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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that not to exceed 30 positions at GS–15 and below on the staff of the National Commission on Consumer Finance are excepted under Schedule A until March 31, 1971. Effective on publication in the FEDERAL REGISTER, paragraph (f) is added to § 213.3199 as set out below.

§ 213.3199 Temporary boards and commissions.

* * * * *

(f) *National Commission on Consumer Finance.* (1) Until March 31, 1971, not to exceed 30 positions at GS–15 and below on the staff of the National Commission.

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

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

[F.R. Doc. 70–556; Filed, Jan. 14, 1970; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Navel Orange Reg. 192]

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

Limitation of Handling

§ 907.492 Navel Orange Regulation 192.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 13, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 16, 1970, through January 22, 1970, are hereby fixed as follows:

(i) District 1: 1,020,000 cartons.
(ii) District 2: 144,000 cartons.
(iii) District 3: 36,000 cartons.

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

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

Dated: January 14, 1970.

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

[F.R. Doc. 70–621; Filed, Jan. 14, 1970; 11:33 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Eligibility for Discount of Mortgage Company Notes

§ 201.109 Eligibility for discount of mortgage company notes.

(a) The question has arisen whether notes issued by mortgage banking companies to finance their acquisition and temporary holding of real estate mortgages are eligible for discount by Reserve Banks.

(b) Under section 13 of the Federal Reserve Act the Board has authority to define what are "agricultural, industrial, or commercial purposes", which is the statutory criterion for determining the eligibility of notes and drafts for discount. However, such definition may not include paper "covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities".

(c) The legislative history of section 13 suggests that Congress intended to make eligible for discount "any paper drawn for a legitimate business purpose of any kind"[1] and that the Board, in determining what paper is eligible, should place a "broad and adaptable construction"[2] upon the terms in section 13. It may also be noted that Congress apparently considered paper issued to carry investment securities as paper issued for a "commercial purpose", since it specifically prohibited the Board from making such paper eligible for discount. If "commercial" is broad enough to encompass investment banking, it would also seem to include mortgage banking.

(d) In providing for the discount of commercial paper by Reserve Banks, Congress obviously intended to facilitate the current financing of agriculture, industry, and commerce, as opposed to long-term investment.[3] In the main, trading in stocks and bonds is investment-oriented; most securities transactions do not directly affect the production or distribution of goods and services. Mortgage banking, on the other hand, is essential to the construction industry and thus more closely related to industry and commerce. Although investment bankers also perform similar

[1] House Report No. 69, 63d Cong., p. 48.
[2] 50 Cong. Rec. 4675 (1913) (remarks of Rep. Phelan).
[3] 50 Cong. Rec. 5012 (1913) (remarks of Rep. Thompson of Oklahoma); 50 Cong. Rec. 4731–32 (1913) (remarks of Rep. Borland).

functions with respect to newly issued securities, Congress saw fit to deny eligibility to all paper issued to finance the carrying of securities. Congress did not distinguish between newly issued and outstanding securities, perhaps covering the larger area in order to make certain that the area of principal concern (i.e., trading in outstanding stocks and bonds) was fully included. Speculation was also a major Congressional concern, but speculation is not a material element in mortgage banking operations. Mortgage loans would not therefore seem to be within the purpose underlying the exclusions from eligibility in section 13.

(e) Section 201.3(a) provides that a negotiable note maturing in 90 days or less is not eligible for discount if the proceeds are used "for permanent or fixed investments of any kind, such as land, buildings or machinery, or for any other fixed capital purpose". However, the proceeds of a mortgage company's commercial paper are not used by it for any permanent or fixed capital purpose, but only to carry temporarily an inventory of mortgage loans pending their "packaging" for sale to permanent investors that are usually recurrent customers.

(f) In view of the foregoing considerations the Board concluded that notes issued to finance such temporary "warehousing" of real estate mortgage loans are notes issued for an industrial or commercial purpose, that such mortgage loans do not constitute "investment securities", as that term is used in section 13, and that the temporary holding of such mortgages in these circumstances is not a permanent investment by the mortgage banking company. Accordingly, the Board held that notes having not more than 90 days to run which are issued to finance the temporary holding of mortgage loans are eligible for discount by Reserve Banks.

(Interprets and applies 12 U.S.C. 343)

By order of the Board of Governors, December 30, 1969.

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

[F.R. Doc. 70-531; Filed, Jan. 14, 1970; 8:46 a.m.]

[Regs. D, Q]

PART 204—RESERVES OF MEMBER BANKS

PART 217—INTEREST ON DEPOSITS

Certain Bank Borrowings Classified as Deposits

1. Effective February 12, 1970, § 204.1 (f) is amended to read as follows:

§ 204.1 Definitions.

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

(1) Is issued to (or undertaken with respect to) and held for the account of (i) a domestic banking office[5a] of another bank or (ii) an agency of the United States or the Government Development Bank for Puerto Rico;

(2) Evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the bank is obligated to repurchase;

(3) Has an original maturity of more than 2 years, is unsecured, and states expressly that it is subordinated to the claims of depositors; or

(4) Arises from a borrowing by a member bank from a dealer in securities, for 1 business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), commonly referred to as "Federal funds", received by such dealer on the date of the loan in connection with clearance of securities transactions.

This paragraph shall not, however, affect (i) any instrument issued before June 27, 1966, (ii) any instrument that evidences an indebtedness arising from a transfer of assets under repurchase agreement issued before July 25, 1969, or (iii) any instrument issued to a foreign office of another bank before June 27, 1969.

* * * * *

§ 204.5 [Amended]

2. Effective February 12, 1970, § 204.5 (c) is amended by inserting after "to foreign offices of other banks[8]" the following, "or institutions the time deposits of which are exempt from the rate limitations of Regulation Q pursuant to § 217.3(g) thereof,".

3. Effective February 12, 1970, § 217.1 (f) is amended to read as follows:

§ 217.1 Definitions.

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* For the purposes of this part, the term "deposits" also includes a member bank's liability on any promissory note, acknowledgment of advance, due bill, or similar obligation (written or oral) that is issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, except any such obligation that:

(1) Is issued to (or undertaken with respect to) and held for the account of (i) a bank or an institution the time deposits of which are exempt from § 217.7 pursuant to § 217.3(g) or (ii) an agency of the United States or the Government Development Bank for Puerto Rico;

(2) Evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof that the bank is obligated to repurchase;

(3) Has an original maturity of more than 2 years, is unsecured, and states expressly that it is subordinated to the claims of depositors; or

(4) Arises from a borrowing by a member bank from a dealer in securities for 1 business day, of proceeds of a transfer of deposit credit in a Federal Reserve Bank (or other immediately available funds), commonly referred to as "Federal funds", received by such dealer on the date of the loan in connection with clearance of securities transactions.

This paragraph shall not, however, affect (i) any instrument issued before June 27, 1966, or (ii) any instrument that evidences an indebtedness arising from a transfer of assets under repurchase agreement issued before July 25, 1969.

* * * * *

4a. The main purpose of these amendments is to narrow the category of "Federal funds" transactions that are exempt from Regulations D (reserves of member banks) and Q (interest on deposits); the main effect will be to bring within the coverage of those Regulations "Federal funds" transactions with any person other than a bank and its subsidiaries, various governmental institutions, or a securities dealer in certain cases. The operation of the amendments is explained in the accompanying interpretation, a revision of § 217.137.

b. Notice of proposed rule making with respect to these amendments was published in the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14902). The amendments were adopted by the Board after consideration of all relevant material, including communications received from interested persons.

By order of the Board of Governors, January 7, 1970.

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

[F.R. Doc. 70-527; Filed, Jan. 14, 1970; 8:46 a.m.]

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Federal Funds Transactions

Effective February 12, 1970, § 217.137 is amended to read as follows:

§ 217.137 Member bank participation in "Federal funds" market.

(a) Effective February 12, 1970, the Board of Governors has amended § 217.1(f) to narrow the category of "Federal funds" transactions entered into by member banks that may be classified as nondeposit borrowings rather than as deposits. One question that arose in connection with such amendment is the meaning of "bank" as such term is used in the exemption from Regulation Q for obligations in nondeposit form to

[5a] Any banking office in any State of the United States or the District of Columbia of a bank organized under domestic or foreign law.

another bank. Such an exemption has been included in § 217.1(f) since its adoption in 1966. As used in such exemption, "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, or a foreign bank. It also includes bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.

(b) To assure that the exemption for liabilities to banks is not used as a means by which nonbanks may arrange through a bank to "sell" Federal funds to a member bank that are not subject to Regulations D and Q, obligations within the exemption must be issued to another bank for its own account. In view of this requirement, a member bank that "purchases" Federal funds should take such action as may be necessary to ascertain the character (not necessarily the identity) of the actual "seller" in order to justify classification of its liability on the transaction as "Federal funds purchased" rather than as a deposit. Any bank that has given general assurance to a member bank that sales by it of Federal funds ordinarily will be for its own account and thereafter executes such transactions for the account of others, should disclose the nature of the actual lender with respect to each such transaction. If it fails to do so, the selling bank would be deemed by the Board as indirectly violating section 19 of the Federal Reserve Act and Regulation Q.

(c) Also to assure the effectiveness of the limitations on persons who sell Federal funds to member banks, the amended § 217.1(f) applies to nondocumentary obligations undertaken by a member bank to obtain funds for use in its banking business, as well as to documentary obligations. In recent months a number of banks have made the Federal funds market available to business corporations. In some cases this has been on the basis of book entries, in which no instrument is involved. Under the amendment, a bank's liability under informal arrangements as well as those formally embodied in a document are within the coverage of § 217.1(f).

(d) The expansion of § 217.1(f) to nondocumentary obligations does not mean that every bank liability on a transaction that results in the bank obtaining funds is a deposit. An indorser's or conditional liability such as arises when a bank sells a loan with recourse need not be classified as a deposit liability. Also, a bank's liability on an acceptance that it sells in the market is not a deposit liability under the amendment.

(e) It should also be noted that when a member bank issues an obligation principally for a purpose other than as a means of obtaining funds to be used in its banking business—such as usually would be the case with respect to a due bill issued to evidence the bank's liability to deliver securities or foreign exchange sold—it need not classify its liability thereon as a deposit. However, the circumstances surrounding an obligation issued ostensibly for a purpose other than obtaining funds for use in the ordinary course of business may cause an obligation to become subject to Regulation Q—for example, if the bank's liability on a due bill extended beyond a period exceeding that necessary to complete the securities sale, or if the bank paid interest to the customer in excess of the amount that accrued on the securities sold during the delay in delivery.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 371b and 461)

By order of the Board of Governors, January 7, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-526; Filed, Jan. 14, 1970; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9135; Amdt. SFAR-21-1]

SOUTHERN RHODESIA

Aviation Sanctions

The purpose of this amendment to Special Federal Aviation Regulation No. 21 is to clarify the provision prohibiting operation of aircraft in coordination with any airline company constituted, or aircraft registered, in Southern Rhodesia.

It appears that the prohibitions of this regulation may be construed as going beyond the intent of the Executive order it implements (E.O. 11419, dated July 29, 1968 (33 F.R. 10837)). This portion of the regulation is therefore clarified to conform with the intent of E.O. 11419 that U.S. air carriers are not prohibited from operating in coordination with other air carriers, except one constituted in Southern Rhodesia. This amendment has been coordinated with the Secretary of State before issuance.

Since this amendment is only clarifying, I find that notice and public procedure are unnecessary and that it may be made effective on less than 30 days' notice.

In consideration of the foregoing, subparagraph (c)(2) of section 2 of Special Federal Aviation Regulations 21 is amended, effective January 14, 1970, to read as follows:

2. *Prohibited carriage.* * * *

(c) * * *

(2) In coordination with any airline company constituted, or aircraft registered, in Southern Rhodesia, whether by connecting flight, interline agreement, block booking, ticketing, or any other method of linking up.

(E.O. 11322, Jan. 5, 1967; E.O. 11419, July 29, 1968; sec. 5, 59 Stat. 620, sec. 3, 63 Stat. 735, 22 U.S.C. sec. 287c)

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

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 70-530; Filed, Jan. 14, 1970; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter VI—Water Resources Council

PART 701—COUNCIL ORGANIZATION

Subpart B—Headquarters Organization

OTHER EXECUTIVE OFFICERS; CORRECTION

F.R. Doc. 67-725, published in the FEDERAL REGISTER on January 21, 1967, at 32 F.R. 712, is corrected by striking the period at the end of § 701.79(d) and adding the following words, "for administering Federal grants to States for planning involving water and related land resources. He is responsible for providing guidance to the States in applying for grants and executing approved planning programs; for making appropriate recommendations for consideration of the Executive Director and the Council with respect to the administration of State grants-in-aid; and for performing other duties as assigned."

The foregoing words were inadvertently omitted from § 701.79(d) when that section was published at 32 F.R. 712. As corrected, § 701.79(d) reads as set forth hereafter.

REUBEN J. JOHNSON,
Acting Executive Director.

JANUARY 12, 1970.

§ 701.79 Other executive officers.

* * * * *

(d) The Assistant Director for State Grants assists in fiscal and program administration of grants-in-aid to States as provided by title III of the Act, and in conformance with the Council's rules, regulations, and supplemental instructions, such rules to be prepared in collaboration with representatives of other agencies responsible under other acts for administering Federal grants to States for planning involving water and related land resources. He is responsible for providing guidance to the States in applying for grants and executing approved planning programs; for making appropriate recommendations for consideration of the Executive Director and the Council with respect to the administration of State grants-in-aid; and for performing other duties as assigned.

[F.R. Doc. 70-565; Filed, Jan. 14, 1970; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Low Sodium Cheddar Cheese and Low Sodium Colby Cheese; Order Establishing Identity Standards

In the matter of establishing standards of identity for low sodium cheddar cheese and low sodium colby cheese:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of June 26, 1969 (34 F.R. 9874), based on a petition filed by the Chicago Dietetic Supply, Inc., 405 East Shawmut Avenue, La Grange, Ill. 60525, proposing establishment of the subject standards prescribing salt substitutes instead of salt and with a moisture level not exceeding 41 percent by weight of the food.

The Commissioner of Food and Drugs, on his own initiative, proposed that if the subject standards are established: (1) The moisture content of low sodium cheddar cheese be not more than 39 percent and the moisture content of low sodium colby cheese be not more than 40 percent; (2) the addition of salt substitutes be made optional rather than mandatory and that any safe and suitable ingredient or combination of ingredients that contains no sodium and that is recognized as a salt substitute be permitted; and (3) that sodium sorbate, an optional mold-inhibiting ingredient, be excluded.

In response to the notice six comments were received. All supported adoption of standards for "low sodium type" cheeses. Four comments favored adoption of the proposed standards as modified by the Commissioner's proposal.

Two comments, however, took exception as follows: (1) The moisture levels proposed by the Commissioner would cause technological difficulties if no salts are added—the moisture level should be 41 percent as proposed by the petitioner; and (2) the names proposed would confuse the consumer because the subject products do not duplicate the flavor and other characteristics of standardized cheddar and colby cheeses—they should be included among the open classes of cheese such as "low sodium hard cheese" and "low sodium semisoft cheese." Data were not submitted in support of the adverse comments and the suggested changes have not been adopted.

Having considered the comments filed, the information furnished by the petitioner, and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to establish standards of identity for low sodium cheddar cheese and low sodium colby cheese as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That Part 19 be amended by adding thereto the following two new sections:

§ 19.503 Low sodium cheddar cheese; identity; label statement of optional ingredients.

Low sodium cheddar cheese is the food prepared from the same ingredients and in the same manner prescribed in § 19.500 for cheddar cheese and complies with all the provisions of § 19.500, including the requirements for label statement of optional ingredients, except that:

(a) Salt is not used. Any safe and suitable ingredient or combination of ingredients that contains no sodium and that is recognized as a salt substitute may be used.

(b) Sodium sorbate is not used.

(c) It contains not more than 96 milligrams of sodium per pound of finished food.

(d) The name of the food is "low sodium cheddar cheese." The letters in the words "low sodium" shall be of the same size and style of type as the letters in the words "cheddar cheese," wherever such words appear on the label.

(e) If a salt substitute as provided for in paragraph (a) of this section is used, the label shall bear the statement "---------- added as a salt substitute," the blank being filled in with the common name or names of the ingredient or ingredients used as a salt substitute.

(f) Low sodium cheddar cheese is subject to the regulations for foods for special dietary uses promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act.

§ 19.513 Low sodium colby cheese; identity; label statement of optional ingredients.

Low sodium colby cheese is the food prepared from the same ingredients and in the same manner prescribed in § 19.510 for colby cheese and complies with all the provisions of § 19.510, including the requirements for label statement of optional ingredients, except that:

(a) Salt is not used. Any safe and suitable ingredient or combination of ingredients that contains no sodium and that is recognized as a salt substitute may be used.

(b) Sodium sorbate is not used.

(c) It contains not more than 96 milligrams of sodium per pound of finished food.

(d) The name of the food is "low sodium colby cheese." The letters in the words "low sodium" shall be of the same size and style of type as the letters in the words "colby cheese," wherever such words appear on the label.

(e) If a salt substitute as provided for in paragraph (a) of this section is used, the label shall bear the statement "---------- added as a salt substitute," the blank being filled in with the common name or names of the ingredient or ingredients used as a salt substitute.

(f) Low sodium colby cheese is subject to the regulations for foods for special dietary uses promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act.

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 7, 1970.

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

[F.R. Doc. 70-534; Filed, Jan. 14, 1970; 8:46 a.m.]

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

PART 121—FOOD ADDITIVES

Trifluralin

A. A petition (PP OFO862) was filed with the Food and Drug Administration by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing establishment of tolerances for residues of the herbicide trifluralin in or on the raw agricultural commodities peppermint, peppermint hay, spearmint, and spearmint hay at 0.05 part per million. Based on consideration given data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

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

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

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

§ 120.207 Trifluralin; tolerances for residues.

* * * * *

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

B. Having evaluated data in a petition (OH2445) submitted by the aforementioned petitioner, and other relevant material, the Commissioner concludes that the food additive regulations should be amended to establish safe food additive tolerances for residues of the subject herbicide in peppermint oil and spearmint oil as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1) 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated as cited above, Part 121 is amended by adding to Subpart D the following new section:

§ 121.1231 Trifluralin.

Tolerances are established for residues of the herbicide trifluralin in or on peppermint oil and spearmint oil at 2 parts per million when present therein as a result of application of the herbicide to the growing crops.

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

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

(Secs. 408(d)(2), 409(c)(1), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(2), 348(c)(1))

Dated: January 7, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-535; Filed, Jan. 14, 1970; 8:46 a.m.]

SUBCHAPTER C—DRUGS

PART 148d—CYCLOSERINE

Combination Drug Containing Cycloserine and Isoniazid

In the FEDERAL REGISTER of September 18, 1969 (34 F.R. 14532), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparation marketed by Eli Lilly & Co., Inc., Post Office Box 618, Indianapolis, Ind. 46206: Seromycin with Isoniazid Capsules (250 milligrams of cycloserine and 150 milligrams of isoniazid per capsule).

The Food and Drug Administration concluded there is a lack of substantial evidence that the fixed combination product will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling and that, because of potentially serious side effects associated with its components and the lack of flexibility of dosage of each component, the fixed combination drug presents unwarranted hazards and is not safe for the treatment of tuberculosis or leprosy.

Interested persons were invited to file, within 30 days after said publication date written views and comments on the proposal to amend the antibiotic drug regulations by repealing § 148d.3 *Cycloserine capsules with isoniazid* and to revoke certificates of safety and effectiveness heretofore issued for the combination. No responses were received to the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148d is amended by repealing § 148d.3, and certificates previously issued for this drug under § 148d.3 are revoked.

