572.0	1, 2, 3, 4.
22,078.0		1, 3.
22,081.5	22,094.5	1, 2, 3, 4.
22,085.0	22,098.0	1, 2, 3, 4.
22,088.5	22,101.5	1, 2, 3, 4.
22,092.0	22,105.0	1, 2, 3, 4.
22,095.5	22,108.5	1, 2, 3, 4.

(b) Assignment of the specific carrier frequencies designated in paragraph (a) of this section and use of frequency assignments of which those frequencies are the authorized carrier frequencies shall be subject to the express limitations and conditions set forth in this paragraph:

(1) (i) The applicant must show that the desired communications are primarily over distances for which frequencies above 27.5 Mc/s would not be suitable;

(ii) These frequencies are available on a shared basis only and shall not be construed as available for the exclusive use of any one station license;

(iii) Normally no more than one frequency from each of the frequency bands will be authorized;

(iv) These frequencies are not authorized for use in communicating with stations aboard aircraft;

(v) Transmitter peak envelope power shall not exceed 1 kW; and

(vi) The class of emission shall be A3J.

(2) During the period December 1, 1969, to April 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(3) Authorization for use of the frequency listed in column (1) is withdrawn effective April 1, 1970.

(4) The frequency listed in column (2) will be available for assignment on and after December 1, 1969.

(5) Use should be limited to daytime.

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Subparagraph (2) of paragraph (a) and paragraph (d) of § 83.132 are amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(2) Stations using radiotelephony:

(i) For frequencies designated in § 83.351 (a):	
2182 kc/s and 2638 kc/s.	A3 and A3H.
2003 kc/s on the Great Lakes.	A3 and A3H.
(ii) All other frequencies.	A3, A3H, A3A, A3B, or A3J as specified in § 83.351 (a) and (b).
(iii) For the frequency 121.5 Mc/s.	A2.
(iv) For the frequency band 156 to 174 Mc/s.	F3.

* * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3 and 6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power.

* * * * *

2. In § 83.133, paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kc/s)
A1	0.16A1	0.3
A2	2.66A2	2.8
A3	6A3	8.0
F1	[1] 0.3F1	[1] 0.5
F2	[2] 16F3	[2] 20.0
F3	[2] 36F3	[2] 40.0
F0	Variable	Variable

		1.6-4.0 Mc/s	4.0-23 Mc/s
A3A	2.8A3A	3.5	[4] 3.0
A3H	2.8A3H	3.5	[4] 3.0
A3J	2.8A3J	3.5	[4] 3.0
A3B	5.6A3B	7.0	7.0

[1] Narrow-band Direct-printing Telegraph and Data Transmission systems.
[2] Applicable when maximum authorized frequency deviation is 5 kc/s. See paragraph (c) of this section.
[3] Applicable when maximum authorized frequency deviation is 15 kc/s. See paragraph (c) of this section.
[4] Transmitters type accepted for operation in the 4-23 Mc/s band prior to Dec. 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kc/s may continue to be operated.

* * * * *

3. In § 83.136, the headnote is amended to read as follows:

§ 83.136 Emission limitations.

* * * * *

4. In § 83.137, paragraph (c) is amended; paragraphs (d) through (g) are redesignated (e) through (h); and a new paragraph (d) is added to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(c) Except as provided in paragraph (d) of this section, single sideband and independent sideband transmitters shall be capable of operation in the suppressed carrier (A3J) mode, with the carrier emitted at a power level at least 40 decibels below peak envelope power; and, in addition, in the following modes:

(1) Full carrier (A3H) mode, with the carrier emitted at a power level between 3 and 6 decibels below peak envelope power; and

(2) Reduced carrier (A3A) mode, with the carrier emitted at a power level 16 decibels, ±2 decibels, below peak envelope power.

(d) Transmitters type accepted prior to December 31, 1969, that are not type accepted for operation in all three modes (A3A, A3H, and A3J) may continue to be operated until January 1, 1974: *Provided, however,* That where such transmitters have A3J capability, operation in that mode on the frequencies to which § 83.351(b)(13) is applicable, may continue until further notice.

* * * * *

5. In § 83.139, the headnote and paragraph (a) are amended and a new paragraph (c) is added to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

(a) Except as provided by paragraph (c) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(c) Effective January 1, 1972, DSB transmitters operating in the band 4000–27,500 kc/s will not be authorized for installations made aboard ship stations after that date: *Provided, however,* That in a ship radio station authorized to operate on frequencies in the band 4000–27,500 kc/s, DSB equipment may continue to be authorized for operation on frequencies in this band for a period not to extend beyond January 1, 1974, where a license:

(1) Was granted prior to January 1, 1972, and

(2) Has not expired due to failure to renew; or

(3) Has not been canceled at the request of the licensee; or

(4) Has not been revoked by order of the Commission.

6. In § 83.351, subparagraphs (2) and (3) of paragraph (a) are amended with respect to the 4–23 Mc/s band, and in paragraph (b) subparagraphs (3)–(5) and (9)–(32) are amended, and subparagraphs (60)–(66) are added to read as follows:

§ 83.351 Frequencies available.

(a) * * *

(2)

Carrier frequencies (kc/s)		
Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
4069.3	4069.2	3, 20, 26, 63, 64.
	4072.4	18, 28.
4072.4	4072.4	3, 20, 25, 26, 31, 65.
4088.5		
	4088.4	3, 20, 66.
4091.6	4091.6	14, 20.
4101.3	4101.2	20, 25, 26, 27.
4104.4	4104.4	14, 20.
4114.1	4114.0	20, 25, 26, 27.
4117.2	4117.2	14, 20.
4120.5	4120.4	20, 25, 26, 27.
4123.6	4123.6	14, 20.
4126.8	4126.8	20, 27.
4129.9	4130.0	14, 20, 25, 26, 27.
4133.0	4133.5	13, 16, 21, 22, 23.
4136.5	4136.3	13, 16, 21, 22, 23.
4374.3	4367.8	3, 20, 26, 62, 64.
4377.4	4371.0	3, 20, 25, 26, 31, 65.
	4387.0	3, 20, 66.
	4434.9	23, 16, 23.
6200.5	6210.4	13, 16, 21, 22, 23.
6204.0	6213.5	13, 16, 21, 22, 23.
6267.5	6518.6	13, 16, 21, 22, 23, 24.
6230.9		60.
6240.0	6147.5	3, 5, 15, 20, 60, 61.
6451.9	6451.9	3, 4, 20, 63, 64.
6455.0	6455.0	3, 4, 15, 20.
8201.3	8201.2	18, 25, 26, 27.
8204.4	8204.4	14, 18.
8207.7	8207.6	3, 20, 25, 26, 63, 64.
8210.8	8210.8	3, 15, 20, 25, 26.
8214.1	8214.0	18, 25, 26, 27.
8217.2	8217.2	14, 18.
8220.5	8220.4	18, 25, 26, 27.
8223.6	8223.6	14, 18.
8239.7	8239.6	18, 25, 26, 27.
8242.8	8242.8	14, 18.
8246.1		
	8246.6	3, 20, 66.
8249.2	8249.2	14, 20
8258.8	8258.8	18, 25, 26, 27.
8261.9	8262.0	14, 18, 25, 26, 27.
8273.0	8281.2	13, 16, 21, 22, 23.
8276.5	8284.4	13, 16, 21, 22, 23.
	8780.0	3, 20, 66.
12,351.2		
12,354.5		
12,358.2	12,358.0	18, 25, 26, 27.
12,361.5	12,361.5	14, 18.
12,372.2	12,372.0	18, 25, 26, 27.
12,375.5	12,375.5	14, 18.
12,379.2		
	12,379.0	3, 20, 66.
12,382.5	12,382.5	14, 18.
12,393.2	12,393.0	18, 25, 26, 27.
12,396.5	12,396.5	14, 18.
12,407.0		13, 16, 22.

Carrier frequencies (kc/s)		
Old frequency	New frequency	Conditions of use
(1)	(2)	(3)
12,410.5	12,421.0	13, 16, 21, 22, 23.
12,414.0	12,424.5	13, 16, 21, 22, 23.
12,417.5	12,428.0	13, 16, 21, 22, 23.
	13,158.0	3, 20, 66.
16,474.2	16,474.0	18, 25, 26, 27.
16,477.5	16,477.5	14, 18.
16,488.2		
	16,488.0	3, 20, 66.
16,491.5	16,491.5	14, 18.
16,509.2	16,509.0	18, 25, 26, 27.
16,512.5	16,512.5	14, 18.
16,523.2	16,523.0	18, 25, 26, 27.
16,526.5	16,526.5	14, 18.
16,537.0		13, 16, 22.
16,540.5		13, 16, 22.
16,544.0		13, 16, 22.
16,547.5		13, 16, 22.
16,551.0	16,565.0	13, 16, 21, 22, 23.
16,554.5	16,568.5	13, 16, 21, 22, 23.
16,558.0	16,572.0	13, 16, 21, 22, 23.
	17,283.0	3, 20, 66.
22,028.2	22,028.0	18, 25, 26, 27.
22,031.5	22,031.5	14, 18.
22,042.2	22,042.0	18, 25, 26, 27.
22,045.5	22,045.5	14, 18.
22,063.2	22,063.0	18, 25, 26, 27.
22,066.5	22,066.5	14, 18.
22,078.0		13, 16, 22.
22,081.5	22,094.5	13, 16, 21, 22, 23.
22,085.0	22,098.0	13, 16, 21, 22, 23.
22,088.5	22,101.5	13, 16, 21, 22, 23.
22,092.0	22,105.0	13, 16, 21, 22, 23.
22,095.5	22,108.5	13, 16, 21, 22, 23.

(3) [Reserved]

* * * * *

(b) * * *

* * * * *

(3) Available for use by ship stations aboard vessels operating on the Mississippi River and connecting inland waters: *Except,* That this frequency shall not be used by vessels when operating on the Great Lakes.

(4) Transmission by ship stations is prohibited during the period from 8 p.m. to 5 a.m., c.s.t.

(5) Use of this frequency is subject to the express condition that harmful interference shall not be caused to the service of any station which in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

* * * * *

(9)–(12) [Reserved]

(13) Use of this frequency is limited to emission A3J only.

(14) Until January 1, 1974, emissions A3, A3A, A3B, A3H, and A3J; after January 1, 1974, use is limited to emission A3A and A3J: *Provided, however,* That availability of emission A3B after January 1, 1974, is dependent upon the decision taken by the ITU World Administrative Radio Conference, to be convened in 1973, in regard to continued use of that emission.

(15) Column (2): Until January 1, 1974, emissions A3, A3A, A3H, and A3J; after January 1, 1974, emissions A3A and A3J.

(16) Available for use in accordance with the provisions of § 83.360.

(17) [Reserved]

(18) Available for use in accordance with the provisions of § 83.355.

(19) [Reserved]

(20) Available for use in accordance with the provisions of § 83.354(a).

(21) During the period December 1, 1969, to April 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(22) Authorization for use of the frequency listed in column (1) is withdrawn effective April 1, 1970.

(23) The frequency listed in column (2) will be available for assignment and use on and after December 1, 1969.

(24) Use should be limited to daytime.

(25) During the period March 1, 1970, to May 1, 1970, transition may be effected from the currently available frequency listed in column (1) to the replacement frequency listed in column (2).

(26) Authorization for use of the frequency listed in column (1) is withdrawn effective May 1, 1970.

(27) Available January 1, 1974, for use with emissions 2.8A3A and 2.8A3J. Use during the period January 1, 1972, to January 1, 1974, is subject to the condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(28) The frequency listed in column (2) is available for use with emissions 2.8A3A and 2.8A3J on January 1, 1974.

(29) Authorization for use of the frequency listed in column (1) is withdrawn effective March 1, 1970.

(30) [Reserved]

(31) Until January 1, 1974, emissions A3, A3A, A3H, and A3J.

(32) [Reserved]

* * * * *

(60) Authorization for use of the frequency listed in column (1) is withdrawn on November 1, 1969.

(61) The frequency listed in column (2) is available for use on September 26, 1969.

(62) Column (1): Until March 1, 1970, available for single sideband (SSB) emissions 2.8A3A and 2.8A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(63) Column (1): Until May 1, 1970, available for single sideband (SSB) emissions A3A and A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(64) The frequency listed in column (2) is available for use with emissions A3A and A3J during the period March 1, 1970, to January 1, 1972: *Provided*, That harmful interference is not caused to systems still employing double sideband emission; and during the period January 1, 1972, to January 1, 1974: *Provided*, That harmful interference is not caused to ship station receivers employing double sideband techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kc/s.

(65) Authorization for use of the frequency listed in column (2) is withdrawn effective January 1, 1974.

(66) Effective January 1, 1974, limited to emissions A3A and A3J, the frequency listed in column (2) will be available for assignment on a simplex basis in the Mississippi River system.

7. The tables below subparagraphs (1) and (2) of paragraph (a) of § 83.354 are amended to read as follows:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *

(1) Frequencies available for use when the mobile station and the coast station transmit alternately on different radio channels:

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kc/s) [1]				Associated coast station transmitting carrier frequency (kc/s) [1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Boston, Mass.	2366			None	2450			None
	2406			None	2506			None
	2390			5, 9	2566			5, 9
New York, N.Y.	2382			6	2482			6
	2126			None	2522			None
	2166			None	2558			None
	2198			None	2590			None
	4091.6	4091.6	4091.6	33	4390.6	4390.2	4390.2	1, 29, 32
	4104.4	4104.4	4104.4	33	4409.4	4403.0	4403.0	1, 29, 32
		4123.6	4123.6	33		4422.2	4422.2	30, 32
	4129.9	4130.0	4130.0	10, 33, 3	4434.9	4428.6	4428.6	1, 10, 32
Wilmington, Del.	2166			None	2558			None
Baltimore, Md.	2166			None	2558			None
Norfolk-Quantico, Va.	2142			None	2538			None
	2366			5, 9	2450			5, 9
Charleston, S.C.-Jacksonville, Fla.	2390			None	2566			None
Lake Allatoona-Lake Sidney, Lanier, Ga.	2366			5	2450			5
Miami, Fla.	2406			9	2442			9
	2031.5			None	2490			8
	2118			10	2514			5, 11
	2158			12	2550			13
			4072.4	33			4371.0	31, 32
		4104.4	4104.4	33		4403.0	4403.0	29, 32
	4123.6	4123.6	4023.6	33	4428.6	4422.2	4422.2	1, 30, 32
Tampa, Fla.	2099			None	2466			None
	2158			10	2550			10
			4120.4	33			4419.0	32, 34
Mobile, Ala.	2430			None	2572			None
			4114.0	33			4412.6	32, 35
New Orleans, La.	2206			None	2598			None
	2166			9	2558			9, 14
	2382			None	2482			None
			4120.4	33			4419.0	32, 34
Delcambre, La.	2458			5, 9	2506			5, 9
			4114.0	33			4412.6	32, 35
Galveston, Tex.	2134			None	2530			None
	2366			9, 15	2450			9, 16
			4126.8	33			4425.4	32, 36
Corpus Christi, Tex.	2142			17	2538			18
			4126.8	33			4425.4	32, 36
San Juan, P.R.	2134			None	2530			None
Great Lakes.	2118			None	2514			32
	2158			None	2550			32
	2306			19	2582			32
	4117.2	4117.2	4117.2	33	4422.2	4415.8	4415.8	1, 32
	4129.9	4130.0	4130.0	3, 33	4434.9	4428.6	4428.6	1, 32
	8249.2	8249.2	8249.2	33	8799.2	8783.2	8783.2	1, 32
Los Angeles-San Diego, Calif.	2099			None	2566			None
	2382			20	2466			21
	2206			22	2598			22
	2126			22	2522			22
San Francisco-Eureka, Calif.	2093			23	2450			24
	2406			None	2506			None
	4072.4	4072.4	4072.4	33	4377.4	4371.0	4371.0	1, 31, 32
		4091.6	4091.6	33		4390.2	4390.2	29, 32
			4101.2	33			4399.8	29, 32
Astoria, Oreg.	2099			5, 9	2442			5, 9

See footnotes at end of table.

Coast stations located in the vicinity of—	Mobile station transmitting carrier frequency (kc/s) [1]				Associated coast station transmitting carrier frequency (kc/s) [1]			
	Note 1	Note 2	Note 3	Conditions of use, note 4	Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Astoria-Portland, Oreg.	2206			None	2598			None
Coos Bay, Oreg.	2031.5			5, 22	2366			22
Seattle, Wash.	2126			None	2522			None
	2430			25	2482			25
Kahuku, Hawaii	2134			None	2330			None
	4117.2	4117.2	4117.2	33	4422.2	4415.8	4415.8	1, 32
Hilo, Hawaii	2198			None	2582			None
Palmyra Island, Hawaii	2134			26	2330			27
St. Thomas Isl., Virgin Islands	2009			28	2506			28

[1] In the table, for duplex working on frequencies above 2850 kc/s, mobile station transmitting carrier frequencies appear in columns (2), (3), and (4); coast station transmitting carrier frequencies appear in columns (6), (7), and (8). Coast and ship station frequencies appearing on the same line are paired, as follows: Column (2) is paired with column (6); column (3) with (7); and column (4) is paired with (8). In general: The frequencies in columns (2) and (6) are available prior to Mar. 1, 1970, for coast stations, and prior to May 1, 1970, for ship stations; those in columns (3) and (7) will be converted to SSB (see §§ 81.304 and 83.351: coast, Jan. 1, 1972; ship Jan. 1, 1974); and those in columns (4) and (8) will be available after Jan. 1, 1974.

NOTE 1: Frequencies above 2850 kc/s shown in columns (2) and (6) are available for DSB emission prior to Mar. 1 1970 (or May 1, 1970), and will not be available after that date.

NOTE 2: Frequencies above 2850 kc/s shown in columns (3) and (7) and available for DSB emission: Will replace the DSB frequencies shown in columns (2) and (6); and are available in accordance with the provisions of this section and conditions of use set forth in § 81.304 and § 83.351. The frequencies listed in columns (3) and (7) will not be available after Jan. 1, 1974.

NOTE 3: Frequencies above 2850 kc/s shown in columns (4) and (8) will be available for 2.8A3A and/or 2.8A3J emissions on Jan. 1, 1974, and will replace the frequencies listed in columns (3) and (7) on that date.

NOTE 4: The conditions of use referred to in columns (5) and (9) are set forth below the table.

(1) The frequency in column (6) is replaced by the frequency in column (7) in accordance with the conditions of use set forth in § 81.304 of this chapter.

(2) [Reserved]

(3) The frequency in column (2) is replaced by the frequency in column (3) in accordance with the conditions of use set forth in § 83.351.

(4) [Reserved]

(5) Available on condition that no harmful interference will be caused to any service or station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interefernce is caused.

(6) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission.

(7) Available for use annually during period December 15 to March 15.

(8) Available on a 24-hour basis, on condition that harmful interference shall not be caused to the police radio service in southern California.

(9) Day only.

(10) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any ship station in the Great Lakes area which in the discretion of the Commission has priority on the frequency or frequencies used for the service to which interference is caused.

(11) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference shall not be caused to the service of any coast station in the vicinity of Miami, Fla., to which the carrier frequency 2490 kc/s is assigned for transmission.

(12) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Tampa, Fla., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(13) Unlimited hours of use from December 15 to April 1, annually, and day only from April 1 to December 15, annually, on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(14) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Mobile, Ala., to which the carrier frequency 2572 kc/s is assigned for transmission.

(15) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of Boston, Mass., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(16) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Boston, Mass., San Francisco or Eureka, Calif., to which this carrier frequency is assigned for transmission.

(17) Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(18) Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

(19) Not available to U.S. ship stations for transmission.

(20) Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.

(21) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.

(22) 7 a.m. to 7 p.m., P.s.t., only.

(23) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Los Angeles or San Diego, Calif., and is transmitting on 2009 kc/s to a coast station located in the vicinity of either of these ports.

(24) Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.

(25) Authorized for use south of 51° north latitude and east of 142° west longitude exclusively during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 85 of this chapter to which this carrier frequency is assigned for transmission: annually from April 1 to September 30, inclusive, from 5 a.m. to 9 p.m., P.s.t., only; and annually from October 1 to March 31, inclusive, from 6 a.m. to 11 p.m., P.s.t., only.

(26) Available on condition that harmful interference shall not be caused to the service of any ship station which is within 300 nautical miles of Kahuku, Hawaii, and is transmitting on this frequency to a coast station located in the vicinity of that port.

(27) Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Kahuku, Hawaii, to which the carrier frequency 2530 kc/s is assigned for transmission.

(28) 8 a.m. to 9 p.m., A.s.t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

(29) New York, N.Y., is the station of primary assignment. Use of this frequency is shared with Miami, Fla., and San Francisco, Calif.

(30) Miami, Fla., is the station of primary assignment. Use of this frequency

is shared with New York, N.Y., and San Francisco, Calif.

(31) San Francisco, Calif., is the station of primary assignment. Use of this frequency is shared with New York, N.Y., and Miami, Fla.

(32) In accordance with § 81.304 of this chapter.

(33) In accordance with § 83.351.

(34) Shared by New Orleans, La., Tampa and Miami, Fla. Use by Miami, Fla., is on a secondary basis to use by New Orleans, La., and Tampa, Fla.

(35) Shared by Mobile, Ala., and Delcambre, La.

(36) Shared by Galveston and Corpus Christi, Tex.

(2) Frequencies available for use when the mobile stations and the coast station transmit alternately on the same radio channel:

Coast stations located in the vicinity of—	Ship and coast station transmitting and receiving carrier frequency (kc/s) Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)
Baltimore, Md	2490			(1)
Louisville, Ky	2782			(1)
	4069.3			(2)
	4072.4	4072.4	4069.2	
	4374.3			(2)
	4377.4	4371.0		
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9			(2)
	6455.0	6455.0	6455.0	
	8207.7			(2)
	8210.8	8210.8	8780.0	
			13,158.0	(4)
			17,283.0	(4)
Memphis, Tenn	2782			(1)
	4069.3			(2)
	4072.4	4072.4	4088.4	
	4374.3			(2)
	4377.4	4371.0		
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9		6451.9	(2)
	6455.0	6455.0		
	8207.7			(2)
	8210.8	8210.8	8246.0	
			13,379.0	(4)
			16,488.0	(4)
Pittsburgh, Pa	2782			(1)
	4069.3			(2)
	4072.4	4072.4		
	4374.3			(2)
	4377.4	4371.0	4387.0	
	6236.9			(3)
	6240.0	6147.5		(3)
	6451.9		6451.9	(2)
	6455.0	6455.0		
	8207.7		8207.6	(2)
	8210.8	8210.8		
			13,379.0	(4)
			16,488.0	(4)
St. Louis, Mo	2782			(1)
	4069.3			(2)
	4072.4	4072.4		
	4374.3			(2)
	4377.4	4371.0	4367.8	
	6236.9			(3)
	6240.0	6147.5	6147.5	(3)
	6451.9			(2)
	6455.0	6455.0		
	8207.7			(2)
	8210.8	8210.8	8210.8	
			13,158.0	(4)
			17,283.0	(4)
Lake Dallas-Lake Texhoma, Tex	2738			(1)
Lake Mead, Nev	2782			(1)

See footnotes at end of table.

Coast stations located in the vicinity of—	Ship and coast station transmitting and receiving carrier frequency (kc/s) Note 1	Note 2	Note 3	Conditions of use, note 4
(1)	(2)	(3)	(4)	(5)
The Dalles-Umatilla, Oreg	2784			(1)

NOTE 1: Frequencies above 2850 kc/s shown in column (2), other than those to which footnote (2) or (3) is applicable, are available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J prior to Mar. 1, 1970.

NOTE 2: Frequencies above 2850 kc/s shown in column (3) are available during the period Mar. 1, 1970, to Dec. 31, 1973, for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J, and will replace the frequencies appearing on the same line in column (2) on Mar 1, 1970.

NOTE 3: Frequencies above 2850 kc/s shown in column (4) are available effective Jan. 1, 1974, for use with emissions 2.8A3A and 2.8A3J and on that date will replace the frequencies shown in column (3). The frequencies appearing in column (3) will not be available after Dec. 31, 1973.

NOTE 4: The conditions of use referred to in column (5) are set forth below the table.

(1) Subject to a separate rule making proceeding.

(2) Until March 1, 1970, available for single sideband (SSB) emissions 2.8A3A and 2.8A3J on condition that harmful interference is not caused to stations employing double sideband emission (DSB) A3 on a carrier frequency positioned higher in frequency by 3.1 kc/s.

(3) Availability of 6236.9 and 6240 kc/s is withdrawn effective November 1, 1969. 6147.5 kc/s, the replacement frequency for 6240 kc/s, was made available effective September 25, 1969. Transition by ship and coast stations from 6240 to 6147.5 kc/s shall be effected during the period September 25–October 31, 1969.

* * * * *

8. In § 83.355, the table in paragraph (a)(1) is amended, paragraph (a)(2) is amended, paragraph (a)(3) is deleted and paragraph (b) is amended. The amended portions read as follows:

§ 83.355 Frequencies from 5000 kc/s to 27.5 Mc/s for public correspondence.

(a) * * *

(1) * * *

Ship station transmitting carrier frequency (kc/s) Old frequency	New frequency	Coast station located in the vicinity of—	Ship station receiving carrier frequency (kc/s) Old frequency	New frequency
8,201.3	8,201.2	San Francisco, Calif	8,751.3	8,735.2
8,201.3	8,201.2	New York, N.Y.[3]	8,751.3	8,735.2
8,201.3	8,201.2	Miami, Fla	8,751.3	8,735.2
8,204.4	8,204.4	San Francisco, Calif.[3]	8,754.4	8,738.4
8,204.4	8,204.4	New York, N.Y.	8,754.4	8,738.4
8,204.4	8,204.4	Miami, Fla	8,754.4	8,738.4
8,214.1	8,214.0	San Francisco, Calif.[3]	8,754.1	8,748.0
8,217.2	8,217.2	Hawaii [3]	8,767.2	8,751.2
8,220.5	8,220.4	New York, N.Y.	8,770.5	8,754.4
8,220.5	8,220.4	San Francisco, Calif	8,770.5	8,754.4
8,220.5	8,220.4	Miami, Fla [2]	8,770.5	8,754.4
8,223.6	8,223.6	New York, N.Y.	8,773.6	8,757.6
8,223.6	8,223.6	San Francisco, Calif.[3]	8,773.6	8,757.6
8,223.6	8,223.6	Miami, Fla	8,773.6	8,757.6
8,239.7	8,239.6	Miami, Fla	[2] 8,789.7	[2] 8,773.6
8,239.7	8,239.6	San Francisco, Calif	[2] 8,789.7	[2] 8,773.6
8,239.7	8,239.6	New York, N.Y.	[2] 8,789.7	[2] 8,773.6
8,242.8	8,242.8	Miami, Fla	[2] 8,792.8	[2] 8,776.6
8,242.8	8,242.8	San Francisco, Calif	[2] 8,792.8	[2] 8,776.6
8,242.8	8,242.8	New York, N.Y.	[2] 8,792.8	[2] 8,776.6
8,258.8	8,258.8	New York, N.Y.	8,808.8	8,792.6
8,258.8	8,258.8	San Francisco, Calif.[3]	8,808.8	8,792.6
8,258.8	8,258.8	Miami, Fla	8,808.8	8,792.6
8,261.9	8,262.0	New York, N.Y.	8,811.9	8,796.0
8,261.9	8,262.0	San Francisco, Calif	8,811.9	8,796.0
8,261.9	8,262.0	Miami, Fla	8,811.9	8,796.0
12,351.2	Deleted	Miami, Fla	13,151.2	Deleted
12,354.5	Deleted	Miami, Fla	13,154.5	Deleted
12,358.2	12,358.0	New York, N.Y.	13,158.2	13,137.0
12,358.2	12,358.0	San Francisco, Calif	13,158.2	13,137.0
12,358.2	12,358.0	Miami, Fla.[3]	13,158.2	13,137.0
12,361.5	12,361.5	New York, N.Y.[3]	13,161.5	13,140.5
12,361.5	12,361.5	San Francisco, Calif.	13,161.5	13,140.5
12,361.5	12,361.5	Miami, Fla	13,161.5	13,140.5
12,372.2	12,372.0	San Francisco, Calif.[3]	13,172.2	13,151.0
12,375.5	12,375.5	Hawaii [3]	13,175.5	13,154.5
12,379.2	Deleted	San Francisco, Calif	13,179.2	Deleted
12,382.5	12,382.5	San Francisco, Calif.[3]	13,182.5	13,161.5
12,382.5	12,382.5	New York, N.Y.	13,182.5	13,161.5
12,382.5	12,382.5	Miami, Fla	13,182.5	13,161.5
12,393.2	12,393.0	New York, N.Y.	13,193.2	13,172.0
12,393.2	12,393.0	Miami, Fla. [3]	13,193.2	13,172.0
12,396.5	12,396.5	New York, N.Y.[3]	13,196.5	13,175.5
12,396.5	12,396.5	Miami, Fla	13,196.5	13,175.5
16,474.2	16,474.0	San Francisco, Calif.[3]	17,304.2	17,288.0
16,477.5	16,477.5	Hawaii [3]	17,307.5	17,292.5
16,488.2	Deleted	New York, N.Y.	17,318.2	Deleted
16,491.5	16,491.5	New York, N.Y.[3]	17,321.5	17,296.5
16,491.5	16,491.5	San Francisco, Calif.	17,321.5	17,296.5
16,491.5	16,491.5	Miami, Fla	17,321.5	17,296.5
16,509.2	16,509.0	San Francisco, Calif.	17,339.2	17,304.0
16,509.2	16,509.0	New York, N.Y.[3]	17,339.2	17,304.0
16,509.2	16,509.0	Miami, Fla.[3]	17,339.2	17,304.0
16,512.5	16,512.5	San Francisco, Calif.[3]	17,342.5	17,307.5
16,512.5	16,512.5	New York, N.Y.	17,342.5	17,307.5
16,512.5	16,512.5	Miami, Fla	17,342.5	17,307.5
16,523.2	16,523.0	New York, N.Y.	17,353.2	17,318.0
16,523.2	16,523.0	Miami, Fla.[3]	17,353.2	17,318.0
16,526.5	16,526.5	New York, N.Y.[3]	17,356.5	17,321.5
16,526.5	16,526.5	Miami, Fla	17,356.5	17,321.5
22,028.2	22,028.0	New York, N.Y.	22,678.2	22,653.5
22,028.2	22,028.0	Miami, Fla.[3]	22,678.2	22,653.5
22,031.5	22,031.5	New York, N.Y.[3]	22,681.5	22,657.0
22,031.5	22,031.5	Miami, Fla	22,681.5	22,657.0
22,042.2	22,042.0	San Francisco, Calif.	22,692.2	22,667.5
22,042.2	22,042.0	New York, N.Y.[3]	22,692.2	22,667.5
22,042.2	22,042.0	Miami, Fla	22,692.2	22,667.5
22,045.5	22,045.5	San Francisco, Calif.[3]	22,695.5	22,671.0
22,045.5	22,045.5	New York, N.Y.	22,695.5	22,671.0
22,045.5	22,045.5	Miami, Fla	22,695.5	22,671.0
22,063.2	22,063.0	New York, N.Y.	22,713.2	22,688.5
22,063.2	22,063.0	San Francisco, Calif.[3]	22,713.2	22,688.5
22,063.2	22,063.0	Miami, Fla	22,713.2	22,688.5
22,066.5	22,066.5	New York, N.Y.[3]	22,716.5	22,692.0
22,066.5	22,066.5	San Francisco, Calif.[3]	22,716.5	22,692.0
22,066.5	22,066.5	Miami, Fla	22,716.5	22,692.0

[1] Available for communication with ship stations in the Gulf of Mexico and the Caribbean area only. Use of the frequency is upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] Station of primary allotment.

(2) Carrier frequencies authorized for use by ship stations on board vessels while navigated on the Great Lakes; exclusively for communication with coast stations in the Great Lakes area, when the ship station and the coast station transmit alternately on different frequencies. Ship stations shall receive transmission from the particular coast stations on the designated associated receiving frequency:

Ship station transmitting carrier frequency (kc/s)		Ship station receiving carrier frequency (kc/s)	
Old frequency	New frequency	Old frequency	New frequency
4249.2	8249.2	8799.2	8783.2

(b) The use of the working frequencies authorized in paragraph (a) of this section is subject to the applicable conditions and limitations set forth in § 83.351. Ship stations shall use frequency assignments within the band 5000 kc/s to 27.5 Mc/s only when frequency assignments below 5000 kc/s or above 27.5 Mc/s will not provide effective communication.

D. Part 85, Public Fixed Stations and Stations of the Maritime Services in Alaska, is amended as follows:

1. The table in paragraph (a) and paragraph (d) of § 85.152 are amended to read as follows:

§ 85.152 Authorized classes of emission.

(a) * * *

Frequency or frequency band	Class of station	Emission
(1) For telegraphy:		
50 to 9000 kc/s	Fixed	A1.
415 to 490 kc/s	Coast	A1; A2 for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
490 to 515 kc/s	Coast	A1 and A2.
405 to 515 kc/s	Ship	A1 and A2.
1605 to 3400 kc/s	Coast and ship.	A1.
(2) For telephony:		
1605 to 4000 kc/s except for 2182 and 2638 kc/s.	Fixed, coast and ship.	A3, A3A, A3H, and A3J.
4000 to 9000 kc/s	Fixed	A3, A3A, A3H, and A3J.
4000 to 9000 kc/s	Coast	Until Jan. 1, 1972, emission A3, A3A, A3H, and A3J; during the period Jan 1, 1972, to Jan. 1, 1974, emission A3A, A3H, and A3J; after Jan. 1, 1974, emission A3A and A3J; *Provided, however,* During the period Jan. 1, 1974, to Jan. 1, 1978, emission A3 may be used with ship stations not equiped for single side-band operations.
4000 to 9000 kc/s	Ship	Until Jan. 1, 1974, emissions A3, A3A, A3H, and A3J; after Jan. 1, 1974, use is limited to emissions A3A and A3J.
2182 kc/s	Coast and ship.	A3 and A3H.
2638 kc/s	Ship	A3 and A3H.
156 to 174 Mc/s	Coast and ship.	F3.

* * * * *

(d) Authorization to use A3H, A3A, or A3J emission is limited to emitting a carrier, for A3H, at a power level between 3–6 decibels below peak envelope power; for A3A, at a power level of 16 decibels, ±2 decibels, below peak envelope power; and, for A3J, at a power level at least 40 decibels below peak envelope power

* * * * *

2. Section 85.259 is amended to read as follows:

§ 85.259 Frequencies for ship-shore and ship to ship communication by telegraphy or telephony in all zones.

Each of the following frequencies is an authorized carrier frequency for use in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(a) 1622 kc/s and 2382 kc/s: For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel.

(b) 1622 kc/s: For intership communication (for business, operational and safety purposes) by telegraphy and/or telephony between ships on board vessels of less than 500 gross tons.

(c) 2382 kc/s: For intership communication (for business, operational and safety purposes) by telegraphy and/or telephony between ships on board vessels of 500 gross tons or more.

(d) 4390.2 kc/s: The conditions of use and limitations applicable to this and to the replacement frequency are as follows:

(1) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6 a.m. to 9 p.m. local standard time;

(2) During these hours, the frequency may also be used, on a secondary basis, in accordance with the following limitations:

(i) When used between public coast stations:

(*a*) The separation between public coast stations shall not be less than 50 statute miles;

(*b*) Communication shall be limited to the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of a carrier frequency specifically designated in Subpart F of this part for fixed service;

(*c*) Priority shall be given at all times to ship-shore communication.

(ii) When used between ship stations on board any type of vessel for business, operational, and safety purposes, the following limitations shall apply:

(*a*) Harmful interference shall not be caused to the service of any coast station using telephony;

(*b*) Insofar as practicable, use shall be limited to the relatively longer distances over which the use of frequencies below 3400 kc/s or above 156 Mc/s would not be effective.

(3) To conform to the revised international radio regulations adopted at Geneva, 1967, the following transition to the replacement frequency and to SSB shall be effected in accordance with the following schedule:

(i) Coast stations: Until March 1, 1970, 0001 G.m.t., the frequency 4390.2 kc/s is available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. Effective 0001 G.m.t., March 1, 1970, the frequency 4383.8 kc/s will replace 4390.2 kc/s and 4390.2 kc/s will cease to be available. Until January 1, 1972, the frequency 4383.8 kc/s will be available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; and, effective January 1, 1972, emissions 2.8A3A and 2.8A3J only may be employed.

(ii) Ship stations: During the period March 1 to May 1, 1970, ship stations shall shift from 4390.2 kc/s to the replacement frequency 4383.8 kc/s. Until May 1, 1970, the frequency 4390.2 kc/s will be available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J. The frequency 4383.8 kc/s will be available for use with emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J; and, effective January 1, 1974, emissions 2.8A3A and 2.8A3J only may be employed.

3. In § 85.264, paragraph (k) is amend to read as follows:

§ 85.264 Frequencies available in particular zones.

* * * * *

(k) The frequencies 4409.4 and 4434.9 kc/s are authorized, until 0001 G.m.t., March 1, 1970, for telephony exclusively; for use during the hours 6 a.m. to 9 p.m. local standard time only. Availability and use of the frequency 4434.9 kc/s is subject to the condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area.

(1) Coast stations shall shift from the present DSB channels to the replacement DSB channels as set forth in the following table at 0001 G.m.t., March 1, 1970:

Zone	Present, to 0001 G.m.t. Mar. 1, 1970 (DSB or SSB) (kc/s) [1]	Effective 0001 G.m.t. Mar. 1, 1970 (DSB or SSB) (kc/s) [1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(2) Effective January 1, 1972, or an earlier date where facilities permit, coast stations shall:

(i) Discontinue use of DSB emission on frequencies in the band 4361–4438 kc/s; and

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the following table:

Zone	Effective 0001 G.m.t. Mar. 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Jan. 1, 1972 (SSB only) (kc/s) [2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.
[2] Emissions 2.8A3A and 2.8A3J only.

(3) During the period March 1 to May 1, 1970, ship stations shall shift from present DSB channels to replacement DSB channels as set forth in the following table:

	Present until May 1, 1970 (DSB or SSB) (kc/s) [1]	Effective May 1, 1970 (DSB or SSB) (kc/s) [1]
Zone 1	4409.4	4403.0
Zone 2	4409.4	4403.0
Zone 3	4409.4	4403.0
Zone 4	4434.9	4428.6
Zone 5	4434.9	4428.6
Zone 6	4434.9	4428.6

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.

(4) Effective January 1, 1974, or an earlier date where facilities permit, ship stations shall:

(i) Discontinue use of double sideband emission on frequencies in the band 4361–4438 kc/s; and

(ii) Employ frequencies in the 4361–4438 kc/s band in zones of the Alaska area as set forth in the following table:

Zone	Effective May 1, 1970 (DSB or SSB) (kc/s) [1]	Effective Jan. 1, 1974 (SSB only) (kc/s) [2]
Zone 1	4403.0	4403.0
Zone 2	4403.0	4428.6
Zone 3	4403.0	4399.8
Zone 4	4428.6	4425.4
Zone 5	4428.6	4428.6
Zone 6	4428.6	4403.0

[1] Emissions 6A3, 2.8A3A, 2.8A3H, and 2.8A3J.
[2] Emissions 2.8A3A, and 2.8A3J.

* * * * *

[F.R. Doc. 69-15198; Filed, Dec. 23, 1969; 8:45 a.m.]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Extension of Time for Compliance With Frequency Changes in 450–470 MHz Band

1. The rules adopted in the second report and order in Docket 13847, FCC 68-128, 11 FCC 2d 648 (1968), require many licensees in the Public Safety, Industrial, and Land Transportation Radio Services to change frequencies by January 1, 1970, either because the frequencies assigned to them have been reallocated or because changes are needed to separate the base from the mobile frequencies assigned to them by five MHz. A large volume of applications have been filed for this purpose but it appears that the Commission will not be able to process a substantial number of them in time to permit the required changes by January 1, 1970.

2. *Accordingly, it is ordered,* Pursuant to section 4(i) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, that the appropriate rules in Parts 89, 91, and 93 of the rules are waived to the extent necessary to permit the above-described licensees who have filed proper applications prior to January 1, 1970, to continue to operate their radio systems up to and 60 days after the date their applications are granted.

Adopted: December 18, 1969.

Released: December 19, 1969.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[F.R. Doc. 69-15263; Filed, Dec. 23, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO 368]

MILK IN OREGON-WASHINGTON MARKETING AREA; CORRECTION

The tentative order included in the decision issued October 24, 1969 (34 F.R. 17684) and the order issued November 24, 1969 (34 F.R. 18897), are hereby corrected as follows:

In § 1124.46(a)(1), the reference to "§ 1124.41(c)(5)" is changed to "§ 1124.41(c)(6)."

Signed at Washington, D.C., on December 20, 1960.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 69-15299; Filed, Dec. 23, 1969; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-WE-86]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation regulations which would designate a control zone and transition area for MCALF Camp Pendleton, Calif.

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.

Two new approach procedures established on the Camp Pendleton TACAN are proposed utilizing the 043° T (028° M) and 224° T (209° M) as final approach radials. The proposed control zone will provide controlled airspace protection for aircraft operating below 1,000 feet above the surface. The proposed 700 foot transition area will provide controlled airspace protection for aircraft operating below 1,500 feet MSL and above 700 feet above the surface.

In consideration of the foregoing the FAA proposes the following airspace actions:

In § 71.171 the following control zone is added.

CAMP PENDLETON, CALIF.

Within a 5-mile radius of MCALF Camp Pendleton (latitude 33°18'04" N., longitude 117°21'06" W.); within 2 miles each side of the Camp Pendleton TACAN 043° radial extending from the 5 mile radius zone to 7 miles northeast of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 the following transition area is added.

CAMP PENDLETON, CALIF.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the Camp Pendleton TACAN 043° radial, extending from 7 to 18 miles northeast of the TACAN; within 2 miles each side of the Camp Pendleton TACAN 224° radial, extending from an arc of a 5-mile radius circle centered on Camp Pendleton Airport (latitude 33°18'04" N., longitude 117°21'06" W.) to 6 miles southwest of the TACAN.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 12, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-15259; Filed, Dec. 23, 1969; 8:47 a.m.]

Federal Highway Administration

[49 CFR Part 371]

[Docket No. 69-22; Notice No. 1]

SEAT BELT ASSEMBLIES; PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

Motor Vehicle Safety Standard No. 209

The Federal Highway Administrator is considering amending Motor Vehicle Safety Standard No. 209 in § 371.21 of Title 49, CFR, to specify dynamic performance requirements and test procedures for seat belt assemblies.

In general, Motor Vehicle Safety Standard No. 209 provides that seat belt assemblies shall be tested to ascertain whether they measure up to the standard's criteria for strength and other performance characteristics by static tests. While a static test provides an adequate gauge of a seat belt's strength, it is less than wholly satisfactory in other respects; it does not test the effects of inertial loading on buckle latches or release mechanisms, and it does not test all facets of the capability of a seat belt assembly to restrain an occupant under the dynamic loading conditions he experiences during an actual crash. For these reasons, the Administrator is considering adding dynamic test procedures, which more nearly simulate crash conditions, to the standard.

It is anticipated that these amendments would become effective not later than January 1, 1972.

Interested persons are invited to submit written data, views, or arguments pertaining to this advance notice. Comments must identify the docket number and must be submitted in 10 copies to the Docket Section, Federal Highway Administration, Room 4221, 400 Seventh Street SW., Washington, D.C. 20591. All comments received before the close of business on March 24, 1970, will be considered by the Administrator. All comments will be available for examination in the Rules Docket at the above address both before and after the closing date for comments.

The Administrator particularly invites the submission of comments and information on the following subjects:

(1) The availability of dynamic test facilities for testing seat belt assemblies, and the ability of those facilities to produce accurate and repeatable results.

(2) The capability of dynamic test facilities for producing a given pulse shape, such as a half-sine wave.

(3) The deceleration curves measured at or near the base of the seat, and the

measured seat belt loads during a 30-miles-per-hour forward barrier impact test of a vehicle.

(4) The advisability of requiring standard geometry anchorage locations for tests of seat belt assemblies as contrasted with the geometry of the anchorage locations in the vehicle in which the assembly will be installed.

(5) The type of dummy, torso block, or other device that should be prescribed for use in tests of seat belts, evaluated in terms of realistic simulation of a human occupant's characteristics, initial cost, its durability, and the extent to which the device produces repeatable test results.

(6) The desirability and practicability of using a standard seat as contrasted with a seat from a vehicle in which the seat belt assembly will be installed to support the dummy, torso block, or other test device during dynamic tests of a seat belt assembly.

This advance notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.4(c).

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-15251; Filed, Dec. 23, 1969; 8:46 a.m.]

[49 CFR Part 371]

[Docket No. 69-26; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Fixed Collision Barrier

The Federal Highway Administration is considering amending 49 CFR, § 371.3, Definitions, of the Federal Motor Vehicle Safety Standards, to include a new definition for "Fixed collision barrier." This definition would replace the present references to the SAE Recommended Practice J850, "Barrier Collision Tests" in Standards 201, 204, 212 and 301.

Considerable discussion has taken place within concerned industry groups and government agencies, domestic and foreign, in regard to the minimum requirements for a satisfactory collision barrier. The SAE Recommended Practice appears to be too stringent for some vehicles, insufficient for others, and generally too inflexible in light of the various ways in which a relatively unyielding barrier may be constructed.

The function of a fixed collision barrier test in the Federal safety standards, as with other tests, is simply to provide an objective and convenient method of establishing performance requirements for motor vehicles. It is the manufacturer's responsibility, under the National Traffic and Motor Vehicle Safety Act, to devise test equipment and procedures that will provide assurance that each of his vehicles conforms to the standard, and to provide adequate "safety margins" in his design for possible deviations of the tests from the norm of the performance standard and for deviations of production items from the intended design performance.

It is inappropriate, therefore, for the Federal Highway Administration to prescribe production methods or performance tolerances for fixed collision barriers. The fixed collision barrier is intended to provide objective means of specifying and evaluating various aspects of vehicle performance in a crash. In order to do so the barrier must be essentially unyielding, absorbing no significant part of the kinetic energy of the colliding vehicle. It is not possible, of course, to totally eliminate energy absorption in practice, although it can be reduced to the point where its effect on the vehicle performance aspects being measured is mathematically insignificant. The proposed amendment states the condition of essentially zero absorption as a basis for describing vehicle performance requirements, placing the responsibility on the manufacturer to determine what correction in his test results must be made to account for the performance characteristics of the barrier employed.

In light of the above considerations, it is proposed that the following definition be added to 49 CFR, § 371.3, *Definitions:*

"Fixed collision barrier" means a flat, vertical, unyielding surface with the following characteristics:

1. The surface is sufficiently large that when struck by a tested vehicle no portion of the vehicle passes or projects beyond the surface.

2. The approach to the vertical surface is a flat, horizontal surface large enough to insure level vehicle attitude and unrestricted vehicle motion during impact.

3. When struck by a vehicle, the surface and its supporting structure absorb no significant portion of the vehicle's kinetic energy. This means that a performance requirement tested by collision with a barrier must be met no matter how small an amount of energy is absorbed by the barrier, and a manufacturer in testing his vehicles should make suitable adjustments in his results for energy absorption by the barrier employed.

It is proposed further that Standards 201, 204, 212 and 301 be amended to substitute the above defined "Fixed collision barrier" for the present reference to SAE Recommended Practice J850.

Interested persons are invited to submit comments on this proposed amendment. Comments should identify the docket and notice number and be submitted to: Docket Section, Federal Highway Administration, Room 4223, 700 Seventh Street SW., Washington, D.C. 20591. It is requested, though not required, that 10 copies be submitted. All comments received before the close of business on March 24, 1970, will be considered. All comments will be available in the docket for examination both before and after the closing date.

Effective date: The proposed effective date of this amendment is June 1, 1970.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

[F.R. Doc. 69-15252; Filed, Dec. 23, 1969; 8:47 a.m.]

[49 CFR Part 373]

[Docket No. 69-31; Notice 1]

MOTOR VEHICLE SAFETY REGULATIONS

Defect Reports

The Federal Highway Administration is considering the issuance of regulations that would specify requirements for reports concerning safety related defects, to be furnished to the FHWA by manufacturers of motor vehicles. The regulations would constitute a new Part 373 of Title 49 of the Code of Federal Regulations, and be issued pursuant to sections 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1401, 1402, 1407).

Section 112(c) of the Act requires every manufacturer of motor vehicles to establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such manufacturer is acting in compliance with the Act. Section 112(d) requires manufacturers to provide such performance data and other technical data related to performance and safety as may be required to carry out the purposes of the Act. Section 113 requires notification to purchasers of information concerning safety-related defects, and the furnishing of copies to the Secretary of all communications to dealers or purchasers in regard to defects.

The proposed rule reflects the need for uniform reporting by manufacturers of motor vehicles of the initiation and progress of their safety-related defect notification campaigns. The information gathered from the required reports would facilitate continuing analysis by the FHWA of the adequacy of the defect notifications, the owner response, and the corrective action, and enable the agency to compare defect incidence rates among different groups of motor vehicles.

Under the proposed rules, a manufacturer would be required to file a defect information report within 5 days after the discovery of a safety-related defect in its motor vehicles. In this report, the manufacturer would estimate the number of affected motor vehicles, describe the defect and the reported effects of the defect on its motor vehicles, and evaluate the risk of accident and injury.

After each quarter following the sending of the required information report, the manufacturer would submit quarterly status reports indicating the number of motor vehicles inspected and the number

found to be defective. The manufacturer would continue to submit these reports until completion of corrective action on all defective vehicles, or until 18 months elapse after the beginning of the first quarter, which ever occurs sooner. An annual summary report for each calendar year would be submitted by each manufacturer giving total motor vehicle production figures for the year, the number of notification campaigns and the number of vehicles involved in each campaign. In addition, each manufacturer of motor vehicles would be required to furnish the Bureau with a copy of all notices, bulletins, and other communications to dealers or purchasers of its motor vehicles or motor vehicle equipment regarding any defect, whether or not safety-related, in such vehicles or equipment.

Interested persons are invited to submit written data, views and arguments concerning this rule. Comments should identify the docket and notice number and be submitted to: Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, though not required, that 10 copies be submitted. All comments received before the close of business on March 24, 1970, will be considered by the Administration. All comments will be available in the docket for examination both before and after the closing date for comments.

This notice of proposed rule making is issued under the authority of sections 112, 113, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401, 1402, 1047), and the delegation of authority by the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on December 17, 1969.

F. C. TURNER,
Federal Highway Administrator.

PART 373—DEFECT REPORTS

§ 373.1 Purpose and scope.

This part specifies requirements for defect reports to be furnished to the National Highway Safety Bureau ("Bureau") by manufacturers of motor vehicles.

§ 373.2 Application.

This part applies to all manufacturers of motor vehicles.

§ 373.3 Defect information report.

(a) Each manufacturer of motor vehicles shall furnish an information report to the Bureau when he discovers a defect in any of his motor vehicles or motor vehicle equipment that he determines relates to motor vehicle safety. The information report shall be in essentially the form illustrated in figure 1.

(b) Defect information reports required under paragraph (a) of this section shall be submitted to the Bureau not later than 5 days after the discovery of the defect. Items of information that are not available within that period shall be submitted as they become available. Each manufacturer submitting new information with regard to a previously submitted report shall refer to the defect identification number, after such a number has been assigned by the Bureau.

§ 373.4 Specific information to be provided.

Each manufacturer required to submit a report under § 373.3(a) shall supply the following information:

(a) Name of manufacturer: The full corporate or individual name of the actual assembler of the vehicle shall be spelled out, except that such abbreviations as "Co." or "Inc." and their foreign equivalents, and the first and middle initials of individuals, may be used. In the case of imported motor vehicles, the corporate or individual name of the importer shall also be indicated. If a vehicle is assembled by a corporation that is controlled by another corporation that assumes responsibility for compliance with all defect notification requirements, the name of the controlling corporation may be used.

(b) Identifying classifications of the vehicles potentially affected by the defect: This shall include make(s), model(s), model year(s) and any other descriptive data, and the inclusive dates of manufacture.

(c) Total number of vehicles potentially affected by the defect, and the number in each classification set forth under paragraph (b) of this section.

(d) Estimated percentage of the potentially affected vehicles that contain the defect.

(e) Description of defect: This shall include both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location of the defect.

(f) Analysis of the cause of the defect.

(g) Chronology of all reported motor vehicle and motor vehicle equipment failures and other incidents related to the defect: This shall include the date and a description of the incident, the role played by the defect and any related injuries and fatalities, and the name and address of the owner of the defective vehicle.

(h) Evaluation of risk of accident and injury reasonably related to the defect: This shall include a detailed statement of the nature and extent of possible accidents and injuries, and a categorical evaluation of the risk in regard to a situation in which the potential failure or other incident takes place, independent of the frequency or likelihood of occurrence. The evaluation shall be made by selecting the appropriate risk level from the following categories:

(1) *Extreme.* Incident may, without warning, cause loss of control or serious physical injury.

Examples: Steering linkage failure, total brake failure, exhaust leakage into passenger compartment.

(2) *Moderate.* Incident may, with warning, cause loss of control or serious physical injury.

Examples: Sticking throttle, partial brake failure, shimmy.

(3) *Minor.* Incident may cause deterioration of control or moderate physical injury.

Examples: Speedometer failure, defroster failure, sharp edge on horn ring.

(i) Statement of measures to be taken to repair the defect.

(j) Copies of all notices, bulletins and other communications sent to dealers or purchasers in regard to the defect: These copies shall be submitted to the Bureau not later than the time at which they are initially sent to dealers or purchasers.

§ 373.5 Quarterly status reports.

(a) Each manufacturer of motor vehicles shall submit to the Bureau quarterly status reports on the progress of each safety defect notification campaign. The first quarter shall begin on the date on which the defect information report is initially submitted to the Bureau ("notification date"). Reports shall be submitted within 15 days after the close of each quarter. Unless directed otherwise by the Bureau, the manufacturers shall continue to submit quarterly reports until corrective action is completed on all defective vehicles or until 18 months have elapsed since the notification date, whichever occurs sooner.

(b) Each quarterly status report shall contain the following information, submitted under the numbers and headings indicated.

(1) Defect identification number.

(2) Date owner notifications begun, and date completed.

(3) Number of vehicles involved in the notification campaign.

(4) Number of vehicles known or estimated to contain the defect.

(5) Number of vehicles inspected by or at the direction of the manufacturer.

(6) Number of inspected vehicles found to contain the defect.

(7) Number of vehicles for which corrective measures have been completed.