Any person who will be adversely affected by removal of this drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing shall identify the claimed errors in the NAS-NRC evaluation and the Administration's conclusions as to lack of "substantial evidence" of the effectiveness of the combination drug. It shall identify and provide a well-organized and full factual analysis of any adequate and well-controlled investigations the objector is prepared to prove in support of his objections as a basis on which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for its intended use (34 F.R. 14596–98). Objections should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER to allow time for a recall to be completed. Certification of new stocks has been discontinued.

(Secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357)

Dated: January 5, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-536; Filed, Jan. 14, 1970; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 70-15]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Certain Kinds of Wildlife or Eggs Thereof

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior, pursuant to authority of section 42, title 18, United States Code, has prescribed by regulation effective January 1, 1970 (50 CFR 13.7), published in the FEDERAL REGISTER of November 29, 1969 (34 F.R. 19030), that agency's prohibition applying to unpermitted importation, transportation, or acquisition of any live fish or viable eggs of the family Clariidae.

To conform the listing, subdivisions (i) through (x), in § 12.26(a)(1), Customs Regulations, of wild mammal, bird, and fish species, and the eggs thereof, prohibited importation except as authorized by permit issued by the Bureau of Sport Fisheries and Wildlife, § 12.26(a)(1) hereby is amended as follows:

Subdivision (x) is deleted therefrom. New subdivision (x) and subdivision (xi) are inserted before the next to last sentence, to read: "(x) any live fish or viable eggs of the family *Clariidae;* (xi) any other species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, reptiles, or the offspring or eggs of any of the foregoing which the Secretary of the Interior may prescribe by regulations to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States, is prohibited, except as may be authorized by the issuance of a permit by the Director, Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, or his authorized representative."

(Sec. 42, 62 Stat. 687, as amended; 18 U.S.C. 42)

Effective date. This amendment shall be effective as of January 1, 1970.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 2, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[F.R. Doc. 70-557; Filed, Jan. 14, 1970; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 256—OFF-RESERVATION TREATY FISHING

Extension of Temporary Identification Cards

DECEMBER 29, 1969.

This notice is published in the exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The following amendment is made to Title 25—Indians, Part 256 to extend the period for issuing temporary identification cards to Indians whose tribes have no approved current membership roll as prima facie evidence of entitlement to exercise treaty fishing rights. Since the deadline for issuing temporary cards is January 1, 1970, advance notice and public procedure thereon would be contrary to the public interest and are, therefore, dispensed with under the exceptions provided in section (d)(3) of 5 U.S.C. 553 (Supp. III, 1965-67). Accordingly, the amendment will become effective upon publication in the FEDERAL REGISTER.

Section 256.3 is amended by changing the date in paragraph (b) by which temporary identification cards could be issued, January 1, 1970, to December 31, 1972. As so amended paragraph (b) reads as follows:

§ 256.3 Identification cards.

* * * * *

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of Interior: *Provided*, That until December 31, 1972, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitled thereto satisfactory to the issuing officer and in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

* * * * *

No further changes are made in the text of Part 256.

A. O. ALLEN,
Acting Commissioner.

[F.R. Doc. 70-540; Filed, Jan. 14, 1970; 8:47 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

MISCELLANEOUS AMENDMENTS TO SUBTITLE

Pursuant to Secretary's Order No. 14-69 and the Notice of Delegation of Authority published concurrently therewith in the FEDERAL REGISTER on April 15, 1969 (34 F.R. 6502), and in order to reflect organizational changes and delegations set forth in said documents, Parts 8, 20, 26, and 40 in Subtitle A of Title 29 of the Code of Federal Regulations are amended in the following respects:

PART 8—PREFERENCE IN FEDERAL PROCUREMENT FOR SECTIONS AND AREAS OF HIGH UNEMPLOYMENT

1. In Part 8 the term "U.S. Employment Service" in § 8.7(b) is changed to "United States Training and Employment Service".

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

2. In Part 20 the term "U.S. Employment Service" in § 20.10(b)(4) is changed to "United States Training and Employment Service".

PART 26—EXEMPLARY REHABILITATION CERTIFICATES FOR EXSERVICEMEN

3. In Part 26 the term "Bureau of Employment Security" in §§ 26.4(a), 26.6(a) and (b), and 26.7 is changed to "Manpower Administration".

PART 40—FARM LABOR CONTRACTOR REGISTRATION

4. In Part 40 the term "Bureau of Employment Security" in §§ 40.2(g), 40.4(h), 40.6(c), and 40.11(a) is changed to "Manpower Administration", and the term "Office of Farm Labor Service" in § 40.11(a) is changed to "Office of Farm Labor and Rural Manpower Service".

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public grants and benefits. The amendments are related solely to nomenclature designations resulting from organizational changes, are not substantive, and I do not believe such procedures or delay will serve any useful purpose here. Accordingly, the amendments shall become effective immediately.

Signed at Washington, D.C., this 8th day of January 1970.

M. R. LOVELL, Jr.,
Manpower Administrator.

[F.R. Doc. 70-528; Filed, Jan. 14, 1970; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 70-4]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Lake Worth (Intracoastal Waterway), Fla.

1. The city of Lake Worth, Fla., by letter dated September 18, 1969, requested the Commander, 7th Coast Guard District to prescribe operation regulations for the Florida State Road 802 drawbridge across the Atlantic Intracoastal Waterway at Lake Worth. A public notice dated October 21, 1969, setting forth the regulation proposed to govern the operation of this drawbridge was issued by the Commander, 7th Coast Guard District and was made available to all persons known to have an interest in this subject.

2. After consideration of all comments submitted in response to the public notice, the proposal is accepted. Since time is of the essence, in view of the especially heavy highway traffic in this area during the winter season, it is hereby found to be impracticable to comply with the requirements of the Administrative Procedure Act relating to publication of the notice of proposed rule making in the FEDERAL REGISTER, public procedure thereon and the effective date. This amendment is, therefore, exempted from these requirements by the provisions of 5 U.S.C. 533.

3. Accordingly, Part 117 is amended by adding a new § 117.441, to read as follows:

§ 117.441 Lake Worth (Intracoastal Waterway), Fla.; State Road Department of Florida highway bridge (State Road 802).

(a) The owner of or agency controlling the bridge shall not be required to open the drawspan between the hours of 8 a.m. and 6 p.m. daily, except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass, and except as otherwise provided in paragraph (b) of this section.

(b) The drawspan shall be opened to allow the passage of a vessel in distress, a commercial tow, or a vessel owned and operated by the United States at any time upon sounding by the vessel of four blasts of a whistle or horn.

(c) The owner of or agency controlling the bridge shall place conspicuously on both sides of the bridge signs, of such size that they can be easily read at any time from vessels intending to pass through the draw, clearly indicating the nature of the regulations.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

Effective date. This revision shall become effective as of 6 p.m., January 16, 1970.

Dated: January 12, 1970.

W. J. SMITH,
Admiral, U.S. Coast Guard Commandant.

[F.R. Doc. 70-563; Filed, Jan. 14, 1970; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14H—Bureau of Indian Affairs, Department of the Interior

PART 14H-1—GENERAL

Designation of Contracting Officer Positions

JANUARY 9, 1970.

On pages 13659 and 13660 of the FEDERAL REGISTER of August 26, 1969, there was published Chapter 14H of Title 41 of the Code of Federal Regulations which established the Bureau of Indian Affairs Procurement Regulations (BIAPR). Pursuant to the authority contained in the Act of November 2, 1921, C. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14-1.008, 41 CFR 14H-1.451-2 is being amended to reflect a change in the positions designated as contracting officer positions in the Headquarters Office.

It is the general policy of the Bureau of Indian Affairs to allow time for interested parties to take part in the public rule making process. However, because this amendment involves internal Bureau procedures, the rule making process will be waived under the exception provided in subsection (b)(3)(A) of 5 U.S.C. 553.

Section 14H-1.451-2(a)(1) of 41 CFR 14H is hereby amended to read as follows:

§ 14H-1.451-2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

(1) Headquarter Office Officials:

(i) Associate Commissioner for Support Services.

(ii) Director of Operating Services.

(iii) Headquarters Administrative Officer.

(iv) Chief, Division of Plant Design and Construction, Albuquerque, N. Mex.

(v) Chief, Division of Property and Supply Management.

(vi) Chief, Plant Management Engineering Center, Littleton, Colo.

(vii) Executive Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

(viii) Property and Supply Officer, Indian Affairs Data Center, Albuquerque, N. Mex.

* * * * *

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

LOUIS R. BRUCE,
Commissioner.

[F.R. Doc. 70-539; Filed, Jan. 14, 1970; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4761]

[Misc-88701]

CALIFORNIA

Partial Revocation of Public Land Order No. 3529

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. Public Land Order No. 3529 of January 25, 1965, withdrawing lands under the jurisdiction of the Secretary of the Interior for protection of stands of redwoods, is hereby revoked so far as it affects the following described lands:

HUMBOLDT MERIDIAN

T. 13 N., R. 2 E.,
Sec. 16, SW¼NE¼ and SE¼SE¼.

The areas described aggregate 80 acres in Del Norte County.

2. This revocation is made in furtherance of an exchange under section 5 of the Act of October 2, 1968 (82 Stat. 932), by which the offered lands will benefit a Federal land program.

WALTER J. HICKEL,
Secretary of the Interior.

JANUARY 8, 1970.

[F.R. Doc. 70-515; Filed, Jan. 14, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18345, RM-1236; FCC 70-41]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Bay Shore, N.Y.

Third report and order. In the matter of amendment of § 73.202, table of assignments, FM Broadcast Stations (Bay Shore, N.Y.; Lake Havasu City, Ariz.; Eupora, Miss.; Sledge, Miss.; South Haven, Mich.; Marksville, La.; Waverly, Tenn.; Livermore and Hayward, Calif.; North East, Pa.; Lawrenceburg, Ky.; and Bardstown, Ky.); Docket No. 18345, RM-1236, RM-1320, RM-1321, RM-1322, RM-1325, RM-1327, RM-1328, RM-1329, RM-1331, RM-1333, RM-1334, RM-1336.

1. On October 2, 1968, the Commission adopted a notice of proposed rule making (FCC 68-995, released Oct. 4, 1968) in this proceeding, including, inter alia,[1] a petition by WGLI, Inc. (licensee of standard broadcast station WGLI, Babylon, N.Y.), filed on January 5, 1968, seeking the assignment of Channel 276A to Bay Shore, N.Y. Paragraphs 3 through 10 of the notice examined WGLI's proposal and oppositions filed in respect to it, and proposed for consideration petitioner's request. The proposed assignment does not require shifts of any other FM allocations.

2. Comments were timely filed by WGLI, Inc. (WGLI), and WTFM, Inc., licensee of WTFM, Lake Success, N.Y. (WTFM). After a series of extensions of time for filing reply comments were granted, timely reply comments were received by the final date set, April 3, 1969, from WTFM, WGLI, and Babylon-Bay Shore Broadcasting Corp. licensee of WBAB (AM-FM), Babylon, N.Y. (WBAB). In addition, a large number of informal communications, mostly in the form of letters, were received by the Commission. On April 7, 1969, WTFM filed a "Supplementary Statement" for the purpose of replying to WGLI's reply comments, along with a petition for leave to file this additional pleading. On April 21, WGLI filed "Comments" in response to this pleading, asking that it be denied as not in conformance with the rules, and also replying to it in substance. Our rules (§ 1.415(d)) do not ordinarily provide for filings in rule-making beyond comments and reply comments. However, the later WTFM and WGLI pleadings relate to a matter beyond the usual ambit of the Commission's activities and about which it has little expertise. They provide pertinent information concerning the matter and therefore are accepted and considered in light of our desire to reach a correct and just decision.

3. The proposed assignment of Channel 276A to Bay Shore, N.Y. is a "drop in", which can be used only in a very small area consistent with our mileage separation rules. The assignment would have no effect whatsoever on other possible uses of this channel and adjacent channels in the area. As developed in the pleadings of WGLI and the opponents (chiefly WTFM), the three main lines of argument pro and con are: (1) The status of Bay Shore as a "community," considering its size but unincorporated status, and its need for service in view of the lack of a local broadcast outlet but with numerous nearby AM and FM services available; (2) the interference

[1] The Commission's notice also included a number of other proposals, dealt with previously in the first and second report and order in this proceeding.

which it is claimed would result because of the very close mileage separation of WTFM, on a second-adjacent channel with its transmitter in New York City, some 40 miles distant; and (3) whether a transmitter site in the only area where minimum mileage separations could be met—on Fire Island, off the southern shore of Long Island—is in fact "available" within the meaning of § 73.208(a)(4) of the rules, and can be used for an antenna tower consistent with the public interest, in view of the site's relationship to the Fire Island National Seashore, established pursuant to an Act of Congress in 1964, and under the jurisdiction of the Secretary of the Interior and the National Park Service.

4. *Need for the proposed station.* Both WTFM and WBAB contend that the "community" of Bay Shore, which is unincorporated, does not have enough significance or activity to warrant the proposed FM asignment. In response WGLI states, "Bay Shore is a thriving, expanding major community in Suffolk County, within which is every conceivable type of service to its residents except communication". Suffolk County, N.Y., with a 1960 U.S. Census population of 666,784 contains, on its southern border, the unincorporated community of Bay Shore,[2] approximately 40 air miles from New York City. Petitioner alleges that the population of this community at the present time is 36,000 persons. The community is not listed in the 1960 U.S. Census due to its unincorporated status; however it is listed in the Commercial Atlas and Marketing Guide (Rand McNally & Co., Ninety-third Edition, 1962) as having a population of 23,000 persons. An examination of the pleadings indicates that Bay Shore is a significant manufacturing, wholesale, and retail business community with 608 businesses, six major retail stores and three major industrial plants, serving a shopping population of approximately 100,000 persons. Financial support for this commercial activity is primarily derived from two Bay Shore banks and three Bay Shore branches of banks located in other communities. In addition to this commercial activity the following statistics have been presented as to the community's social and cultural life: 8,733 apartments and single dwellings were contained within Bay Shore-Brightwaters as of August 1967;[3] Bay Shore has its own Post Office (consisting of three stations), 18 churches, 15 community service groups, 13 cultural and educational groups, 10 fraternal organizations and several social, athletic, health, welfare, scouting, and veterans groups. It has seven public elementary, junior, and high schools with 6,907 students, 308 teachers, 60 specialists, and 24 administrative personnel. These facts convince us that Bay Shore is a significant community with a substantial local commercial base and cultural and social cohesiveness.

5. WTFM and WBAB contend that Bay Shore does not merit or require the assignment of Channel 276A (its first local broadcast service) due to the fact that it receives a number of broadcast services from various stations assigned to New York City and other surrounding communities on Long Island.[4] This argument lacks substance. It is our position that each station has the primary responsibility of first meeting the needs of the city to which it is licensed. Therefore, service received in Bay Shore from stations licensed to other communities cannot be expected to fully meet the need of Bay Shore for local expression in the form of Bay Shore news, activities, events, and projects. Petitioner (as one example of specialized programing a Bay Shore station could provide to its community) cites the vital importance of rapid information concerning weather conditions in the area, not only to the Bay Shore seaside residents but in addition to the residents of Fire Island whose sole year round connection with the mainland is via a ferry. We are convinced in this instance, as in numerous previous instances, that the provision of a first local broadcast service is an important aim of our allocation policy, which should, if possible, be met. While the need for a local outlet here is perhaps not as great as it would be where there is no service from nearby communities, a definite need appears to exist.

6. *Interference considerations.* WTFM opposed the original WGLI petition on the basis of destructive interference which, it alleged, a station on the new assignment would cause to its service in an extensive area of southern Long Island, with a site only some 41.2 miles from WTFM's transmitter location in New York City.[5] With its opposition WTFM submitted an engineering affidavit asserting that because of unusual conditions in the area—terminal alluvial morane deposits adjacent to continental rock formations, with extensive waterway divisions of varying salinity between—the usual FM propagation curves are not valid here. An Environmental Science Services Administration (ESSA) monograph was referred to. The affidavit also contained a map setting forth the predicted area of interference from the new station to WTFM, using the method specified in the rules for educational stations only and assuming the 1-to-10 ratio between desired and second-adjacent undesired signals on which our FM assignments and separation rules are based. This area, centering around the assumed new transmitter location, would extend to about 6 miles from the transmitter to the west and 7 miles to the north: About 87 percent of the area is water. All of this interference area lies outside of WTFM's 1 mv/m contour (three miles and further), and only a small portion of it (most of it water) lies within a 40-mile distance from WTFM's transmitter site, extending to about 36 miles from that site at its closest point. WTFM claimed in opposing the petition that listener surveys show it as having substantial audiences beyond its 1 mv/m contour, in places such as Bay Shore, Babylon, and Islip, where the new interference would affect it. It was claimed that experience with second-adjacent channel interference from another station (White Plains, N.Y.) shows a greater impact than use of the standard FM curves would indicate.

7. In noting the showing in the notice herein, we observed that, as proposed, the assignment would meet the minimum separation requirements of the rules, and we called attention to the provisions of § 73.209(b), referring to interference protection provided by the minimum-separation rules. WTFM in its comments claims that this is no answer; that the Commission, in the exercise of the discretionary and quasi-legislative powers involved in rule making, must look at the potential for destructive interference, and that the proposed assignment is diametrically opposed to the principles underlying the rules adopted in 1962 and 1963 to govern FM assignments. It is urged that, in particular, we should adhere to statements made in 1963, in the third report in Docket 14185, concerning the importance of wide coverage by "central city" FM stations as a means of serving expanding metropolitan areas (and also to provide wide range stereo and auto-radio reception).[6] It is also claimed that the impairment of WTFM's service is particularly undesirable because it already labors under two restrictions—reduced radiation to the west required for protection purposes, and second-adjacent channel interference from a station at White Plains, N.Y., reducing its coverage along the northern shore of Long Island.

8. We agree that, in reaching a final decision, the matter of potential interference deserves more consideration than it was accorded at the proposal stage, in the notice. Nevertheless, it is also clear that any new FM assignment consistent with the rules and providing additional service has at least some degree of merit. This is particularly true where it would provide a first local outlet. A party opposing such an assignment on the basis of interference therefore has a rather

[2] The fact that Bay Shore is not an incorporated entity, of course does not prevent our assignment of a broadcast facility to it. See Mercer Broadcasting Co., 13 RR 891, 22 FCC 1009 (1957).

[3] Brightwaters is an incorporated village entirely included within Bay Shore.

[4] WTFM lists 14 stations within 20 miles of Bay Shore. These include two FM stations and a full-time regional AM (WGLI) and daytime AM (WBAB), at Babylon, approximately 4 miles distant; a full-time Class IV station at Freeport; daytime AM stations at Hempstead, Huntington, Islip, Mineola, and Patchogue (2); and FM stations at Hempstead and Patchogue (2).

[5] We also note, though it is not specifically advanced as grounds for denial, that a similar situation would exist between the new station and WNEW-FM, New York City (also second-adjacent-channel, with a spacing of 41.7 miles); and to WDRC-FM, Hartford, Conn. (first adjacent channel), 66.5 miles distant compared to the required 65. All of these aspects of the question are considered below.