(8) Number of vehicles determined to be unreachable for inspection due to exportation, theft, scrapping or for other reasons (specify).

(9) Information specified in § 373.4(g) in regard to any previously unreported incidents.

(c) If the manufacturer determines that the original answers for paragraph (b) (2) and (3) of this section are incorrect, revised figures and an explanatory note shall be submitted. If the nature of the defect prevents determination of the number of inspected vehicles that are defective, the manufacturer shall submit a brief explanation.

§ 373.6 Owner lists.

Each manufacturer shall maintain in a form suitable for inspection a list of owner names and addresses and vehicle identification numbers for all of his motor vehicles involved in each safety defect notification campaign initiated after the effective date of this part. This list shall show the status of inspection and defect correction with respect to each motor vehicle involved in each

campaign. The list shall be retained for 5 years after the notification date.

§ 373.7 Notices, bulletins, and other communications.

Each manufacturer of motor vehicles shall furnish to the Bureau a copy of all notices, bulletins, and other communications, other than those required to be submitted under § 373.4(j), sent to dealers or to purchasers of his motor vehicles or motor vehicle equipment regarding any defect, whether or not safety related, in such vehicles or equipment. These copies shall be submitted to the Bureau not later than the time at which they are initially sent to the dealers.

§ 373.8 Annual safety defect summary.

Each manufacturer of motor vehicles shall submit a safety defect summary for each calendar year, on or before January 31 of the following year, whether or not safety defects in his vehicles have been discovered, containing the following information:

(a) Total number of vehicles by make and model year produced during that year.

(b) The safety defect notification campaigns initiated, listed by defect identification numbers.

(c) Number of vehicles involved in each campaign.

§ 373.9 Address for submitting all required reports and other information.

All required reports and other information shall be submitted to: Office of Performance Analysis, National Highway Safety Bureau, Federal Highway Administration, Washington, D.C. 20591.

FIGURE 1

MOTOR VEHICLE DEFECT INFORMATION REPORT

a. *Name of manufacturer:*

b. *Identifying Classification(s) of Vehicles Potentially Affected:* (Make, model, model year, other description if necessary.)

c. *Number of Vehicles Potentially Affected:* (By classification and total)

d. *Percentage of Vehicles Potentially Affected that Contain Defect:*

e. *Description of Defect:*

f. *Analysis of the Cause of the Defect:*

g. *Chronology of failures and incidents related to the defect:*

h. *Evaluation of Risk Reasonably Related to Defect:* (Detailed Statement) Risk Level: Extreme ☐ Moderate ☐ Minor ☐

i. *Statement of Measures to be Taken to Repair Defect:*

j. *Copies of Communications to Dealers or Purchasers:*

[F.R. Doc. 69-15253; Filed, Dec. 23, 1969; 8:47 a.m.]

[49 CFR Part 397]

[Docket No. MC-16; Notice 69-20]

MOTOR CARRIER SAFETY REGULATIONS

Transportation of Hazardous Materials; Driving and Parking Rules

The Federal Highway Administrator is considering a complete revision of Part 397 of the Motor Carrier Safety Regulations relating to the driving and parking of vehicles which transport hazardous materials.

During recent years, several catastrophic accidents have occurred because drivers of vehicles containing hazardous materials have disregarded the rules in Part 397 and left vehicles unattended or parked near congested areas. In addition, accidents which could have had catastrophic consequences have occurred because vehicles containing hazardous materials were parked too close to the traveled portion of highways, or because drivers of those vehicles were unaware of the nature of the hazardous materials they transported and the precautions to be taken in emergency situations.

The quantity and variety of hazardous materials being transported on public highways are increasing daily. The materials themselves are becoming more complex. Therefore, an effort must be made to acquaint all persons associated with the handling of these commodities with their potential hazards and the proper safeguards against those hazards. These factors have led the Administrator to consider revising Part 397.

The proposed changes in Part 397 fall into five general areas:

The first area relates to the application of the rules to motor carriers and to all employees of motor carriers that are associated with the activities of the driver and the movement of the vehicle.

The second area relates to attendance, surveillance, and parking of motor vehicles which contain hazardous materials. The proposal specifies when, and under what conditions, a vehicle is deemed to be "attended" and provides for additional precautions to ensure that the vehicle will be under observation so that, if the need arises, emergency action can be taken. Specific guidelines are proposed to prevent the parking of vehicles containing hazardous materials near congested areas, on public highways, and at other places where numbers of people assemble or congregate.

The third general area relates to precautions against fires. The proposal contains rules concerning operating vehicles near open fires, smoking on or near vehicles containing hazardous materials, and fueling those vehicles.

The fourth general area relates to the inspection of tires at prescribed intervals to determine whether they are flat, leaking, improperly inflated, or overheated. Tire fires and tire failures continue to be a major cause of death and destruction on the public highways, and when hazardous materials are carried, the risk of harm is obviously increased. Hence, the proposal contains a provision requiring the removal of overheated tires from vehicles laden with hazardous materials.

The fifth general area relates to the instructions and documents that must be given to drivers. There have been cases in which drivers have been involved in accidents, sometimes accidents that resulted in fires, and have been unable to inform police and fire fighting personnel of the hazardous nature of the commodities in their vehicles and the precautions to be taken for the protection of the public and emergency personnel. The proposal would require each carrier to furnish drivers with this information; it would also require the driver to retain it while he is driving the vehicle.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rules. Comments must identify the docket number and must be submitted in three copies to the Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20591. Attention: Bureau of Motor Carrier Safety. All comments received before the close of business 120 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Federal Highway Administrator proposes to revise Part 397 of Title 49 CFR to read as set forth below.

This notice of proposed rule making is issued under the authority of 18 U.S.C. 834, section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued on December 11, 1969.

F. C. TURNER,
Federal Highway Administrator.

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS—DRIVING AND PARKING RULES

Sec.

AUTHORITY: The provisions of this Part 397 issued under 18 U.S.C. 834, section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

§ 397.1 Application of the rules in this part.

(a) The rules in the part apply to each motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with § 177.823 of this title and to—

(1) Each officer or employee of the carrier who performs supervisory duties; and

(2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

(b) Each person designated in paragraph (a) of this section must know and obey the rules in this part.

§ 397.3 State and local laws, ordinances, and regulations.

Every motor vehicle containing hazardous materials must be driven and parked in compliance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated, unless they are at variance with specific regulations of the Department of Transportation which are applicable to that vehicle and which impose a more affirmative obligation or restraint.

§ 397.5 Attendance and surveillance of motor vehicles.

(a) Except as provided in paragraph (b) of this section, a motor vehicle which contains Class A or Class B explosives or Poison Class A must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) The rules in paragraph (a) of this section do not apply to a motor vehicle which contains Class A or Class B explosives or Poison Class A if—

(1) The vehicle is located on the property of a motor carrier, on the property of a shipper or consignee of the explosives or poison, or, in the case of a vehicle containing 50 pounds or less of Class A or Class B explosives, on a construction or survey site; and

(2) The lawful bailee of the explosives or poison is aware of the nature of the materials the vehicle contains and has been instructed in the procedures he must follow in emergencies; and

(3) The vehicle is within the bailee's unobstructed field of view or is located on a parking area that is enclosed by a security fence and a barricade capable of deflecting upward any concussion shock waves from an exploding vehicle. The barricade must consist of either—

(i) Hills, timber, or other natural features; or

(ii) An artificial mound or revetted earth wall at least 3 feet thick.

(c) A motor vehicle which contains hazardous materials other than Class A or Class B explosives and Poison Class A and which is located on a public street or highway or the shoulder of a public highway must be attended by its driver. However, the vehicle need not be attended for periods not exceeding 15 minutes while its driver is performing duties which are incident and necessary to his duties as the operator of the vehicle.

(d) For purposes of this section—

(1) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within 50 feet of the vehicle and has it within his unobstructed field of view.

(2) A qualified representative of a motor carrier is a person who—

(i) Is aware of the nature of the hazardous materials which the vehicle he attends contains;

(ii) Has been instructed on the procedures he must follow in emergencies; and

(iii) Is authorized to move the vehicle and has the means to do so.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on a public street or highway.

§ 397.7 Parking.

(a) A motor vehicle which contains Class A or Class B explosives or Poison Class A must not be parked—

(1) On or within 5 feet of the traveled portion of a public street or highway;

(2) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person in charge of the property who is aware of the nature of the hazardous materials the vehicle contains; or

(3) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

(b) A motor vehicle which contains hazardous materials other than Class A or Class B explosives or Poison Class A must not be parked on or within 5 feet of the traveled portion of a public street or highway.

§ 397.9 Routes.

(a) Unless there is no practicable alternative, a motor vehicle which contains hazardous materials must be operated over routes which do not go through or near heavily populated areas, places where crowds are assembled, tunnels, narrow streets, or alleys. Operating convenience is not a basis for determining whether it is practicable to operate a motor vehicle in accordance with this paragraph.

(b) Before a motor carrier requires or permits a motor vehicle containing hazardous materials to be operated, he must plan a route that complies with the rules in paragraph (a) of this section for that vehicle and must inform the vehicle's driver of that route.

§ 397.11 Fires.

(a) A motor vehicle containing hazardous materials must not be operated near an open fire unless its driver has first taken precautions to ascertain that the vehicle can safely pass the fire without stopping.

(b) A motor vehicle containing hazardous materials must not be stopped within 300 feet of an open fire.

§ 397.13 Smoking.

No person may smoke or carry a lighted cigarette, cigar, or pipe on or within 25 feet of—

(a) A motor vehicle which contains explosives, oxidizing materials, or flammable substances; or

(b) An empty tank vehicle which has been used to transport flammable liquids or gases and which, when so used, was required to be marked or placarded in accordance with the rules in § 177.823 of this title.

§ 397.15 Fueling.

When a motor vehicle which contains hazardous materials is being fueled—

(a) Its engine must not be operating; and

(b) An attendant must be in manual control of the fueling process at the point where the fuel tank is filled.

§ 397.17 Tires.

(a) If a motor vehicle which contains hazardous materials is equipped with dual tires on any axle, its driver must stop the vehicle in a safe location at least once during each 2 hours or 100 miles of travel, whichever is less, and must examine its tires. The driver must also examine the vehicle's tires each time the vehicle is parked and at the beginning of each trip.

(b) If, as the result of an examination pursuant to paragraph (a) of this section or otherwise, a tire is found to be flat, leaking, or improperly inflated, the tire must be repaired, properly inflated, or replaced before the vehicle is driven.

(c) If, as the result of an examination pursuant to paragraph (a) of this section or otherwise, a tire is found to be overheated, the driver shall immediately cause the overheated tire to be removed and placed at a safe distance from the vehicle. The driver shall not operate the vehicle until the cause of the overheating is corrected.

(d) Compliance with the rules in this section does not relieve a driver from the duty to comply with the rules in §§ 397.5 and 397.7.

§ 397.19 Instructions and documents.

(a) A motor carrier that transports Class A or Class B explosives or Poison Class A must furnish the driver of each motor vehicle in which the explosives or poison is transported with the following documents:

(1) A copy of the rules in this part;

(2) A document containing information about the laws, ordinances, and regulations pertaining to transportation of explosives and poisons of each State (including the District of Columbia) in which the vehicle will be operated; and

(3) A document containing instructions on procedures to be followed in the event of accident or delay. The document must include the names and telephone numbers of persons (including representatives of carriers or shippers) to be contacted, the nature of the explosives or poisons being transported, and the precautions to be taken in emergencies such as fires, accidents, or leakages.

(b) A driver who receives documents in accordance with paragraph (a) of this section must sign a receipt for them. The carrier must retain the receipt in its files for 1 year at its principal place of business or at such regional or terminal offices as the Director of the Bureau of Motor Carrier Safety may approve.

(c) A driver of a motor vehicle which contains Class A or Class B explosives or Poison Class A must have in his possession—

(1) The documents specified in paragraph (a) of this section; and

(2) The documents specified in § 177.817 of this title.

[F.R. Doc. 69-15329; Filed, Dec. 23, 1969; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91 & 93]

[Docket Nos. 18261, etc.; FCC 69-1392]

LAND MOBILE RADIO SERVICES

Order for Oral Argument

In the matters of amendment of Parts 2, 89, 91, and 93; geographic reallocation of UHF-TV channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV channels 14 and 15 by land mobile stations in the Los Angeles area, RM-566; an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91 and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. On July 26, 1968, the Commission released a notice of proposed rule making in Docket No. 18261 proposing a plan to share the use of UHF-TV channels 14 through 20 with land mobile radio services in 25 major urban areas. On the same day, the Commission released a notice of inquiry and notice of proposed rule making in Docket No. 18262 proposing to allocate a total of 115 megahertz of additional spectrum space for land mobile use in the band 806-960 MHz, 75 MHz for a high capacity common carrier system and 40 MHz for private systems in major urban areas. Both proposals represented significant steps in the Commission's continuing attempt to provide relief from increasing congestion in the land mobile radio services, particularly in the larger metropolitan areas.

2. A large number of parties have filed comments and reply comments setting forth their positions on these proposals. In view of the extreme importance of the questions involved in both proceedings, and the sharp diversity of views presented in the written comments, the Commission has concluded that interested parties should be afforded the opportunity to present oral argument before the Commission en banc. We have accordingly set aside 2 full days, January 22 and 23, 1970, to hear such oral presentations.

3. The Commission invites participation in the oral argument by all interested parties, particularly those who have already shown major interest in the proceedings. In order to make most effective use of the limited time available, interested parties are urged to coordinate their presentations and, to the extent feasible, to designate joint spokesmen for groups of parties wishing to present substantially similar views. The Commission will take the latter matters into consideration in allocating time for the oral argument.

4. *Accordingly, it is ordered*, That oral argument is scheduled to begin before the Commission en banc, at 10 a.m. on January 22, 1970, at the Commission's offices in Washington, D.C. Parties desiring to present argument shall file a written notice of intention to appear and participate within 10 days after release of this order. Such notice should specify the party or parties represented, whether argument will be addressed to Docket No. 18261 or to Docket No. 18262 or to both dockets, and the amount of time requested. After submission of such written notices, the Commission will issue an order allotting time to the parties who will present argument, and may allot time jointly to parties representing the same or similar interests.

Adopted: December 17, 1969.

Released: December 19, 1969.

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

[F.R. Doc. 69-15333; Filed, Dec. 23, 1969; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18772, RM-1457; FCC 69-1378]

FM BROADCAST STATIONS; FREDERICKSBURG, TEX.

Table of Assignments

1. The Commission has before it for consideration a petition requesting rule making, filed on May 19, 1969 (supplemented on July 9, 1969), by Gillespie Broadcasting Co., looking toward assignment of Channel 266 to Fredericksburg, Tex., as that community's first FM assignment.

2. Fredericksburg has a population of 4,629 persons, the largest community of Gillespie County, population 10,048, of which it also serves as the county seat (1960 U.S. Census). The only local aural service presently authorized in the county is Station KNAF(AM), daytime-only, licensed to petitioner at Fredericksburg. There are no FM assignments in Gillespie County. In support of the request, petitioner notes that there have been no provisions made for FM assignments in Gillespie County nor the adjoining counties of Mason, Llano, Blanco, and Kendall, and that the nearest FM stations to Fredericksburg are located some 66 to 70 miles away at San Antonio and Austin. It is alleged that much of the rural areas within the counties referred to have nighttime "white" and "gray" areas with respect to both AM and FM service, and that Fredericksburg has neither AM nor FM primary nighttime service available.

3. The proposed assignment is supported by an engineering statement showing that, based on an anticipated operation with a power of 100 kw and an antenna height of 500 feet at a site about 7.5 miles northwest of Fredericksburg, the 1 mv./m. contour from a Fredericksburg class C facility would include an existing FM "white" area of 3,350 square miles and a "gray" area of 595 square miles, which contain populations of 30,208 and 2,810 persons respectively. The showing observes that the class C operation would provide service to a "white" area 372 percent greater than would be the case for a maximum class A facility. Examination of the preclusion study provided by petitioner indicates that limited areas involving Channels 265A, 266, and 267 would develop where their future assignments would be precluded if the Fredericksburg assignment were to be adopted. However, it appears that no community of comparable size to Fredericksburg would be contained within the precluded areas that does not already have an FM asignment or a petition pending for an assignment. (The pending petitions are not technically related.)

4. We are of the opinion that petitioner has made an adequate showing to warrant institution of rule making looking toward assigning a first FM channel to Fredericksburg. Ordinarily consideration for an FM assignment to a community the size involved here would be limited to a Class A channel. However, in view of the significant FM "white" and "gray" areas that petitioner represents would be served by the requested Class C assignment compared to that obtainable from a similarly based Class A facility, we are inviting comments from interested parties with pertinent data on the proposed assignment of Class C Channel 266 to Fredericksburg, Tex.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 30, 1970, and reply comments on or before February 10, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

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

[F.R. Doc. 69-15262; Filed, Dec. 23, 1969; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 69-38]

MANDATORY PROVISIONS TO BE INCLUDED IN SELF-POLICING SYSTEMS UNDER GENERAL ORDER 7

Enlargement of Time for Filing Replies

DECEMBER 18, 1969.

At the request of counsel for Pacific Westbound Conference, and good cause appearing, time within which answers to reply of Hearing Counsel may be filed is enlarged to and including January 20, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 69-15289; Filed, Dec. 23, 1969; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PRIVATE RESOURCES, ET AL.

Redelegation of Authority Regarding Investment Guaranties, Loans to Private Borrowers, and Surveys of Investment Opportunities

(1) Pursuant to the authority delegated to me, I hereby redelegate to William G. Carter, Deputy Assistant Administrator, Office of Private Resources, and in his absence to the Deputy Assistant Administrator for Financial Operations, to the extent consistent with law, all the authorities now or hereafter delegated to or conferred upon me, including without limitation those authorities conferred by Delegations of Authority Nos. 33 and 39 and by other A.I.D. delegations of authorities, regulations, manual orders, notices, or other documents, by law or by any competent authority.

(2) Pursuant to the authority delegated to me by Delegation of Authority No. 33, as amended, from the Administrator of A.I.D., dated February 3, 1964 (29 F.R. 2430), and Delegation of Authority No. 39, as amended, from the Administrator of A.I.D., dated April 3, 1964 (29 F.R. 5355), I hereby redelegate authority as follows:

(a) To the Deputy Assistant Administrator for Financial Operations,

(i) To authorize and issue investment guaranties under section 221(b)(2) (B) and (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) and (C), except for countries or areas within the responsibility of the Assistant Administrator for Latin America, covering investments which, as described in such guaranty contracts, do not exceed $2,500,000, and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable provided in sections 221(a), 221(b), 221(c) and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c) and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(2) (B) or (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) or (C) or section 202(b) of the Mutual Security Act of 1954, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, provided such amendment does not increase the amount of investment covered by such guaranty by more than $2,500,000, and

(iii) To authorize, negotiate, execute, amend and implement loan agreements with private borrowers in which there is U.S. private investment under section 201 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2161, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof, which, as described in such loan agreement or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(iv) To authorize, negotiate, execute, amend, and implement loan agreements under section 104 (e) and (f) of the Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U.S.C. sec. 1704 (e) and (f) except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof which, as described in such loan agreements or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(v) To participate in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. sec. 2191, and

(vi) To undertake and discharge responsibility for the technical direction of

(A) The Investments Projects Group

(B) The Financial Administration Division, including the ERG Claims Branch and the Portfolio Management Branch.

(b) To the Director, Insurance Division, and Deputy Director, Insurance Division,

(i) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(1), covering investments (1) which take the form of royalties or (2) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $10 million for each such investment, and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable provided in sections 221(a), 221(b), 221(c), and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c), and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. sec. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided that such amendment does not increase the amount of investment covered by such guaranty by more than $10 million, and

(iii) To participate, in an amount not to exceed $50,000, in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. sec. 2191; provided that if the function being exercised is one of amending the investment survey terms, such amendment may not increase A.I.D.'s participation above $50,000;

(c) To the Chief, Latin America—Africa Branch, Insurance Division, and to the Chief, Near-East—South Asia—East Asia—Vietnam Branch, Insurance Division, each severally for the countries and areas within the jurisdiction of each of them:

(i) To authorize and issue investment guaranties under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(1), covering investments in Latin America, Africa, Near East—South Asia, East Asia or Vietnam (1) which take the form of royalties or (2) which, as described in the Special Terms and Conditions of such guaranty contracts, do not exceed $500,000 for each such investment, and in connection therewith to exercise all related functions and to make all related approvals and determinations provided in sections 221(a), 221(b), 221(c), and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c), and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, 22 U.S.C. sec. 2181(b)(1), section 413(b)(4) of the Mutual Security Act of 1954, or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided that such amendment does not increase the amount of investment by such guaranty by more than $500,000;

(d) To the Associate Director, Insurance Division, to consent to assignments of any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181, under section 413(b)(4) of the

Mutual Security Act of 1954 or section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended, provided such assignments run to entities eligible to be issued investment guaranties under the legislation in force at the time of the assignment;

(e) To the Associate Director, Insurance Division and concurrently to the Chief, International Loan Branch, Accounting Division, to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181 (b)(1), under section 413(b)(4) of the Mutual Security Act of 1954, or under section 111(b)(3) of the Economic Cooperation Act of 1948, all as originally enacted and as amended;

(f) To the Associate Director, Insurance Division, to cancel any contract of guaranty when the investor covered thereunder has failed to pay the delinquent fee thereon within thirty (30) days following written notice of delinquency;

(g) To the Director, Financial Administration Division to amend investment guaranties to modify the reporting requirements thereunder and to determine and certify reimbursement rights of surveyors pursuant to A.I.D. financing of investment opportunities under section 231 of the Foreign Assistant Act of 1961, as amended, 22 U.S.C. sec. 2191;

(h) To the Projects Directors, Investment Projects Group, for Near East—South Asia, East Asia, Latin America, and Africa, each separately for the areas and countries within the jurisdiction of each of them.

(i) To authorize and issue investment guaranties under section 221(b)(2) (B) and (C) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2181(b)(2) (B) and (C), except for countries or areas within the responsibility of the Assistant Administrator for Latin America, covering investments which, as described in such guaranty contracts, do not exceed $2,500,000, and in connection therewith to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable provided in sections 221(a), 221(b), 221(c), and 222(g) of the said Act, 22 U.S.C. secs. 2181(a), 2181(b), 2181(c), and 2182(g), and

(ii) To amend and consent to the assignment of any investment guaranty issued under section 221(b)(2) (B) or (C) of the Foreign Assistance Act of 1961, 22 U.S.C. sec. 2181(b)(2) (B) or (C) or section 202(b) of the Mutual Security Act of 1954, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, provided that such amendment does not increase the amount of investment covered by such guaranty by more than $2,500,000, and

(iii) To authorize, negotiate, execute, amend, and implement loan agreements with private borrowers in which there is U.S. private investment under section 201 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. sec. 2161, except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof which, as described in such loan agreements or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend, and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(iv) To authorize, negotiate, execute, amend, and implement loan agreements under section 104 (e) and (f) of the Agricultural Trade Development and Assistance Act of 1954, as amended, 7 U.S.C. sec. 1704 (e) and (f), except for countries or areas within the responsibility of the Assistant Administrator for Latin America, for loans or increases thereof which, as described in such loan agreements or amendments thereto, do not exceed $2,500,000 for each such loan or increase, and in connection therewith to authorize, negotiate, execute, amend, and implement other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, and

(v) To participate, in an amount not to exceed $50,000, in financing surveys of investment opportunities under section 231 of the Foreign Assistance Act, as amended, 22 U.S.C. sec. 2191, and in connection therewith to make the determinations and exercise the functions provided for in said section 231, 22 U.S.C. sec. 2191; provided that if the function being exercised is one of amending the investment survey terms, such amendment may not increase A.I.D.'s participation above $50,000.

This Redelegation of Authority is effective on the date hereof, includes ratification of all actions taken prior hereto which are consistent with this Redelegation of Authority and revokes from that date prior redelegations of my authority.

The authority redelegated herein may not be further redelegated.

Dated: November 26, 1969.

HERBERT SALZMAN,
Assistant Administrator for Private Resources.

[F.R. Doc. 69-15328; Filed, Dec. 23, 1969; 8:51 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CARL VINCENT LIETZOW

Notice of Granting of Relief

Notice is hereby given that Carl Vincent Lietzow, 8322 Liberty Boulevard, Westland, Mich. 48185, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 3, 1960, by the Circuit Court for the County of Washtenaw at Ann Arbor, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Carl Vincent Lietzow because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Carl Vincent Lietzow to receive, possess, or transport in commerce or affecting commerce, any firearm.

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

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Carl Vincent Lietzow be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1969.

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

[F.R. Doc. 69-15286; Filed, Dec. 23, 1969; 8:49 a.m.]

WILLIAM C. SMITH

Notice of Granting of Relief

Notice is hereby given that William C. Smith, 2050 West Broadway, Minneapolis, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 5, 1952 in the U.S. District Court for the Middle District of Alabama at Montgomery, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William C. Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter

44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for William C. Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William C. Smith's application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That William C. Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1969.

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

[F.R. Doc. 69-15287; Filed, Dec. 23, 1969; 8:49 a.m.]

CLYDE ROY PHILLIP WOODS

Notice of Granting of Relief

Notice is hereby given that Clyde Roy Phillip Woods of Winfield, Kans., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 8, 1962, in the District Court of Cowley County, Kans., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clyde R. P. Woods because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clyde R. P. Woods to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clyde R. P. Woods' application and:

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

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

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Clyde R. P. Woods be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 18th day of December 1969.

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

[F.R. Doc. 69-15288; Filed, Dec. 23, 1969; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N-4128]

NEVADA

Notice of Proposed Classification of Public Lands for Disposal

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18), and to the regulations in 43 CFR 2411.1-2(b), it is proposed to classify the public lands described below for transfer out of Federal ownership under the Point Reyes National Seashore Act of September 13, 1962 (16 U.S.C. 459c).

2. This proposal has been discussed with the District Advisory Board, local goverment officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program."

3. Publication of this notice will segregate the lands from all other forms of appropriation including the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. As used in this order, the term "public lands" means any land (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

4. The public lands affected by this classification are described as:

MOUNT DIABLO MERIDIAN

ELKO AND EUREKA COUNTIES

T. 31 N., R. 49 E.,
Sec. 2, lots 1-4, inclusive, S½N½, S½;
Sec. 4, lots 1-4, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 10, N½N½.
T. 32 N., R. 49 E.,
Sec. 2, lots 1-14, inclusive, S½NE¼;
Sec. 4, lots 1-14, inclusive, S½NW¼;
Sec. 6, lots 1-4, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
Sec. 8, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 10, lots 1-4, inclusive, W½E½, W½;
Secs. 12, 14;
Sec. 16, lots 1-4, inclusive, E½W½, E½;
Sec. 22, lots 1-12, inclusive, SE¼;
Sec. 23, SE¼;
Sec. 24;
Sec. 25, NW¼;
Sec. 26;
Sec. 27, SE¼;
Sec. 28, SE¼SE¼;
Sec. 32, SE¼SE¼;
Sec. 34;
Sec. 35, NW¼;
Sec. 36.
T. 37 N., R. 54 E.,
Sec. 2, lots 1-4, inclusive, S½N½, S½.
T. 38 N., R. 54 E.,
Sec. 16, SE¼SW¼;
Sec. 21, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 22, N½S½;
Sec. 36, lot 1, W½NW¼, NW¼SW¼.
T. 32 N., R. 55 E.,
Sec. 8.
T. 33 N., R. 56 E.,
Sec. 14, E½E½;
Sec. 15, W½NE¼, E½NW¼, W½SE¼.
T. 34 N., R. 56 E.,
Sec. 30, lots 13-34, inclusive, and 37-47, inclusive.
T. 35 N., R. 56 E.,
Sec. 20, N½NW¼;
Sec. 30, lots 1-3, inclusive, E½NW¼, W½NE¼.
T. 30 N., R. 59 E.,
Sec. 8, SW¼NW¼;
Sec. 20, S½SE¼;
Sec. 21, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 28, W½NE¼, NW¼, N½SW¼;
Sec. 29, E½, SW¼;
Sec. 30, S½NE¼, N½SE¼, SE¼SE¼.
T. 31 N., R. 59 E.,
Sec. 2, lot 2, SW¼NE¼;
Sec. 10, lots 3-5, inclusive, E½SW¼, SW¼SE¼;
Sec. 11, SW¼SW¼.
T. 35 N., R. 59 E.,
Sec. 2, lot 4;
Sec. 10, W½E½, S½NW¼, SW¼;
Sec. 15, W½;
Sec. 16, N½;
Sec. 17, E½E½, SE¼SW¼, SW¼SE¼.

T. 34 N., R. 60 E.,
Sec. 4, lots 3 and 4.
T. 34 N., R. 61 E.,
Sec. 24, NE¼, W½SW¼, SE¼SW¼, SW¼SE¼.
T. 36 N., R. 61 E.,
Sec. 24, SE¼NW¼.
T. 37 N., R. 61 E.,
Sec. 5, lots 1–4, inclusive, S½N½, SE¼;
Sec. 8, E½NE¼;
Sec. 9, lots 1–4, inclusive, NW¼, N½SW¼;
Sec. 16, lot 1, SE¼NE¼, E½SW¼, W½SE¼;
Sec. 22, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 26, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼.
T. 38 N., R. 61 E.,
Sec. 16, NW¼NW¼, NE¼SE¼, S½SE¼.
T. 39 N., R. 61 E.,
Sec. 1, a metes and bounds parcel of land beginning at the corner of secs. 1, 2, 11, and 12, T. 39 N., R. 61 E.; thence N. 0°22'00" E., 4,000.01 feet; thence S. 79°37'13" E., 25.62 feet; thence S. 29°14'29" E., 304.05 feet; thence S. 15°29'58" E., 513.61 feet; thence S. 4°48'26" E., 277.57 feet; thence S. 21°54'26" E., 295.24 feet; thence S. 66°31'06" E., 378.57 feet; thence S. 68°58'40" E., 402.08 feet; thence S. 17°40'59" E., 132.06 feet; thence S. 8°43'08" E., 253.81 feet; thence S. 37°43'28" E., 220.77 feet; thence S. 45°27'53" E., 183.50 feet; thence S. 38°26'40" E., 241.76 feet; thence S. 65°09'57" E., 130.14 feet; thence S. 24°36'37" E., 190.61 feet; thence S. 12°12'44" W., 289.12 feet; thence S. 35°28'55" E., 252.92 feet; thence S. 13°23'49" E., 171.48 feet; thence S. 36°05'35" E., 354.58 feet; thence S. 40°15'18" E., 224.69 feet; thence S. 23°55'44" E., 105.76 feet; thence S. 5°50'14" E., 57.82 feet; thence S. 89°24'55" W., 2,413.16 feet; to the point of beginning; containing 140 acres, more or less;
Sec. 13, S½NE¼, NW¼, N½SW¼;
Sec. 36, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼.
T. 40 N., R. 61 E.,
Sec. 36, E½, E½W½, SW¼NW¼.
T. 34 N., R. 62 E.,
Sec. 18, lots 3, 4, NE¼, E½SW¼, SE¼.
T. 35 N., R. 62 E.,
Sec. 32, E½.
T. 36 N., R. 62 E.,
Sec. 30, NW¼NE¼.
T. 38 N., R. 62 E.,
Sec. 6, lots 1, 2, S½NE¼.
T. 39 N., R. 62 E.,
Sec. 30, lot 3.
T. 38 N., R. 64 E.,
Sec. 22, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼, NE¼SE¼, SW¼SE¼.
T. 39 N., R. 69 E.,
Sec. 16, NW¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 20, NE¼, S½NW¼, S½.

The lands described aggregate 21,700 acres, more or less.

5. The lands will be open to application by all qualified individuals on an equal opportunity basis, when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1–2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Elko District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69–15239; Filed, Dec. 23, 1969; 8:46 a.m.]

[N–4044]

NEVADA

Notice of Proposed Classification of Public Lands for Disposal

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR 2411.1–2(b), it is proposed to classify the public lands described below for transfer out of Federal ownership under the Point Reyes National Seashore Act of September 13, 1962 (16 U.S.C. 459c).

2. This proposal has been discussed with local governmental officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program."

3. Publication of this notice will segregate the lands from all other forms of appropriation including location under the mining laws. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. As used in this order, the term "public lands" means any lands (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

4. The public lands affected by this classification are:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 42 E.,
Sec. 18, lot 4, NE¼SW¼, SE¼;
Sec. 19, lot 1, NE¼NW¼.
T. 11 N., R. 43 E.,
Sec. 15, W½SW¼, NE¼SW¼, NW¼SE¼;
Sec. 22, W½SW¼;
Sec. 27, W½W½.
T. 12 N., R. 43 E.,
Sec. 4, lots 1, 2, S½NE¼, S½SW¼, NW¼SE¼;
Sec. 8, SE¼SW¼, NW¼SE¼;
Sec. 9, N½NW¼;
Sec. 10, SE¼NE¼;
Sec. 17, NE¼NW¼.
T. 13 N., R. 43 E.,
Sec. 33, S½SE¼.
T. 16 N., R. 44 E.,
Sec. 1, lot 4, SW¼NW¼, W½SW¼;
Sec. 2, lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 11, E½, E½W½;
Sec. 12, NW¼NW¼;
Sec. 14, E½, E½SW¼, SW¼SW¼;
Sec. 15, S½S½;
Sec. 21, NE¼NE¼;
Sec. 22, NE¼, N½NW¼, SE¼NW¼;
Sec. 23, NW¼NE¼, S½NE¼, NW¼, SE¼;
Sec. 24, SW¼SW¼;
Sec. 25, W½NW¼, NW¼SW¼;
Sec. 26, E½.
T. 1 N., R. 46 E.,
Sec. 15, W½, N½SE¼;
Sec. 16, NE¼, S½;
Sec. 21, E½;
Sec. 22, NW¼;
Sec. 27, NW¼;
Sec. 28, W½;
Sec. 32, NE¼, S½;
Sec. 33, N½.

The lands described aggregate 6,801.10 acres.

5. The lands will be opened to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from the Chief, Office of Lands and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1–2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69–15240; Filed, Dec. 23, 1969; 8:46 a.m.]

[N–3849]

NEVADA

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

DECEMBER 15, 1969.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986, 43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby proposed for classification for transfer out of Federal ownership under one of the following statutes: Section 8 of the Taylor Grazing Act (43 U.S.C. 315g); Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4); Point Reyes National Seashore, Calif., Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., secs. 459c—459c–7); Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27).

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

3. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Carson City District Office, 801 North Plaza Street, Carson City, Nev., and in the Land Office, Bureau of Land Management, 300 Booth Street, Room 3104, Federal Building, Reno, Nev.

4. The lands are located in Washoe and Douglas County and are described as follows:

a. It is proposed to classify the following lands for disposal under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741) as amended and supplemented (43 U.S.C. 869, 869–1 to 869–4):

MOUNT DIABLO MERIDIAN

DOUGLAS COUNTY

T. 14 N., R. 19 E.,
Sec. 24, NE¼SW¼, N½SE¼.
T. 14 N., R. 20 E.,
Sec. 18, S½ lot 2 of the SW¼ (SW¼SW¼), SE¼SW¼.

The public lands described above aggregate 192.84 acres.

b. It is proposed to classify the following described lands for exchange under the Point Reyes National Seashore, Calif., Act of September 13, 1962 (76 Stat. 538; 16 U.S.C. secs. 459—459c–7):

MOUNT DIABLO MERIDIAN

DOUGLAS COUNTY

T. 14 N., R. 20 E.,
Sec. 5, W½W½SW¼NW¼;
Sec. 6, W½W½SW¼NE¼;
Sec. 7, SW¼SE¼.

The public lands described above contain 60 acres.

c. It is proposed to classify the following described lands for disposal under the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427):

MOUNT DIABLO MERIDIAN

WASHOE COUNTY

T. 19 N., R. 18 E.,
Sec. 10, N½, W½SW¼, N½SE¼.

The public lands described above contain 480 acres.

d. It is proposed to classify the following described lands for exchange under section 8(b) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 49 Stat. 1976; 43 U.S.C. 315g; 2244):

MOUNT DIABLO MERIDIAN

WASHOE COUNTY

T. 21 N., R. 18 E.,
Sec. 16, N½N½, SE¼NE¼, NE¼SE¼;
Sec. 36, N½, NE¼SE¼.
T. 18 N., R. 19 E.,
Sec. 36, SE¼NW¼, E½SW¼.
T. 20 N., R. 19 E.,
Sec. 10, N½NW¼, NW¼NE¼.
T. 21 N., R. 19 E.,
Sec. 8, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 16, N½, SE¼;
Sec. 22, SW¼;
Sec. 28, NE¼, N½SE¼, SE¼SE¼.
T. 17 N., R. 20 E.,
Sec. 6, E½SE¼, SW¼SE¼.
T. 19 N., R. 21 E.,
Sec. 10, N½NE¼, SW¼NE¼, NW¼, NW¼SE¼.
T. 20 N., R. 21 E.,
Sec. 6, all;
Sec. 8, W½;
Sec. 18, E½NE¼, NE¼SE¼.

DOUGLAS COUNTY

T. 10 N., R. 22 E.,
Sec. 7, lot 3 (NW¼SW¼), lot 4 (SW¼SW¼).
T. 14 N., R. 20 E.,
Sec. 7, lot 2 of SW¼ (W½SW¼);
Sec. 18, lot 2 of NW¼ (W½NW¼), N½ lot 2 of SW¼ (NW¼SW¼).

The public lands described above aggregate 3,563.56 acres.

5. Applications for exchange will not be accepted until such time as the lands are classified by a subsequent order, and prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1–2(b)(1).

6. The lands described above have been identified as not being needed for Federal land management programs. The purpose of this classification is to identify the means by which these public lands should be transferred out of Federal ownership for either local public use or private ownership and development. This proposal has been discussed with local government officials, State government officials, county and regional planning commissions, the range users and the general public.

For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Carson City District Manager, Bureau of Land Management, 801 North Plaza Street, Carson City, Nev. 89701.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 69–15241; Filed, Dec. 23, 1969; 8:46 a.m.]

National Park Service

GREAT SMOKY MOUNTAINS NATIONAL PARK, TENN.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Herrick B. Brown authorizing him to provide food and lodging facilities and services for the public at Mount Le Conte Lodge in Great Smoky Mountains National Park, Tenn., for a period of 5 years from January 1, 1970, through December 31, 1974.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Director, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

THOMAS F. FLYNN, Jr.,
Deputy Director,
National Park Service.

DECEMBER 16, 1969.

[F.R. Doc. 69–15273; Filed, Dec. 23, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

INDIANA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00611–33–46040. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Electron microscope, Model EM 300, and accessories. Manufacturer: Philips Electronics N.V.D., The Netherlands. Intended use of article: The article will be used in a basic biological study of the genetics and development of subcellular structure. One group of structures to be given special attention are the bacteria-like kappa and related particles in the protozoan Paramecium. A second major area of investigation concerns the origin, development and heredity of cortical structures in Paramecium, a unicellular, eukaryotic animal. A third phase of current investigation attacks the question of the organization of the genetic material in the

highly polyploid macronucleus. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The RCA Model EMU-4B electron microscope has a guaranteed resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) The additional resolving capability of the foreign article is pertinent to the purposes for which this article is intended to be used. For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 69-15301; Filed, Dec. 23, 1969; 8:50 a.m.]

MIAMI UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00644-82-58200. Applicant: Miami University, Oxford, Ohio 45056. Article: Pulmac permeability tester (PPT). Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article will be used to evaluate the properties of beaten pulp in a general study of stock preparation systems and testing procedures. The first two phases of this long range program are:

1. The development of a method for evaluating highly beaten pulp to be used in manufacturing carbonizing tissue.

2. A study of the effect of stock concentration during the beating process. This involves a complete evaluation of the pulp properties after beating to determine certain properties relating to drainage and surface characteristics.

Commends: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a series of parameters which the applicant desires to relate to paper quality based on permeability of a compressed pulp mat. We are advised by the National Bureau of Standards (NBS) in a memorandum dated August 15, 1969, that the specific measurements that can be provided by the foreign article are pertinent to the applicant's intended purposes. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 69-15302; Filed, Dec. 23, 1969; 8:50 a.m.]

NEW YORK UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00647-33-46040. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Electron microscope, Model Elmiskop 1A and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used both for specific research purposes and for teaching of ultrastructure of nervous system tissues to medical students, hospital medical residents and research fellows. The research purposes are as follows:

A. Study of ultrastructure of human and experimental brain tumors.

B. Study of experimental hydrocephalus induced by metallic tellurium.

C. A comparative in vivo and in vitro ultrastructural study of myelination of the central and peripheral nervous systems.

D. Ultrastructure of human demyelinating diseases and lipidoses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum accelerating voltage of 125 kilovolts (kv). The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope provides a maximum accelerating voltage of 100 kv. The higher the accelerating voltage, the greater is the penetration of the electron beam into thick sections of biological material. This results in better resolution. Since the applicant intends to study relatively thick sections of human and animal tissue, the higher maximum accelerating voltage is a pertinent characteristic of the foreign article.

For the foregoing reasons, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 69-15303; Filed, Dec. 23, 1969; 8:50 a.m.]

OHIO UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00639-99-62800. Applicant: Ohio University, Athens, Ohio

45701. Article: Pneumatic servo mechanism, Type PCM 140. Manufacturer: Feedback, Ltd., United Kingdom. Intended use of article: The article will be used as a teaching aid by the instructor to demonstrate the characteristics of automatic control systems of various orders of complexity and to show how these overall characteristics may be affected by changing the parameters and individual system components. Also, the article will be used by students in laboratory sessions where they will verify theories developed in the classroom by conducting quantitative experiments using the article. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a teaching aid designed to demonstrate by mechanical means the nature of automatic control systems. This article is intended to be used for instruction in courses on control-system principles. We are advised by the National Bureau of Standards (NBS) in a memorandum dated September 19, 1969, that the ability of the foreign article to demonstrate first, second, third, and fourth order control systems by direct mechanical means with close correlation to linear theory is pertinent to the purposes for which this article is intended to be used. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 69-15304; Filed, Dec. 23, 1969; 8:50 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00641-00-00500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, N. Mex. 87544. Article: Accelerator tube. Manufacturer: Dowlish Developments, Ltd., United Kingdom. Intended use of article: The article will be used to replace a present tube fabricated at the Los Alamos Laboratory. The article will allow the operation of the accelerator at higher voltages, making possible higher energy particles for nuclear physics research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a newly invented acceleration tube which is capable of 10 million electron volt (MeV) operation in a single ended accelerator. The ability to operate at 10 MeV is a pertinent characteristic of the foreign article. We are advised by the National Bureau of Standards (NBS) in a memorandum dated July 31, 1969, that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used.

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

[F.R. Doc. 69-15305; Filed, Dec. 23, 1969; 8:50 a.m.]

UNIVERSITY OF OREGON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00658-01-10100. Applicant: University of Oregon, Institute of Molecular Biology, Eugene, Oreg. 97403. Article: Temperature-jump apparatus. Manufacturer: Messanlagen Studiengesellschaft MBH, West Germany. Intended use of article: The article will be used for research concerning the development of techniques for monitoring and indicating the chemical course of rapid biocatalysis by making observations of the reactions within the time range of microseconds. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article. (Aug. 5, 1968.) Reasons: The foreign article employs a recently developed temperature-jump technique which is intended to be used for making observations of rapidly occurring reactions. The ability of the foreign article to measure very rapid changes in the concentration of reaction constituents is pertinent to the purposes for which this article is intended to be used. Although comparable temperature-jump apparatus are currently being manufactured by Beckman Instruments, Inc., the American Instrument Co., and Durrum Instrument Corp., we are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated September 18, 1969, that no comparable domestic instrument was available at the time the applicant placed the order for the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the applicant ordered the foreign article.

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

[F.R. Doc. 69-15306; Filed, Dec. 23, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BUREAU OF COMMERCIAL FISHERIES, FISH AND WILDLIFE SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2486) has been filed by Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, proposing that § 121.1202 *Whole fish protein concentrate* (21 CFR 121.1202) be amended to provide for the safe use of whole fish protein concentrate prepared from the following orders of fish:

1. *Clupeiformes*, including the families *Clupeidae* (herrings) and *Engraulidae* (anchovies).

2. *Gadiformes*, including the family *Gadidae* (codfish and hakes).

3. *Perciformes*, including the family *Zoarcidae* (eelpouts).

4. *Pleuronectiformes*, including of the family *Pleuronectidae* (righteye flounders).

Dated: December 12, 1969.

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

[F.R. Doc. 69-15230; Filed, Dec. 23, 1969; 8:45 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2473) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of polyurethane, produced by reacting diisocyanates with α-hydro-*omega*-hydroxypoly (oxytetramethylene) and 3-allyloxy-1, 2-propanediol, as a component of foodpackaging adhesives.

Dated: December 15, 1969.

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

[F.R. Doc. 69-15231; Filed, Dec. 23, 1969; 8:45 a.m.]

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2474) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing that § 121.2511 *Plasticizers in polymeric substances* (21 CFR 121.2511) be amended to provide for additional safe use of butyl benzyl phthalate, alone or in combination with other phthalates, as a plasticizer in polyvinyl chloride, polyvinylidine chloride, and polyvinyl acetate film and sheet that contact food at temperatures not to exceed room temperature provided that total phthalates, calculated as phthalic acid, do not exceed 10 percent by weight of the finished film or sheet.

Dated: December 15, 1969.

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

[F.R. Doc. 69-15232; Filed, Dec. 23, 1969; 8:45 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2472) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2525. *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of oxazolidinylethylmethacrylate copolymers with ethyl acrylate and/or methyl methacrylate as components of paper and paperboard for food-contact use.

Dated: December 15, 1969.

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

[F.R. Doc. 69-15233; Filed, Dec. 23, 1969; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegations of Authority

The redelegations of authority by the Assistant Secretary for Renewal and Housing Assistance to Regional Administrators and Deputy Regional Administrators published at 31 F.R. 8966, June 29, 1966, as amended at 32 F.R. 11391, August 5, 1967, are hereby further amended under section A, paragraph 1, in the following respects:

(1) Subparagraph c is revised to read:

c. Determine that a workable program for community improvement meets the requirements of subsection 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), and certify that Federal assistance of the types enumerated in subsection 101(c) may be made available in the community.

(2) Subparagraph d is deleted.

(3) Subparagraph j is revised to read:

j. Make determinations with respect to noncompliances or defaults under contracts for Federal loan or grant assistance, except noncompliances or defaults involving budget overrun of specific line items if such overrun does not result in an overrun in the amount of the total contract obligation.

(4) Subparagraphs k and l are deleted.

(Secretary's delegations of authority published at 31 F.R. 8964, June 29, 1966, as amended at 32 F.R. 624, Jan. 19, 1967, 32 F.R. 11390, Aug. 5, 1967, and 33 F.R. 10161, July 16, 1968)

Effective date. These amendments of redelegations of authority shall be effective as of December 19, 1969.

LAWRENCE M. COX,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 69-15267; Filed Dec. 23, 1969; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF GEORGIA

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Wilfrid E. Johnson, Commissioner of the Atomic Energy Commission and the Honorable Lester Maddox, Governor of the State of Georgia, has signed the Agreement below for discontinuance by the Commission and assumption by the State of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517.

Dated at Germantown, Md., this 19th day of December 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF GEORGIA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Georgia is authorized under section 88-1307 of the Georgia Health Code (Georgia Laws 1964, pp. 499, 571) to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Georgia certified on August 29, 1969, that the State of Georgia (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on November 14, 1969, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on December 15, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at Atlanta, State of Georgia, in triplicate, this 9th day of December, 1969.

For the U.S. Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Georgia.

[SEAL] LESTER MADDOX,
Governor.

[F.R. Doc. 69-15282; Filed, Dec. 23, 1969; 8:49 a.m.]

[Docket No. PRM-70-2]

PANAMETRICS

Notice of Filing of Petition for Rule Making

Notice is hereby given that Panametrics, 221 Crescent Street, Waltham, Mass., by letter dated December 5, 1969, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulation "Special Nuclear Material," 10 CFR Part 70.

The petitioner requests that the Commission amend 10 CFR Part 70 to provide a general license for not more than 15 millicuries of plutonium-238 in an X-ray spectrochemical analyzer for elemental analysis of materials.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 69-15234; Filed, Dec. 23, 1969; 8:45 a.m.]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Order Extending Provisional Operating License Expiration Date

Philadelphia Electric Co. having filed an application dated November 20, 1969, and supplement dated November 25, 1969, for an extension of the expiration date of Provisional Operating License No. DPR-12 which authorizes the possession and operation of the high-temperature, gas-cooled demonstration power reactor at power levels up to 115 megawatts (thermal) located in York County, Pa., and good cause having been shown for this extension pursuant to 10 CFR 50.57 (d) of the Commission's regulations, *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-12 is extended from December 24, 1969, to June 24, 1971.

Dated at Bethesda, Md., this 15th day of December 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-15300; Filed, Dec. 23, 1969; 8:50 a.m.]

[Docket No. PRM-30-31]

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Denial of Petition for Rule Making

Please take notice that the Atomic Energy Commission has denied a petition for rule making submitted by the Minnesota Mining and Manufacturing Co., St. Paul, Minn.

By letter dated November 10, 1966, Minnesota Mining and Manufacturing Co. petitioned the Atomic Energy Commission to amend 10 CFR Part 30 to modify the present exemption for the possession and use of tritium and promethium-147 in self-luminous lock illuminators installed in automobile locks. A notice of filing of petition, Docket No. PRM-30-31, was published in the FEDERAL REGISTER on December 7, 1966 (31 F.R. 15332). The requested amendment would make the illuminator an exempt item when it leaves the manufacturer's plant and prior to installation in a lock.

The requested amendment to the exemption would permit the use of illuminators in applications other than the illumination of automobile locks. All the uses of such illuminators cannot be reasonably foreseen. Paragraph 3 of the Commission's criteria for approval of products intended for use by the general public containing byproduct material and source material published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3462), states that, in cases where tangible benefits to the public are questionable and approval of such a product may result in widespread use of radioactive material, the degree of usefulness and benefit that accrues to the public may be a deciding factor and, in particular, that the Commission considers that the use of radioactive material in toys, novelties, and adornments may be of marginal benefit. Since illuminators may be used in toys, novelties, and adornments, the Commission cannot determine that an exemption for illuminators containing tritium or promethium-147 meets its criteria for approval of products intended

for use by the general public containing byproduct and source material.

In consideration of the foregoing, the Commission has determined that it would not be in the public interest to institute the public rule making proceeding requested by the petitioner.

A copy of the petition for rule making and the Commission's letter of denial are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 18th day of December 1969.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 69-15332; Filed, Dec. 23, 1969; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 69-12-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare Matters

Issued under delegated authority December 18, 1969.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted by mail votes or unprotested notice. The agreements have been assigned the above-designated CAB agreement numbers.

The agreements, insofar as they relate to air transportation, (1) establish 21-day weekend and weekday round-trip first-class excursion fares between Miami and Grand Cayman, (2) establish normal first-class and economy-class fares and 17-day first-class and economy-class round-trip excursion fares between Miami and Barquisimeto, and (3) establish, by unprotested notice in accordance with IATA provisions previously approved by the Board, a 17-day round-trip economy-class excursion fare between San Juan and Lima. For the most part, the proposed fares will offer substantial reductions from the otherwise applicable round-trip fares.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA resolution*
21393	100 (Mail 819) 070.
21402	100 (Mail 820) 051. 100 (Mail 820) 061. 100 (Mail 820) 070.
21431	Unprotested notice as filed under Memorandum TC1-Fares 1034.

Accordingly, it is ordered, That:

Action on Agreements CAB 21393, 21402, and 21431, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of the order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the Federal Register.

[SEAL] Mabel McCart,
Acting Secretary.

[F.R. Doc. 69-15274; Filed, Dec. 23, 1969; 8:48 a.m.]

[Docket No. 20993; Order 69-12-84]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority December 19, 1969.

By Order 69-12-30, dated December 5, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 69-12-30 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21380, R-2 through R-8, be, and it hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the Federal Register.

[SEAL] Mabel McCart,
Acting Secretary.

[F.R. Doc. 69-15275; Filed, Dec. 23, 1969; 8:48 a.m.]

PROFIT BY AIR, INC.

Notice of Proposed Approval for Control Relationship

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., December 18, 1969.

A. M. Andrews,
Director,
Bureau of Operating Rights.

Order Approving Control Relationships

Issued under delegated authority.

Application of Profit By Air, Inc., for approval of control relationships under section 408 of the Federal Aviation Act of 1958, as amended, Docket No. 21592.

By application filed November 10, 1969, Profit By Air, Inc. (PBA) requests approval under section 408 of the Federal Aviation Act of 1958, as amended (the Act), of control relationships resulting from its acquisition of 51 percent of the stock of Lacolle Transport Ltd. (Lacolle). PBA is a domestic and international air freight forwarder. Lacolle is a common carrier by motor vehicle operating within an area of approximately 30 miles around Lacolle, Quebec, including Montreal, Quebec. PBA will acquire 51 percent of Lacolle's stock for cash from the sole owner of that company, Wilfred Richard. The latter will continue as Managing Director of Lacolle.

Applicant states that it intends to continue to operate Lacolle as a local trucking company. Lacolle will also act as PBA's sales agent for generation of freight from Canada to the United States. Eventually PBA intends to apply on behalf of Lacolle for approval as an IATA agent and for air freight forwarder authority for shipments to and from points other than the United States.[1] PBA asserts that the acquisition does not affect the control of an air carrier, will not result in creating a monopoly nor tend to restrain competition and does not adversely affect the public interest.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the Federal Register and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that PBA is an air carrier and that its acquisition of Lacolle is subject to section 408 of the Act.[2] However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved or exempted by the Board and do not essentially present any new substantive issues.[3]

[1] An exception is a $4 and $10 increase over the presently constructed round-trip first-class and economy-class fares, respectively, between Miami and Barquisimeto.

[1] Such authority would be obtained from the Canadian government or pursuant to IATA rules governing air cargo consolidators.

[2] Air Freight Forwarder Case, 9 CAB 473, 1948.

[3] Add Airfreight del Peru, Order E-24275, Oct. 6, 1966, Docket 17595. Also see Air Barr Shipping Corp., et al., Order 68-11-42, Nov. 8, 1968, Docket 20202.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

That the acquisition of Lacolle by PBA and the resultant control relationships be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15273; Filed, Dec. 23, 1969; 8:48 a.m.]

[Docket No. 21716; Order 69-12-83]

SHULMAN, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of December 1969.