[6] FCC 63-735, par. 9; 25 R.R. 1859, 1863-64.

substantial burden. We cannot conclude here that this burden has been met. We point out in this connection that the protection standards adopted in 1962, which served as the basis for the Table of Assignments adopted in 1963, represented a careful weighing of all of the factors involved. These included, as to second-adjacent channel interference, the factors that such interference occurs only in a small area around the interfering transmitter, with complete substitution of the new service for that which is lost, and with some receivers actually being able to select between signals 400 and 600 kc/s removed. On this basis, it was decided that Class B stations would be protected against cochannel and first-adjacent-channel interference out to a distance of 40 miles, but that as to second and third-adjacent channel interference, the protection standard would be that no station would be permitted to be located at less than that distance. It was recognized that this could mean interference within the 40-mile range from stations just outside of it, which would be very small in extent. This represented a greater degree of protection than that afforded under earlier rules (to the 1 mv/m contour), or that proposed in the 1961 notice of proposed rule making in Docket 14185 on this subject, where it was proposed to protect Class B stations out to 50 miles against cochannel and first-adjacent-channel interference, but only out to 25 miles against stations two or three channels removed.[7]

9. In light of the above, the making of the assignment in question here does not do violence to the basic principles underlying the FM assignment rules. We cannot accept, as reason indicating the contrary, WTFM's rather general statements noted above concerning impact greater than that indicated by the rules or to service beyond its 1 mv/m contour or further than 40 miles from the transmitter. Even were they more specific, they would hardly outweigh the advantages from the new local service which may result. We recognize that interference to two second-adjacent channel stations is involved, but it must also be borne in mind that—unlike the typical interference case—most of the area of interference to them is over sea water. The passage from the third report and order in Docket 14185, quoted by WTFM and noted in paragraph 7, above, is inapposite, since it refers to the importance of providing maximum height and power for central city stations—which WTFM has—which would be impossible were such stations limited to lesser facilities because of "squeezed-in" suburban assignments.[8]

10. We also note WTFM's argument that it should not be subjected to a third restriction on its service, in addition to a limitation on radiation to the west and the same type of interference from the White Plains station in areas further north. The combined erosion of existing service from a series of grants two or three channels removed—each of them itself causing but little interference—was mentioned in the notice of proposed rule making in 1961, concerning new FM assignment rules generally. However, in view of the very small impact involved here, we cannot regard this as reason not to make the new assignment. Protection is a matter of degree, and the proposal here is consistent with the balance reached in the early 1960's, as mentioned above. We do not find reason to depart from that balance. Nor, for the same reason, do we consider any interference impact to Station WDRC–FM, Hartford (first adjacent channel) reason to withhold the assignment. It should be noted that any such intereference would fall either over the water of Long Island Sound or on Long Island, not in Connecticut where WDRC–FM is located.

11. *Availability and suitability of the proposed site.* WTFM asserts that petitioner has not met the requirement of § 73.208(a)(4) of our rules in respect to demonstrating the availability of a tower site for the proposed Channel 276A which meets our minimum mileage separation requirements. While conceding that the Fire Island site specified by WGLI (Bay Avenue and Oak Street, Kismet Park, town of Islip, Fire Island, N.Y.) meets our minimum mileage separation requirements to all co- and adjacent-channels, it contends, in sum, that the site falls under the jurisdiction of the U.S. Department of Interior and therefore the National Park Service, as part of the Fire Island National Seashore. It further alleges that Public Law 88–587 (16 U.S.C. sec. 459(e)) which created the park on September 11, 1964, directs the Secretary of the Interior to issue regulations specifying zoning standards that are consistent with the purposes of the Act, and that such regulations shall have the object of prohibiting new commercial or industrial uses which the Secretary considers inconsistent with the purposes of the Act on all property within the National Seashore. Therefore, it is asserted, since there is no showing that the Secretary of the Department or the Park Service have been consulted or that their approval has been obtained, it cannot be found that the site is "available". More broadly, it is urged that the construction of the proposed tower would be in violation of Public Law 88–587, and its policy, in that it would conflict with the preservation of the Island's natural esthetic and cultural values.[9] WGLI in its pleadings demonstrated that it holds a lease from the private owner of the land for the proposed construction, and a building permit and zoning approval from the town of Islip, which, it asserts, has sole jurisdiction over Kismet Park, where the proposed tower site is located. This, it is asserted, "is as far as it can go"; and any further questions should be considered at the application stage. WGLI's local consultant, Aaron B. Donner, Esq.,[10] has filed a lengthy legal opinion which concludes that the proposed site does not fall under the jurisdiction of the Department of the Interior, but that the zoning ordinances of the town of Islip control the building of the tower in question, the location being zoned for commercial use. In a later opinion he asserts that if the Department has any authority it must be exercised by condemnation proceedings. WGLI claims that it is questionable whether the Secretary would wish to proceed in this fashion, even assuming he had jurisdiction to do so (a question which the courts must decide).

12. Despite the lengthy discussions of this matter in the WGLI and WTFM pleadings, including the late-filed material mentioned above, there are certain aspects of it which are not clear. For example, it appears that the building permit which WGLI holds was issued under a zoning ordinance of the town of Islip adopted in 1967, which was after the establishment of the Fire Island National Seashore. However, this may not be the ordinance currently governing zoning in this town (including Kismet Park); and we do not know what effect any changes would have on the validity of a preexisting building permit.[11] We also note that at least under certain circumstances the Secretary will consider requests for exceptions and variances, and in certain provisions in a "primer" issued by the National Park Service in connection with the above rules (submitted with one of

[7] See FCC 61–833, pars. 46, 52 (21 R.R. 1655, 1674, 1676); 33 F.C.C. 309, 331–333 (23 R.R. 1801, 1825–1827).

[8] In any event, it may be open to question whether WTFM is entitled to claim standing as a "central city" station, since it is licensed to Lake Success, not New York City.

[9] The Department and National Park Service did not file formal comments in this proceeding, but on Nov. 11, 1968, the Commission did receive a letter from Mr. R. W. Allen, Acting Assistant Director of the National Park Service, asserting that the site lies within the boundaries of the National Seashore and that section 3 of the Act requires the Secretary to issue regulations specifying zoning standards consistent with the purpose of the Act, and further stating that they shall have the object of prohibiting new commercial or industrial uses which the Secretary considers inconsistent with that purpose. It was asserted that the proposed 318-foot tower is not consistent with preservation of the Island's esthetic or cultural values; therefore it was urged that the "application" be denied as submitted. A similar letter was received from the Regional Director of the Park Service.

[10] Mr. Donner, a Bay Shore attorney, is asserted to be a specialist in real property law, associated with the movement for and formulation of Public Law 88–587, and having intimate knowledge of the Act's legislative history.

[11] See footnote on p. 536.

Mr. Donner's opinion) there are positive answers to various questions which might arise under the Act. In answer to one question it is stated that various communities (including Kismet Park) are excluded from the Fire Island National Seashore. Another states that an owner of vacant land inside one of these communities can build on it as long as he complies with local zoning ordinances and procedures for obtaining building permits. A third states that property then used for commercial purposes may not be condemned (other than the one expected area referred to above, and beaches, waters and adjacent access lands). Too, we do not have an official expression from the National Park Service or the Secretary of the Interior as to what their views are as to the consistency of a transmitter tower at the proposed location with the purpose of the Act.

13. We also note the large number of letters—almost 200—from persons who reside, visit, or own property on Fire Island, opposing the proposal on essentially the same ground urged by WTFM—"commercializing" "scarring the landscape," etc. WGLI in reply comments urges that most of these are from only summer residents or visitors; but included are two from mayors of communities on Fire Island near Kismet Park, and numerous presidents of property-owner associations. One of these letters is from the chairman of the Fire Island National Seashore Advisory Commission, created in the Act to advise the Secretary in these matters. Many of these letters, like those of the National Park Service officials mentioned earlier, assume that what is involved here is an application. In reply comments WGLI attached a smaller number of letters, purportedly from year-round residents, stating that they do not object to the proposed tower and some stating that the additional service would be desirable.

14. In view of the facts of this situation, and the specialized scope of regulation bestowed on this Commission by the Communications Act of 1934, as amended, we have come to the conclusion that the only question that this Commission can properly decide in respect to the availability question is: Has WGLI made a prima facie showing as to its right and ability to use the site in question for the construction and operation of an antenna tower for the proposed Channel 276A? In view of the lease and building permit it holds, in accordance with at least the 1967 zoning ordinances, we adhere to the position tentatively expressed in the notice herein, and conclude that petitioner has made a prima facie case as to its right and authority to construct. Therefore we hold that the requirements of § 73.208 (a) (4) of our rules have been sufficiently met for the instant purpose.

15. It must be borne in mind that a decision in FM rule making of this type is: Essentially, simply a decision as to use of frequencies, that a station using the proposed assignment, at the community listed or one nearby, represents a better use of the frequency than would an assignment on it elsewhere, considering also possible use of adjacent frequencies to the extent they may be precluded. Here, there is no such alternative use, or preclusion, to be considered; if this assignment of Channel 276A is not made, the channel could not be used anywhere else in this area, and no additional assignments on adjacent channels would be available. It is in this context that the expression "shown to be available" in § 73.208(a)(4) must be applied. The concept of the rule, as part of rule making consideration, serves two purposes: It eliminates the need for Commission and staff effort in dealing with rule making requests which will prove unusable if the assignment is made; and it avoids cluttering the table with assignments which, unusable themselves, nonetheless prevent the making of other assignments as long as they are there. The second consideration is inapposite here, since there is no impact on other possible assignments, and thus no loss in allocation flexibility. We find the showing made here as to site availability sufficient. As to any jurisdictional question which may exist, as to which governmental entity has the ultimate responsibility and authority for the regulation of the use of the plot of land in question, it can only be properly and finally determined by a court of competent jurisdiction. Any attempt by this Commission to determine jurisdiction would be an exercise beyond our authority and expertise as well as a wasteful use of our processes, in that our decision would not be determinative.

16. The same considerations apply to the broader argument urged by WTFM and the informal objectors—that the assignment should not be made because it is inconsistent with national policy as expressed in Public Law 88–587, and that the station would impinge on the unspoiled, natural values of Fire Island. The questions of land use planning and the alleged inconsistency of the proposed tower with the cultural or esthetic environment of the town of Islip or Fire Island can best be determined by the (as the case may be) legislators of the town of Islip or the Department of Interior in formal proceedings and actions. We wish to note again, that our decision is only in respect to allocations. The Secretary or the National Park Service, or the informal objectors may choose to raise this matter again in formal pleadings in connection with any application for the channel which may be filed, in that any proper final determination of the matters of jurisdiction and land use planning would affect, of course, any future application herein. As far as the allocations considerations involved here are concerned, we do not find the situation to approach that degree of certainty of law which, alone, could warrant the restrictive action of denial at this stage.[12]

17. *Other matters.* The last point raised in opposition by WTFM is that the assignment should not be made in the absence of an eligible interested potential applicant. WTFM refers to our proceeding in Docket 18110 (FCC 68–332) which has under consideration inter alia the prohibition of the licensing of both a fulltime AM and FM service in the same market to one entity, and suggests that such a rule makes WGLI (a Babylon licensee and the only party that has so far expressed an interest) ineligible to apply for a Bay Shore assignment. WGLI responds by alleging that Bay Shore and Babylon are established separate markets, and that therefore it would be eligible to proceed with a Bay Shore application. At this point of course the rules and definition of market to be arrived at as a result of our proceeding in Docket 18110 are purely speculative. Any attempt to determine their final nature and scope or the eligibility of WGLI as an applicant under them, in this proceeding, would be improper. Furthermore, a rule making proceeding of this type deals with public interest questions of determining and balancing the needs of communities for broadcast service. Any assignment of Channel 276A to Bay Shore is solely an FM assignment to that community, and in no way determines who should be the successful applicant for the station's license. Too, in light of the location of the proposed facility (Bay Shore, Long Island, N.Y.), it is not unreasonable to conclude that there may be a number of additional applicants contending for its use.[13]

18. After a careful consideration of all the material filed in this proceeding and for the reasons, and holdings set out above, we have come to the conclusion that it is in the public interest to assign FM Channel 276A to the community of Bay Shore, N.Y.

19. Authority for the action taken herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

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[11] According to information received in an informal inquiry of the National Park Service, the town of Islip adopted a new zoning ordinance in 1969, containing the same sort of language as that in § 28.4 of the rules adopted by the National Park Service in 1966 concerning the Fire Island National Seashore (36 CFR Part 28). This section provides that property within the developed communities may not be used for the establishment or expansion of commercial or industrial uses except through adoption of an amendment to the applicable zoning ordinance that is satisfactory to the Secretary.

[12] We note that there is a Coast Guard tower less than a mile from the proposed FM tower site, taller than the proposed tower. Joint use of the Coast Guard tower by any successful applicant for the new FM station would avoid the impact of the construction of a new FM tower on scenic values in this part of Fire Island. Hence, we suggest that prospective applicants investigate joint use of the existing tower. Occasionally the military services have permitted such arrangements.

[13] WBAB, Babylon, suggests that the assignment may have an adverse economic impact on its AM–FM operation, as well as on other stations in the area. However, no economic or financial data are given. We wish to reiterate, at this time, our belief that matters of economic impact are best considered at the time of application for a specific license.

20. *Accordingly, it is ordered,* That effective February 20, 1970, the FM Table of Assignments in § 73.202(b) of the Commission's rules is amended by the addition of the following entry to read as follows:

City	Channel
Bay Shore, N.Y.	276A

21. *It is further ordered,* That the petition of WTFM, Inc., filed in this proceeding on April 7, 1969, requesting leave to file a supplementary comment, is granted.

22. *It is further ordered,* That the petition of WGLI, Inc., filed in this proceeding on April 22, 1969, requesting the dismissal of WTFM, Inc.'s petition (requesting leave to file a late comment), or requesting leave to file a comment directed toward the late filed comment of WTFM, Inc., is denied in respect to the dismissal of the WTFM petition and granted in respect to leave for late filing.

23. *It is further ordered,* That this proceeding is terminated.

Adopted: January 8, 1970.

Released: January 12, 1970.

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

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-548; Filed, Jan. 14, 1970; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

[Ex parte MC-19 (Sub-No. 4)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Accessorial or Terminal Services; Tariffs Providing Therefor; Packaging and Uncrating Charges

DECEMBER 5, 1969.

In the matter of amendment of § 276.4 *General rules and regulations of motor carriers of household goods.*

Notice is hereby given that on this date the Commission entered its order in the above-captioned proceeding, eliminating from § 1056.4 of Title 49 of the Code of Federal Regulations the sentence, "This section shall apply only where the line-haul transportation is performed by a motor carrier."

Since it is possible that certain parties might be prejudiced by the fact that the notice of proposed rulemaking did not reflect such modification as a proposed rule, the Commission's order becomes effective 30 days from the publication in the FEDERAL REGISTER of notice of the action taken. In the interim, any interested party may file a petition to show good cause why such modification should not be allowed to take effect.

Notice of this action will be given by publication in the FEDERAL REGISTER.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of December 1969.

It appearing, that on December 5, 1969, the Commission entered its report in this proceeding finding that the sentence shown below should be eliminated from § 1056.4 of Title 49 of the Code of Federal Regulations (formerly numbered as § 276.4 of that title);

And it further appearing, that the notice of proposed rulemaking did not reflect such modification as a proposed rule, and that certain parties might be prejudiced by lack of proper notice thereof; wherefore:

It is ordered, That § 1056.4 of Title 49 of the Code of Federal Regulations be amended by eliminating therefrom the sentence, "This section shall apply only where the line-haul transportation is performed by a motor carrier."

It is further ordered, That notice of the amendment be published in the FEDERAL REGISTER.

It is further ordered, That the effective date of the modification ordered herein shall be 30 days after the date of publication of such notice, during which period any interested party may file a petition to show cause why such modification should not be allowed to take effect.

And it is further ordered, That in all other respects this proceeding be, and it is hereby, discontinued.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-591; Filed, Jan. 14, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri

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

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

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 5,310 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Calhoun and Batchtown Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1970, through October 15, 1970, with the exception of certain designated areas open until December 31, 1970.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1970 through October 15, 1970.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1970 through October 15, 1970.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1970 through September 30, 1970, with the exception of areas adjacent to the Port Louisa road which are open until December 31, 1970.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1970 through December 31, 1970.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1970 through October 1, 1970, with the exception of Bryants Creek which is open from January 1, 1970 through December 31, 1970.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

JANUARY 7, 1970.

[F.R. Doc. 70-512; Filed, Jan. 14, 1970; 8:45 a.m.]

PART 33—SPORT FISHING

Bear River Migratory Bird Refuge, Utah

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

[14] Commissioners Johnson and H. Rex Lee absent.

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

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Sport fishing on the Bear River Migratory Bird Refuge, Utah, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on maps available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing extends from January 1 through December 31, 1970, inclusive, in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats is prohibited below the river control gates at refuge headquarters.

(2) Fishermen are required to register at the refuge office upon entering the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

DECEMBER 15, 1969.

[F.R. Doc. 70-511; Filed, Jan. 14, 1970; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 58]

HEALTH AND SAFETY REGULATIONS

Notifications of Accidents, Injuries and Other Events

Notice is hereby given that pursuant to authority vested in the Secretary of the Interior under section 13 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 782, 30 U.S.C. 732, Supp. IV) it is proposed to add a new Part 58 to Title 30, Code of Federal Regulations, relating to immediate notification to the Bureau of Mines of the occurrence of an accident involving loss of life or bodily injury and certain other events involving health and safety conditions in mines, and requiring the submission of an operator's report in appropriate instances.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed Part 58 to the Director, Bureau of Mines, Washington, D.C. 20240, within 14 days of publication in the FEDERAL REGISTER.

WALTER J. HICKEL,
Secretary of the Interior.

JANUARY 8, 1970.

PART 58—NOTIFICATION OF ACCIDENTS, INJURIES AND OTHER EVENTS

Sec.

AUTHORITY: The provisions of this Part 58 issued under section 13, 80 Stat. 782; 30 U.S.C. 732.

§ 58.1 Purpose and scope.

The provisions of the regulations in this part apply to all mines subject to the provisions of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 721–740, Supp. IV). Under the provisions of that Act the Secretary of the Interior is authorized to cause investigations to be made for the purpose of obtaining information relating to the causes of accidents involving loss of life or bodily injury and health and safety conditions in such mines. The Secretary is also authorized to require operators of such mines to submit reports of such occurrences at such times as he deems necessary. The purpose of the regulations in this Part 58 is to provide for the immediate notification of the Bureau of Mines, Department of the Interior, of the occurrence of an accident or an event involving dangerous or potentially dangerous health and safety conditions in a mine in order to afford the Bureau an opportunity to conduct a prompt investigation and to provide for the submission to the Bureau of a written report by the operator in appropriate instances.

§ 58.2 Statutory definition of "mine".

(a) The term "mine" as used in the regulations in this part is defined by section 2 of the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772, 30 U.S.C. 731, Supp. IV) as follows:

(b) "The term 'mine' means (1) an area of land from which minerals other than coal or lignite are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (2) private ways and roads appurtenant to such area, and (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface or underground, used in the work of extracting such minerals other than coal or lignite from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in the milling of such minerals, except that with respect to protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Atomic Energy Act of 1954, as amended."

§ 58.3 Notification by operator.

In order to provide the maximum opportunity for the Bureau of Mines to conduct prompt and effective investigations for the purpose of obtaining information relating to health and safety conditions in mines and the causes of accidents involving bodily injury or loss of life, it is essential that the Bureau be notified promptly that a dangerous condition exists, or that an accident has occurred. Accordingly, the operator of a mine subject to the Federal Metal and Nonmetallic Mine Safety Act at which any of the following events or conditions occur shall notify the nearest of the health and safety officials which are listed in § 58.6, immediately and by the quickest available means:

(a) A fatal accident;

(b) Any accident in which two or more persons are injured;

(c) A mine fire;

(d) A gas ignition or an explosion;

(e) An inundation;

(f) Any accident involving explosives, including blasting agents;

(g) The entrapment of any person;

(h) Major damage to shafts, ventilation, hoisting, or haulage facilities;

(i) Any event or condition involving a health or safety hazard which requires the removal of all persons from an affected area of the mine except those necessary to eliminate the danger;

(j) Any physical event at a mine which causes death or bodily injury to persons other than persons on the mine property.

§ 58.4 Determination as to investigation.

Upon notification of an accident, event, or condition described in § 58.3, the health and safety office shall inform the operator if an investigation will be made and if so, the probable time of arrival of a representative of the Bureau of Mines on the scene. If an immediate investigation is to be made, the operator shall, to the extent compatible with rescue and recovery work, take appropriate measures to preserve any evidence which might assist in determining the cause or causes of the accident, event, or condition.

§ 58.5 Operator's report.

Following the occurrence of an accident or event described in § 58.3, if required by the Director of the Bureau of Mines or his authorized representative, the operator shall submit a detailed written report of the accident or event, setting forth all the pertinent information, including a description of the steps taken or to be taken in the future to avoid a recurrence.

§ 58.6 Metal and nonmetal mine health and safety districts and offices.

The metal and nonmetal mine health and safety districts and offices of the Bureau of Mines are as follows:

(a) Eastern District:

District Office, 4800 Forbes Avenue, Pittsburgh, Pa. 15213 (412) 621–4500.

(b) North Central District:

District Office, 321 Federal Building, Duluth, Minn. 55802 (218) 727–6336.

(c) Southeastern District:

District Office, Post Office Box 3417, Birmingham, Ala. 35205 (205) 325–3289.

(d) South Central District:

District Office, Room 1602, 1114 Commerce Street, Dallas, Tex. 75202 (214) RI 9–3415.

(e) Rocky Mountain District:

District Office, Post Office Box 15037, 1457 Ammons Street, Denver, Colo. 80215 (303) 297–4563.

(f) Western District:

District Office, Room 310, 1440 Broadway, Oakland, Calif. 94612 (415) 834–3457.

[F.R. Doc. 70–514; Filed, Jan. 14, 1970; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 208, 298]

[Docket No. 21792; EDR-175]

AIR TAXI OPERATORS AND SUPPLEMENTAL AIR CARRIERS

Waiver of Liability Limits Under Warsaw Convention by Certain Air Taxi Operators; Modification of Permissive Exclusionary Provision in Liability Insurance Policies of Air Taxi Operators and Supplemental Air Carriers

JANUARY 9, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 298 of the Economic Regulations (14 CFR Part 298) which would require certain air taxi operators, as a condition to the grant of the exemption provided for in § 298.11, to become a signatory to the Interim Agreement of carriers raising the limits of liability for death or injury to passengers under the Warsaw Convention from $8,290 per passenger to $75,000 per passenger and waiving certain defenses otherwise available to such carriers. Further, the Board would modify a permissive exclusion of liability provision in the air taxi rule with respect to insurance policies of carriers so as to make clear that this exclusion would not become operative by reason of a carrier's signing a counterpart to the aforesaid Interim Agreement. The corresponding permissive exclusionary provision for supplemental air carriers in Part 208 (14 CFR Part 208) would also be modified in a similar manner.

The principal features of the proposed amendments are described in the Explanatory Statement below and the proposed amendments are set forth in the Proposed Rule below. The amendments are proposed under the authority of sections 204(a), 401, 403, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143), 758 (as amended by 74 Stat. 445), and 771; 49 U.S.C. 1324, 1371, 1373, 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before March 16, 1970, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

Explanatory statement. The United States is party to the Convention for the Unification of Certain Rules Relating to International Transportation by Air signed at Warsaw, October 12, 1929 (Warsaw Convention), 49 Stat. 3000. The Convention limits the legal liability of airlines to passengers and shippers in "international transportation," a term defined therein. Most of the transportation to and from the United States and segments of international journeys performed wholly within the United States are governed by the Convention. Among other things, the Convention creates a presumption of liability on the part of the carrier and limits the carrier's liability for death or injury of passengers to approximately $8,290, except in the case of a carrier's wilful misconduct or default deemed equivalent thereto in which case the limited liability is not available to the carrier. The Convention further provides that by special contract the carrier and the passenger might agree to a limit of liability higher than the amount set forth in the Convention.

By Order E-23680, May 13, 1966, the Board approved an agreement among various air carriers, foreign air carriers and other carriers to increase the limitations of liability now applicable to claims for personal injury and death under the Convention which was filed with the Board (Agreement CAB 18900) pursuant to section 412(a) of the Act and Part 261 of the Board's economic regulations (Docket 17325). By this agreement, the parties thereto bound themselves to include in their tariffs, effective May 16, 1966, a special contract in accordance with the Warsaw Convention or the Hague Protocol [1] providing for a limit of liability for each passenger for death, wounding, or other bodily injury of $75,000 inclusive of legal fees.[2] The parties further agreed to provide in their tariffs that the carrier would not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of certain defenses. Most air taxi operators are not parties to this agreement.[3] As a result, the recovery for claims by or on behalf of persons who are transported in "international transportation" by air taxi operators would be limited to such carrier's legal liability under the Warsaw Convention which would be approximately $8,290 per passenger.

The events leading up to the execution of the Interim Agreement among carriers were as follows: On November 15, 1965, the U.S. Government gave notice of denunciation of the Warsaw Convention, emphasizing that such action was solely because of the Convention's low limits of liability for personal injury or death to passengers. As a result of this notice of denunciation, various air carriers, foreign air carriers and other carriers entered into the aforesaid Interim Agreement raising the limits of liability for injury or death of passengers to $75,000 per passenger. As stated above, this agreement was approved by the board.[4] It is therefore U.S. policy to denounce the low limits of liability of $8,290 per passenger provided in the Warsaw Convention and to approve the higher limits of liability of $75,000 per passenger provided for in the Interim Agreement. In further implementation of such policy and in view of the growth of traffic on air taxis and the increasing use of interline through ticketing and the growing use of commuter type service, the Board believes that international passengers traveling on these carriers should have the same protection as those who travel on the certificated air carriers. Thus, we propose to require certain air taxi operators specified hereinafter, as a condition to the grant of the exemption provided for in Part 298, to become signatories to the Interim Agreement. This would in effect increase their liability for injury or death to passengers in international transportation (as defined in the Warsaw Convention) from approximately $8,290 per passenger to $75,000 per passenger, and would waive certain defenses otherwise available to air taxi operators under the Warsaw Convention.[5]

The higher limits of liability under the Warsaw Convention would be imposed upon air taxi operators who (1) are commuter air carriers as defined in the part; (2) are parties to an interline agreement with a certificated air carrier or foreign air carrier; or (3) carry passengers in air transportation between any point in the United States and any point outside thereof. The rule would require the above classes of air taxi operators to file with the Board's Docket Section a signed counterpart to the Interim Agreement in the form attached to the notice as Appendix B and to file with the Tariffs Section a simple tariff embodying the salient features of the Interim Agreement in the form attached to this notice as Appendix A.

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[1] The Convention was amended by the Protocol signed at The Hague in 1955 which has never been ratified by the United States. The Protocol, subject to certain provisions, provides for liability limitations of approximately $16,600 as compared to limitations of $8,300 in the Convention.

[2] The limit of liability is $58,000, exclusive of legal fees and costs.

[3] A number of air taxi operators have already signed counterparts of the interim agreement and have raised their minimum liability for death or injury to passengers to $75,000 per passenger. These carriers for the most part are parties to interline agreements with scheduled route carriers.

[4] Order E-23680, May 13, 1966, 31 F.R. 7302, May 19, 1966.

[5] Although Part 298 requires each air taxi operator to carry liability insurance for passengers in an amount of at least $75,000 per passenger and for each occurrence in any one aircraft an amount of at least equal to the sum produced by multiplying $75,000 by 75 percent of the total number of passenger seats installed in the aircraft, these amounts do not necessarily measure the carrier's legal liability. To the extent that air taxi operators carry passengers in "international transportation" within the meaning of the Warsaw Convention, and in the absence of becoming a signatory to the Interim Agreement, the obligation of the carrier to such passenger would be governed by the Warsaw Convention which provides a limitation of liability of approximately $8,290 per passenger.

The Interim Agreement provides, inter alia, that each carrier shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Warsaw Convention, and by the Interim Agreement, the notice prescribed in such agreement which shall be printed on (1) each ticket; (2) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (3) on the ticket envelope. Air taxi operators subject to Subpart G would also be required to post this tariff rule in accordance with the requirements of § 221.175 (14 CFR Part 221).

The Board's proposal to require certain air taxi operators to assume a higher limit of liability for death or personal injury to passengers than that provided for in the Warsaw Convention, requires a corresponding amendment of a permissive exclusion of liability provision with respect to the insurance coverage required by Part 298.[6] Parts 298 and 208 require air taxi operators and supplemental carriers, respectively, to carry liability insurance in the amount of at least $75,000 per passenger subject to certain conditions set forth in the rules.[7] Each rule contains a standard form of endorsement to the carrier's insurance policy which has the effect of prescribing the insurance company's permissible exclusions from liability. Sections 298.44 (c) and 208.13(c) permit the insurance company to exclude "liability assumed by the named insured under any contract or agreement, unless such liability would have attached to the insured even in the absence of such contract or agreement." The effect of this exclusion would appear to exculpate the insurance company from liability for claims in excess of $8,290, where the Warsaw Agreement would so limit recovery, even though the carrier itself was liable under the Montreal Agreement for claims up to $75,000. Since this result works at cross purposes with the policies underlying the Board's approval of the Montreal Agreement, it is proposed to amend the rule to except from the permissible exclusionary clause the counterparts to the Montreal Agreement. The proposed rule would correct this deficiency.[8]

Proposed rule. It is proposed to amend Parts 208 and 298 of the economic regulations (14 CFR Parts 208, 298) as follows:

1. Amend § 208.13(c) to read as follows:

§ 208.13 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

* * * * *

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement: *Provided, however,* That this exclusion shall not apply to a carrier's waiver of liability limitations under the Warsaw Convention by signing a counterpart to the agreement of carriers (Agreement CAB 18900), as approved by Board Order E–23680, May 13, 1966 agreeing to a minimum liability for injury or death of passengers of $75,000 per passenger, or by agreeing to any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

* * * * *

2. Amend the Table of Contents of Part 298 by redesignating present Subpart G as Subpart H and adopting a new Subpart G as follows:

Subpart G—Waiver of Liability Limits Under Warsaw Convention

Sec.
298.70 Waiver of liability limitations.

Subpart H—Violations

298.80 Enforcement.

3. Amend paragraph (a) of § 298.3 to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in the direct air transportation of passengers and/or property, and/or in the transportation within the 48 contiguous States, Alaska[9] or Hawaii of mail by aircraft and which:

(1) Do not, directly or indirectly, utilize in air transportation large aircraft (other than turbojet aircraft authorized for use by air taxi operators pursuant to § 298.21);

(2) Do not hold a certificate of public convenience and necessity or other economic authority issued by the Board;

(3) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in Subpart D of this part; and

(4) File with the Board's Docket Section a signed counterpart of CAB Agreement 18900 in the form attached hereto as Appendix B, and a tariff embodying the provisions of the counterpart in the form attached hereto as Appendix A, if required by Subpart G of this part.

Provided, however, That any authority granted in this part to engage in the transportation of mail is limited to the carriage of mail on a nonsubsidy basis; i.e., on a service mail rate to be paid entirely by the Postmaster General, and the air taxi operator shall not be entitled to any subsidy payment with respect to any operations conducted pursuant to any authority granted in this part.

* * * * *

4. Amend paragraph (b) of § 298.11 to read as follows:

§ 298.11 Exemption authority.

Air taxi operators are exempt from the following provisions of title IV of the Act:

* * * * *

(b) Section 403, except that the requirements of that section shall apply to (1) tariffs for through rates, fares, and charges filed jointly by air taxi operators and certificated air carriers; and (2) tariffs which embody the terms of the Interim Agreement (CAB 18900), approved by Board Order E–23680, May 13, 1966, and any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party, filed by air taxi operators subject to Subpart G of this part, in the form attached hereto as Appendix A. With respect to subparagraph (1) of this paragraph, Part 221 of the Board's economic regulations in this chapter shall be applicable; with respect to subparagraph (2) of this paragraph, Part 221 of the Board's economic regulations shall be applicable, except to the extent that such regulations are inconsistent with the requirements herein.

* * * * *

5. Amend § 298.44(c) to read as follows:

§ 298.44 Authorized exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate or insurance required by this part shall contain any exclusion other than the following authorized exclusions:

* * * * *

(c) Liability assumed by the named insured under any contract or agreement, unless such liability would have attached to the insured even in the absence of such contract or agreement: *Provided, however,* That this exclusion shall not apply to a carrier's waiver of liability limitations under the Warsaw Agreement by signing a counterpart to the agreement of carriers (CAB 18900), as approved by Board Order E–23680, May 13, 1966, agreeing to a minimum liability for injury or death of passengers of $75,000 per passenger, or any amendment or amendments to such agreement which may be approved by

[6] Amendment of a similar provision in the insurance policy provisions applicable to supplemental air carriers in Part 208 is also required.

[7] See §§ 298.43 and 208.12.

[8] Appendix B to Part 298 (CAB Form 262) which is the standard endorsement contains a similar provision in paragraph 4(c). If the Board adopts the proposed rule, Appendix B to Part 298 will be modified when the rule is finalized. This also applies to a corresponding provision in the Standard Endorsement applicable to insurance coverage for supplemental air carriers (CAB Form 607 with respect to Part 208).

[9] The authority of air taxis to carry mail in Alaska is limited to the markets where regular service may be provided under this part.

the Board and to which the holder becomes a party.

* * * * *

6. Adopt a new Subpart G to read as follows:

Subpart G—Waiver of Liability Limits Under the Warsaw Convention

§ 298.70 Waiver of liability limitations.

Every air taxi operator which:

(a) Is a "commuter air carrier" as defined in Subpart A of this part;

(b) Is a party to an interline agreement with a certificated air carrier or a foreign air carrier; or

(c) Is engaged in the carriage of passengers in air transportation between any point in the United States and any point outside thereof,

shall file with the Board's Docket Section a signed counterpart to Agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and Hague Protocol approved by Board Order E–23680 dated May 13, 1966, in the form attached hereto as Appendix B (CAB Form _____), and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party. As used in this subpart, "interline agreement" refers to an agreement between an air taxi operator, on the one hand, and one or more certificated air carriers or foreign air carriers, on the other hand, whereby the air taxi operator is authorized to ticket its passengers over the system of the air carrier or foreign air carrier and/or the latter is authorized to ticket its passengers over the system of the air taxi operator.

7. Redesignate existing Subpart G as Subpart H—Violations, and redesignate § 298.70 as § 298.80.

APPENDIX A

FORM OF TARIFF REQUIRED BY SECTION 298.11(B)

(1) CAB No. 1 _____

(2) (show carrier's name)
(hereinafter referred to as "the Carrier")

PASSENGER TARIFF NO. 1

Limitation of Liability for Death, Wounding, or Other Bodily Injury

The Carrier shall avail itself of the limitation of liability provided in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw October 12th, 1929, or provided in the said Convention as amended by the Protocol signed at The Hague September 28th, 1955. However, in accordance with Article 22(1) of said Convention, or said Convention as amended by said Protocol, the Carrier agrees that, as to all international transportation by the Carrier as defined in the said Convention, or said Convention as amended by said Protocol, which, according to the Contract of Carriage, includes a point in the United States of America as a point of origin, point of destination, or agreed stopping place

(1) The limit of liability for each passenger for death, wounding, or other bodily injury shall be the sum of US $75,000 inclusive of legal fees and costs, except that, in case of a claim brought in a State where provision is made for separate award of legal fees and costs, the limit shall be the sum of US $58,000 exclusive of legal fees and costs.

(2) The Carrier shall not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention or said Convention as amended by said Protocol.

Nothing herein shall be deemed to affect the rights and liabilities of the Carrier with regard to any claim brought by, on behalf of, or in respect of any person who has wilfully caused damage which resulted in death, wounding, or other bodily injury of a passenger.

Issued: (3) _____ Effective: (4) _____

Issued by:

(5) (show name and title of carrier's issuing officer)

(show principal business address)

(Actual size of above tariff shall be 8½ by 11 inches with left clear margin of not less than 1 inch) (Tariff shall be prepared by printing or other durable process)

(1) Initial tariff shall be designated CAB No. 1 (subsequent tariffs shall be consecutively numbered CAB No. 2, CAB No. 3, etc.)

(2) Carrier's name shall be shown in the same manner as it appears in the signed counterpart of Agreement CAB 18900.

(3) Show date when tariff is prepared and sent to the Board for filing.

(4) Show effective date giving 30 days' notice (tariff must be received by Board at least 30 days prior to effective date shown).

(5) The issuing officer shall be a corporate officer, individual owner, or partner.

CAB Form No. _____

APPENDIX B

AGREEMENT

The undersigned carriers (hereinafter referred to as "the Carriers") hereby agree as follows:

1. Each of the Carriers shall effective May 16, 1966, include the following in its conditions of carriage, including tariffs embodying conditions of carriage filed by it with any government:

"The Carrier shall avail itself of the limitation of liability provided in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw October 12th, 1929, or provided in the said Convention as amended by the Protocol signed at The Hague September 28th, 1955. However, in accordance with Article 22(1) of said Convention, or said Convention as amended by said Protocol, the Carrier agrees that, as to all international transportation by the Carrier as defined in the said Convention or said Convention as amended by said Protocol, which, according to the Contract of Carriage, includes a point in the United States of America as a point of origin, point of destination, or agreed stopping place:

"(1) The limit of liability for each passenger for death, wounding, or other bodily injury shall be the sum of US $75,000 inclusive of legal fees and costs, except that, in case of a claim brought in a State where provision is made for separate award of legal fees and costs, the limit shall be the sum of US $58,000 exclusive of legal fees and costs.

"(2) The Carrier shall not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention or said Convention as amended by said Protocol.

Nothing herein shall be deemed to affect the rights and liabilities of the Carrier with regard to any claim brought by, on behalf of, or in respect of any person who has willfully caused damage which resulted in death, wounding, or other bodily injury of a passenger."

2. Each carrier shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention, or the Convention as amended by the Hague Protocol, and by the special contract described in paragraph 1, the following notice, which shall be printed in type at least as large as 10 point modern type and in ink contrasting with the stock on (i) each ticket; (ii) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (iii) on the ticket envelope:

"Advice to International Passenger on Limitation of Liability

"Passengers on a journey involving an ultimate destination or a stop in a country other than the country of origin are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to the entire journey, including any portion entirely within the country of origin or destination. For such passengers on a journey to, from, or with an agreed stopping place in the United States of America, the Convention and special contracts of carriage embodied in applicable tariffs provide that the liability of [certain] [(name of carrier) and certain other][1] carriers parties to such special contracts for death of or personal injury to passengers is limited in most cases to proven damages not to exceed US $75,000 per passenger, and that this liability up to such limit shall not depend on negligence on the part of the

[1] Either alternative may be used.

carrier. For such passengers traveling by a carrier not a party to such special contracts or on a journey not to, from, or having an agreed stopping place in the United States of America, liability of the carrier for death or personal injury to passengers is limited in most cases to approximately US $8,290 or US $16,580.

"The names of Carriers parties to such special contracts are available at all ticket offices of such carriers and may be examined on request.

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

3. This agreement shall be filed with the Civil Aeronautics Board of the United States for approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended, and filed with other governments as required. The Agreement shall become effective upon approval of said Board pursuant to said section 412.

4. This Agreement may be signed in any number of counterparts, all of which shall constitute one Agreement. Any carrier may become a party to this Agreement by signing a counterpart hereof and depositing it with said Civil Aeronautics Board.

5. Any carrier party hereto may withdraw from this Agreement by giving twelve (12) months' written notice of withdrawal to said Civil Aeronautics Board and the other Carriers parties to the Agreement.

[F.R. Doc. 70-567; Filed, Jan. 14, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 18777; FCC 70-2]

GOVERNMENT SPACE RESEARCH EARTH STATIONS

Limited Access to Frequency Band

In the matter of amendment of Parts 2 and 74 of the Commission's rules to permit continued limited access to the frequency band 1990–2110 MHz for Government space research earth stations.