By tariff revision[1] marked to become effective December 20, 1969, Shulman, Inc. (Shulman) an air freight forwarder, proposes to revise its existing domestic and overseas claim rules to establish exceptions only in connection with overseas air transportation between points in the continental United States and points in Puerto Rico to provide inter alia, that the forwarder shall not be liable in any action to enforce a claim unless action is brought within 1 year from the date of issue of the airbill. The present provisions provide 2 years.

The forwarder does not present any economic or legal justification in support of its proposal.

Upon consideration of all relevant matters, the Board finds that the proposed rule may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The proposed statutory limit of 1 year, reduced from 2 years, for bringing action to enforce a claim, does not compare favorably with the direct air carriers' rule of 2 years in the mainland-Puerto Rico market.[2] Accordingly, shippers would be deprived of 1 full year during which to file suits against Shulman. A check of numerous indirect air carrier tariffs has also failed to reveal any exception to the standard 2-year rule, nor is the Board aware of any consideration which would support this more stringent limitation.

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

It is ordered, That:

1. An investigation is instituted to determine whether the provisions of the exception in Rule No. 70 on Original Page 5-A of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. Series), and rules, regulations, or practices affecting such provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions of the exception in Rule No. 70 on Original Page 5-A of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. Series) are suspended and their use deferred to and including March 19, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

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

4. Copies of this order shall be filed with the tariffs and served upon Shulman, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15276; Filed, Dec. 23, 1969; 8:48 a.m.]

[1] Revision to Shulman, Inc.'s Tariff CAB No. 38 (Shulman, Inc. series) filed Nov. 18, 1969.

[2] Domestic traffic is also subject to a 2-year limitation.

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority To Make a 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 Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Intelligence) in the Office of the Assistant Secretary of Defense (Administration).

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

[F.R. Doc. 69-15270; Filed, Dec. 23, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant Administrator (States Relations)" to "Commissioner, Community Services Administration."

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

[F.R. Doc. 69-15272; Filed, Dec. 23, 1969; 8:48 a.m.]

Notice of Grant of Authority To Make a Noncareer Executive Assignment

FEDERAL POWER COMMISSION

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Chief, Office of Environmental Protection.

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

[F.R. Doc. 69-15271; Filed, Dec. 23, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18770; FCC 69-1363]

DANIEL ENTERPRISES, INC.

Order Designating Application for Oral Argument

In regard application of Daniel Enterprises, Inc., Radio Station WDNL, Warren, Ohio, Docket No. 18770, File No. BMP-12752, for extension of construction permit.

1. The Commission has before it for consideration a request for reinstatement of the above-captioned application for additional time to construct Station WDNL, Warren, Ohio.

2. On May 21, 1968, a construction permit (BP-14886) was granted to Daniel Enterprises, Inc., for a new standard broadcast station (WDNL) at Warren, Ohio (1570 kc., 500 w. DA-D). This action followed our affirmation of award of the permit in Docket 15191. Construction was required to be completed by January 21, 1969.

3. An extension of time to complete construction was subsequently granted on January 27, 1969, with the condition: "Further extension of this authority not contemplated absent showing of substantial progress toward completion." This authority expired July 21, 1969. On

June 26, 1969, the subject extension application (BMP-12752) was filed, which stated that an assignment application for the permit was in preparation but indicating that no construction had been undertaken. This application was dismissed on August 18, 1969, by letter of Broadcast Bureau, under delegated authority. Prior to that date, on June 30, 1969, an application to assign the permit (BAP-776) to Warren Broadcasting Corp., Warren, Ohio, was filed, and is now pending before us.

4. A request has been made to reinstate the dismissed application for the purpose of affording the permittee an opportunity for a hearing thereon. This is in accordance with the terms of the letter of dismissal, and the request was timely filed.

5. It is our view that the permittee is entitled to oral argument on the questions whether its failure to complete construction was due to causes not under its control or that the reasons stated in support of its application are sufficient to justify an extension within the meaning of section 319(b) of the Communications Act of 1934, as amended and § 1.534(a) of the Commission's rules. The pending assignment application will be held in abeyance pending the outcome of the oral argument.

6. *It is ordered*, That the extension application (BMP-12752) of Daniel Enterprises, Inc., for Station WDNL, Warren, Ohio, is reinstated.

7. *It is further ordered*, That the above-captioned application is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, on the following issue:

To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Review Board an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified in this order.

Adopted: December 10, 1969.

Released: December 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION [1]

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

[F.R. Doc. 69-15266; Filed, Dec. 23, 1969; 8:48 a.m.]

[Docket No. 18771; FCC 69-1364]

ISLAND TELERADIO SERVICE, INC.

Order Designating Application for Oral Argument

In regard application of Island Teleradio Service, Inc. (WBNB-FM), Charlotte Amalie, V.I., Docket No. 18771, File No. BMPH-10738, for extension of construction permit.

1. The Commission has for consideration a request for reinstatement of an application for extension of time within which to complete construction of Station WBNB-FM, Charlotte Amalie, V.I., filed November 7, 1969, on behalf of the permittee corporation, Island Teleradio Service, Inc.

2. The above-captioned and described application was dismissed by the Chief, Broadcast Bureau, acting pursuant to delegated authority (§ 0.281(z) of the rules), on October 13, 1969, because the applicant had failed to demonstrate that it had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under its control, within the meaning of section 319(b) of the Communications Act of 1934, as amended. However, in accordance with the provisions of the delegation, the applicant was advised that if it desired a hearing, it could request reinstatement within a 30-day period. Subsequently, on November 7, 1969, a request for reinstatement of the extension application was submitted.

3. *It is ordered*, That the above-captioned application is reinstated.

4. *It is further ordered*, That the above-captioned application is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, on the following issue:

To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

5. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission, an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified in this order.

Adopted: December 10, 1969.

Released: December 18, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 69-15264; Filed, Dec. 23, 1969; 8:47 a.m.]

[Dockets Nos. 18768, 18769; FCC 69-1362]

MEDIA INC. AND JUD INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Media, Inc., Youngstown, Ohio, requests: 1500 kHz, 500 w., 250 w.-CH, DA-2, Day, Docket No. 18768, File No. BP-17435; Jud, Inc., Ellwood City, Pa., requests: 1500 kHz, 250 w., DA-Day, Docket No. 18769, File No. BP-17749; for construction permits.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules. Also before the Commission is a petition to dismiss application, filed by Media, Inc., and a petition for designation for hearing, filed by Jud, Inc., as well as the related pleadings.

2. Media contends that the proposed 25 mv/m contour of Jud "fails to cover a substantial portion (25 percent) of the main commercial district of Ellwood City." Media argues that not only is this "in complete disregard for § 73.188(b)(1) of the Commission's rules, but also one of the imminent 307(b) considerations, i.e., a first local transmission service to Ellwood City, would not be completely fulfilled by the applicant, since it would not provide the required service to the community. Therefore, accord-

[1] Commissioners Robert E. Lee and Wells dissenting in part and voting to grant application; Commissioner Cox concurring in the result.

[1] Commissioners Robert E. Lee and Wells dissenting in part and voting to grant application; Commissioner Cox concurring in the result.

ing to Media, the application is defective, and pursuant to § 1.566(a), must be dismissed.[1]

3. In opposing the Media petition, Jud attempts to show that its proposed 25 mv/m contour encompasses the area in question, on the basis of a map verified by the Borough Manager, purporting to show the principal business district of Ellwood City. In response, Media challenges the validity of Jud's map which, according to facts presented by Media, was prepared for other purposes. Media, on the other hand, presents its own map, which it describes as the "Official Zoning Ordinance No. 1432 Map of the Borough of Ellwood City, Pennsylvania," and contends that this shows that Jud's proposed 25 mv/m contour will not be obtained over the "main commercial business" district of Ellwood City. Inasmuch as we are unable to resolve the factual dispute over the extent or coverage of the business or factory district, a 25 mv/m city coverage transmitter site issue will be specified as to Jud, Inc.[2]

4. In addition to its opposition pleading referred to above, Jud filed a petition for designation for hearing, which it states is not for the purpose of arguing the merits of the two applications, but to request that the Commission initiate the proceeding to determine which application should be granted. Thus, although it expresses confidence that no such issue will be required, it wishes to expedite the designation by this pleading. In opposition thereto, Media states that Jud has not stated reasons which would warrant the exceptional action—i.e., priority consideration—requested by Jud. Media also once again asserts that the Jud application must be dismissed as patently defective under § 1.566(a).

5. In its response to Media's opposition Jud finds an "obvious reluctance on the part of Media to face a designation order and suggests that Media's position raises a substantial question as to whether the Media application is being prosecuted in good faith." Although Jud suggests that the Commission should inquire as to whether Media intends to prosecute its application, it also states that the quickest way to ascertain Media's true intentions would be a speedy hearing. Thus, the parties are apparently in agreement on this point. Inasmuch as we are now designating the applications for hearing, Jud's request in its petition will be granted, and any questions raised by its petition and the responsive pleadings are thus mooted.[3]

6. In the case of Media's coverage of the city of Youngstown, there is a substantial question of fact as to its compliance with § 73.188(b)(2) of the rules, inasmuch as on the basis of this applicant's own showing its proposed 5 mv./m. contour will not extend over the most distant residential section of the city.[4] Therefore, although Jud does not raise the question in its pleadings, we are specifying a 5 mv./m. residential city coverage transmitter site issue as to Media.

7. We find that Media has complied with the requirements of the Suburban doctrine, the Commission's public notice of August 22, 1968, relating to the ascertainment of the needs and interests of the community to be served, FCC 68-847, 13 RR 2d 1303, and the Commission's decision in city of Camden (WCAM), 18 FCC 2d 412, 16 RR 2d 555 (1969). Jud, on the other hand, has not met these requirements. We cannot determine that those interviewed constitute a representative range of groups or organizations within the area to be served. Apart from approximately six overly general suggestions, such as coverage of local events, no suggestions as to community needs are listed. Furthermore, it does not appear that any interviews were conducted in the communities outside Ellwood which Jud proposes to serve. Accordingly, a Suburban issue has been specified as to Jud.

8. Based on information provided in Media's application, one of its principals, John T. Galanses, who is listed as Vice President and General Manager of this applicant, is presently an announcer-engineer with Station WHOT and Station WRED-FM, Campbell, Ohio. Since Campbell is in the greater Youngstown area, there would obviously be mutual 1 mv./m. overlap between Station WHOT and Media's proposed Youngstown station. It does not appear that Galanses has any ownership interest in or working control over Station WHOT, and so § 73.35(a) of the Commission's rules presumably does not come into play. However, the Commission has long been concerned with the potential impairment of competition which might ensue if individuals are permitted to maintain cross-interests in two facilities in the same broadcast service serving substantially the same area. See Shenandoah Life Insurance Company, 19 RR 1 (1959) and K & M Broadcasters, Inc., FCC 69R-407, 17 RR 2d 540, released October 7, 1969. Inasmuch as this cross-interest policy is not predicated upon the exercise of working control over the existing facility, but extends to individuals who are principals of an applicant and also have some meaningful relationship with an existing facility of the same type serving substantially the same area, and since it is impossible to determine from the Media application or the pleadings, the exact or total nature of Galanses' position and relationship with Station WHOT, a substantial question arises as to whether a grant of the Media application would violate this cross-interest policy. An appropriate issue will therefore be added.

9. Media has proposed approved type frequency and modulation monitors and a Gates transmitter, type BC-500G, which is approved for 500 watts. Since the transmitter is unapproved for 250 watts, however, a condition will be included, in the event of a grant of this application, to require measurements in accordance with §§ 73.48 and 2.579 of the Commission's rules.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Jud, Inc., would provide coverage of the city sought to be served, as required by § 73.188(b)(1) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the proposal of Media, Inc., would provide coverage to the city sought to be served, as required by § 73.188(b)(2) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether a grant of the application of Media, Inc., would contravene the Commission's policy requiring divorcement of interests between stations in the same broadcast service and serving substantially the same area.

5. To determine the efforts made by Jud, Inc., to ascertain the community needs and interests of the areas to be served, and the means by which it proposes to meet those needs and interests.

6. To determine, in the light of section 307(b) of the Communications Act

[1] Section 73.188(b)(1) requires a minimum field intensity of 25 to 50 mv/m over the business or factory areas of the city. § 1.566(a) rules that applications which are determined to be patently not in accordance with the Commission's rules will be rejected as defective.

[2] Contrary to Media's position, for which it cites Greenwich Broadcasting Corp., 12 FCC 1294, 2 RR 2d 548 (rel. 5/5/64), this is not grounds for rejection or dismissal of the Jud application. In that case the Review Board was "unable to make a finding that 69% area and 65% population coverage 'substantially complies' with the rule." However, although it pointed out that "this requirement is clearly important in determining an applicant's qualifications to operate a standard broadcast station," this can not be used as support for the contention that the application should not have been accepted for filing or dismissed. (The applicant in question was one of several parties in a comparative proceeding.) Therefore, Media's request for a city coverage issue will be granted, but its request for dismissal of Jud's application will be denied.

[3] Although Jud seems to imply bad faith or even fraud, it does not ask for a character qualifications issue, and in any case we do not find, on the basis of the pleadings, the necessary grounds for one.

[4] See H-B-K Enterprises, FCC 68R-517, 15 FCC 2d 683 (1968); compare Andy Valley Broadcasting System, Inc., 12 FCC 2d 3, 12 RR 2d 691 (1968), and South Norfolk Broadcasting Co., 1 FCC 2d 621 (1961).

of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

12. *It is further ordered*, That, in the event of a grant of the application of Media, Inc., the construction permit shall contain the following condition:

Submission by the permittee of data made in accordance with §§ 73.48 and 2.579 of the Commission's rules for type acceptance of the proposed transmitter for 250 watts.

13. *It is further ordered*, That the petition of Media, Inc. is granted to the extent indicated above, and is denied in all other respects.

14. *It is further ordered*, That the petition of Jud, Inc. is granted insofar as the applications are being designated for hearing, and is denied in all other respects.

15. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

16. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: December 10, 1969.

Released: December 17, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 69-15265; Filed, Dec. 23, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-58; Agreement 9813]

TRANSATLANTIC FREIGHT CONFERENCE

Order of Investigation and Hearing

The Commission has before it an application for approval of a conference agreement, pursuant to section 15 of the Shipping Act, 1916, between American Export Isbrandtsen Lines, Atlantic Container Line, Ltd., Dart Containerline Co., Ltd., Hamburg-Amerika Linie, Moore-McCormack Lines, Inc., Norddeutscher Lloyd, Sea-Land Service, Inc., and United States Lines, Inc., in the trade between North Atlantic ports of the United States and ports in Europe and, to the extent now or hereafter lawfully permissible, between any points in the United States and points in Europe via United States North Atlantic ports and ports in Europe as defined in the agreement. The agreement has been designated Federal Maritime Commission Agreement Number 9813.

Although it appears that agreement No. 9813 contemplates an arrangement which will have a significant impact upon commerce between the U.S. North Atlantic and Europe, the parties have not adequately demonstrated, nor is it shown or otherwise evident, that agreement No. 9813 is required by a serious transportation need or is necessary to secure important public benefits or to serve the regulatory purposes of the Shipping Act, 1916.

Various parties have protested agreement No. 9813 and have requested the Commission to conduct an investigation and hearing to determine its lawfulness and its probable effects. The Commission is of the opinion that agreement No. 9813 poses serious questions which can only be resolved on the basis of a full and complete evidentiary record developed in a formal proceeding.

Therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation and hearing be instituted to determine whether agreement No. 9813 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and, on the basis of such determinations, to conclude whether agreement No. 9813 should be approved, disapproved, or modified.

The Commission desires the parties to the proceeding to address themselves to at least the following issues and to such others as may arise in the course of the proceeding:

1. Is the agreement so large in scope as to be contrary to the public interest?

2. What effect will this agreement have upon existing conferences, other ratemaking agreements and independent carriers in the trades covered by the agreement?

3. Will present dual rate contract systems be affected adversely?

4. To what extent will present rates and trade structures be altered?

5. Will new trade patterns and ranges be established?

6. Can interested parties know from the present language exactly how the agreement will work or is there need for changes?

7. Should the Conference's authority be more specific and limited to the present intention of the parties?

8. What transportation need does the agreement fill?

With regard to specific provisions and operations of agreement No. 9813:

9. Article 2(c)(ii)—Is approval of this agreement all that is now required to permit the parties to undertake the transportation of cargo between inland points in the United States and inland points in Europe?

10. Article 4—May the parties establish different rates for different types of vessels and equipment?

11. Article 6(a)—How will "natural" routing be preserved? What is the meaning of "natural route" and "naturally tributary?"

12. Article 6(b)—What is the intent of this provision? Does it permit diversion at the discretion of the carrier?

13. Article 6(c)—Equalization is restricted to ports in the Bayonne-Hamburg range in the westbound section. What is the effect of this provision?

14. Article 6(d)—Would this form of diversionary equalization be only for the convenience of the member lines? How will this provision be applied?

15. Article 7(e)(ii)—The range of ports assigned to each Rate Committee is not designated in the agreement. How will this provision be implemented? Why can only one member of a Rate Committee serve the range via transshipment with other than fully owned or fully chartered feeder vessels?

16. Will Rate Committees be autonomous? If so, why must they adopt only those tariff rules and regulations that are authorized by the Executive Committee?

17. Article 7(e)(iii)—Will the procedure that allows a member of one Rate Committee to stay the decisions of another by invoking reconsideration procedures cause delay in taking action on shippers' requests and complaints?

18. Article 10—Is the right of independent action broad enough?

19. Can membership in the conference be restricted to vessel-operating common carriers by water?

20. Articles 19(e)(iv), (f)(iii), and (f)(iv)—Are the procedures which give the accused line advance notice of investigation and allow disclosure of complainant's identity permissible?

21. What ports in the United States and in Europe will be served initially. Will such service be direct, feeder or transshipment?

It is further ordered, That the parties listed in appendix A attached hereto be made respondents in this proceeding and that the parties listed in appendix B be made petitioners;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner. Since the parties may, in the course of this proceeding, change or modify those agreement provisions which appear to the Commission and protestants to be ambiguous or indefinite, the Hearing Examiner is reminded that in his discretion he may order publication of any material changes in the FEDERAL REGISTER as public notice of such changes;

[3] Commissioner Robert E. Lee concurring in the result.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners;

It is further ordered, That any person, other than respondents or petitioners, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule (5)(1), 46 CFR 502.72 of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

American Export Isbrandtsen Lines, 26 Broadway, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 30 Church Street, New York, N.Y. 10007.
Dart Container Line Co., Ltd., 30 Church Street, New York, N.Y. 10007
Hamburg-Amerika Linie, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Norddeutscher Lloyd, c/o U.S. Navigation Co., Inc., Agents, 17 Battery Place, New York, N.Y. 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
United States Lines, 1 Broadway, New York, N.Y. 10004.
Seatrain Lines, Inc./Seatrain International, S.A., 595 River Road, Edgewater, N.J. 07020.

APPENDIX B

Curtis L. Wagner, Chief, Regulatory Law Division, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310.
Richard W. McLaren, Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C. 20530.
R. Tenney Johnson, Acting General Counsel, Department of Transportation, 800 Independence Avenue SW., Washington, D.C. 20590.
Neil L. Lynch, Chief Counsel, Massachusetts Port Authority, 470 Atlantic Avenue, Boston, Mass. 02210.
Mr. J. A. Illes, Director of Transportation, Outboard Marine Corp., 100 Pershing Road, Waukegan, Ill. 60085.
John W. Gayk, Chairman, Traffic Advisory Committee, Tobacco Association of the United States, Post Office Box 681, Danville, Va. 24541.
Thomas E. O'Neill, Vice President and General Counsel, National Association of Alcoholic Beverage Importers, 1025 Vermont Avenue NW., Washington, D.C. 20005.
Mr. P. Meyer, Meyer Line, Kronprinsesse Martha's Plass 1, Post Office Box 1347, Vika, Oslo 1, Norway.
Mr. Heikki Jutila, Resident Director, U.S.A. Services, Finnlines, Ltd., 90 Broad Street, New York, N.Y. 10004.
North Atlantic Mediterranean Freight Conference, David M. MacNeil, Chairman, 17 Battery Place, New York, N.Y. 10004.
Marseilles/North Atlantic USA Freight Conference, Mr. Guy Retournat, Secretary, 10 Place de la Joliette, Marseilles, 2E, France.
Spain/U.S. North Atlantic Westbound Freight Conference, Mr. Guy Retournat, Secretary, 10 Place de la Joliette, Marseilles, 2E, France.
Portugal/U.S. North Atlantic Westbound Freight Conference, Mr. Guy Retournat, Secretary, 10 Place de la Joliette, Marseilles, 2E, France.
West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W.I.N.A.C.), Mr. G. Ravera, Secretary, Post Office Box 1070, 16123 Genoa, Italy.

[F.R. Doc. 69-15291; Filed, Dec. 23, 1969; 8:49 a.m.]

INACTIVE TARIFFS

Notice of Cancellation

By Notice published in the FEDERAL REGISTER on November 11, 1969, the Commission notified the carriers named therein of its intent to cancel certain tariffs 30 days thereafter in the absence of a showing of good cause why such tariffs should not be canceled. The following carriers failed to respond to the notice:

ABC International, Inc., 26 Beaver Street, New York, N.Y. 10004.
Apex Marine Co., 428 Ninth Avenue, New York, N.Y. 10001.
Caribbean Van Lines, Inc., G.P.O. Box 3133, San Juan, P.R. 00936.
Mr. Syd Kline, Puerto Real, Inc., 1090 V.F.W. Parkway, West Roxbury, Mass. 02132.
Superior Fast Freight, Box 60100, Terminal Annex, Los Angeles, Calif. 90060.

Accordingly, pursuant to section 6.10 of Commission Order 201.1, Amendment 5, effective May 5, 1969, the tariffs of the above named carriers were canceled on December 16, 1969.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-15290; Filed, Dec. 23, 1969; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 123]

BRITO FORWARDING CO.

Order of Revocation

By letter dated September 24, 1969, Brito Forwarding Co., 1755 West Jefferson Street, Brownsville, Tex. 78520, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 123 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 4, 1969.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid surety bond on file.

Brito Forwarding Co. has failed to file the required bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 123 of John L. Brito, doing business as Brito Forwarding Co., be and is hereby revoked effective November 4, 1969.

It is further ordered, That License No. 123 be returned to the Commission promptly.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Brito Forwarding Co.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-15292; Filed, Dec. 23, 1969; 8:49 a.m.]

[Independent Ocean Freight Forwarder License No. 1237]

CONTAINER SERVICES INTERNATIONAL, INC.

Order of Revocation

Container Services International, Inc., formerly of 233 Broadway, New York, N.Y. 10007, advised that it had ceased operations as an independent ocean freight forwarder and voluntarily returned its License No. 1237 on November 18, 1969.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order 201.1, Section 6.03,

It is ordered, That the Independent Ocean Freight Forwarder License No. 1237 of Container Services International, Inc., be and is hereby revoked effective November 18, 1969.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Container Services International, Inc., care of Mr. Robert Gurland, Vice President, 315 East 65th Street, New York, N.Y. 10021.

LEROY F. FULLER,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 69-15293; Filed, Dec. 23, 1969; 8:49 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 18, 1969.

On January 8, 1969, there was published in the FEDERAL REGISTER (34 F.R. 276) a letter dated December 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to

the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, including cotton textile products in Category 26 (duck only), produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning January 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 15 of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, which provides for administrative arrangments. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of December 17, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the level of restraint applicable to cotton textiles in Category 26 (duck only), for the twelve-month period which began on January 1, 1969. It should also be noted that the Government of the Republic of Korea has indicated that the amount of cotton textile products in Category 26 (duck only) entered pursuant to the administrative arrangement which is in excess of the level applicable to Category 26 (duck only) set forth in the bilateral agreement for the current agreement year (approximately 1,136,642 square yards), is to be charged against the level applicable to this category for the next agreement year.

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

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

DECEMBER 17, 1969.

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

DEAR MR. COMMISSIONER: On December 27, 1968, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph fifteen (15) of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 27, 1968, the level of restraint provided in that directive for cotton textile products in Category 26 (duck only), produced or manufactured in the Republic of Korea to the United States for the period beginning January 1, 1969, and extending through December 31, 1969, is hereby amended as follows, to be effective as soon as possible:

Category	Amended 12-month level of restraint[2]
26 (duck only)[3]... square yards...	13,870,517

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of December 11, 1967, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of short falls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect entries made on or after January 1, 1969.

[3] Only T.S.U.S.A. Nos.:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
323...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

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

[F.R. Doc. 69-15261; Filed, Dec. 23, 1969; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ALASKA INTERNATIONAL CORP.

Order Suspending Trading

DECEMBER 17, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alaska International Corp., a Nevada Corporation, and all other securities of Alaska International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 17, 1969, through December 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 69-15243; Filed, Dec. 23, 1969; 8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 17, 1969.

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 subordinate 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 December 18, 1969, through December 27, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 69-15244; Filed, Dec. 23, 1969; 8:46 a.m.]

[812-2653]

HAMILTON GROWTH FUND, INC. AND HAMILTON MANAGEMENT CORP.

Notice of Application for Exemption

DECEMBER 17, 1969.

Notice is hereby given that Hamilton Growth Fund, Inc., ("Fund"), 777 Grant Street, Denver, Colo. 80217, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act") and Hamilton Management Corp. ("Hamilton"), a registered broker-dealer which serves as the principal underwriter and investment manager of Fund (hereinafter referred to collectively as "Applicants"), have filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the sale by applicants of shares of Fund at net asset value plus a reduced sales charge to the bona fide, full-time, salaried employees in the United States

of International Telephone and Telegraph Corp. ("ITT"), or any of its affiliates or subsidiaries. Hamilton is a wholly-owned subsidiary of ITT Management and Research Co., Inc., which in turn is a wholly-owned subsidiary of ITT. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The public offering price of shares of Fund is currently net asset value per share plus a sales charge ranging from 8½ percent on sales of $15,000 or less to ½ percent on sales over $5,000,000. Applicants state that in order to engender loyalty among the salaried employees of the various constitutent U.S. corporations of ITT and to provide a benefit to them, it is proposed that shares of Fund be offered through a salary deduction plan to the United States, bona fide, full-time employees of ITT who have been such for not less than 90 days and to such employees of an affiliate or subsidiary of ITT at a reduced sales load as follows:

Amount of purchase	Sales charge	
	Public	Reduced
	Percent	*Percent*
$250 to $15,000	8½	5.1
$15,001 to $30,000	8	4.8
$30,001 to $45,000	7½	4.5
$45,001 to $60,000	7	4.2
$60,001 to $75,000	6	3.6
$75,001 to $90,000	5	3.0
$90,001 to $100,000	4	2.4
$100,001 to $5,000,000	1	0.6
Over $5,000,000	½	0.3

Under the terms of the proposal, a U.S. bona fide, full-time salaried employee of ITT or such an employee of an affiliate or subsidiary of ITT would determine the amount to be deducted on a periodic basis from his salary for investment in Fund shares. Such deductions would be on a voluntary basis and could be terminated at any time. After deduction of the appropriate sales charges, such amounts shall be used to acquire shares of Fund for the employee at the price per share next in effect after receipt of such amounts by Hamilton.

Section 22(d) of the Act provides, in relevant part, that an open-end investment company is prohibited from selling a redeemable security issued by it to any person except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in sales load except on a uniform basis.

Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that the sales expense incurred as a result of sales to these salaried employees will be considerably less than the cost of selling shares of Fund to the general public and that Fund will not bear any of the costs of solicitation. The offer will be described in the prospectus and sales will be made only upon the written assurance of the purchaser that the purchase is made for investment purposes and that the securities will not be resold except through redemption or repurchase by or on behalf of the issuer.