1. On February 3, 1965, the Commission adopted a report and order in Docket No. 15666 amending Parts 2 and 74 of the rules to make provisions for certain Government space research earth stations. The terms of those provisions were set forth in a footnote to the Table of Frequency Allocations, reading as follows:

US96 In the band 1990–2110 Mc/s, the frequencies 2106.4 Mc/s and 2101.8 Mc/s may be authorized for Government earth station transmissions in connection with Project Apollo, until December 31, 1970, at the following sites only:

Goldstone, Calif. (35°23'20" N., 116°50'53" W.).

Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.).

Kauai, Hawaii (22°07'31" N., 159°40'16" W.).

Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.).

Full power operation shall occur only when spacecraft launched as a part of Project Apollo are in actual flight. During such operation, the carrier shall be fully modulated at all times to ensure dispersal of the transmitted power, and transmissions shall not occur using antenna elevation angles of less than 3° above the horizontal plane. Operation at all other times shall be confined to laboratory tests or subdued radiation spacecraft tests, subject to the condition that no harmful interference is caused to TV broadcast auxiliary stations.

2. Footnote US96 was modified by a subsequent order, adopted September 15, 1965, which added one additional earth station location, namely:

Guam, Mariana Islands (13°18'34" N., 144° 44'10" E.).

3. The Commission now has before it a request from the Office of Telecommunications Management (OTM) for the Commission's views with respect to a proposal by the National Aeronautics and Space Administration (NASA) concerning additional use of one of the frequencies referred to above, 2106.4 MHz. NASA proposes that this frequency be used with 5000F9 emission and a mean power of 10 kW as an up-link for tracking, ranging, and telecommand functions of its expanding general space research program at each of the five locations cited in US96. This usage would be in addition to that provided by US96, which is limited to Project Apollo and which is presently time-limited to December 31, 1970.

4. NASA's proposal is consistent with United States planned use of this band as expressed in the Commission's fourth notice of inquiry in Docket No. 18294 and in the Preliminary Views of the USA for the World Administrative Radio Conference for Space Telecommunications which were attached to the Commission's fifth notice of inquiry in that same docket. The fourth notice proposed modification of an existing footnote to the International Table of Frequency Allocations to read as follows:

356A The bands 1750–1850 and 2025–2110 MHz may also be used for earth-to-space transmissions, subject to agreement between the administrations concerned and those having services operating in accordance with the table, which may be affected.

No adverse comments were filed in response to that proposed modification. However, in the interest of clarity, that footnote was further modified in the preliminary views to form two footnotes to deal with the two frequency bands separately. That concerned with the higher band read as follows:

356AB In the band 2025–2110 MHz earth-to-space transmissions in the space research and earth sciences satellite services may be authorized.

Again, no adverse comments were filed with respect to the proposed additional use of this band.

5. If the forthcoming Space Conference adopts the U.S. proposal above, it is intended that our national implementation will be limited to a case-by-case consideration of earth station applications, which are expected to be few in number. With respect to the instant NASA proposal, we are fortunate in having extensive operational experience as a background upon which to base our judgement. To date, NASA has operated on both 2106.4 and 2101.8 MHz at each of its five locations in full conformity with the terms of footnote US96 during all of the Apollo flights, with a mean power of 10 kW and 3600F9 emission. These frequencies, as well as the authorized bandwidths thereon, lie within a single channel (2093–2110 MHz) designated in § 74.602(a) as available for assignment to television auxiliary broadcast stations. The only reported case of interference was resolved with the cooperation of the parties involved. All other things being equal, there is even less potential for interference in the new proposal since the same power would be dispersed over a wider bandwidth and again the total emission would be contained within the single channel 2093–2110 MHz.

6. Section 74.602(a), as now written to reflect footnote US96, specifies that when Apollo spacecraft are in flight, TV auxiliary broadcast stations operating in the channel 2093–2110 MHz must accept any interference experienced from space research earth stations associated with the flight. The Commission would not expect to impose a similar restriction on its licensees with respect to other-than-Apollo spacecraft.

7. Commission concurrence in the NASA proposal would appear to be in the public interest, in that existing facilities of the Government could be put to more extensive use in the space research program while, at the same time, Commission licensees in the same band can be protected from harmful interference from that expanded space research program.

8. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, the Commission proposes to accommodate the NASA proposal by amending Parts 2 and 74 of its rules as set forth below.

9. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, any interested person who is of the opinion that the proposed amendments should not be adopted in the form set forth herein may file with the Commission on or before February 24, 1970, written data, views or arguments setting forth his comments. Comments in support of the proposals also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before March 11, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with § 1.419 of the Commission's rules, an original and 14 copies of all statements, views, or comments filed shall be furnished the Commission.

Adopted: January 8, 1970.

Released: January 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Amend Part 2, § 2.106, as indicated below: Amend the Table of Frequency Allocations by inserting a new footnote indicator US___ in Column 6 for the frequency band 1850–2200 MHz.

US___ Government space research earth stations may be authorized to use the frequency 2106.4 MHz for earth-to-space transmissions for tracking, ranging and telecommand purposes at only the sites listed below. Such transmissions shall not cause harmful interference to non-Government operations.

Goldstone, Calif. (35°23'20" N., 116°50'53" W.).
Cape Kennedy, Fla. (28°28'54" N., 80°34'35" W.).
Kauai, Hawaii (22°07'31" N., 159°40'16" W.).
Corpus Christi, Tex. (27°39'19" N., 97°22'49" W.).
Guam, Mariana Islands (13°18'34" N., 144°-44'10" E.).

2. Amend Part 74, § 74.602(a), by adding the following paragraph to footnote 1 thereof:

Additionally, without a specified termination date, the frequency 2106.4 Mc/s may be assigned at the above named locations for earth-to-space transmissions for tracking, ranging and telecommand purposes in connection with other-than-Apollo space research programs. Such transmissions shall not cause harmful interference to TV auxiliary stations.

[F.R. Doc. 70-549; Filed, Jan. 14, 1970; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18781; FCC 70-42]

SEVEN DAY RULE

Notice of Proposed Rule Making

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. With the increasing use of radio and television in political campaigns, the Commission long ago recognized the necessity on the part of a licensee to be aware of its obligations to other opposing candidates arising from the use of the station's facilities by one candidate for the same public office. By reason thereof the Commission on August 7, 1959, adopted what has become known as the "Seven Day Rule" in implementation of section 315 of the Communications Act of 1934, as amended. This rule reads as follows:

A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the prior use occurred. §§ 73.120(e), 73.290(e), and 73.657(e).[1]

As the Commission has stated, the rule was adopted

* * * in order to permit orderly planning of station activities in political broadcast situations (e.g., candidate A might use many hours of time over an extensive period, with his rival, B, waiting until the last week to claim his "equal time" and thus taking up a very considerable part of the station's hours of operation in that last week).[2]

Having been made aware, by the filing of a request within 7 days of a specific section 315 use, of his obligations to accord equal time to opposing candidates on some date in the future, the licensee would have reasonable opportunity to and would be on notice that he had to make adequate provision in his program schedule for compliance with such section 315 obligations. The Commission has recognized that, if licensees are not able to make orderly programing projections,

* * * some licensees might have a tendency to avoid, to some degree, the presentation of political broadcasts—a tendency which would not serve the public interest.[3]

3. In a case arising in the latter part of 1968, in connection with the U.S. senatorial campaign in the State of New York, the Commission for the first time had occasion to address itself directly to one specific aspect of this rule under the language adopted in 1959.[4] This case involved a "Section 315 use" by one candidate on September 23, 1968. Within 1 week thereafter an opposing candidate made a request for equal opportunities and subsequently appeared on the station's facilities on October 13, 1968. This appearance having been previously announced, a third candidate filed a request for equal opportunities with the station on October 10th or 11th. In these circumstances we held that the request by the third candidate was timely filed within the language of the Seven Day Rule. As we then stated:

The rule reads in terms of a request being submitted to the licensee within 1 week of the day on which the prior use occurred; to have the restrictive effect urged by [the licensee],[5] the rule would have to be explicitly worded in terms of the prior first (or initiating use. We therefore can and do decide this matter based on the proper construction of our rule.[6]

We remain of the view that the present wording of § 73.657(e) compels this construction.

4. However, our further consideration of this problem leads us to the view that the rule as presently written may well have an adverse effect upon the orderly planning of station activities in political broadcast situations. If a licensee is to be afforded a reasonable opportunity to establish future program schedules in the light of his section 315 obligations, he must have some specific knowledge as to the extent of those obligations within a reasonable time after opposing candidates have acquired the right to "equal opportunities." While placing no limitation on when a candidate must actually use his "equal time" (but not permitting unreasonable accumulation of such "equal time" rights), we believe that the licensee should know of his section 315 obligations not later than 7 days after they first arise. This result may be defeated, under the present language of the rule, in a significant number of instances where a licensee permits a second candidate to use equal time rights considerably after the first candidate has appeared. The problem is becoming an increasingly significant one in view of the large number of multicandidate races. Further, in any instance where a licensee's obligation to accord equal time is in dispute, the time expended in seeking a Commission ruling, or judicial review thereof, may well produce a multitude of additional equal time requests by other candidates in the event it is determined that the complaining candidate was entitled to equal time. Indeed, where the "equal opportunities" appearance of a second candidate takes place shortly before an election the licensee may be unable to accord "equal opportunity" on a comparable basis to all candidates in the time remaining before the election.[7]

5. To avoid this clearly undesirable situation, we propose to amend the Seven Day Rule to read as follows:

A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the first prior use, giving rise to the right to equal opportunities, occurred: *Provided, however,* That where the person was not a candidate at the time of such first prior use, he shall submit his request within 1 week of the first subsequent use after he has become a legally qualified candidate for the office in question.

As revised, this rule would operate not to defeat or eliminate a candidate's section 315 rights but merely to place them in a reasonable time frame with reference to the date upon which his rights first arose. Any candidate requesting equal opportunities could do so within 7 days after he first acquired such

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[1] Commissioners Johnson and H. Rex Lee absent.

[1] This rule was adopted for CATV systems in § 74.1113(d) on Oct. 24, 1969.

[2] Letter to William S. Green, Oct. 23, 1968, 15 FCC (2d) 96.

[3] Ibid.

[4] A prior ruling by the staff in 1962 which reached a different result was not appealed to the Commission. See In re Herbert Steiner, 40 FCC 1087.

[5] (I.e., to construe the 7 day period as expiring on Sept. 30, 1968).

[6] See footnote 2, supra.

[7] See, for example, Taft Broadcasting Company v. Federal Communications Commission and United States of America, D.C. Cir. Case No. 22445, Oct. 31, 1968. In that case Taft sought both Commission, and thereafter, judicial review of a section 315 ruling concerning a program broadcast in September 1968. The court's decision, although expedited, was handed down just 5 days before the election and if all the other presidential candidates had requested "equal time" in connection with the complaining candidate's belated appearance, the licensee probably could not have complied with such requests on the comparable basis required by the Commission and section 315.

rights by reason of the appearance of an opposing candidate. However, he could not sit on these rights for an extended period and decide to assert them only when still another candidate, having made his timely request, was accorded equal opportunities at a much later date. It is our view that this proposed revision of the rule would permit licensees to be able to determine the extent of their future section 315 obligations within a reasonable time after such obligations could arise and at the same time considerable flexibility on the part of candidates for public office, having made timely requests for equal opportunities, to schedule their appearances at a reasonably later date consonant with their particular campaign policies. The proviso serves the obvious purpose of implementing the "equal opportunities" purposes of section 315 as to new candidates and still permitting as much reasonable planning as feasible on the part of licensees.

6. This amendment is proposed pursuant to authority contained in sections 4(i) and 315(c) of the Communications Act of 1934, as amended.

7. In accordance with the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 20, 1970, and reply comments on or before March 3, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed, shall be furnished the Commission.

Adopted: January 8, 1970.

Released: January 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[5]

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

[F.R. Doc. 70-550; Filed, Jan. 14, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1201]

[No. 32153]

UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

Notice of Extension of Time for Filing Written Representations

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a request by the Economics and Finance Department of the Association of American Railroads on behalf of the Executive Committee of the Accounting Division for the railroads, for an extension of time within which to file written representations; and good cause appearing:

It is ordered, That the notice of proposed rule making dated October 7, 1969, be modified and it is hereby modified as follows:

(1) That the date for all interested persons to file written representations containing statements of fact and argument is extended from December 15, 1969, to January 31, 1970;

And it is further ordered, That in all other respects the Commission's notice of proposed rulemaking dated October 7, 1969, as modified, remains in full force and effect.

Dated at Washington, D.C., this 29th day of December 1969.

By the Commission, Commissioner Walrath.

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

[F.R. Doc. 70-560; Filed, Jan. 14, 1970; 8:48 a.m.]

WATER RESOURCES COUNCIL

[18 CFR Part 703]

GRANTS TO STATES FOR WATER AND RELATED LAND RESOURCES PLANNING

Notice of Proposed Rule Making

Notice is hereby given that the Water Resources Council, under the authority contained in section 402, 79 Stat. 244, 42 U.S.C. 1962d–1, proposes to revise Part 703 of Chapter VI, Title 18 of the Code of Federal Regulations, as set forth below.

Part 703 established rules and regulations under which States may apply for grants from the Water Resources Council to carry out comprehensive water and related land resources planning on an accelerated basis (31 F.R. 14720; 32 F.R. 712).

In the revised Part 703 below, a number of substantive revisions have been made in the light of the Council's experience with its grant program under title III of the Water Resources Planning Act, 79 Stat. 244, 42 U.S.C. 1962c. The Council believes that these revisions will improve administration of the program.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to revise Part 703 to the Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Suite 900, Washington, D.C. 20005, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

REUBEN J. JOHNSON, *Acting Executive Director, Water Resources Council.*

JANUARY 9, 1970.

PART 703—GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

Sec.
703.1 Purpose of Part 703.
703.2 Definitions.
703.3 Allotments.
703.4 Procedures for applications.
703.5 Contents of applications.
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703.7 Annual report and program review.
703.8 Program costs and accounting.
703.9 Payments.
703.10 Records.
703.11 Reports and publications.
703.12 Nondiscrimination in federally assisted programs.
703.13 Supplemental instructions.

AUTHORITY: The provisions of this Part 703 issued under sec. 402, 79 Stat. 244; 42 U.S.C. 1962d–1.

§ 703.1 Purpose of Part 703.

This part sets forth the regulations that apply to Water Resources Council grants to the States for comprehensive water and related land resources planning as authorized by title III of the Water Resources Planning Act (Public Law 89–80, 79 Stat. 244). The purpose of this part is to describe the method of administration of grants to States to encourage increased:

(a) State participation in Federal-State comprehensive water and related land resources planning;

(b) State preparation of plans in light of regional and national plans and programs for the development and use of a State's water and related land resources;

(c) State training of personnel, where necessary, to develop additional technical planning capability.

§ 703.2 Definitions.

For purposes of administering this Part 703, the following definitions shall apply:

(a) "Act" means the Water Resources Planning Act (79 Stat. 244).

(b) "Application" means a document submitted by a State for consideration by the Council for a grant.

(c) "Augmented planning" means an increase in planning of water and related land resources undertaken by a State, measured by increased expenditures of non-Federal funds for comprehensive water and related land resources planning above the expenditure for the 12-month base period ending June 30, 1965.

(d) "Component" means one of three major subdivisions of the planning process: (1) General studies or analyses of broad utility such as of population, economics, geology, or soils, and inventories that are needed in comprehensive planning; (2) specialized studies, such as for water pollution, recreation, water and sewer programs, and flood control; and (3) plan formulation, including feasibility studies of specific projects.

(e) "Comprehensive water and related land resources planning" as applied to the State planning effort, means those overall activities, investigations, and

[5] Commissioner Cox concurring and issuing a statement which is filed as part of the original document. Commissioners Johnson and H. Rex Lee absent.

studies (1) necessary for making coordinated decisions relating to the conservation, control, management, and use, including preservation as well as development, of water and related land resources (including flood plains, coastal and estuarine areas) within a State or a region, intrastate or interstate in nature; (2) which consider the potential for all water and related land resources use from the standpoint of present and future needs; and (3) which include provision for participation by all public and private agencies or interests that may affect or be affected by resource management. Such planning may include the process of selecting between alternative proposals and may consider institutional changes leading toward implementation of the selected plan.

(f) "Council" means the Water Resources Council established by section 101 of the Water Resources Planning Act.

(g) "Designated State agency" means a permanent agency of a State designated by State law or, in the absence of such State law, by the Governor to administer and coordinate a State comprehensive water and related land resources planning program and to act as liaison with the Council.

(h) "Executive Director" means the principal executive officer of the Water Resources Council.

(i) "Fiscal year" means a 12-month period ending on June 30, unless otherwise specified.

(j) "Land area of a State" means the land and inland water area of a State as defined and set forth in Table 3 on pp. 263–264 of Boundaries of the United States and the Several States, Geological Survey Bulletin 1212, U.S. Government Printing Office, Washington, 1966, or revisions thereof.

(k) "Per capita income of a State" means the average of the most recent 3 years of official U.S. Department of Commerce per capita income figures for the State.

(l) "Population of a State" means the latest official estimate of the U.S. Department of Commerce available on or before January 1 preceding the fiscal year for which funds are appropriated.

(m) "Program" means a coordinated set of planning activities designed to accomplish the best use, development, management, control, conservation, and preservation of the water and related land resources of a State in accordance with the criteria enumerated in section 303 of the Act. A program may be divided into elements, based on geography, political subdivisions, or kind of development, and may include appropriate administration and training of personnel.

(n) "Related land resources" means that land on which present or projected use or management practices cause significant effects on the quantity and/or quality of the water resource, and that land the use or management of which is significantly affected by or depends on existing and proposed measures for management, development or use of water resources.

(o) "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(p) "Supplemental instructions" means detailed instructions issued (in accordance with § 703.13) for the purpose of amplifying this part and facilitating grant applications.

§ 703.3 Allotments.

(a) An allotment of funds may be awarded to any State after a written application is approved by the Council. Within limitations prescribed by paragraph (b) of this section, the Council may grant up to 50 percent of the cost of a State's approved planning program. The non-Federal funds which comprise a portion of the cost of the approved program shall be eligible to match an allotment made from the Council only to the extent of increases in the non-Federal expenditures of the program above those incurred during a "base period" of one year ending June 30, 1965. In exceptional circumstances the Council may approve a longer base period. In addition, the base period may be adjusted because some States have different terminating dates for their fiscal year, but in no event can the base period terminate after June 30, 1965. Once established, the base level of expenditures for such a period is intended to remain as the base for calculating non-Federal funds eligible for matching.

(b) The funds appropriated pursuant to section 301(a) of the Act for any fiscal year for grants to States shall be allotted among the participating States in accordance with section 302(a) of the Act as follows:

(1) Fifteen percent of the funds in the ratio that the population of each State bears to the population of all the States,

(2) Fifteen percent of the funds in the ratio of the land area of the State to the total land area of all the States,

(3) Thirty percent of the funds in the ratio that the reciprocal of the per capita income of a State bears to the sum of the reciprocals for all the States, and

(4) Forty percent of the funds according to the need for comprehensive water and related land resources planning programs in each State, as determined by the Council.

(c) In determining the need of a State for comprehensive water and related land resources planning as specified in paragraph (b)(4) of this section, the Council shall consider:

(1) Crucial nature or immediacy of water and related land resources problems,

(2) Importance of the contribution of a State to Federal or Federal-State planning of water and related land resource use and development in its region,

(3) Specific opportunity for a State to make a substantial advance in comprehensive water and related land resources planning,

(4) Progress toward developing State staff capability for comprehensive water and related land resources planning, and

(5) Such other factors as the Council may determine to be relevant.