Applicants assert that the requested exemption would not be inconsistent with the purposes underlying section 22(d) of the Act and would be consistent with the position previously taken by the Commission on requests for exemption from the provisions of section 22(d) in connection with varying amounts of sales effort required.

Applicants state their opinion that the exemption sought, if granted, would be in the public interest, consistent with the protection of investors and with the policy and purposes of the Act.

Notice is further given that any interested person may, not later than January 6, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the persons being served are located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DU BOIS,
Secretary.

[F.R. Doc. 69–15245; Filed, Dec. 23, 1969; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

FIRST BUSINESS INVESTMENT CORP.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 C.F.R. Part 107), for transfer of control of First Business Investment Corp. (First Business), 1320 Davis Building, Dallas, Tex. 75222, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License No. 10–0015.

First Business was licensed on February 25, 1960, and as of September 30, 1969, had paid-in capital and paid-in surplus from private sources amounting to $202,000. Mr. John M. McCoy has increased his equity interest in First Business to 100 percent by acquiring the 50-percent interest from the estate of Leonard B. Brown, former president of the Licensee. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The proposed officers and directors are as follows:

John Milton McCoy, President and Director.
Millicent Hume McCoy, Vice President, Director.
Waller McGee, Collie, Jr., Secretary, Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner, and the probability of successful operations of the company under his control and management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to: Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed transferee in a newspaper of general circulation in Dallas, Tex.

For SBA (pursuant to delegated authority).

Dated: December 15, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69–15246; Filed, Dec. 23, 1969; 8:46 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 51-6]

DEPUTY UNDER SECRETARY OF LABOR FOR INTERNATIONAL AFFAIRS

Delegation of Authority and Assignment of Responsibility for International Labor Activities

1. *Purpose.* To delegate to the Deputy Under Secretary of Labor for International Affairs the authority vested in the Secretary of Labor for international labor activities.

2. *Background.* Among the many international responsibilities of the Secretary of Labor are the following: advice to State Department to assure consideration of labor and manpower factors in U.S. foreign policy; foreign economic policy, including trade negotiations and adjustment assistance; participation in international organizations whose goals are primarily the improvement of social and working conditions; technical assistance to developing countries in the labor and manpower specialities; and liaison with State Department, Agency for International Development (AID), and other foreign affairs agencies, including participation in the administration of the Foreign Service. The Deputy Under Secretary for International Affairs carries out the international affairs responsibilities through the operations of the Bureau of International Labor Affairs and the various Administrations and Offices of the Department as provided for in this order.

3. *Delegation of authority and assignment of responsibility.*

a. The Deputy Under Secretary of Labor for International Affairs is hereby delegated authority and assigned responsibility for:

(1) Directing and carrying out international labor activities of the Department including the functions to be performed by the Secretary of Labor under:

(a) The Foreign Service Act, as amended, and the various Executive orders providing policies for the Department of Labor responsibilities for overall administration of the Foreign Service.

(b) The Trade Expansion Act and the Automotive Products Trade Act, including those functions delegated to the Assistant Secretary and not otherwise delegated in S.O. No. 19-66.

(c) The regularly negotiated agreements with the Department of State and with AID and ad hoc agreements with other U.S. agencies under foreign assistance statutes.

(d) Agreements with foreign governments and other authorized international labor and manpower program agreements under the Foreign Assistance Act and the Mutual Educational and Cultural Exchange Act.

(e) All other Acts, Executive orders, and regulations authorizing Department of Labor participation in international labor, manpower, and trade programs.

(2) developing policy and programs for the conduct of international labor activities in the Department and coordinating them with other agencies and nongovernmental organizations,

(3) overseeing the supervision of the Bureau of International Labor Affairs and coordinating and providing guidance to international programs of other Administrations and Offices in the Department of Labor.

(4) Serving as the U.S. Representative to the International Labor Organization, Geneva, and to the Manpower and Social Affairs Committee of the Organization for Economic Cooperation and Development, and participating for the Department of Labor on the Board of Foreign Service.

(5) Coordinating all Department of Labor representations to international meetings and maintaining appropriate records therefor.

b. In carrying out the authority and responsibility delegated under this order, the Deputy Under Secretary for International Affairs shall perform the above functions in accordance with existing Governmental and Departmental regulations, including Chapter 4-1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing and Analyzing Planned versus Actual Performance, and Evaluating Program Effectiveness.

c. Heads of Administrations and Offices will make technical resources and staff available to the extent practicable to carry out the approved goals and objectives of the international program, including participation in intra-agency and interagency committees and, subject to the approval of the Secretary, service at international conferences and meetings.

d. The Solicitor of Labor shall have responsibility for providing legal advice and assistance to all officers of the Department relating to international labor affairs and functions.

4. *Directives affected.* Secretary's Order No. 8-69 is canceled.

5. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 16th day of December 1969.

GEORGE P. SCHULTZ,
Secretary of Labor.

[F.R. Doc. 69-15256; Filed, Dec. 23, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1362]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 19, 1969.

The following applications are governed by Special Rule .247 [1] of the Commission's general rules of practice (49 C.F.R. 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 382), filed November 24, 1969. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) serving points within 20 miles of Erie, Pa., as off-route points in connection with applicant's present regular route authority to serve Erie, Pa., and serving no intermediate points; and (2) serving Sharon, Pa., as an off-route point in connection with applicant's present regular route authority, serving no intermediate points. NOTE: Applicant states that it presently holds regular route authority to serve Erie, Pa., and points within its commercial zone of 5 miles of the city limits. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie or Sharon, Pa.

No. MC-2392 (Sub-No. 76), filed November 25, 1969. Applicant: WHEELER TRANSPORT SERVICE INC., Post Office Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representatives: Keith D. Wheeler (same address as above), and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite or warehouse facilities of Agrico Chemical Co., at or near Blair, Nebr., to points in Colorado, Kansas, Illinois, Indiana, Iowa, Michigan, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3468 (Sub-No. 158), filed November 26, 1969. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* via truckaway and driveaway service, from points in the New York, N.Y., commercial zone as defined by the Commission, and from Port Elizabeth and Port Newark, N.J., to points in Connecticut, Rhode Island, Maine, New Hampshire, and Vermont, restricted to vehicles originating at the plantsites of the General Motors Corp. located outside the continental United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 5470 (Sub-No. 58), filed November 21, 1969. Applicant: TAJON, INC., Rural Delivery No. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Donald E. Cross, Munsey Building, 1329 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, between Kingwood, W. Va., on the one hand, and, on the other, points in Delaware, Illinois, Maryland, New Jersey, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 7555 (Sub-No. 62), filed November 25, 1969. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 70, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billing, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baskets, basket materials, boxes*, made-up and knocked-down, *crates*, made-up and knocked-down, *crate materials, and pallets and pallet material*, from Berryville, Va., to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20824 (Sub-No. 29), filed November 24, 1969. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 2141 South High Road, Post Office Box 41719, Indianapolis, Ind. 46241. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, Ind., and Crawfordsville, Ind., from Indianapolis over Interstate Highway 74 to junction Indiana Highway 32, thence over Indiana Highway 32 to Crawfordsville, Ind., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 33641 (Sub-No. 91), filed November 17, 1969. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Vancouver, Wash., and Seattle, Wash.: From Vancouver over U.S. Highway 830 to junction Interstate Highway 5 (U.S. Highway 99) and thence over Interstate Highway 5 (U.S. Highway 99) to Seattle, and return over the same route, serving the intermediate point of Tacoma, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Chicago, Ill.; Salt Lake City, Utah; and Seattle, Wash.

No. MC 40557 (Sub-No. 1), filed November 24, 1969. Applicant: HAUFF BROS., INC., 58–79 Grand Avenue, Maspeth, N.Y. 11378. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products*, from Port Newark, N.J., to points in Nassau and Suffolk Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 50069 (Sub-No. 431) (Correction), filed November 17, 1969, published in FEDERAL REGISTER issue of December 18, 1969, and republished in part as corrected this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. NOTE: The purpose of this republication in part is to show correct docket number as MC 50069 (Sub-No. 431) in lieu of MC 50069 (Sub-No. 413) as previously published.

No. MC 59150 (Sub-No. 46), filed November 17, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition boards or sheets*, from the plantsite or warehouse of Westvaco Corp. at North Charleston, S.C., to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 59150 (Sub-No. 47), filed November 26, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite of International Paper Co., Long Bell Division, Pitt County, N.C., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing

authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Mobile, Ala.

No. MC 70272 (Sub-No. 30), filed November 17, 1969. Applicant: KING VAN LINES, INC., Post Office Box 18268, Wichita, Kans. 67218. Applicant's representative: Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that duplicate authority is not sought and all household goods authority now held will be surrendered for cancellation upon issuance of the authority here sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 71902 (Sub-No. 70), filed November 10, 1969. Applicant: UNITED TRANSPORTS, INC., 4900 North Sante Fe, Post Office Box 18547, Oklahoma City, Okla. 73118. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign made motor vehicle* (except trailers), by truckway method, from Houston, Tex., to points in Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 73165 (Sub-No. 276), filed November 21, 1969. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron valves, including brass valves and components and fire hydrants*, from Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana (East of Mississippi River), Michigan, Mississippi, Missouri, Ohio (Southern part), Oklahoma, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states it would tack at Birmingham, Ala., with presently authorized authority held in its MC 73165. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No MC 73688 (Sub-No. 38), filed November 21, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Arkansas, to points in Tennessee, Louisiana, Mississippi, Alabama, Kentucky, North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 83539 (Sub-No. 268), filed November 25, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Pueblo, Colo., and points in the United States (except Alaska, Hawaii, Idaho, Maine, New Hampshire, Ohio, Vermont, and Wyoming). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 87088 (Sub-No. 6), filed November 26, 1969. Applicant: SOONER EXPRESS, INC., Box 807, Denison, Tex. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant-site and storage facilities of Kraft Foods at or near Garland, Tex., to points in Arkansas (except Carlisle, Fort Smith, Little Rock, Fayetteville, and Hot Springs); to points in Kansas (except Emporia, Hutchinson, Moline, Oswego, Pratt, and Wichita), to points in Oklahoma (except Ada, Blackwell, Madill, Oklahoma City, Okmulgee, Shawnee, Stillwater, Sulphur, and Tulsa); to points in Kansas City, Mo., commercial zone, under contract with Kraft Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma, City, Okla., or Washington, D.C.

No. MC 105940 (Sub-No. 6), filed November 12, 1969. Applicant: SAFEWAY TRUCKING CORPORATION, Building 221, Elizabeth Port Authority, Marine Terminal, McLester Street, Elizabeth, N.J. 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk); (a) between the site of East Coast Warehouse & Distribution Corp., at Elizabeth, N.J., on the one hand, and, on the other, points in Suffolk, Orange, and Rockland Counties, N.Y., and points in Fairfield, Hartford and New Haven Counties, Conn.; and (b) between piers in New York Harbor, N.Y., on the one hand, and, on the other, the site of East Coast Warehouse & Distribution Corp., at Elizabeth, N.J. NOTE: Applicant presently holds contract carrier authority under its permit MC 127865, therefore, dual operations may be involved. Applicant states it will tack at Elizabethport, N.J., with existing authority. No duplicating authority is sought. Applicant further states the purpose of this application is to apply for the authority sought to be purchased from Joseph Genova in MC 124181 (Sub-No. 6 and MC-FC-71136) and to convert its contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106760 (Sub-No. 122), filed December 1, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete wire enforced planks or slabs, and wood and cement planks and slabs*, including *accessories and parts* incidental to the completion, erection, and installation thereof, from points in Elbert County, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Atlanta or Columbus, Ga.

No. MC 106760 (Sub-No. 123), filed December 1, 1969. Applicant: WHITE-HOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors;* (2) *shelving;* and (3) *closet or wardrobe bars or rods*, from Atlanta, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it seeks no duplicating authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Columbus, Ga.

No. MC 107295 (Sub-No. 218), (amendment), filed September 2, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and republished as amended, this issue. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood paneling and accessories*, from Stuttgart, Ark., to points in New Jersey, New York, Massachusetts, Connecticut, Rhode Island, and Pennsylvania. NOTE: Applicant states that the requested authority can be tacked with its existing authority in MC 107295 where feasible and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an

unrestricted grant of authority. The purpose of this republication is to reflect the change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107295 (Sub-No. 257), filed November 25, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Overhead cranes and accessories* thereto, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that it presently holds no authority to which the authority requested may be tacked with. However, it wishes to maintain the provisions for tacking this authority granted herein with any complimentary authorities secured in the future. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107295 (Sub-No. 258), filed November 20, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipes and couplings, bituminous fiber, and fittings therefore*, from West Bend, Wis., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states it will tack with its MC 107295, where feasible. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 107496 (Sub-No. 757), filed November 25, 1969. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, from Yoder and Kentland, Ind., to points in Illinois, Ohio, and Michigan, (2) *foundry facings*, in bulk, from Highland, Ind., to points in Michigan, Pennsylvania, Ohio, Indiana, and Illinois and (3) *fats, greases, and tallows*, in bulk, from points in Wisconsin to points in that part of Indiana within the Chicago, Ill., commercial zone, as defined by the Commission, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 685), filed November 24, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Louisiana, Arkansas, Kansas, Oklahoma, Texas, and New Mexico, restricted to traffic originating at Wellston, Ohio. NOTE: Applicant states it will tack with its Subs 1, 10, and 12 at New Orleans, La. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107743 (Sub-No. 12), filed September 29, 1969. Applicant: SYSTEM TRANSPORT, INC., East 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: George LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel tubing*, from the plantsite of Green Bay Tubing, Green Bay, Wis., to points in North Dakota, South Dakota, Nebraska, Colorado, Oregon, Utah, Montana, Wyoming, Idaho, Washington, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 109397 (Sub-No. 189), filed November 17, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., operator of U.S.A.C. Transport, Inc., Post Office Box G, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems and antipollution system parts*, from Roseville, Mich., to points in the United States except Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110525 (Sub-No. 947), filed November 19, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), also Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chlorobutadiene*, in bulk, in tank vehicles, from La Place, La., to Louisville, Ky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that is has no present intent to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 292), filed November 17, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nos. 5 and 6 fuel oils*, in bulk, in tank vehicles; (1) from Tulsa, Okla., to points in Missouri; and (2) from Sugar Creek, Mo., to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 111545 (Sub-No. 128), filed November 24, 1969. 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: *Mobile homes and trailers designed to be drawn by passenger automobiles*, from points in Moore and Nash Counties, N.C., and Barnwell County, S.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not specifically intend to tack but tacking might be possible with authority in its lead certificate, 12th paragraph thereof, to enable service at points in South Carolina, Georgia, Florida, Alabama, Mississippi, or Louisiana. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Columbia, S.C.

No. MC 112520 (Sub-No. 209), filed November 24, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Crisp County, Ga., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112520 (Sub-No. 210), filed November 28, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Decatur County, Ga., to points in Georgia and Florida. NOTE: Applicant

states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112801 (Sub-No. 102), filed November 24, 1969. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals and related products*, in bulk, between points in Grundy County, Ill., on the one hand, and on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114115 (Sub-No. 22), filed December 1, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite and facilities of Morton Salt Co., Division of Morton International, Inc., located in Yates County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; under contract with Morton Salt Co., Division of Morton International, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 89), filed November 26, 1969. Applicant: SHAFFER TRUCKING INC., Post Office Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and commodities* delt in by retail gift shops or retail curio shops when moving in mixed loads with foodstuffs, from points in Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115022 (Sub-No. 19), filed November 28, 1969. Applicant: CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 East Main Street, Thomaston, Conn. 06787. Applicant's representative: Reubin Kaminsky, Post Office Box 17–2056, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and/or mobilehomes*, designed to be drawn by passenger automobiles in initial movements and *buildings and buildings in sections*, mounted on wheeled undercarriages, with hitch-ball connector; (1) from origins which are points of manufacture in Hartford County, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (2) from origins which are points of manufacture in Litchfield County, Conn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 115669 (Sub-No. 107), filed November 25, 1969. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia;* (1) from the storage facilities of Central Farmers Fertilizer Co., located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin; and (2) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115841 (Sub-No. 364), filed November 24, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, and film or sheeting* other than cellulose, from Aberdeen and Havre de Grace, Md., to points in California and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 116273 (Sub-No. 121), filed November 20, 1969. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude light oil of coal tar;* (a) from Gary, Ind., to Lemont, Ill.; and (b) from Lemont, Ill., to Catlettsburg, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 116903 (Sub-No. 1), filed November 18, 1969. Applicant: HACKEL CARTAGE, INC., 223 West 65th Street, Chicago, Ill. 60621. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Room 1206, Chicago, Ill. 60603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Electric home appliances, gas ranges, and kitchen cabinets*, from points in Cook County, Ill., to points in La Porte, St. Joseph, Lake, and Porter Counties, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 117184 (Sub-No. 7), filed November 12, 1969. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York, N.Y. 10036. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers of duplicating, copying, and reproducing machines, and *materials, supplies, accessories, components, publications, educational materials, equipment and fixtures* used in the conduct of such business; (1) between points in the New York, N.Y., commercial zone, as defined by the Commission, Blauvelt, N.Y., and Carlstadt, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y.; and (2) between points in the New York, N.Y., commercial zone, as defined by the Commission, and Carlstadt, N.J., on the one hand, and, on the other, points in Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, and Sullivan Counties, N.Y., under contract with Xerox Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117344 (Sub-No. 198) (Correction), filed November 7, 1969, published FEDERAL REGISTER, issue of December 11, 1969, and republished as corrected this issue. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. NOTE: The purpose of this republication is to show the correct docket number assigned hereto, in lieu

of No. MC 117334 (Sub-No. 198), which was in error.

No. MC 117883 (Sub-No. 129), filed November 3, 1969. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Applicant's representatives: Edward Subler (same address as above), also William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, packinghouse products and commodities* used by packinghouses as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Spencer, Hartley, Denison, Iowa Falls, Clarinda, Postville, Storm Lake, Harlan, and Oakland, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (2) *frozen foods*, from Council Bluffs, Iowa, to points in Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 117883 (Sub-No. 130), filed November 24, 1969. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, and food ingredients*, from Allen and Auglaize Counties, Ohio, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, North Dakota, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, Wisconsin, Virginia, and the District of Columbia; and (2) *foods, foodstuffs, and ingredients, materials, equipment, and supplies* used in the manfacturing, packaging, and distribution of food and foodstuffs, from the destination points named in (1) above, to Allen and Auglaize Counties, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 118263 (Sub-No. 19), filed November 20, 1969. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in tank vehicles), from the plantsite and warehouse facilities of Stouffer Foods Corp. at Cleveland and Solon, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, the District of Columbia, and those in Pennsylvania on and east of U.S. Highway 15. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has pending contract carrier authority under MC 111069 Sub 53, therefore, dual operations might be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Louisville, Ky.

No. MC 119531 (Sub-No. 131), filed November 14, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 N. Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard sheets*, from Ashtabula, Ohio, to Winchester, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119641 (Sub-No. 83) (amendment), filed October 14, 1969, published in the FEDERAL REGISTER issue of November 20, 1969, and republished as amended, this issue. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 720 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *agricultural implements and machinery;* and (3) *attachments for, and equipment* designed for use with the foregoing articles described in (1) and (2) above when moving in mixed loads with such articles described in (1) and (2) above, from ports of entry on the international boundary line between the United States and Canada at or near Buffalo, N.Y., and Detroit, Mich., to points in the United States (except Arizona, Alaska, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming); restricted to traffic in foreign commerce originating at the plant warehouse or distribution facilities of the International Harvester Co. NOTE: The purpose of this republication is to (1) reflect a change in the origin territory to include the port of entry at Buffalo, N.Y., and limiting the United States-Canada border crossings in Michigan to the port of entry at Detroit, Mich.; and (2) reflect that Alaska and Hawaii are also excepted states in the destination area. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 85), filed November 14, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* (except in bulk), from Claysburg, Sproul, and Salina, Pa., to Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, and points in Lake and Porter Counties, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119669 (Sub-No. 5), filed November 14, 1969. Applicant: JACKSON TRUCKING CO., INC., 546 South 31A, Columbus, Ind. 47201. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119767 (Sub-No. 230), filed November 24, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsite and warehouse facilities of Duffy-Mott Co., Inc., at or near Bailey and Hartford, Mich., to points in Minnesota, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119778 (Sub-No. 122), filed November 21, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla., 33601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Decatur, Ala., to points in Alabama, Georgia, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be

involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 119934 (Sub-No. 159), filed November 17, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphorous*, in bulk, in tank vehicles, from Mount Pleasant, Tenn., to points in Ohio and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority in MC 128161, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 160), filed November 17, 1969. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles; (1) from Rochester, Ind., to points in Illinois, Ohio, and Kentucky; and (2) from Bedford, Ind., to points in Illinois and Kentucky. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant, requests it be held at Indianapolis, Ind.

No. MC 123634 (Sub-No. 7), filed November 21, 1969. Applicant: K. N. DISTRIBUTORS, INC., 31 West 34th Street, New York, N.Y. 10001. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, between the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiaries and concessionaires located at the stores and warehouses in New York, Yonkers, East Farmingdale, Commack, West Hempstead, Hicksville, New Hyde Park, and Valley Stream, N.Y.; Newark, Woodbridge, Wayne Township, and Cherry Hill, N.J.; Philadelphia, and points in Marple Township, Pa.; Greenbelt, Md.; Boston, Mass.; and Alexandria, Va., under a continuing contract or contracts with S. Klein Department Stores, Inc., of New York, N.Y., its subsidiaries, affiliates, and those concessionaires operating under contract with them and their stores. NOTE: Applicant states that it holds the requested authority (except Cherry Hill, N.J.) under MC 123634 (Sub-No. 4), the instant application is for the sole purpose of including Cherry Hill, N.J. Applicant consents to the revocation of the existing authority under MC 123634 (Sub-No. 4) upon a grant of the authority requested herein. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124211 (Sub-No. 140), filed November 25, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Burlap, cotton piece goods, jute, and textiles;* (a) from points in Louisiana, to points in Missouri and Nebraska; and (b) from points in Missouri and points in Illinois within the St. Louis, Mo., commercial zone, as defined by the Commission, to points in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; (2) *containers and pallets*, from Omaha, Nebr., and St. Louis, Mo., to points in Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and (3) *inedible and edible sugar;* (a) from St. Louis, Mo., and points in Louisiana, to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (b) from points in Colorado, Kansas, Minnesota (except points east of U.S. Highway 71), Nebraska, North Dakota, and South Dakota, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Restriction: The authority sought herein, to the extent it duplicates any authority now held by or heretofore granted to applicant, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub-No. 67), filed December 5, 1969. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: John R. Sims, Jr., Suite 605, 711 14th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage, express and newspapers* in the same vehicle with passengers, between junction Interstate Highway 84 and New York Highway 52 at or near Fishkill, N.Y., and Danbury, Conn.: (1) From junction Interstate Highway 84 and New York Highway 52, thence over Interstate Highway 84 to Danbury, Conn., and return over the same route serving no intermediate points; (2) from junction Interstate Highway 84 and New York Highway 52, thence over Interstate Highway 84 to junction New York Highway 311 at or near Lake Carmel, N.Y., thence over New York Highway 311 to junction New York Highway 52, thence over New York Highway 52 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 84–87, thence over Interstate Highway 84–87 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn., and return over the same route serving the intermediate points of Lake Carmel, N.Y., and Carmel, N.Y.; and (3) from junction Interstate Highway 84 and New York Highway 52, thence over Interstate Highway 84 to junction New York Highway 311 at or near Lake Carmel, N.Y., thence over New York Highway 311 to New York Highway 52, thence over New York Highway 52 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction New York Highway 121, thence over New York Highway 121 to junction Interstate Highway 84, thence over Interstate Highway 84 to Danbury, Conn., and return over the same route, serving the intermediate points of Lake Carmel, N.Y., and Carmel, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Hartford, Conn.

No. MC 125321 (Sub-No. 3), filed November 21, 1969. Applicant: GRADY THOMPSON, Box 26, Blanding, Utah 84511. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber;* (1) from Pagosa Springs, Bayfield, and Durango, Colo., to points in Utah, New Mexico, Arizona, Texas, Oklahoma, and California; (2) from Blanding, La Sal, and 7 Mile, Utah, to points in Colorado, New Mexico, Arizona, Texas, Oklahoma, and California; (3) from Blanding, La Sal, and 7 Mile, Utah, to 7 Mile and Thompson, Utah; and (4) from Pagosa Springs, Bayfield, and Durango, Colo., to Southfork Colo., restricted to traffic having a subsequent out-of-State movement by rail in (1) through (4) above, under contract with San Juan Lumber Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 126198 (Sub-No. 9), filed November 24, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages;* (1) from Columbus, Ohio, to Calumet, Houghton County, Mich.; and (2) from Fort Wayne and South Bend, Ind., to Munising, Alger County, Mich.; and *empty containers* on return in (1) and (2) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126198 (Sub-No. 10), filed November 28, 1969. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, namely beer and ale, from La Crosse and Sheboygan, Wis., to Escanaba, Stephenson, Manistique, Newberry, Sault Ste. Marie, Munising, Ishpeming, Marquette, Calumet, Iron Mountain, Bessemer, and Iron River, Mich., and Aurora, Wis.; and empty containers on return movements. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126305 (Sub-No. 22), filed November 26, 1969. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and millwork*, (1) from Tunica, Miss., and Memphis, Tenn., to Denver, Colo., and Phoenix, Ariz., and (2) from Denver, Colo., to Phoenix, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Denver, Colo., or Washington, D.C.

No. MC 126514 (Sub-No. 17), filed November 24, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, enamelled, glazed, surface coated or gummed, duplicating machine stencils*, from Moosic and Scranton, Pa., to points in Arizona, New Mexico, Oregon, Washington, California, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 127274 (Sub-No. 19) (Correction), filed November 5, 1969, published FEDERAL REGISTER issue of December 11, 1969, corrected and republished in part, this issue. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. NOTE: The purpose of this partial republication is to show the city and State in the address of applicant's representative, which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 127774 (Sub-No. 4), filed November 14, 1969. Applicant: HAINES TRANSPORT, INC., Post Office Box 207, Greenfield, Iowa 50849. Applicant's representative: William Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk; (1) from the storage facilities of Gulf Central Pipeline Co., located at or near Marshalltown, Iowa, to points in Illinois, Iowa, Missouri, Minnesota, and Wisconsin; and (2) from the storage facilities of Central Farmers Fertilizer Co. located at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127812 (Sub-No. 5), filed November 28, 1969. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue S.W., New Brighton, Minn. 55112. Applicant's representative: Richard L. Tyson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, dairy products and articles* distributed by meat packinghouses (except hides and commodities in bulk), from Minneapolis-St. Paul, Minn., and points within the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission in MC 37, to points in Douglas, Bayfield, Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Trempealeau, La Crosse, Jackson, and Buffalo Counties, Wis. NOTE: Applicant states it intends to tack at Minneapolis-St. Paul, Minn. to serve points in Anoka (except city of Anoka and Coon Creek), Carver, Dakota, Hennepin (except Osseo and Brooklyn Park), Ramsey, Scott, and Washington Counties, Minn. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 129307 (Sub-No. 30), filed November 17, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representative: Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Macon, Marshall, Milan, Moberly, and Carrollton, Mo., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Virginia, West Virginia, and Davenport and Dubuque, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with existing authority. Applicant holds contract carrier authority under MC-119394, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129806 (Sub-No. 2), filed November 26, 1969. Applicant: J. MITCHKO TRUCKING, INC., Rural Delivery 1, Limecrest Road, Lafayette, N.J. 07848. Applicant's representative: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry salt*, in bulk, from points in New Jersey to points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Delaware, Maryland, and the District of Columbia, restricted to shipments having a prior movement by rail or water; and (2) *dry salt*, in bulk, and in bags, *dry salt with additives, dry pepper and dry mineral mixtures*, from Jersey City, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, and damaged or otherwise rejected shipments of such commodities in (1) and (2) above, on return. NOTE: Applicant states that it now transports dry salt, in bulk, and salt and salt products in packages, within a substantial portion of the area for Morton Salt Co. No duplicating authority is being sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133710 (Sub-No. 1), filed November 24, 1969. Applicant: RAY MALAN, doing business as MALAN VAN & STORAGE, 715 South California Street, Stockton, Calif. 95201. Applicant's representative: Robert J. Gallagher, 703 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Joaquin, San Mateo, Santa Clara, Amador, Stanislaus, Solano, Alameda, Calaveras, Merced, Contra Costa, Sacramento, and Tuolumme Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134149 (Correction), filed November 10, 1969, published FEDERAL REGISTER, issue of December 11, 1969, and republished as corrected this issue Applicant: COASTAL TRUCKING COMPANY, INC., 1801 Selma Avenue, Selma, Ala. 36701. Applicant's representative: Cecil C. Jackson, Jr., 519 Lauderdale Street, Post Office Box 1304, Selma, Ala. 36701. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, in lieu of No. MC 134139, which was in error.