(d) Within 30 days after publication of the President's budget each year, the Council shall publish a tabulation showing the tentative distribution of funds to each State, based on the appropriation requested by the President for the next fiscal year. This publication does not confer entitlement to such funds; it is simply a preliminary figure that can be used by the States for budgetary planning purposes.

(e) Before any allotment may be paid, a State must submit and obtain Council approval of its application. Commitments for financial assistance are made only on the basis of an approved application and the availability of funds appropriated by the Congress.

(f) Because of the need to make funds available promptly for use by the States, the Council will recalculate allotments and distribute funds to the participating States as soon as possible after July 1 each year.

§ 703.4 Procedures for applications.

(a) *New applications.* Within 90 days after publication of the tentative allotments for any fiscal year, any State not having a program already approved for the coming fiscal year and interested in obtaining a grant for the following fiscal year for comprehensive water and related land resources planning shall submit to the Council an application which conforms to § 703.5. The detailed program of this application may be for one or more years or for a whole planning program leading to a completed State plan. Budget estimates may be shown for more than 1 year, with the understanding that except for the first year they are only estimates and subject to annual amendment and resubmission for approval.

(b) *Annual supplemental applications.* During any multiyear period for which a program has been approved, each State shall submit by the 90-day deadline each year any substantive amendments to the approved program that are proposed, and a budget for the coming fiscal year.

(c) *Renewed applications.* When a detailed program covering more than 1 year has been approved by the Council, a new application as outlined in §703.5 will be required for any additional period.

§ 703.5 Contents of applications.

A new or renewed application submitted by a State for approval shall present concise statements and, where helpful or necessary, charts or tabulations conveying information needed by the Council. A detailed form for preparation of the application, conforming to the following outline, will be supplied to the applicant:

(a) Name of State.

(b) Designated State agency: Name the designated State agency, and give name, title, and address of the chief officer of the agency.

(c) Authority: Cite the statutory or other authority of the designated agency to administer or perform water and related land resources planning in accord with the Act.

(d) Coordination:

(1) Include assurances that:

(i) State comprehensive water and related land resources planning will be in harmony with other planning by the State or any governmental entity within the State;

(ii) The economic and other relevant assumptions and projections to be used will be in harmony with those of other planning programs;

(iii) Optimum joint use will be made of equipment, personnel, and existing data among the various State planning programs; and

(iv) Steps taken, and to be taken, by the State will provide for statewide coordination of comprehensive water and related land resources planning with other comprehensive planning efforts in accord with section 303(2) of the Act, and Bureau of the Budget Circular No. A-95 (July 1969), including a provision that the Governor of the State will be given opportunity to review and comment on the proposed boundaries of multijurisdictional planning areas.

(2) Show also the steps to be taken for coordination of the State program with:

(i) Comprehensive statewide planning being carried on with assistance of grants made under section 701 of the Housing Act of 1954, as amended (68 Stat. 590); under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897); or under section 314(a) and 314(b) of the Comprehensive Health Planning and Public Health Service Amendments of 1966 (80 Stat. 1180), for statewide and areawide comprehensive health planning;

(ii) The work of commissions created under title II of the Act (79 Stat. 244) insofar as areas in the State are covered by such commissions;

(iii) Water pollution control programs in the State, including those conducted pursuant to the Federal Water Pollution Control Act, as amended (75 Stat. 204), and those developed by the Federal Water Pollution Control Administration as a part of comprehensive, coordinated, joint plans for river basins done in accordance with section 201(b)(2) of the Act and as authorized by other acts;

(iv) Comprehensive water and related land resources planning, relating to economic development planning conducted within the State in accordance with titles III, IV, and V of the Public Works and Economic Development Act of 1965 (79 Stat. 552) and in accordance with section 206 of the Appalachian Regional Development Act of 1965 (79 Stat. 5);

(v) Comprehensive planning for the development of water and sewer systems in rural areas under the Consolidated Farmers Home Administration Act of 1961 (75 Stat. 307), as amended;

(vi) research done under the Water Resources Research Act (78 Stat. 329).

(e) Participating State agencies: List all State agencies administered or coordinated by the designated State agency and indicate whether each agency will be assisted by Federal funds granted under title III. Indicate also how coordination by the designated agency is related to the State "clearing house" agency established in compliance with Bureau of the Budget Circular No. A-95 (July 1969).

(f) Relationship to other State agencies: Describe how the planning to be done by the designated and participating State agencies is related to that to be done by other State planning and development organizations, such as intrastate river basin commissions and authorities, and special agencies in the State which have particular watershed or river basin jurisdictions or functions. This description should also provide for coordination with comprehensive statewide development planning, whether or not such planning receives Federal financial assistance.

(g) Relationship to Federal and Federal-State planning programs: Describe how the State's planning work will be coordinated with related work of Federal and Federal-State planning programs.

(h) Need for augmented planning: Include statements on at least the criteria set forth in § 703.3(c) (1), (2), (3), and (4) to assist the Council in appraising the need for comprehensive water and related land resources planning among the States for the purpose of allotting the 40 percent of Federal title III funds available for distribution on the basis of planning need.

(i) Planning procedure: Describe the overall State program for comprehensive planning for water and related land resources development for which a title III grant is sought, including its expected duration. Summarize the steps to be followed in completing the State plan, projected on a year to year basis to the extent possible. Describe the major steps in planning, including provisions for obtaining necessary economic projections and other basic data. A flow chart or charts depicting the contemplated rate of progress in completing work within the various categories will be helpful.

(j) Detailed program: Outline specifically the planning program scheduled for the coming fiscal year or years for which Council approval is requested. Show for each of the several substantive components of the planning program, for the fiscal year of each annual request, an estimate of the budgeted amounts of State and Federal funds to be assigned to each component.

(k) Available information: Provide information about the nature and extent of water and related land resources, the status of their development, and their economic significance in the State, together with references to available data on each of these aspects.

(l) Current status of planning: Describe the State's water and related land resources planning programs as of the beginning of the fiscal year for which a title III grant is requested, including:

(1) The water and related land resources being studied.

(2) The planning activities being conducted,

(3) The planning resources in terms of personnel, equipment, funds and accumulated data and information, and

(4) The level of development and the progress of the planning program.

This statement should also indicate the segments of the total planning program that are handled by each participating agency.

(m) Accounting: Name the State agencies or officials responsible for receiving, disbursing, and accounting for Federal Title III and non-Federal matching funds used in planning. Also, indicate briefly in what way these accounts will be kept clearly identifiable.

(n) Civil rights assurance: Provide assurance that the planning will be conducted in compliance with the provisions of title VI of the Civil Rights Act of 1964.

(o) Other Federal grants to State agencies requested or to be requested for the fiscal year for which a Federal Title III grant is being requested: Report all other Federal grants in force, applied for, or expected to be applied for, by the designated State and participating statewide agencies for water and related land resources planning, and for comprehensive planning that includes or is related to water and related land resources planning for the fiscal year of the grant request.

(p) Augmentation and proposed budget: Show the amount of State fund augmentation and supply a proposed budget. In the budget, show the estimated obligations of both State matching and Federal Title III funds for each cost item; the Federal funds requested under title III should not exceed the preliminary estimate for the State, furnished by the Council after publication of the President's budget (see § 703.3 (d)). A revised budget should be submitted in connection with any proposed significant change in an approved program, or change in the method of accomplishing it.

§ 703.6 Federal coordination.

Interagency coordination of actions upon applications for Federal grants to States for planning which includes water and related land resources shall be effected in accordance with §§ 701.60(c) and 701.79(d) of this chapter.

§ 703.7 Annual report and program review.

(a) *Report.* On or before August 1 of each year, each State shall make an annual report to the Council on its approved planning program, providing financial and other information on the progress during the preceding fiscal year, in such form and substance as the Council shall prescribe in supplemental instructions.

(b) *Program review.* Each State's program including its annual report will be reviewed annually by the Council. As a consequence of the annual review and in compliance with sections 303 and 304 of the Act, the following actions may occur:

(1) If it appears to the Council that the State's program conforms to the requirements of section 303 of the Act, the State will continue to be eligible for a grant under title III.

(2) If, on the other hand, it appears that the program no longer complies with the requirements of section 303 in

either design or administration, the Executive Director shall ascertain all the relevant facts. The State agency designated to administer the program shall be given notice in writing, which notice shall state with particularity the apparent inadequacies of the program and shall cite specific requirements of section 303, this part, or supplemental instructions which apparently have not been met. The State shall be given timely opportunity to be heard through the filing of written statements and personal presentations in support of its position.

(3) If the Council shall determine, on the basis of all the facts and after reasonable notice and opportunity for a hearing, that the program does not meet the requirements of section 303, the State shall be notified that no further payments shall be made under the Act. A copy of such decision accompanied by a statement of the supporting facts will be furnished to the State.

(4) When the Council is satisfied that sufficient adjustments have been made in the design and operation of the program, payments to the State will be resumed. A copy of such decision shall be furnished to the State.

§ 703.8 Program costs and accounting.

(a) *Program costs*—(1) *Time of incurrence.* (i) Non-Federal matching funds must be obligated within the fiscal year of the budget set forth in an approved application to qualify as a basis for payment of Federal funds.

(ii) Once obligated to a State, Federal funds shall remain available to the State until expended, subject to the provisions of § 703.7(b): But the persistence of substantial annual balances will be considered in determining the relative need for planning, as the Council determines allotment to the State for subsequent years (see § 703.3(c)).

(2) *Redistribution of funds.* In the event that any State fails to make application for a grant for the current fiscal year, the grant allotment assigned to that State for that year will be retained as a commitment until April 1, at which time the commitment to that State will be withdrawn by the Council and the allotment shall be added to the unobligated title III balances available to the Council.

(3) *Rules on the incurrence of planning costs.* The budgetary practices, rules, and policies of the State as customarily applied, if in accord with generally accepted accounting practices, shall govern for costs incurred on an approved program unless the approved application stipulates a different method.

(4) *Sources of State planning funds.* The sources of a State's share of the cost of a program shall have no bearing on whether or not such costs can be matched by Federal funds, except that other Federal funds or property cannot be used for matching purposes.

(5) *Use of title III grants for other matching.* Federal or non-Federal funds allotted to a title III program shall not be used to meet a State's share of the cost of a Federal-State commission established under title II of this Act or to match Federal funds under any other federally aided program.

(6) *Ceilings on allowable costs.* The amount of each cost item that may be acceptable for Federal matching under this Act shall not exceed the actual cash outlay from non-Federal sources for that item, or the fair market value of the item, whichever is less.

(7) *Expenditures that may qualify as a basis for payment of Federal funds.* (i) Any funds used by a State for water and related land resources planning may be employed to match an allotment under title III of the Act, except that funds used for matching other Federal grants-in-aid or other federally aided programs, or funds specifically prohibited by the Council, may not be used to match allotments under title III. Such expenditures must be reasonable and clearly allocable to the State comprehensive water and related land resources planning effort and may include but are not limited to expenditures for personal services; training of personnel; fringe benefits; consultant fees; equipment, supplies, and materials; travel of employees engaged in the program; contributed personal services; and payment for information services. Consultant services are eligible only to the extent that the development of trained State personnel for comprehensive water and related land resources planning activities is not impaired.

(ii) Detailed standards, listings, and descriptions of allowable and unallowable costs are given in Bureau of the Budget Circular No. A-87, "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government," May 9, 1968.

(b) *Accounting.* Based on generally accepted standards and principles, accounting procedures shall conform to the requirements of Bureau of the Budget Circular No. A-87 unless exceptions are granted by the Council, and shall include:

(1) Itemization of all supporting records of program expenditures in sufficient detail to show the exact nature, amount, and reasonableness of each expenditure;

(2) Maintenance of adequate records, approved by the appropriate official, to show that all salaries and wages charged against the planning program were authorized;

(3) Maintenance of payroll vouchers for salaries and wages;

(4) Cross-referencing of each expenditure with the supporting purchase order, contract, voucher, or bill.

The supporting documents should be endorsed by an official authorized to approve such expenditures.

§ 703.9 Payments.

Payments to the States for carrying out programs approved under § 703.4(c) shall be made according to the following procedure: At the beginning of each calendar quarter, the Executive Director shall determine the amount to be paid to each State in relation to the total estimate for that fiscal year. This amount, subject to availability of appropriations, shall be paid in advance, adjusted by any excess or deficiencies in payments for prior quarters, as reflected in information submitted by the States in accordance with supplemental instructions.

§ 703.10 Records.

(a) The officers of the State agency, designated in compliance with section 303(3) of the Act, that receives funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act and also transactions financed with funds from other sources. In addition, they shall maintain files of all papers necessary to establish the validity of the transactions recorded and their allocability to the State comprehensive water and related land resources planning effort.

(b) Such records, with all supporting and related documents, shall be available at reasonable times, upon request, for inspection and audit by representatives of the Council and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of 3 years after the State agency's last disbursement of such funds.

§ 703.11 Reports and publications.

(a) The results of each completed segment of a comprehensive water and related land resources plan, and of the entire plan, shall be stated in a formal report, to be made available for public distribution. Where a central State planning or coordinating agency exists, such reports shall be referred to such agency for any appropriate review before publication.

(b) Appropriate acknowledgment shall be given in publications, news releases and other media of the Water Resources Council's participation in financing planning under the Water Resources Planning Act.

§ 703.12 Nondiscrimination in federally assisted programs.

In order to carry out the provision of title VI of the Civil Rights Act of 1964 (78 Stat. 252), no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance under the Act.

§ 703.13 Supplemental instructions.

As deemed appropriate the Council may amplify the rules and regulations in this part by means of supplemental instructions.

[F.R. Doc. 70-564; Filed, Jan. 14, 1970; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 4447]

ARIZONA

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

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) it is proposed to classify the public lands described below for transfer out of Federal ownership by National Park System exchanges or State indemnity lieu selection. The transfers would be accomplished by exchange for the Lake Mead National Recreation Area under authority of the Act of October 8, 1964 (16 U.S.C., 460n–460n–9), for Point Reyes National Seashore under authority of the Act of September 13, 1962 (16 U.S.C., 459c–459c–7), for other National Park System areas under authority of the Act of July 15, 1968 (16 U.S.C.A., 460L–22, 1969 Supplement); or State indemnity lieu selection (43 U.S.C., 851–2). As used in this order, the term "public lands means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except for applications consistent with the classification.

3. The lands involved are located in Pima County, Ariz., and are described as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 S., R. 12 E.,
Sec. 23, NW¼;
Sec. 24, NW¼SW¼, E½SW¼, W½SE¼;
Sec. 29, lots 1 through 16 and 23 through 26, inclusive, N½NE¼, SE¼NE¼;
Sec. 30, lots 9 through 72, inclusive;
Sec. 34, lots 5, 46, 67, 69;
Sec. 35, lots 65, 66.
T. 15 S., R. 12 E.,
Sec. 1, lots 8 through 11 and 16 through 23, inclusive;
Sec. 3, lots 1, 2, SW¼NE¼;
Sec. 4, lots 2, 13 through 28 and 39 through 68, inclusive, SW¼NE¼;
Sec. 5, lots 5 through 36, inclusive;
Sec. 8, lots 10 through 26 and 45 through 57, inclusive;
Sec. 10, lots 1 through 8, inclusive, lot 15, lots 25 through 36, inclusive, lots 61 through 64, inclusive, and lots 67, 69, 114;
Sec. 13, lots 2, 4, NW¼NE¼, NW¼, W½SE¼;
Sec. 14, lots 1 through 8, inclusive, E½SE¼, E½NW¼SE¼, SW¼NW¼SE¼;
Sec. 24, N½NE¼NW¼, SW¼NE¼NW¼, NW¼NW¼.
T. 14 S., R. 13 E.,
Sec. 19, SE¼;
Sec. 33, SW¼NW¼.
T. 15 S., R. 13 E.,
Sec. 4, lots 57 through 64 and 65 through 72, inclusive;
Sec. 6, lot 37;
Sec. 7, lots 57, 64, NE¼NE¼NE¼;
Sec. 19, lots 45 through 76, inclusive, NE¼NW¼, SW¼NW¼.

This includes 2,911.30 acres of public land.

4. Information concerning the lands may be received by inquiry or inspection of records at the Phoenix District Office, Bureau of Land Management and Land Office, Bureau of Land Management, Federal Building, 230 North First Avenue, Phoenix, Ariz.

5. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Phoenix District, 3041 Federal Building, Phoenix, Ariz. 85025.

FRED J. WEILER,
State Director.

NOVEMBER 26, 1969.

[F.R. Doc. 70–513; Filed, Jan. 14, 1970; 8:45 a.m.]

[Serial No. N–1881]

NEVADA

Notice of Classification of Public Lands for Multiple Use Management

JANUARY 6, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in paragraph 3. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The record showing the comments received following publication of a notice of proposed classification (33 F.R. 246), or at the public hearing at the Mineral County Court Room, County Court House, Hawthorne, Nev., which was held on January 29, 1969, and other information is on file and can be examined at the Nevada Land Office. The public lands affected by this classification are located within the following described area and are shown on a map designated N–1881 in the Carson City District Office, 801 North Plaza Street, Carson City, Nev. 89701, and the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The overall description of the area is as follows:

MINERAL COUNTY

MOUNT DIABLO MERIDIAN, NEVADA

All of the public lands in Mineral County not previously classified under the 1964 Classification and Multiple Use Act.

The area described aggregates approximately 1,612,209 acres.

3. The public lands listed below, together with any land therein that may become public land due to shoreline reliction, are further segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741, 68 Stat. 173; 43 U.S.C. 869) or the mineral leasing and material sale laws:

MOUNT DIABLO MERIDIAN, NEVADA

Those lands on the west shore of Walker Lake lying between the centerline of U.S. Highway 95 as depicted on R/W No. N–043867 and N–053822 and the existing shoreline of Walker Lake, beginning at a point where the centerline intersects the north section line of sec. 17, T. 11 N., R. 29 E., and ending at a point where the centerline intersects the north section line of sec. 5, T. 9 N., R. 29 E.; and, those lands on the east shore of Walker Lake lying between the centerline of the Southern Pacific Railroad as depicted on R/W No. CC–015259 and the existing shoreline of Walker Lake, beginning at a point where the centerline intersects the north section line of sec. 35, T. 11 N., R. 29 E., and ending at a point where the centerline intersects the south section line of sec. 22, T. 9 N., R. 30 E.; also, those lands described as SW¼SW¼, sec. 5, and the N½NW¼NW¼, sec. 8, T. 1 N., R. 33 E.

The area described aggregates approximately 2,640 acres plus an undetermined acreage of unsurveyed and relicted lands.

4. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 70–541; Filed, Jan. 14, 1970; 8:47 a.m.]

[Nevada Districts 2, 3; California District 2]

NEVADA AND CALIFORNIA

Modification of Grazing Districts

By virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315, et seq.), as amended, and pursuant to authority delegated in 235 D.M. 1.1 (28 F.R. 2535), the boundaries of Nevada Grazing Districts No. 2 and 3 and California Grazing District No. 2 are hereby modified as follows:

1. The following described lands are hereby eliminated from Nevada Grazing District No. 2 and added to California Grazing District No. 2:

MOUNT DIABLO MERIDIAN, NEVADA

T. 31 N., R. 20 E., partly unsurveyed;
Sec. 5, W½;
Secs. 6, 7;
Sec. 8, W½;
Sec. 17, W½;
Sec. 18.
T. 32 N., R. 20 E., partly unsurveyed;
Secs. 5, 6, 7, 8, inclusive;
Secs. 17, 18, 19, 20;
Sec. 29, W½;
Secs. 30, 31;
Sec. 32, W½, SE¼.
T. 33 N., R. 20 E.,
Sec. 5, W½;
Secs. 6, 7, 8;
Sec. 9, SW¼;
Secs. 16, 17, 18, 19, 20, 21;
Sec. 22, W½SE¼;
Sec. 27, W½;
Secs. 28, 29, 30, 31, 32, 33.
T. 34 N., R. 20 E.,
Sec. 30, lots 3, 4, 7, 8;
Sec. 31.
T. 36 N., R. 20 E.,
Secs. 1 to 29, inclusive;
Sec. 30, N½;
Sec. 35, NE¼;
Sec. 36, N½, SE¼.
T. 36 N., R. 21 E.,
Secs. 1 to 12, inclusive;
Sec. 13, W½;
Secs. 14 to 23, inclusive;
Sec. 24, W½;
Sec. 25, NW¼;
Secs. 26 to 35, inclusive.
T. 36 N., R. 22 E.,
Sec. 5, lots 3, 4, S½NW¼, SW¼;
Sec. 6;
Sec. 7, lots 1, 2, 3, 4.
T. 37 N., R. 23 E.,
Secs. 6, 7;
Sec. 18, N½, SW¼.
T. 38 N., R. 23 E.,
Sec. 1, lots 1 to 16, inclusive;
Sec. 2, lots 1 to 16, inclusive;
Sec. 3, lots 1 to 22, inclusive;
Sec. 4, lots 1 to 32, inclusive, and SW¼;
Secs. 5, 6, 7, 8;
Sec. 9, W½;
Secs. 17, 18, 19, 20, inclusive;
Secs. 29, 30, 31, inclusive;
Sec. 32, NE¼, W½.
T. 38 N., R. 23½ E.,
Sec. 1, lots 3 to 6, and 11 to 14, inclusive;
Sec. 2, lots 1 to 12, inclusive.
T. 41 N., R. 23½ E., unsurveyed;
Secs. 1, 12;
Sec. 13, N½, SW¼.
T. 41½ N., R. 23½ E., unsurveyed;
Secs. 25, 36.
T. 41 N., R. 24 E., unsurveyed;
Sec. 4, W½;
Secs. 5, 6, 7;
Sec. 8, N½, SW¼;
Sec. 9, NW¼;
Sec. 18, NW¼.
T. 41½ N., R. 24 E., unsurveyed;
Secs. 28 to 33, inclusive.
T. 42 N., R. 24 E.,
Secs. 1 to 11, inclusive;
Sec. 12, NW¼;
Sec. 14, NW¼;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.

These areas described aggregate 99,703 acres, more or less, of which 95,147 acres, more or less, are public lands under the administrative jurisdiction of the Bureau of Land Management.

2. The following described lands are hereby eliminated from California Grazing District No. 2 and added to Nevada Grazing District No. 2:

MOUNT DIABLO MERIDIAN, NEVADA

T. 34 N., R. 19 E.,
Sec. 24, E½;
Sec. 25, NE¼.
T. 37 N., R. 22 E.,
Sec. 23, SE¼;
Secs. 24, 25, 26;
Sec. 33, S½;
Sec. 34, E½, SW¼;
Secs. 35, 36.
T. 43 N., R. 25 E.,
Sec. 25, S½;
Sec. 35, E½;
Sec. 36.
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 to 17, inclusive;
Sec. 18, E½;
Secs. 20 to 29, inclusive;
Sec. 30, NE¼, S½;
Secs. 31 to 36, inclusive.
T. 44 N., R. 26 E., unsurveyed;
Secs. 1 to 5, inclusive;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8 to 16, inclusive;
Sec. 20, S½, NE¼;
Secs. 21 to 36, inclusive.
T. 45 N., R. 26 E., partly unsurveyed;
Sec. 1;
Sec. 2, lots 1, 8, 9, 15 to 19 and 22 to 32, inclusive, S½;
Secs. 11 to 14, inclusive;
Sec. 15, NE¼, S½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Secs. 33 to 36, inclusive.
T. 46 N., R. 26 E., partly unsurveyed;
Sec. 1;
Secs. 11, 12, 13, 14;
Secs. 23, 24, 25;
Sec. 26, E½;
Sec. 34, SE¼;
Sec. 35;
Sec. 36.
T. 47 N., R. 26 E., unsurveyed;
Secs. 23, 24, 25;
Sec. 26, NE¼;
Sec. 36.

These areas described aggregate 67,643 acres, more or less, of which 66,388 acres, more or less, are public lands under the administrative jurisdiction of the Bureau of Land Management.

3. The following described lands are hereby eliminated from California District No. 2 and added to Nevada District No. 3:

MOUNT DIABLO MERIDIAN, NEVADA

T. 28 N., R. 20 E.,
Sec. 31, SW¼.
T. 27 N., R. 19 E.,
Sec. 1, lot 1, SE¼NE¼, SW¼NE¼, SE¼, NE¼SW¼, S½SW¼;
Sec. 11, NE¼, S½;
Sec. 29, NE¼, S½;
Sec. 30, NW¼, S½.
T. 27 N., R. 18 E.,
Sec. 3, S½;
Sec. 4, NW¼, S½;
Sec. 5;
Secs. 8 to 10, inclusive;
Sec. 11, W½, SE¼;
Sec. 13, W½, SE¼;
Secs. 14 to 16, inclusive;
Secs. 23 to 24, inclusive.

These areas described aggregate 9,320 acres, more or less, of which 8,131 acres, more or less, are public lands under the administrative jurisdiction of the Bureau of Land Management.

4. The following described lands are hereby eliminated from Nevada Grazing District No. 3 and added to Nevada Grazing District No. 2:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 26 E.,
Secs. 1 to 3, 10 to 15, 22 to 24, inclusive, and 27.
T. 20 N., R. 27 E.,
Secs. 3 to 9, 17 to 18, inclusive.
T. 21 N., R. 28 E.,
Secs. 1 to 11, 15 to 21, inclusive, and 30.
T. 23 N., R. 30 E.,
Secs. 2 to 7, inclusive.

These areas described aggregate 28,719 acres, more or less, of which 13,856 acres, more or less, are public lands under the administrative jurisdiction of the Bureau of Land Management.

JOHN O. CROW,
Associate Director.

[F.R. Doc. 70-542; Filed, Jan. 14, 1970; 8:47 a.m.]

NEW MEXICO

Modification of Certain Grazing Districts; Correction

In F.R. Doc. 69-11009 (34 F.R. 14441-14444), in the issue of September 16, 1969, the following correction is hereby made:

At page 14443, near the bottom of the first column, within T. 30 S., R. 19 W., immediately following "Secs. 2 to 11, inclusive" add "Sec. 13, W½;" also, immediately following "Secs. 14 to 23, inclusive;" add "Sec. 24;".

JOHN O. CROW,
Associate Director.

JANUARY 9, 1970.

[F.R. Doc. 70-543; Filed, Jan. 14, 1970; 8:47 a.m.]

[OR 5658]

OREGON

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

JANUARY 7, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands described below.

2. Publication of this notice has the effect of segregating all public lands described below from appropriation only under the agricultural land laws (43

U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934 as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

3. The following public lands were acquired by exchange for the benefit of Multiple-Use Management Programs. The lands are intermingled with lands previously classified for retention and multiple-use management.

WILLAMETTE MERIDIAN

(OREGON 013577)

T. 19 S., R. 41 E.,
Sec. 34, SW¼.

(OREGON 018699)

T. 33 S., R. 18 E.,
Sec. 7, SE¼SW¼, NE¼SE¼, and S½SE¼.

(OR 519)

T. 10 S., R. 46 E.,
Sec. 16, N½, SW¼, and W½SE¼.
A parcel in the E½SE¼ described as follows: Beginning at a point on the south line of said section, which point bears S. 87°19′ E., 478.47 feet, more or less, from the southwest corner of the SE¼SE¼, said point being on the 2,100-foot elevation contour, U.S.G.S. mean sea level datum;
Thence, along said contour by the following courses and distances: N. 19°51′ E., 138.5 feet; N. 11°47′ W., 67.1 feet; N. 00°15′ E., 288.6 feet; N. 32°17′ E., 235 feet; N. 11°38′ W., 134.9 feet; N. 63°57′ W., 103 feet; N. 34°04′ E., 161.2 feet; N. 26°06′ W., 121.5 feet; N. 65°33′ W., 117.8 feet; N. 77°13′ E., 246.1 feet; N. 40°03′ E., 109.2 feet; N. 12°47′ E., 28.8 feet, more or less, to a point on the north line of said SE¼SE¼ said point being S. 87°12′ E., 761.43 feet from the NW corner of said SE¼SE¼; N. 12°47′ E., 274.44 feet; N. 43°16′ E., 99.2 feet; N. 24°58′ E., 116.3 feet; N. 03°08′ W., 103.7 feet; N. 60°56′ E., 92.5 feet; N. 24°54′ E., 220.3 feet; N. 08°04′ E., 66.3 feet; N. 32°59′ E., 308.4 feet, more or less, to a point on the east line of said section, which point bears S. 00°13′ W., 186.60 feet from the quarter corner common to secs. 16 and 15, said T. and R.;
Thence N. 00°13′ E., 186.60 feet to the northeast corner of said NE¼SE¼;
Thence west along the north line thereof to the northwest corner of said NE¼SE¼;
Thence south along the west line of said E½SE¼ to the SW corner of said SE¼SE¼;
Thence S. 87°19′ E., 478.47 feet to the point of beginning.

(OR 876)

T. 12 S., R. 37 E.,
Sec. 35, NE¼SE¼ and S½SE¼.
T. 13 S., R. 37 E.,
Sec. 2, lots 2 and 4, SW¼NE¼, S½NW¼, and SW¼.

(OR 1112)

T. 13 S., R. 44 E.,
Sec. 8, W½SW¼SW¼;
Sec. 17, NE¼NW¼.

The public lands in the areas described aggregate approximately 1,472 acres.

4. 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 this proposed classification, may present their views in writing to the Chief, Division of Lands and Minerals Program Management and Land Office, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

5. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced. After having considered comments received as a result of this publication and any hearing held, the undersigned officer will classify the above-described lands, which classification shall be published in the FEDERAL REGISTER.

For the State Director.

IRVING W. ANDERSON,
Land Office Manager.

[F.R. Doc. 70-544; Filed, Jan. 14, 1970; 8:47 a.m.]

National Park Service

[Order 1]

ADMINISTRATIVE OFFICER AND PROCUREMENT AND PROPERTY MANAGEMENT OFFICER, SEATTLE CLUSTER, NORTHWEST REGION

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Officer.* The Administrative Officer, Seattle Cluster, may execute, approve, and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any unit for which the Seattle Cluster provides administrative services.

2. *Procurement and Property Management Officer.* The Procurement and Property Management Officer, Seattle Cluster, may execute, approve, and administer contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Procurement and Property Management Officer in behalf of any unit for which the Seattle Cluster provides administrative services.

(National Park Service Order No. 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2)

Dated: July 25, 1969.

JOHN A. RUTTER,
Regional Director,
Northwest Regional Office.

[F.R. Doc. 70-545; Filed, Jan. 14, 1970; 8:47 a.m.]

[Order 3]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY SPECIALIST, GLEN CANYON NATIONAL RECREATION AREA, ARIZ.

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

2. *General Supply Specialist.* The General Supply Specialist may execute, approve and administer contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the General Supply Specialist in behalf of any coordinated area.

3. *Revocation.* This order supersedes Glen Canyon National Recreation Area Order Number 2 dated November 3, 1966 and published in the FEDERAL REGISTER of December 3, 1966.

(National Park Service Order No. 34 (31 F.R. 4255) as amended; 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

Dated: December 19, 1969.

C. E. JOHNSON,
Superintendent, Glen Canyon
National Recreation Area.

[F.R. Doc. 70-546; Filed, Jan. 14, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be

imported during calendar year 1970 is 1,061.5 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1970 is 998.8 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1970 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 12th day of January 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 70-566; Filed, Jan. 14, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MALATHION

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the Stored-Product Insects Research Branch, Market Quality Research Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, a temporary tolerance of 8 parts per million is established for residues of the insecticide malathion in or on the raw agricultural commodity stored shelled almonds. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution shall be under the American Cyanamid Co. name.

This temporary tolerance expires January 5, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 5, 1970.

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

[F.R. Doc. 70-537; Filed, Jan. 14, 1970; 8:47 a.m.]

3-(4-BROMO-3-CHLOROPHENYL)-1-METHOXY-1-METHYLUREA

Notice of Establishment of Temporary Tolerance for Pesticide Chemical

Notice is given that at the request of the CIBA Agrochemical Co., Vero Beach, Fla. 32960, a temporary tolerance is established for negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl)-1-methoxy-1-methylurea in or on the raw agricultural commodity wheat (grain and straw) at 0.2 part per million. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the herbicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the CIBA Agrochemical Co. name.

This temporary tolerance expires January 7, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 7, 1970.

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

[F.R. Doc. 70-538; Filed, Jan. 14, 1970; 8:47 a.m.]

CIVIL SERVICE COMMISSION

PROFESSORS, NAVAL POSTGRADUATE SCHOOL, MONTEREY, CALIF.

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on November 17, 1969, for positions of Assistant Professor and higher at the Naval Postgraduate School, Monterey, Calif., in the academic fields of Social Sciences, Public Administration, Business Administration and Management (limited to persons holding Ph. D. degrees and having experience at the college level in teaching or the administration of educational programs).

Assuming other legal requirements are met, appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 70-555; Filed, Jan. 14, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 474]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 12, 1970.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

3623-C2-P-70—United Telephone Co. of Florida (KIM901), C.P. to change present system to: Frequency: 152.72 MHz. Location: 21 North Lake Avenue, Avon Park, Fla.

3665-C2-P-70—Illinois Bell Telephone Co. (KSA748), C.P. for an additional channel to operate on base frequency 152.60 MHz at location No. 1: 2320 West Lawrence Avenue, Springfield, Ill.

3666-C2-P-(3)-70—Wisconsin Telephone Co. (KSA210), C.P. for additional facilities to operate on base frequencies 454.400, 454.475, 454.600 MHz at location No. 1: 722 North Broadway, Milwaukee, Wis.

3667-C2-MP-70—Houston Mobilfone, Inc. (KKA343), Modification of C.P. to replace transmitter operating on base frequency 454.05 MHz at station located at 4212 Mount Vernon Street, Houston, Tex.

3668-C2-MP-70—Houston Radiophone Service (KKA344), Modification of C.P. to replace transmitter operating on base frequency 454.10 MHz at station located at 4212 Mount Vernon Street, Houston, Tex.

3669-C2-MP-70—Radio Dispatch, Inc. (KLB701), Modification of C.P. to replace transmitter operating on base frequency 454.20 MHz and change control frequency to: 75.48 MHz at location No. 2: 4212 Mount Vernon Street, Houston, Tex. Also change repeater frequency to: 72.02 MHz at location No. 1: Orchard Street and Highway No. 36, Rosenberg, Tex.

3670-C2-AL-70—E. Smola Co., Inc., doing business as Radio Dispatch Service Co. (KIA334), Consent to assignment of license from: E. Smola Co., Inc., doing business as Radio Dispatch Service Co. Assignor to: RCC of Virginia, Inc., Assignee.

3707-C2-P-70—Western California Telephone Co. (New), C.P. for a new 1-way station to be located at 15900 San Jose Avenue, Los Gatos, Calif., to operate on base frequency 152.84 MHz.

3708-C2-P-70—L. J. Galentin, doing business as Contact of Texas (New), C.P. for a new 1-way station to be located at Comanche Peak, El Paso, Tex., to operate on base frequency 152.24 MHz.

3709-C2-P-70—South Central Bell Telephone Co. (KKM580), C.P. to add isolators to existing transmitters at station located at 248 East Capitol Street, Jackson, Miss.

Major Amendment

3344-C2-P-70—Central Telephone Co. (KOT213), Amend application to show location: Approximately 3 miles southwest of Fort Dodge. All other particulars remain same as reported in Public Notice No. 470 dated Dec. 15, 1969.

Corrections

3286-C2-P-70—Reservation Telephone Cooperative (New), Correct to read: C.P. for a new 2-way station. All other particulars to remain the same as reported in Public Notice No. 469 dated Dec. 8, 1969.

3513-C2-P-70—Walter L. Peden, Jo Ann Wolfe Peden, and J. E. Wolfe, doing business as Cleveland Mobile (New), Correct to read: Cleveland, Miss. All other particulars to remain the same as reported in Public Notice No. 473 dated Jan. 5, 1970.

3387-C2-P-(2)-70—Kidd's Communications, Inc. (KMA257), Add repeater frequency 75.72 MHz at location No. 5. All other particulars remain the same as reported in Public Notice No. 471 dated Dec. 22, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

3671-C1-P-70—American Telephone & Telegraph Co. (KOC26), C.P. to add frequency 3890 MHz toward Matteson, Ill. Location: 10 South Canal Street, Chicago, Ill.

3672-C1-P-70—American Telephone & Telegraph Co. (KOC27), C.P. to add frequency 3930 MHz toward Chicago, Ill., and 3930 MHz toward Grant Park, Ill. Location: 2 miles north of Matteson, Ill.

3673-C1-P-70—American Telephone & Telegraph Co. (KSG64), C.P. to add frequency 3890 MHz toward Matteson, Ill. Location: Grant Park, 4 miles northeast of Monence, Ill.

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

3674-C1-MP-70—Continental Telephone Company of California (KMZ88), Modify C.P. to change frequencies 10,915, 11,155 MHz to 11,345 and 11,585 toward passive reflector near Wrightwood, Calif., and from passive reflector toward Victorville, Calif. Location: Lot 24, Evergreen Road, Wrightwood, Calif.

3675-C1-MP-70—Continental Telephone Company of California (KNL83), Modify C.P. to change frequencies 11,445, 11,685 MHz to 10,815 and 11,055 MHz toward passive reflector near Wrightwood, Calif., and from passive reflector toward Wrightwood, Calif. Location: 16461 Mojave Drive, Victorville, Calif.

3676-C1-P/L-70—Michigan Bell Telephone Co. (New), C.P. and license for new station. Frequency 6415 MHz toward Detroit, Mich. Location: 2000 Second Avenue, Detroit, Mich.

3677-C1-P-70—The Mountain States Telephone & Telegraph Co. (KOV63), C.P. to add frequencies 6241.7 and 6360.3 MHz toward White Tank Mountain, Ariz. Location: 228 West Adams Street, Phoenix, Ariz.

3678-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPN85), C.P. to add 5989.7, 6108.3 MHz toward Phoenix, Ariz., and 5989.7, 6108.3 MHz toward Oatman Mountain, Ariz. Location: White Tank Mountain—8 miles west-southwest of Waddell, Ariz.

3679-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPN84), C.P. to add frequencies 6241.7 and 6360.3 MHz toward White Tank Mountain, Ariz. Location: Oatman Mountain—5 miles east-southeast of Montezuma, Ariz.

3680-C1-P-70—South Central Bell Telephone Co. (New), C.P. for new station on frequencies 11,405 and 11,565 toward Vienna, La. Location: 200 North Bonner Street, Ruston, La.

3681-C1-P-70—South Central Bell Telephone Co. (KTF73), C.P. to add frequencies 10,955 and 11,115 MHz toward Ruston, La. Location: 2.9 miles northeast of Vienna, La.

3509-C1-P-70—American Telephone & Telegraph Co. (KGH26), C.P. to add frequency 3730 MHz toward Faulkner, Md. Location: 1.1 mile south-southeast of Waldorf, Md.

3510-C1-P-70—American Telephone & Telegraph Co. (KGN87), C.P. to add frequency 3770 MHz toward Waldorf, Md. Location: 0.5 mile southwest of Faulkner, Md.

3710-C1-P-70—The Pacific Telephone & Telegraph Co. (KMN91), C.P. to add frequencies 3770 and 3850 MHz toward Walpert Ridge, Calif. Location: 95 Almaden Avenue, San Jose, Calif.