No. MC 134169, filed November 24, 1969. Applicant: WAYNE E. TRUELOVE AND RAYMOND S. SCOTT, a partnership doing business as TRUELOVE AND SCOTT TRANSPORTATION CO., 1078 South Jefferson Street, Lebanon, Mo. 65536. Applicant's representative: Raymond S. Scott, Post Office Box 104, Lebanon, Mo. 65536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cooperage stock, heading and staves, and wood chips*, from Lebanon,

Mo., to points in Iowa, Illinois, Indiana, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Jefferson City, or St. Louis, Mo.

No. MC 124212 (Sub-No. 48), filed November 19, 1969. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement* in bulk, in tank vehicles, from the plantsite of Lehigh Portland Cement Co. at Providence, R.I., to points in that part of Connecticut west of Connecticut Highway 32, and that part of Massachusetts west of Massachusetts Highway 32; and (2) *cement*, between the plantsites of Lehigh Portland Cement Co. located at Mitchell, Ind., and Plainfield and South Beloit, Ill. NOTE: Applicant states that it has authority to serve points in Connecticut and Massachusetts on and east of Highway 32 under Certificate No. MC-124212 Sub 37; this authority would be joined with the authority described in item 1 above. Common control dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3647 (Sub-No. 421), filed November 25, 1969. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Staten Island, Borough of Richmond, N.Y., and extending to points in the United States and Alaska, but excluding Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 39491 (Sub-No. 13), filed November 24, 1969. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, *express and newspapers*, (1) between junction U.S. Highway 13 and Pennsylvania Highway 63 in Bensalem Township, Pa., and Philadelphia, Pa., (a) from junction U.S. Highway 13 and Pennsylvania Highway 63 over Pennsylvania Highway 63 to the Bucks County-Philadelphia boundary line and thence over Philadelphia city streets, and return over the same route, serving no intermediate points, and (b) from junction U.S. Highway 13 and Pennsylvania Highway 63 over U.S. Highway 13 to the Bucks County-Philadelphia boundary line and thence over Philadelphia city streets, and return over the same route, serving no intermediate points; and (2) between New York, N.Y., and the New Jersey Turnpike at or about Exit No. 16, (a) from New York, N.Y., over the George Washington Bridge to U.S. Highway 46, thence over U.S. Highway 46 to the New Jersey Turnpike, thence over the New Jersey Turnpike to a point at or about Exit No. 16, and return over the same route, serving no intermediate points, and (b) from New York, N.Y., through the Lincoln Tunnel to the roadway between Exit 16 of the New Jersey Turnpike and the entrance to the Lincoln Tunnel, thence over the said roadway to the New Jersey Turnpike at Exit 16, and return over the same route, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133556 (Sub-No. 2) (Correction), filed October 31, 1969, published in the FEDERAL REGISTER issue of December 18, 1969, and republished in part, as corrected, this issue. Applicant: HAROLD W. REEDY, doing business as REEDY TRUCKING CO., 6041 East Lake Drive, Haslett, Mich. 48840. The purpose of this partial republication is to show the correct Docket number as MC 133556 (Sub-No. 2 in lieu of MC 113556 (Sub-No. 2) which was erroneously published in the previous publication. The rest of the application remains as published.

No. MC 134175, filed November 20, 1969. Applicant: HOWARD WOODROW WILSON, 792 Grosvenor Street, Woodstock, Ontario, Canada. Applicant's representatives: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303 and Lynwood Maddox, 1606 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, between the port of entry on the international boundry of the United States and Canada at Detroit, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that trips will originate at or terminate at Woodstock, Ontario, Canada. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 89723 (Sub-No. 57) (Correction), filed November 18, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, and republished as corrected this issue. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Hiawatha, Kans., and St. Joseph, Mo., from Hiawatha, Kans., over U.S. Highway 36 to St. Joseph, Mo., as an alternate route in connection with applicant's presently authorized regular-route operations, from Hiawatha, Kans., over U.S. Highway 73 to Atchison, Kans., thence over U.S. Highway 59 to St. Joseph, Mo., serving no intermediate points. NOTE: Common control may be involved. The purpose of this republication is to more clearly set forth the territorial scope of the application.

By the Commission.

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

[F.R. Doc. 69-15281; Filed, Dec. 23, 1969; 8:45 a.m.]

[Notice 581]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 19, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only, have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 17), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 9, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Joliet, Ill., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Joliet, Ill., over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 20 to Cleveland, Ohio, thence over Ohio Highway 14 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence over city streets and connection highways to New York, N.Y., and return over the same route.

No. MC 200 (Deviation No. 18), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 9, 1969. Carrier's representative: Roger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Charleston, W. Va., and St. Louis, Mo., over Interstate Highway 64, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Charleston, W. Va., over U.S. Highway 21 to Parkersburg, W. Va., thence over West Virginia Highway 2 to Wheeling, W. Va., thence over U.S. Highway 40 to Zanesville, Ohio, thence over U.S. Highway 22 to Cincinnati, Ohio, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 200 (Deviation No. 19), HISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over access roads to Interstate Highway 80–S, thence north over Interstate Highway 80–S to junction Interstate Highway 79, thence north over Interstate Highway 79 to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Pittsburgh, Pa., over U.S. Highway 76 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland, Ohio, thence east over Ohio Highway 84 to junction U.S. Highway 20, thence over U.S. Highway 20 to Buffalo, N.Y., and return over the same route.

No. MC 200 (Deviation No. 20), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 11, 1969. Carrier's representative: Rodger J. Walsh, Box 2809, Kansas City, Mo. 64142. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Chicago, Ill., over Interstate Highway 65, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Louisville, Ky., over U.S. Highway 31 to Indianapolis, Ind., thence over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 13235 (Deviation No. 4), CENTRALIA CARTAGE CO., 650 West Noleman St., Centralia, Ill. 62801, filed December 8, 1969. Carrier's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (1) From junction Illinois Highway 1 and Interstate Highway 64 near Grayville, Ill., over Interstate Highway 64 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind., and (2) from junction Illinois Highway 1 and Interstate Highway 64 near Grayville, Ill., over Interstate Highway 64 to junction Indiana Highway 65, thence over Indiana Highway 65 to junction U.S. Highway 460, thence over U.S. Highway 460 to Evansville, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Evansville, Ind., over U.S. Highway 460 to Crossville, Ill., thence over Illinois Highway 1 to Grayville, and return over the same route.

No. MC 49387 (Deviation No. 7), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Box 658, Moberly, Mo. 65270, filed December 8, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 61, thence over U.S. Highway 61 to St. Louis, Mo., and return over the same route.

No. MC 59680 (Deviation No. 81), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed December 11, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Ohio Turnpike and Interstate Highway 80 (Exit 15) over Interstate Highway 80 to junction Pennsylvania Highway 26 at Milesburg, Pa., thence over Pennsylvania Highway 26 to junction U.S. Highway 322 at State College, Pa., thence over U.S. Highway to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Pennsylvania Turnpike at or near Carlisle, Pa. (Exit 16), and (2) from junction Ohio Turnpike and Interstate Highway 80 (Exit 15) over the route described in (1) to junction U.S. Highway 11 at Amity Hall, Pa., thence over U.S. Highway 11 to junction Interstate Highway 81 at or near Marysville, Pa., thence over Interstate Highway 81 to junction Pennsylvania Turnpike at or near Carlisle, Pa. (Exit 16), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Exit 15 of the Ohio Turnpike over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit 16, and return over the same route.

No. MC 69512 (Deviation No. 2), THUNDERBIRD FREIGHT LINES, INC., 1515 South 22d Avenue, Phoenix, Ariz. 85009, filed December 12, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., over Interstate Highway 17 to Flagstaff, Ariz., thence over U.S. Highway 66 to Holbrook, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Johns, Ariz., over U.S. Highway 666 to Sanders, Ariz., (2) from Lupton, Ariz., over U.S. Highway 66 to Gallup, N. Mex., (3) from Gallup, N. Mex., over U.S. Highway 666 to junction New Mexico Highway 68, thence over New Mexico Highway 68 to the New Mexico-Arizona State line, thence over Arizona Highway 264 via Cross Canyon to Ganado, Ariz., (4) from junction Arizona Highway 264 and unnumbered highway over unnumbered highway via Window Rock to Fort Defiance, Ariz., (5) from Phoenix, Ariz., over U.S. Highway 60 via Globe to Show Low, Ariz., thence over Arizona Highway 77 to Holbrook, Ariz., thence over U.S. Highway 66 to Winslow, Ariz. (with no service authorized between Phoenix and Globe, or at intermediate points between Phoenix and Globe), (6) from Holbrook, Ariz., over U.S. Highway 66 via Navajo to Lupton, Ariz., (7) from Globe, Ariz., over U.S. Highway 70 to junction unnumbered highway near Cutter, thence over unnumbered highway to San Carlos, Ariz., (8) from Pinedale, Ariz., over Arizona Highway 160 to Show Low, Ariz., thence over Arizona Highway 173 to McNary Junction, Ariz., thence over Arizona Highway 73 to McNary, Ariz., thence return over Arizona Highway 73 to McNary Junction, thence over Highway 73 to Fort Apache, Ariz., (9) from Holbrook, Ariz., over U.S. Highway 180 via Concho, St. Johns, and Springerville, Ariz., to Eager, Ariz., (10) from Show Low, Ariz., over U.S. Highway 60 to junction U.S. Highway 180, near Springerville, Ariz., and (11) from Concho, Ariz., over Arizona Highway 61 to junction U.S. Highway 60 near Pinon, Ariz., and return over the same routes.

No. MC 113528 (Deviation No. 5), MERCURY FREIGHT LINES, INC.,

Post Office Box 1247, Mobile, Ala. 36601, filed December 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Birmingham, Ala., over Interstate Highway 65 to junction Alabama Highway 59, at a point north of Bay Minette, Ala. (traversing U.S. Highway 31 between Siluria and Birmingham, Ala., and between junction Interstate Highway 65 and U.S. Highway 31 junction north of Montgomery, Ala., and junction Interstate Highway 65 and U.S. Highway 31 at a point south of Montgomery, Ala., via Prattville, Ala., pending completion of Interstate Highway 65 between these points), with the following access routes: (1) From junction Interstate Highway 65 and Alabama Highway 59 over Alabama Highway 59 to Bay Minette, Ala. (also over Alabama Highway 59 to Stockton, Ala.); (2) from junction Interstate Highway 65 and Alabama Highway 21 over Alabama Highway 21 to Atmore, Ala., and (3) from junction Interstate Highway 65 and Alabama Highway 47 over Alabama Highway 47 to junction Alabama Highway 59, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Birmingham, Ala., over U.S. Highway 11 (formerly Alabama Highway 5) to junction Alabama Highway 5, thence over Alabama Highway 5 to junction Alabama Highway 14 (formerly Alabama Highway 43), (2) from junction Alabama Highway 5 and 14 (formerly Alabama Highway 43) over Alabama Highway 14 to Selma, Ala., (3) from Selma, Ala., over Alabama Highway 41 (formerly Alabama Highway 43 and 11) via Camden, Ala., to Monroeville, Ala., thence over Alabama Highway 21 (formerly Alabama Highway 11) via Atmore, Ala., to Alabama-Florida State line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., (4) from Stockton, Ala., over Alabama Highway 59 to junction Alabama Highway 21 (at or near Uriah, Ala.), (5) from Mobile, Ala., over U.S. Highway 31 to Bay Minette, Ala., thence over Alabama Highway 59 to Stockton, Ala., and (6) from Mobile, Ala., over U.S. Highway 90 (also over Interstate Highway 10) to Pensacola, Fla., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 540), GREYHOUND LINES, INC. (Western Division), Market and Fremont Sts., San Francisco, Calif. 94106, filed December 11, 1969. Carrier's representative: W. L. McCracken, 371 Market St., San Francisco, Calif. 94104. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 30-S and Interstate Highway 80-N (Cotterell, Idaho), over Interstate Highway 80-N to junction U.S. Highway 30-S west of Snowville, Utah (West Snowville Junction, Utah), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Burley, Idaho, over U.S. Highway 30-S to the Idaho-Utah State line south of Strevell, Idaho (connects with Utah route 5), and (2) from Ogden, Utah, over Utah Highway 204 to junction U.S. Highway 30-S, thence over U.S. Highway 30-S to junction Interstate Highway 15 and Alternate U.S. Highway 30-S (Brigham City Junction), thence over Alternate U.S. Highway 30-S to junction Interstate Highway 15 and U.S. Highway 30-S (Elwood Junction), thence over U.S. Highway 30-S to the Utah-Idaho State line, south of Strevell, Idaho (connects with Idaho route 16), and return over the same routes.

No. MC 3600 (Deviation No. 2), FRANK MARTZ COACH CO., INC., Wilkes-Barre, Pa. 18702, filed December 9, 1969. Carrier's representative: John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa. 18701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Pennsylvania Highway 940 and Interstate Highway 81-E, over Interstate Highway 81-E to junction Pennsylvania Highway 307, (2) from Tobyhanna, Pa., over Pennsylvania Highway 423 to junction Interstate Highway 81-E, and (3) from junction U.S. Highway 611 and Pennsylvania Highway 507 over Pennsylvania Highway 507 to junction Interstate Highway 81-E, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Pocono Summit, Pa., over Pennsylvania Highway 940 to Swiftwater, Pa. (also over an unnumbered Pennsylvania Highway from Pocono Summit to Mount Pocono, Pa.), thence over U.S. Highway 611 to Swiftwater, Pa., and (2) from Scranton, Pa., over Pennsylvania Highway 307 to junction U.S. Highway 611, thence over U.S. Highway 611 to Pocono, Pa., and return over the same routes.

No. MC 13028 (Deviation No. 15), THE SHORT LINE, INC., 27 Sabin Street, Post Office Box 1116, Annex Station, Providence, R.I. 02901, filed December 10, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* and the same vehicle with passengers, over a deviation route as follows: From Providence, R.I., over Interstate Highway 95 to junction Interstate Highway 495 (near North Attleboro, Mass.), thence over Interstate Highway 495 to junction Massachusetts Turnpike (Interstate Highway 90), thence over the Massachusetts Turnpike (Interstate Highway 90) to junction Interstate Highway 290 at Auburn, Mass., thence over Interstate Highway 290 to Worcester, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over Rhode Island Highway 146 to Woonsocket, R.I., thence over Rhode Island Highway 122 to the Rhode Island-Massachusetts State line, thence over Massachusetts Highway 122 to junction Massachusetts Highway 122A, thence over Massachusetts Highway 122A to Worcester, Mass., and return over the same route.

No. MC 29623 (Deviation No. 3), SOUTHEASTERN STAGES, INC., 226 Alexander Street NW., Atlanta, Ga. 30313, filed December 9, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From City Square, Decatur, Ga., over Georgia Highway 155 to junction U.S. Highways 29–78 (Scott Boulevard), thence over U.S. Highways 29–78 to junction Georgia Highway 410 and U.S. Highway 78 (Stone Mountain Parkway), thence over Georgia Highway 410-U.S. Highway 78 (Stone Mountain Parkway) to junction Georgia Highway 10 (Memorial Drive) near Stone Mountain, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Decatur, Ga., over old U.S. Highway 78-Georgia Highway 10 (Memorial Drive) to Stone Mountain, Ga., and return over the same route.

No. MC 45626 (Deviation No. 31) (Cancels Deviation No. 27), VERMONT TRANSIT CO., INC., Burlington, Vt. 05401, filed December 5, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between Norwich, Vt., and Springfield, Mass., over Interstate Highway 91, including access roads intermediate thereto, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Norwich, Vt., and Springfield, Mass., over U.S. Highway 5.

By the Commission.

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

[F.R. Doc. 69-15278; Filed, Dec. 23, 1969; 8:49 a.m.]

[Notice 1361]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 19, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published

in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 36974 (Sub-No. 5) (Republication), filed May 23, 1969, published in the FEDERAL REGISTER issues of June 12, 1969, and July 10, 1969, and republished this issue. Applicant: HMIELESKI TRUCKING CORP., 108 New Era Drive, South Plainfield, N.J. 07080. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. By application filed May 23, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household appliances, from Edison, N.J., to points in Fairfield County, Conn., and returned shipments on return. An order of the Commission, Operating Rights Board, dated November 20, 1969, and served December 10, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *new household appliances*, from Edison, N.J., to points in Fairfield County, Conn.; and (2) *used household appliances*, from points in Fairfield County, Conn., to Edison, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the finding in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 103341 (Sub-No. 8) (Republication), filed May 13, 1966, published in the FEDERAL REGISTER issue of June 23, 1966, and republished this issue. Applicant: YOUNGBLOOD VAN & STORAGE CO., INC., 3908 Hamilton Road, Columbus, Ga. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. By application filed May 13, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of household goods between certain points in Georgia, Alabama, South Carolina, and Florida, with certain restrictions. A prior report of the Commission, decided December 11, 1968, as modified, found public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods; (1) between points in Jackson, Marshall, De Kalb, Cherokee, Etowah, Cleburne, Calhoun, St. Clair, Jefferson, Walker, Tuscaloosa, Talladega, Clay, Randolph, Shelby, Chilton, Coosa, Tallapoosa, Chambers, Autauga, Elmore, Lee, Macon, Lowndes, Montgomery, Bullock, Russell, Butler, Crenshaw, Pike, and Barbour Counties, Ala.; and Troup, Harris, Muscogee, Chattahoochee, Marion, Schley, and Macon Counties, Ga.; and (2) between points in Grady, Thomas, Brooks, Cook, Lowndes, Lanier, Berrien, Atkinson, and Coffee Counties, Ga., with certain restrictions.

A report of the Commission on further consideration, Review Board No. 3, decided November 7, 1969, and served November 18, 1969, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic; (1) between points in Lauderdale, Limestone, Madison, Jackson, Colbert, Lawrence, Morgan, Marshall, De Kalb, Franklin, Marion, Winston, Cullman, Blount, Etowah, Cherokee, Lamar, Fayette, Walker, Jefferson, St. Clair, Calhoun, Cleburne, Pickens, Tuscaloosa, Shelby, Talladega, Clay, Randolph, Bibb, Chilton, Coosa, Tallapoosa, Chambers, Perry, Dallas, Autauga, Elmore, Macon, Lee, Russell, Clarke, Wilcox, Lowndes, Montgomery, Bullock, Butler, Crenshaw, Pike, and Barbour Counties, Ala., and Carroll, Head, Coweta, Fayette, Spalding, Troup, Meriwether, Pike, Upson, Lamar, Monroe, Harris, Talbot, Taylor, Crawford, Peach, Muscogee, Chattahoochee, Marion, Schley, Macon, Stewart, Webster, Sumter, Dooly, Quitman, Randolph, and Terrell Counties, Ga.; and (2) between points in Ben Hill, Tift, Irwin, Coffee, Colquitt, Cook, Berrien, Atkinson, Ware, Grady, Thomas, Brooks, Lowndes, Lanier, Echols, Clinch, and Charlton Counties, Ga., and Jefferson, Madison, Hamilton, Taylor, Lafayette, and Suwannee Counties, Fla., subject to the following conditions:

(a) That applicant may not join the authority granted in (1) and (2) above with any other authority held by it in order to perform a through service; (b) that the person or persons who control the operations of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the Act, or file in this proceeding an affidavit that such approval is unnecessary; and (c) that the authority granted herein to applicant to the extent it duplicates applicant's existing authority shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121373 (Sub-No. 2) (Republication), filed July 17, 1968, published in the FEDERAL REGISTER issue of August 8, 1968, and republished this issue. Applicant: EVANS TRANSFER, INC., U.S. Highway 81 North, Grand Forks, N. Dak. 58201. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. By application filed July 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as substantially indicated below. An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) over regular routes: (a) Between East Grand Forks, Minn., and Neche, N. Dak., from East Grand Forks over U.S. Highway 81 to Hamilton, N. Dak., thence over North

Dakota Highway 5 to its junction with North Dakota Highway 18, thence over North Dakota Highway 18 to Neche, and, as an alternate route for operating convenience only, from the junction of U.S. Highway 81 and North Dakota Highway 44 over North Dakota Highway 44 and Interstate Highway 29 to its junction with North Dakota Highway 5, thence over North Dakota Highway 5 to Hamilton; (b) between Grafton, N. Dak. and Edmore, N. Dak., from Grafton over North Dakota Highway 17 to Edmore; (c) between Edmore, N. Dak., and Langdon, N. Dak., from Edmore over North Dakota Highway 17 to its junction with North Dakota Highway 1, thence over North Dakota Highway 1 to Langdon; (d) between Langdon and Hamilton, N. Dak., from Langdon over North Dakota Highway 5 to Hamilton;

(e) Between Hamilton, N. Dak. and the international boundary between the United States and Canada near Pembina, N. Dak., from Hamilton over North Dakota Highway 5 to its junction with U.S. Highway 81, thence over U.S. Highway 81 to the International Boundary; (f) between the junction of North Dakota Highway 5 and North Dakota Highway 32 and Walhalla, N. Dak., from the junction of North Dakota Highway 5 and North Dakota Highway 32 over North Dakota Highway 32 to Walhalla; in each instance with return over the same routes, serving all intermediate points and the off-route points of Bathgate and Adams, N. Dak.; and (2) over irregular routes (a) between Grand Forks, Minot, and Williston and points in Cass County, N. Dak., on the one hand, and, on the other, points in that territory bounded on the west by the North Dakota-Montana State line on the north by North Dakota Highway 5 on the south by U.S. Highway 2 and on the east by U.S. Highway 81, including points on said highways to the extent that they bound the defined territory; (b) between points in that territory bounded on the east by the North Dakota-Minnesota State line, on the north by the International Boundary line between the United States and Canada, on the west by North Dakota Highway 18 and on the south by North Dakota Highway 5 on the one hand, and, on the other, points in North Dakota; and (c) between points in Walsh County, N. Dak., on the one hand, and, on the other, points in North Dakota (except Williston, Minot, Grand Forks, and points in Cass County); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 125760 (Sub-No. 6) (Republication), filed May 28, 1969, published in the FEDERAL REGISTER issue of June 19, 1969, and republished this issue. Applicant: GLENN W. MEANS, 1597 Pittsburgh Road, Franklin (Venango County), Pa. 16323. Applicant's representative: Frederick L. Kiger, 7823 Mount Carmel Road, Verona (Allegheny County), Pa. 15147. By application filed May 28, 1969, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of dairy and dairy related products, in refrigerated vehicles, from Cleveland and Youngstown, Ohio, to points in Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line, thence southward along U.S. Highway 219 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, under contracts with A & P Quaker Markets, Inc., Allied Super Markets, Inc., Sealtest Foods, Division of National Dairy Products Corp., and Harmony Dairy Corp. An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 5, 1969, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes of *dairy products and fruit juices* in vehicles equipped with mechanical refrigeration, from Cleveland and Youngstown, Ohio, to those points in that part of Pennsylvania on and west of a line beginning at a point on U.S. Highway 219 at the New York-Pennsylvania State line, thence southward over U.S. Highway 219 to junction Pennsylvania Highway 56, thence eastward over Pennsylvania Highway 56 to junction U.S. Highway 220, thence southward over U.S. Highway 220 to the Pennsylvania-Maryland State line, under continuing contracts with Allied Supermarkets, Inc., Jefferson Wholesale Grocery Co., Inc., Sealtest Division of National Dairy Products Corp., Quaker Markets, Inc., and Quality Markets, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may, file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 8948 (Sub-No. 90), filed November 3, 1969. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Theodore W. Russell, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General freight and papers*, between points in Lake, McHenry, Boone, Winnebago, DeKalb, Kane, Cook, Kendall, and Will Counties, Ill.; those in Ogle County, Ill., on and east of Illinois Highway 2; those in Lee County, Ill., on and east of U.S. Highway 52; and those in La Salle and Grundy Counties, Ill. on and north of U.S. Highway 6. NOTE: Applicant states that it proposes to join the authority here sought with its existing authority, at Chicago, Ill., and points within its commercial zone; and to provide through service between all points applicant is presently authorized to serve and all points applicant seeks to serve in the within application. This is a matter directly related to MC-F-10649, published in the FEDERAL REGISTER issue of November 13, 1969. The purpose of this application is to convert the Certificate of Registration in MC 98808 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Los Angeles, Calif.

No. MC 65282 (Sub-No. 7), filed November 19, 1969. Applicant: LEWISBURG TRANSFER CO., INC., 1045 Verona Road, Lewisburg, Tenn. 37091. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Chapel Hill and Nashville, Tenn., over Tennessee Highway 11 to Nashville, and return over the same route serving all intermediate points between Chapel Hill, Tenn., and College Grove, Tenn., including College Grove, and the off-route points of Wilhoite Mills, Lillard Mills, Mill Town, Caney Springs, and Thick, Tenn. NOTE: This matter is directly related to MC-F-10665 published in FEDERAL REGISTER issue of November 26, 1969. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 96983 (Sub-No. 2), filed October 9, 1969. Applicant: VALLEY CITY TRANSFER, INC., Route 30 and Albright Road, Aurora, Ill. 60507. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Illinois circumscribed by the following described boundary, including points on highways forming a portion of such boundary: Commencing at a point on Lake Michigan due east of the intersection of Illinois Highway 58 and Sheridan Road in Evanston, Ill.; thence due west to said intersection; west on Illinois Highway 58 to junction U.S. Highway 41; north on U.S. Highway 41 to junction Illinois Highway 68; west on Illinois Highway 68 to junction Illinois Highway 43; north on Illinois Highway 43 to junction Illinois Highway 22; west on Illinois Highway 22 to junction U.S. Highway 45; north on U.S. Highway 45 to junction Illinois Highway 60; west on Illinois Highway 60 to junction Illinois Highway 120; west on Illinois Highway 120 to junction Illinois Highway 47; south on Illinois Highway 47, serving off-route point of Woodstock, to junction Illinois Highway 176; west on Illinois Highway 176 to junction U.S. Branch 20; west on U.S. Branch 20 to junction Illinois Highway 2; south on Illinois Highway 2 to junction Illinois Highway 26; south on Illinois Highway 26 to Interstate Highway 80; east on Interstate Highway 80 to junction Interstate Highway 180; south on Interstate Highway 180 to junction Illinois Highway 71; east on Illinois Highway 71 to junction U.S. Highway 51; south on U.S. Highway 51 to junction Illinois Highway 17; east on Illinois Highway 17 to junction U.S. Highway 54; north on U.S. Highway 54 to junction U.S. Highway 30; east on U.S. Highway 30 to the Illinois-Indiana State line; north along the Illinois-Indiana State line to Lake Michigan and along the west shore of Lake Michigan.

NOTE: This application is directly related to MC-F-10628, published FEDERAL REGISTER issue of October 16, 1969. Applicant states that it does not hold any common motor carrier authority other than the authority for which a certificate is sought herein. Therefore, it has no existing other certificate with which said authority can be joined. However, Checker Express Co. has filed a companion application for authority to acquire control of Valley City Transfer, Inc., in Docket No. MC-F-10628. Checker has received temporary authority to exercise such control pursuant to the Commission's order in said docket served November 5, 1969. Checker is presently interlining shipments with Valley City as well as operating Valley City as a carrier. If permanent control is authorized, Checker eventually will merge its operations with those of Valley City, at which time the two certificates will be joined for operating purposes. Therefore, although tacking of existing rights of Valley City is not presently involved, interlining of shipments between Valley City and Checker, as well as between Valley City and other carriers, is contemplated, with the ultimate joinder of such rights planned as above described. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10670. (AMERICAN COURIER CORP.—Control—BONDED ARMORED CARRIER, INC.), published in the December 10, 1969, issue of the FEDERAL REGISTER, on page 19534. Application filed December 15, 1969, for temporary authority under section 210a(b).

No. MC-F-10682. Authority sought for control and merger by SUWAK TRUCKING COMPANY, 1105 Fayette Street, Washington, Pa. 15301, of the operating rights and property of WELLS TRUCK LINE, INC., 4701 Mill Street, Post Office Box 375, Mantua, Ohio 44255, and for acquisition by JOHN SUWAK, also of Washington, Pa., of control of such rights and property through the transaction. Applicants' attorney and representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, and J. Philip Jones, 110 East Mall Street, Ravenna, Ohio 44226. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC 85118 Sub-1, covering the transportation of property, as a common carrier in intrastate commerce within the State of Ohio. SUWAK TRUCKING COMPANY is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, Indiana, Maryland, Kentucky, New Jersey, Delaware, New York, Illinois, Rhode Island, New Hampshire, Massachusetts, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10684. Authority sought for control by CLARK ENTERPRISES, INC., 1450 Beck Street, Salt Lake City, Utah, of (1) HARMS PACIFIC TRANSPORT, INC., Post Office Box 66, Bellevue, Wash. 98004, and (2) SERVICE TANK LINES, INC. (a Noncarrier), Box 6248, Hillyard Station, Spokane, Wash., and for acquisition by BOYCE R. CLARK, 2439 Michigan Avenue, Salt Lake City, Utah, B. ROBERT CLARK, 1259 East South Temple, Salt Lake City, Utah, and J. MORONI STOOF, 1080 East Center, Bountiful, Utah, of control of HARMS PACIFIC TRANSPORT, INC., and SERVICE TANK LINES, INC., through the acquisition by CLARK ENTERPRISES, INC. Applicants' attorneys: Keith E. Taylor and F. Robert Reeder, both of 520 Kearns Building, Salt Lake City, Utah. Operating rights sought to be controlled: (1) *Lignin liquor*, in tank vehicles, as a *common carrier*, over irregular routes, from certain specified points in Washington, to points in Washington, Oregon, and Idaho, and points in Montana on and west of U.S. Highway 91; *liquid petroleum* products, in

tank vehicles, from The Dalles and Umatilla, Oreg., to points in Washington east of the Cascade Mountains; *petroleum and petroleum products*, in bulk, in tank vehicles, from Pasco, Wash., to points in Washington east of the Cascade Mountains, from certain specified points in Idaho, to certain specified points in Washington; *petroleum products*, in bulk, in tank vehicles, from Baker and Blakely, Oreg., and points within 10 miles of each, and points within 5 miles of Pasco, Wash., to certain specified points in Washington; *liquid fertilizer*, in bulk, in tank vehicles, from Walla Walla, Wash., to certain specified points in Oregon, from certain specified points in Washington, to points in Idaho in and north of Idaho County, Idaho; and *liquid fertilizers* (except anhydrous ammonia), in bulk, in tank vehicles, from Finley and Pasco, Wash., and points within 5 miles of each, to certain specified points in Oregon, and to points in Idaho in and north of Idaho County, Idaho. CLARK ENTERPRISES, INC., holds no authority from this Commission. However, two of its controlling stockholders, BOYCE R. CLARK and B. ROBERT CLARK, are affiliated with CLARK TANK LINES COMPANY, Post Office Box 1895, Salt Lake City, Utah 84110, which is authorized to operate as a *common carrier* in Utah, Wyoming, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, North Dakota, South Dakota, Texas, Nebraska, Kansas, Iowa, and Minnesota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10685. Authority sought for purchase by JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte, N.C. 28201, of the operating rights of TARGET TRANSPORTATION, INC., Post Office Box 488, Rochdale, Mass., and for acquisition by H. BEALE ROLLINS, 6th Floor, Title Building, Baltimore, Md. 21202, of control of such rights through the purchase. Applicants' attorneys: Donald E. Cross, 917 Munsey Building, Washington, D.C. 20004, and Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-120444 Sub-1, covering the transportation of (a) property, other than furniture; and (b) furniture, as a common carrier, in intrastate commerce within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC 106401 Sub 30 is a matter directly related.

No. MC-F-10686. Authority sought for purchase by TIDEWATER INLAND EXPRESS, INC., doing business as T.I.E., Rehoboth Boulevard, Milford, Del. 19963, of the operating rights of BROWN'S EXPRESS, INC., 221 West Division Street, Syracuse, N.Y. 13204, and for acquisition by L. J. LISHON, JR., and EVELYN M. LISHON, both of Andover Road, Newton Square, Pa., L. J. LISHON III, 581 Westwood Drive, Downingtown, Pa., and DIANE LISHON BIDDLE, 649 Mount View Road, Berwyn, Pa., of control of such rights through the purchase. Applicants' attorneys and representative: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036, Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y., Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202, and Robert S. Burk, 2001 Massachusetts Avenue NW., Washington, D. C. 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Syracuse, N.Y., and Oswego, N.Y., serving all intermediate points, between Elmira, N.Y., and Cortland, N.Y., serving all intermediate points, and serving the off-route points of Freeville, Homer, and McGraw, N.Y.; and under a certificate of registration in Docket No. MC 85117 (Sub-No. 4), covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Maryland, Virginia, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10687. Authority sought for control by THE COOPER CORPORATION, 3501 Manchester Trafficway, Kansas City, Mo. 64129, of JACK COOPER TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. 64129, and for acquisition by JACK COOPER, THOM COOPER, and ELLEN COOPER WEEKS, all also of Kansas City, Mo., of control of JACK COOPER TRANSPORT COMPANY, INC., through the acquisition by THE COOPER CORPORATION. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103, and John H. Kreamer, 1000 Bryant Building, 1102 Grand Avenue, Kansas City, Mo. 64102. Operating rights sought to be controlled: *New automobiles and new trucks*, restricted to initial movements, in truckaway and driveaway service, as a *contract carrier*, over irregular routes, from places of manufacture and assembly in Kansas City, Mo., to points in Kansas, Missouri, Nebraska, and that part of Iowa on and south of U.S. Highway 34; *automobiles, trucks, chassis, bodies, cabs, all other automotive vehicles, unfinished automobiles, and automotive parts and accessories*, in initial movements, in truckaway and driveaway service, from Kansas City, Mo., to points in Arkansas, Colorado, Oklahoma, and Texas, and those in Iowa north of U.S. Highway 34; *automobiles, trucks, and busses*, in initial movements, by the truckaway and driveaway methods, from Kansas City, Mo., to points in New Mexico, Utah, Wyoming, South Dakota, Idaho, and Montana;

Automobiles, trucks, and busses, in secondary movements, by the truckaway and driveaway methods; between points in New Mexico, Utah, Wyoming, South Dakota, Idaho, Montana, Missouri, Kansas, Nebraska, Iowa, Arkansas, Colorado, Oklahoma, and Texas, with restrictions; *motor vehicles* (except trailers), in initial movements, in truckaway and driveaway service, and *motor vehicle parts and show paraphernalia* when accompanying such vehicles, from the site of the plant of the General Motors Corp., Kansas City, Mo., to points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee, from the site of the plant of General Motors Corp., Kansas City, Mo., to points in Arizona, from the site of the plant of General Motors Corp., Kansas City, Mo., to points in Nevada, with restrictions; *new motor vehicles* (except trailers), in secondary movements, in driveaway and truckaway service, restricted to the transportation of vehicles which have previously been transported in initial movements from a plant of the General Motors Corp., between points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee, between points in Illinois, Louisiana, Minnesota, Mississippi, North Dakota, and Tennessee on the one hand, and, on the other, points in Arkansas, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming, with restrictions; *motor vehicles* (except trailers), in secondary movements, in truckaway and driveaway service, and *motor vehicle parts and show paraphernalia* when accompanying such vehicles, restricted to shipments having an immediately prior movement by railroad, from Denver, Colo., to points in Arizona and Nevada, with restrictions; *new automobiles and new trucks*, in secondary movements, in truckaway service, and *new trucks*, in secondary movements, in driveaway service, restricted to shipments having an immediately prior movement by railroad, from Phoenix, Ariz., to points in Arizona, Colorado, New Mexico, and Utah, with restriction; *new passenger automobiles and trucks* manufactured by General

Motors Corp., in secondary movements, in truckaway and driveaway service, from Salt Lake City, Utah, to points in Nevada, with restrictions; and *new motor vehicles* (except trailers), in initial movements, in truckaway service from the plantsite of General Motors Corp., located at Kansas City, Mo., to points in Kentucky, with restrictions. THE COOPER CORPORATION holds no authority from this Commission. However, it is affiliated with J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo., 64129, which is authorized to operate as a *contract carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b). NOTE: Motion of Applicant To Dismiss Application for Lack of Jurisdiction Included.

By the Commission.

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

[F.D. Doc. 69-15279; Filed, Dec. 23, 1969; 8:49 a.m.]

[Notice 466]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 19, 1969.

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-71697. By order of December 17, 1969, the Motor Carrier Board approved the transfer to Adams Ford Co., Inc., Pikeville, Ky., of a portion of the operating rights in certificate No. MC-126210 and the entire operating rights in certificate No. MC-126210 (Sub-No. 2), issued February 5, 1969, and January 29, 1969, respectively, to Kelly & Adkins Trucking Co., Inc., Jenkins, Ky., authorizing the transportation of: Crushed stone, limestone, gravel, aggregates, and agricultural lime, from, to, or between specified points in Kentucky, Virginia, and West Virginia. Robert H. Kinker, 711 McClure Building, Frankfort Ky. 40601, attorney for applicants.

No. MC-FC-71608. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Hauser Trucking Corp., Cobleskill, N.Y., of certificates in Nos. MC-116038 (Sub-No. 5), MC-116038 (Sub-No. 11), MC-116038 (Sub-No. 18), MC-116038 (Sub-No. 19), and MC-116038 (Sub-No. 22), issued March 2, 1959, May 23, 1961, January 17, 1964, April 26, 1965, and February 14, 1966, respectively, to Northern Motor Carriers, Inc., Fort Edward, N.Y., authorizing the transportation of: Shale, rock salt, sand, fertilizer, fertilizer materials, and lime from specified points in New York, to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

No. MC-FC-71604. By order of December 16, 1969, the Motor Carrier Board, on reconsideration, approved the transfer to Superior Freight Lines, Inc., Chicago, Ill., of the certificate No. MC-36255 issued May 15, 1962, to Universal Deliveries, Inc., Chicago, Ill., authorizing the transportation of: General commodities, with the usual exceptions, and such merchandise dealt in by retail department stores, between points in Illinois, Wisconsin, Indiana, and Michigan, within 100 miles of Chicago, Ill. David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-71707. By order of December 15, 1969, the Motor Carrier Board approved the transfer to Central Roadway Carriers Corp., Milford, Conn., of the operating rights in certificate No. MC-46875 (Sub-No. 2) issued February 9, 1962, to Triple-M-Transportation Corp., Dravosburg, Pa., authorizing the transportation of household goods, between West Haven, Conn., and points within 50 miles of West Haven, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, and Rhode Island. William D. Traub, Registered Practitioner, 10 East 40th Street, New York, N.Y. 10016, representative for transferee, and Henry W. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for transferor.

No. MC-FC-71764. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Edward Dietiker Moving & Storage Co., a corporation, St. Louis, Mo., of the certificate No. MC-111413 issued June 13, 1950, to Dietiker, doing business as Dietiker Drayage Co., St. Louis, Mo., authorizing the transportation of: Uncrated new household furniture, uncrated new household furnishings, and uncrated new household appliances, over irregular routes, from St. Louis, Mo., to points and places in Illinois within 25 miles of St. Louis, Mo., damaged or defective shipments of the above-described commodities, uncrated, over irregular routes, from points and places in Illinois within 25 miles of St. Louis, Mo., to St. Louis. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-71768. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Manuel Val, Jr., doing business as Val Motor Freight, Irvington, N.J., of permit No. MC-46085 issued August 27, 1956, to Joseph Eppich, doing business as A S Trucking, Ridgewood, N.Y., authorizing the transportation of: Scrap metal, between New York, N.Y., and points in Bergen and Hudson Counties, N.J., on the one hand, and, on the other, points in Greenwich and Stamford Counties, Conn., and Westchester County, N.Y., between points in Bergen and Hudson Counties, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, practitioner for applicants.

No. MC-FC-71769. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Thruway Messenger Service, Inc., Pearl River, N.J., of certificate No. MC-129529 (Sub-No. 1) issued November 29, 1968, to Adolph L. Marchfield, doing business as Thruway Messenger Service, Pearl River, N.J., authorizing the transportation of: General commodities, with the usual exceptions, in specialized delivery service, between points in Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y., and points in New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, practitioner for applicants.

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

[F.R. Doc. 69-15280; Filed, Dec. 23, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. RI70-848 etc.]

AMERADA HESS CORP. ET AL.

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

DECEMBER 17, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

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

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-848	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	[3] 131	1	Cities Service Gas Co. (North Hardtner Field, Barber County, Kans.).	$1,250	11-14-69	[3] 12-22-69	[4] 12-23-69	[5] 14.0	[5] [6] 15.0	
RI70-849	Texaco, Inc., Post Office Box 3109, Midland, Tex. 79701.	[3] 337	2	El Paso Natural Gas Co. (East Panhandle Area, Wheeler County, Tex.) (R.R. District No. 10).	813	11-17-69	[10] 12-18-69	[4] 12-19-69	13.0488	[6] [7] 14.0525	RI70-386.

[1] The stated effective date is the effective date requested by respondent.
[2] The suspension period is limited to 1 day.
[3] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed initial rate ceiling of 15 cents per Mcf.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy No. 61-1 and proposed rate does not exceed area initial rate ceiling.
[10] The stated effective date is the first day after expiration of the statutory notice.

Texaco, Inc. (Texaco) requests that its proposed rate increase be permitted to become effective as of December 1, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filing and such request is denied.

The basic contracts related to the proposed rate increases filed by Texaco and Amerada Hess Corp.'s (Amerada) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Texaco and Amerada's proposed rate filings should be suspended for 1 day from December 18, 1969 (Texaco), and December 22, 1969 (Amerada).

[F.R. Doc. 69-15527; Filed, Dec. 23, 1969; 8:45 a.m.]

[Dockets Nos. RI70-822 etc.]

MIDWEST OIL CORP. ET AL.

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

DECEMBER 16, 1969.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed

by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[3]

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before January 30, 1970.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R-70-822..	Midwest Oil Corp.	31	5	El Paso Natural Gas Co.		11-17-69	[2] 11-17-69	[4] 11-18-69	15.91	[5] [6] 15.96966	
	do	49	3	Transwestern Pipeline Co.		11-17-69	[2] 11-17-69	[4] 11-18-69	15.86	[5] [6] 15.92069	
RI70-823..	Nemours Corp. (Operator) et al.	3	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-24-69	[2] 11-24-69	[4] 11-25-69	[7] 15.0	[5] [6] [7] 15.06	
RI70-824..	Wilhelmina DuP. Ross	3	10	do		11-17-69	[2] 11-17-69	[4] 11-18-69	[7] 15.0	[5] [6] [7] 15.06	
RI70-825..	Anadarko Production Co.	25	6	Panhandle Eastern Pipe Line Co.		11-19-69	[2] 11-19-69	[4] 11-20-69	11.0	[5] 11.04125	
RI70-826..	Champlin Petroleum Co. (Operator) et al.	2	9	Texas Eastern Transmission Corp.		11-20-69	[2] 11-20-69	[4] 11-21-69	15.0	[5] [6] 15.0656	
	do	3	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.		11-20-69	[2] 11-20-69	[4] 11-21-69	[7] 15.0	[5] [6] [7] 15.06625	
	do	18	6	do		11-20-69	[2] 11-20-69	[4] 11-21-69	[7] 15.0	[5] [6] [7] 15.06625	
	do	22	6	do		11-20-69	[2] 11-20-69	[4] 11-21-69	[7] 15.0	[5] [6] [7] 15.06625	
RI70-827..	Wilhelmina DuP. Ross (Operator) et al.	2	12	do		11-24-69	[2] 11-24-69	[4] 11-25-69	[7] 15.0	[5] [6] [7] 15.06	

[2] The stated effective date is the date of filing, with waiver of notice granted, pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to the Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates which were filed subsequent to October 31, 1969, are suspended for 1 day from the date of filing.

[F.R. Doc. 69-15228; Filed, Dec. 23, 1969; 8:45 a.m.]

[Docket No. RI70-850 etc.]

WARREN PETROLEUM CORP. ET AL.

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

DECEMBER 17, 1969.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-830	Warren Petroleum Corp. (Operator), Post Office Box 1589, Tulsa, Okla. 74102.	35	7	Cities Service Gas Co. (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	$6,826	11-17-69	[2] 12-18-69	5-18-70	17.9	[3] [4] 19.0	RI69-14.
	....do	21	7	Lone Star Gas Co., (Garvin County Plants, Garvin and McClain Counties, Okla.) (Oklahoma "Other" Area).	35,929	11-17-69	[2] 12-18-69	5-18-70	17.9	[3] [4] 19.0	RI69-14.
	....do	51	8	Transwestern Pipeline Co. (Sitter Gasoline Plant, Wheeler County, Tex.) (RR. District No. 10).	264,510	11-17-69	[2] 12-18-69	5-18-70	[5] 17.0	[3] [4] [5] 26.0	
RI70-851	Warren Petroleum Corp.	18 A & B	21	Texas Eastern Transmission Corp. (Delhi Gasoline Plant, Richland Parish, La.) (North Louisiana).	283	11-17-69	[2] 12-18-69	5-18-70	[5] 17.0314	[4] [5] 17.6468	
RI70-852	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	43	9	Cities Service Gas Co. (Elwood and Hardtner Fields, Barber County, Kans.).	1,320	11-12-69	[2] 12-23-69	5-23-70	[5] 14.0	[3] [6] 15.0	RI65-394.
	Amerada Hess Corp.	138	11	Panhandle Eastern Pipe Line Co. (South Peek Field, Ellis County, Okla.) (Panhandle Area).	174	11-17-69	[5] 12-18-69	5-18-70	[10] 17.0	[4] [10] 18.015	
RI70-853	George Mitchell & Associates, Inc., agent for Anne W. Alexander executrix, et al., 12th Floor Houston Club Bldg., Houston, Tex. 77002.	19	36	Natural Gas Pipeline Co. of America (Parker, Jack, and Wise Counties, Tex.) (RR. District Nos. 7-B and 9).	253,798	11-17-69	[2] 12-27-69	5-27-70	17.13602	[4] 17.7403	
RI70-854	Phillips Petroleum Co. (Operator) et al., Bartlesville, Okla. 74003.	326	7	Natural Gas Pipeline Co. of America (Boonsville Bend Field, Wise County, Tex.) (RR. District No. 9).	7,021	11-10-69	[2] 12-27-69	5-27-70	[10] [11] 16.25	[4] [10] [11] 17.3138	RI67-173.
RI70-855	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	452	[12] 5	Arkansas Louisiana Gas Co. (Kinta Field, Haskell County, Okla.) (Oklahoma "Other" Area).	2,044	11-17-69	[2] 12-18-69	5-18-70	15.0	[4] 16.0	
RI70-856	Graham-Michaelis Drilling Co. (Operator) et al., 211 North Broadway, Wichita, Kans. 67202.	56	[12] 7	Kansas Nebraska Natural Gas Co., Inc. (Camrick Field, Texas County, Okla.) (Panhandle Area).	2,750	11-17-69	[2] 12-18-69	5-18-70	[5] 17.0	[4] [5] 18.0	RI63-447.
RI70-857	Diamond Shamrock Corp. (Operator), Post Office Box 631, Amarillo, Tex. 79105.	2	[12] 6	Northern Natural Gas Co. (McKee Plants, Moore County, Tex.) (RR. District No. 10).	.....	11-17-69	[5] 12-18-69	Accepted	.....	.....	
		2	7		199,359	11-17-69	[5] 12-18-69	5-18-70	[4] [13] 9.6529	[4] [5] [13] 14.0829	

[1] The stated effective date is the effective date requested by respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Respondent filing from initial certificated rate to periodic increase contractually due on Sept. 1, 1969.
[5] Subject to a downward B.t.u. adjustment.
[6] Three-step periodic rate increase.
[7] Buyer deducts handling charge of 1.35 cents per Mcf. Rate includes 1.75-cent tax reimbursement.
[8] The stated effective date is the first day after expiration of the statutory notice.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Includes 0.25-cent dehydration charge paid by buyer to processor.
[12] Applicable only to acreage added by Supplement No. 3.
[13] Applicable only to gas produced below the base of the Hugoton Formation.
[14] Contract amendment dated Sept. 26, 1969, which provides for the proposed rate increase.
[15] Renegotiated rate increase.
[16] Includes 0.5-cent compression charge to buyer before increase and 1-cent compression charge after increase, rates shown also include 0.1529-cent tax reimbursement.

Concurrently with the filing of its rate increase, Diamond Shamrock Corp. (Operator) (Diamond), submitted a contract amendment dated September 26, 1969, designated as Supplement No. 6 to Diamond's FPC Gas Rate Schedule No. 2, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Diamond's proposed contract amendment to become effective as of December 18, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 69-15229; Filed, Dec. 23, 1969; 8:45 a.m.]

CITIES SERVICE CO.

[Docket No. G-2712 etc.]

Findings and Order After Statutory Hearing; Correction

DECEMBER 11, 1969.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, making rate change effective, accepting agreements and undertakings for filing, accepting surety bond for filing, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued October 9, 1969, and published in the FEDERAL REGISTER October 21, 1969, 34 F.R. 17080, subparagraph (c): Add

"Shell Oil Co." after May 17, 1968; paragraph (V). Change Docket No. "RI65-539" to read Docket No. RI65-339."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15224; Filed, Dec. 23, 1969; 8:45 a.m.]

[Dockets Nos. CS70-29, CS70-30]

KIBO COMPRESSOR CORP. AND HIGHLAND PRODUCTION CO.

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

DECEMBER 16, 1969.

Take notice that on November 24, 1969, Kibo Compressor Corp., 800 Oil & Gas Building, Wichita Falls, Tex. 76301, and on November 28, 1969, Highland Production Co., Post Office Box 6725, Odessa, Tex. 79760, filed in Dockets Nos. CS70-29 and CS70-30, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 9, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15225; Filed, Dec. 23, 1969; 8:45 a.m.]

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

[Docket No. CP68-248]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

DECEMBER 16, 1969.

Take notice that on December 5, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-248 a petition to amend the order of the Commission issued on May 24, 1968, to authorize the extension of time within which delivery of certain volumes of gas shall be made to Midwestern Gas Transmission Co. (Midwestern), at the Potomac, Ill., delivery point and the alteration of the volumes of gas to be delivered to Midwestern at Potomac and at the Portland, Tenn., delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant is presently authorized by the order of May 24, 1968, to sell and deliver to Midwestern a daily contract quantity of 600,780 Mcf per day at the Portland delivery point, and certain volumes of gas at the Potomac delivery point pursuant to a limited term delivery agreement, with a comparable reduction in volumes deliverable at the Portland point. Applicant now requests that the 3-year limited term delivery at Potomac be extended for 1 additional year. Applicant further requests that for the remainder of the term it shall make available to Midwestern at the Potomac delivery point the following volumes of natural gas:

From—	To—	Maximum daily volume
November 1, 1968....	November 1, 1971....	122,333
November 1, 1971....	November 1, 1972....	66,667
November 1, 1972....	Remainder of term...	0

and at the Portland delivery point the following quantities of natural gas:

From—	To—	Maximum daily volume
November 1, 1968....	November 1, 1971....	453,967
November 1, 1971....	November 1, 1972....	520,333
November 1, 1972....	Remainder of term...	588,000

Applicant states that the continuation of deliveries at Potomac and Portland will permit it and Midwestern to defer construction of facilities during the present period of high interest construction costs, affording the opportunity of planning an optimum construction program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 6, 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 petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-15226; Filed, Dec. 23, 1969; 8:45 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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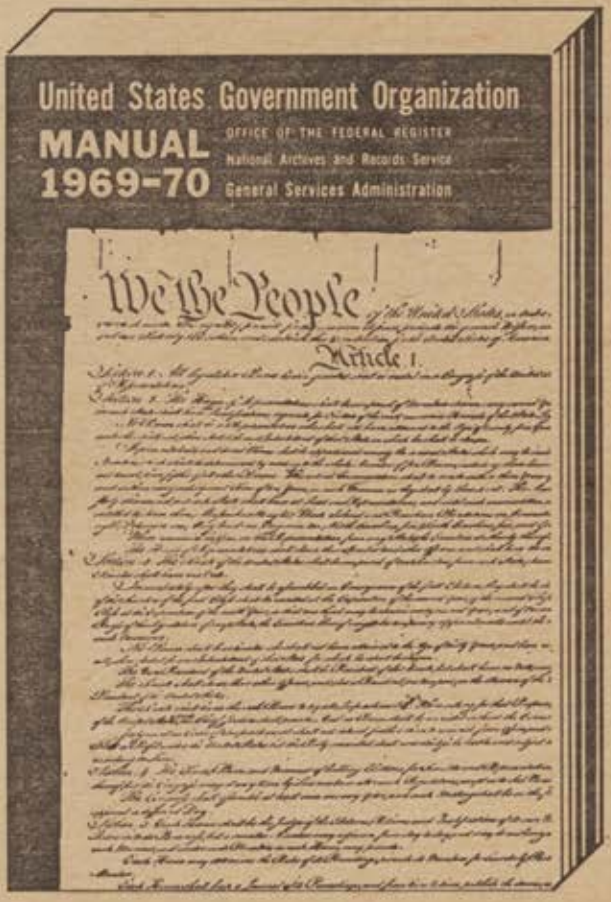

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