3711-C1-P-70—The Pacific Telephone & Telegraph Co. (KTG20), C.P. to add frequencies 3730, 3810 MHz toward San Jose, Calif., and toward Oakland, Calif. Location: Walpert Ridge, 3.7 miles east-southeast of Hayward, Calif.

3712-C1-P-70—The Pacific Telephone & Telegraph Co. (KMQ36), C.P. to add frequencies 3770, 3850 MHz toward Walpert Ridge, Calif. Location: 1587 Franklin Street, Oakland, Calif.

Major Amendment

1664-C1-ML-70—Golden West Telephone Co. (KNK51), Change frequencies on path toward Big Maria Mountain, Calif., from 6197.2 and 6315.9 MHz to 6212.0 and 6330.7 MHz. All other particulars same as reported in Public Notice Report No. 468 dated Dec. 1, 1969.

The following renewal applications accepted for the term Feb. 1, 1970, to Feb. 1, 1971:

United Telephone Co. of Ohio.

KQH49	Temporary-Fixed.	KQL22	Marysville, Ohio.
KQI71	West Unity, Ohio.	KQL23	Mount Gilead, Ohio.
KQI72	Napoleon, Ohio.	KQL38	Lima, Ohio.
KQI73	Ottawa, Ohio.	KQN44	Millersburg, Ohio.
KQI74	Alger, Ohio.	KQN62	Wooster, Ohio.
KQI75	Bellefontaine, Ohio.	KQN63	Rittman, Ohio.
KQI45	Bellefontaine, Ohio.	KQN64	Delphos, Ohio.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3683-C1-P-70—Eastern Microwave, Inc. (KEA66), C.P. to add frequency 6271.4 MHz on azimuth 295°16' to Gouverneur, N.Y. Location: Blue Hill, approximately 2 miles southeast of Fine, N.Y. at latitude 44°13'20'' N., longitude 75°07'35'' W.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3684–C1–P–70—Eastern Microwave, Inc. (KPP81), C.P. to change location of station to 0.2 mile northwest of Gouverneur, N.Y., at latitude 44°20'38" N., longitude 75°29'19" W. Frequencies 5960.0, 6019.3, and 6078.6 MHz on azimuth 47°42' toward Potsdam, N.Y. (Informative: Applicant is proposing a rerouting of its existing microwave service which goes from Blue Hill to Potsdam, N.Y., via Ogdensburg, N.Y.)

3685–C1–P/L–70—United Video, Inc. (New), C.P. and license to operate (4) transmitters for provision of a video service within the States of Illinois, Missouri, and Oklahoma pursuant to section 21.707 of the Commission's rules.

3686–C1–P–70—American Television Relay, Inc. (KGC90), C.P. to add new point of communication at Deming, N. Mex. Location: Aden Hills, 19.3 miles southwest of Las Cruces, N. Mex., at latitude 32°11'05" N., longitude 107°05'33" W. Frequencies 5960.0 and 6019.3 MHz on azimuth 283°03'. (Informative: Applicant proposes to provide the television signals of KTLA and KTTV of Los Angeles, Calif., to Sun Cable TV in Deming, N. Mex.)

3687–C1–P–70—KHC Microwave Corp. (New), C.P. for a new station 1.2 miles northeast of Mossville, La., at latitude 30°15'30" N., longitude 93°17'33" W. Frequencies 5960.0 and 6019.3 MHz on azimuth 94°31'. (Informative: Applicant proposes to provide the television signals of KHTV(TV) and KUHT(TV) to Roanoke, La. This application replaces that portion of application File No. 399–C1–P–68 which was deleted.)

Western Tele-Communications, Inc.:

3688–C1–ML–70, (KSQ32)	3694–C1–ML–70, (KPS68)	3700–C1–ML–70, (KPQ43)
3689–C1–ML–70, (KPT21)	3695–C1–ML–70, (KPY90)	3701–C1–ML–70, (KPV60)
3690–C1–ML–70, (KOC42)	3696–C1–ML–70, (KSQ33)	3702–C1–ML–70, (KPR99)
3691–C1–ML–70, (KZA87)	3697–C1–ML–70, (KSQ41)	3703–C1–ML–70, (KSQ30)
3692–C1–ML–70, (KVU91)	3698–C1–ML–70, (KSV37)	3704–C1–ML–70, (KSQ29)
3693–C1–ML–70, (KPJ36)	3699–C1–ML–70, (KPJ37)	

Modification of licenses for authority to provide service to certain radio station affiliates of The Intermountain Network, Inc., in Ogden and Logan, Utah; in Jackson, Wyo.; in Pocatello, and Idaho Falls, Idaho; in Williston, N. Dak., in the Montana towns of Glendive, Billings, Miles City, Livingston, Butte, Helena, Lewistown, Great Falls, Missoula, Bozeman, Kalispell, Glasgow, and Belgrade.

3705–C1–P–70—Western Tele-Communications, Inc. (New), C.P. for new station at 2433 North Montana Avenue, Helena, Mont., at latitude 46°36'33" N., longitude 112°01'01" W. Frequency 6241.7 MHz on azimuth 103°49' toward Baldy Mountain for carriage of audio channel.

Major Amendments

3692–C1–P–69—Minnesota Microwave, Inc. (New), Change frequencies 6011.9, 6071.2, and 6130.5 MHz to 11,345, 11,505, and 11,665 MHz, respectively, toward Foshay Tower, Minneapolis, Minn., on azimuth of 267°07'. Transmitter location: Aeronautical Engineering Building, University of Minnesota Main Campus, Minneapolis, Minn. All other particulars same as reported in Public Notice dated Jan. 6, 1969, and Jan. 21, 1969.

3695–C1–P–69—Minnesota Microwave, Inc. (New), Change frequencies 5952.6, 6071.2, and 6160.2 MHz to 10,855, 11,015, and 11,175 MHz, respectively, toward IBM Building, Rochester, Minn., on azimuth of 272°06' and Rochester Jr. College, Rochester, Minn., on azimuth of 176°03'. Transmitter location: 2 miles east of Rochester, Minn. All other particulars same as reported in public notice dated Jan. 7, 1969, Jan. 21, 1969, and June 2, 1969.

[F.R. Doc. 70–551; Filed, Jan. 14, 1970; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

KNUTSEN LINE ET AL.

Notice of Agreement Filed

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

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

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

Knutsen Line, Weyerhaeuser Line, States Steamship Company, and Fred. Olsen Interocean Line.

Notice of agreement filed by:

Robert Fremlin, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

Agreement No. 9837, between Fred. Olsen Interocean Line, States Steamship Co., Weyerhaeuser Line and Knutsen Line will establish a cooperative working arrangement to be known as the "Pacific Unit Load Council" to promote the use of the "unit load concept" in the United States and in international trade. Members shall cooperate in collecting and exchanging technical information; by providing spokesmen and written materials on the inland, ocean, insurance, packaging and handling sectors of unit load transportation; by joint institutional-type advertising; by seminars, educational and training programs, and other methods of instruction of shippers, stevedoring firms, sales personnel of the Council and others in the transportation industry; and shall be free to exchange among themselves information as to comparative costs involved in the unit load concept. The members shall not discuss or agree to take any joint action regarding rate making.

The above parties shall be regular members of the agreement. Other parties may be admitted as regular members with the concurrence of at least three-fourths of the regular membership. Associate members, including but not limited to truckers, railroads, and port authorities may be admitted with the concurrence of at least three-fourths of the regular membership. All members shall be entitled to participate in discussions but all decisions shall be made by vote of regular members only.

Dated: January 12, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70–561; Filed, Jan. 14, 1970; 8:48 a.m.]

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce

of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Mr. Guy L. Retournat, Secretary, Spain/U.S. North Atlantic Westbound Freight Conference, 10, Place de la Joliette, Marseille 2, France.

Agreement No. 9615–4 between the member lines of the Spain/U.S. North Atlantic Westbound Freight Conference amends Article 3 of the basic agreement to provide that members shall lose their voting rights on any and all conference matters, except for amendments to the agreement, for failure to either effect a direct conference sailing or carry a minimum quantity of 200 tons of conference cargo on transshipment basis during any period of ninety (90) consecutive days (strikes and force majeure excepted).

Dated: January 12, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-562; Filed, Jan. 14, 1970; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-19 etc.]

GREAT LAKES GAS TRANSMISSION CO. ET AL.

Order Granting Applicants' Motion for Severance and Findings and Order After Formal Hearing Issuing Certificates of Public Convenience and Necessity

JANUARY 6, 1970.

Great Lakes Gas Transmission Co., CP70–19 and CP70–20, Michigan Wisconsin Pipe Line Co., CP70–21 and CP70–22, Midwestern Gas Transmission Co., CP70–24 and CP70–25.

On November 19, 1969, applicants filed a joint motion to sever and consider portions of the Michigan Wisconsin Pipe Line Co. (Mich-Wis) certificate application filed in Docket No. CP70–21 under the shortened procedure prescribed by § 1.32(b) of the Commission's rules of practice and procedure. Mich-Wis had previously filed on July 28, 1969, its application for the section 7(c) certificate of public convenience and necessity along with a request for a section 3 authorization to import natural gas fram Canada. By an order issued October 2, 1969, we consolidated these applications for formal hearing with related section 7(c) and section 3 applications filed contemporaneously by Great Lakes Gas Transmission Co. (Great Lakes) and Midwestern Gas Transmission Co. (Midwestern). The hearings have been concluded; initial briefs were filed December 16, 1969, and reply briefs are due January 6, 1970.

On December 2, 1969, the Hearing Examiner certified applicants' motion to the Commission, noting that at the hearing it appeared that there was no controversy with respect to Mich-Wis' request for certain additional mainline facilities and development of three storage fields. These facilities, as described in detail below, do not involve the importation or transportation of the Canadian gas, which is the subject of controversy in these proceedings.

Staff raised no objections to the applicants' motion in its answer thereto filed with the Commission on November 28, 1969. Intervenors Northern Natural Gas Co. and Northern Natural Transportation Co. (Northern Companies), who requested the formal hearing, also filed a statement with the Commission on December 11, 1969, to the effect that they have no objections to applicants' motion.

The applicants' motion seeks severance of and authorization of the following portions of Docket No. CP70–21:

1. Mich-Wis' request for authority to construct and operate additional compression facilities designed to increase its mainline capacity from southern Louisiana by approximately 83,000 Mcf per day, including specifically the facilities described in Schedules H–1, H–2, H–3, and H–4 of Hearing Exhibit No. 31. The construction involves increasing existing compression stations by 66,000 hp. at an estimated cost of $16,782,000.

2. Mich-Wis' request for authority to construct, purchase and operate the facilities described in Schedules F–1, F–2, F–3, and F–4 of Hearing Exhibit No. 31 relating to the development and operation of the Coldwater, Croton, and Winfield underground storage fields in central Michigan and to provide the storage service for Natural Gas Pipeline Company of America (Natural) contemplated by the storage and transportation agreement identified as Exhibit H to Item D by reference herein. The estimated total cost of the storage facilities is $17,941,000.

3. Mich-Wis' request for authority to construct and operate the miscellaneous facilities described in Schedules P–1 (3.9 miles of 8-inch lateral to South Janesville, Wis.), P–2 (13.9 miles of 16-inch line near South Madison, Wis.) and M–1 (four measuring stations: West Joliet and South Woodstock, Ill., and South Janesville and South Madison, Wis., but not including the Crystal Falls measuring station) of Hearing Exhibit No. 31. The aggregate estimated cost of these facilities is $2,471,000.

The total estimated cost of these portions of Mich-Wis' proposed construction is $37,194,000,[1] which cost will be financed by internally generated funds together with short-term bank loans.

The portions of Mich-Wis' application which are severed and certificated by this order will be designated as Phase I of the consolidated proceedings; the remainder of the proceedings shall be designated as Phase II and include, inter alia, issues related to the importation of Canadian gas and the potential anti-competitive effects of the applicants' combined proposals which shall be the subject of further Commission orders.

There being no objections made to the applicants' motion, the Hearing Examiner recommended that the motion for severance be granted and that the Phase I portions of the application in Docket No. CP70–21 be authorized under the shortened procedure. We agree with the Examiner's recommendations and hereby grant applicants' motion and issue the certificate of public convenience and necessity.

The Commission finds:

(1) That it would be in the public interest to sever portions of Michigan Wisconsin's application in Docket No. CP70–21 as noted above, to denominate such portions as Phase I, and to apply thereto the shortened procedure prescribed by § 1.32(b) of the Commission's rules of practice and procedure.

(2) Applicant, Michigan Wisconsin Pipe Line Co., a Delaware corporation having its principal place of business in Detroit, Mich., is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission in its order issued November 30, 1946, in Docket No. G–669 (5 FPC 953).

(3) The proposed facilities hereinbefore described, as more fully described in the application in this proceeding, will be used in the transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission and the construction and operation thereof is subject to the requirements of section 7(c) and (e) of the Natural Gas Act.

(4) Mich-Wis is able and willing properly to do the acts and to perform the service proposed, and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) The construction and operation of the proposed facilities by Mich-Wis are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(6) The average maximum stabilized shut-in wellhead pressure of the storage fields should be limited as follows: Coldwater Field, 830 p.s.i.g.; Croton Field, 550 p.s.i.g.; and Winfield Field, 680 p.s.i.g.

(7) Mich-Wis should submit semi-annual reports (to coincide with termination of the injection and withdrawal cycles) during the developmental period and for two full cycles thereafter. The reports should contain the information hereinafter ordered.

(8) The public convenience and necessity require that the certificate hereinafter issued and the rights granted thereunder be conditioned upon Mich-Wis' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in § 157.20 (a),

[1] The total proposed capital expenditures in the consolidated CP70–19 et al., docket is $87.6 million. The $37.2 million authorized herein is 42 percent of the total.

(b), (c), (e), (f), and (g) of the regulations.

The Commission orders:

(A) That the portions of Mich-Wis' application in Docket No. CP70–21 which relate to the mainline facilities and storage field development, as set out in greater detail herein, be severed from the consolidated proceedings in Docket No. CP70–19 et al.

(B) The severed portions be denominated as Phase I of these proceedings.

(C) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued authorizing Michigan Wisconsin Pipe Line Co. to construct and operate the natural gas facilities hereinbefore described and as more fully described in the application in this proceeding.

(D) The average maximum stabilized shut-in wellhead pressures of the storage fields shall not exceed the following pressures without prior Commission approval: Coldwater Field, 830 p.s.i.g., Croton Field, 550 p.s.i.g., and Winfield Field, 680 p.s.i.g.

(E) Mich-Wis shall submit semiannual reports on each field (to coincide with termination of the injection and withdrawal cycles) containing the following information on proposed operations:

(a) The volumes of gas injected and withdrawn each month and the corresponding total volume in the reservoir;

(b) The maximum daily injection or withdrawal volumes experienced during the month;

(c) The shut-in wellhead or reservoir pressure of each observation and active well when pressure stabilization exists;

(d) The average working pressures on maximum days (referred to in (b) above) taken at a central measuring point where the total volume injected or withdrawn is measured in each field;

(e) A map of the most recent interpretation of underground structure; however, this map need not be filed if there is no material change from the map previously filed;

(f) A tabulation of wells drilled, cleaned or recompleted with subsea depths of formation and casing settings. Copies of any new core analysis, back pressure tests, or electric logs.

(F) Reports shall continue to be filed semiannually until the average stabilized shut-in wellhead pressure has reached or has closely approximated the average maximum stabilized shut-in wellhead pressure permitted in the subject order and thereafter until two additional injection and withdrawal cycles have been completed. Upon completion of these two cycles, the filing of reports shall be discontinued unless otherwise ordered by the Commission.

(G) The certificate issued by paragraph (C) above and the rights granted thereunder are conditioned upon Mich-Wis' compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in § 157.20 (a), (c), (e), (f), and (g) of the regulations.

(H) The facilities authorized in paragraph (C) above shall be completed and placed in actual operation within 1 year from the date of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 70–521; Filed, Jan. 14, 1970; 8:46 a.m.]

[Docket No. CP70–163]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 8, 1970.

Take notice that on December 31, 1969, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70–163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing increased transportation service for Texas Gas Transmission Corp. (Texas Gas) and United Fuel Gas Co. (United Fuel), and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file wth the Commission and open to public inspection.

Applicant proposes to transport through its Louisiana offshore system an additional volume of 25,000 Mcf of natural gas per day which Texas Gas has agreed to purchase in Blocks 272 and 292, Eugene Island Area, and an additional volume of 3,000 Mcf per day which Texas Gas will purchase in Block 11, South Marsh Island Area. Applicant further proposes to transport 40,000 Mcf of natural gas per day which Texas Gas has agreed to purchase in Block 273, Eugene Island Area. Applicant proposes to transport these volumes for delivery to Texas Gas onshore to Calumet, La., at which point Texas Gas will redeliver 55,000 Mcf per day of such volumes for further transportation onshore to North Tepetate, La.

Applicant also proposes to transport through its Louisiana offshore pipeline system an additional 25,000 Mcf per day which United Fuel will purchase in Blocks 272 and 292, Eugene Island Area, and 40,000 Mcf per day which United Fuel will purchase in Block 273, Eugene Island Area, all for delivery to United Fuel onshore at Calumet.

To render this service applicant proposes to construct and operate 8,250 and 10,000 horsepower of compression at its Calumet and St. Martinville Compressor Stations, respectively.

The total estimated cost of the proposed facilities is $5,623,000, which will be financed with borrowings from banks, retained earnings and other internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70–519; Filed, Jan. 14, 1970; 8:45 a.m.]

[Docket No. CP70–162]

TRANSWESTERN PIPELINE CO.

Notice of Application

JANUARY 8, 1970.

Take notice that on December 29, 1969, Transwestern Pipeline Co. (applicant), Southern National Bank Building, Houston, Tex. 77002, filed in Docket No. CP 70–162 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 20-inch pipeline approximately 9.9 miles in length extending from its certificated pipeline system in Arizona to a point on the Arizona-Nevada border in order to make deliveries of natural gas for use in the Mohave Project steam electric generating station under construction in Clark County, Nev., by Southern California Edison Co., the Department of Water and Power of the City of Los Angeles, Nevada Power Co., and the Salt River Project Agricultural Improvement and Power District, who have contracted with Southern California Gas Co., Southern Counties Gas Company of California, and Pacific

Lighting Service Co. to release and relinquish such gas for emergency availability to the station.

The total estimated cost of the proposed facilities is $1,800,000, which is to be financed initially by funds on hand and short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-516; Filed, Jan. 14, 1970; 8:45 a.m.]

[Docket No. E-7413]

UNION ELECTRIC CO.

Notice of Application

JANUARY 8, 1970.

Take notice that on December 29, 1969, Union Electric Co. (applicant) filed a supplement application seeking authority pursuant to section 204 of the Federal Power Act to increase to $125 million the amount of short-term promissory notes authorized to be issued under the Commission's order of June 21, 1968, of which aggregate amount up to $70 million may be in the form of commercial paper, and to extend to not later than December 31, 1971, the final maturity date of said notes. In the order issued June 21, 1968, the Commission authorized applicant to issue up to $110 million short-term promissory notes, of which aggregate amount up to $55 million could be in the form of commercial paper, with final maturities not later than December 31, 1970.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at St. Louis, Mo., and authorized to do business in the States of Illinois and Iowa.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect during the period they are; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts; the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The applicant contemplates the issuance of promissory notes, including the "rollover" of commercial paper promissory notes, without further application of this Commission, at any time and from time to time, each of such notes to have a maturity date of not later than December 31, 1971.

The proceeds will be used to finance in part applicants' construction program to December 31, 1971. The increase in authorization to $125 million and the extension of 1 year to December 31, 1971, will allow applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 26, 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. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-517; Filed, Jan. 14, 1970; 8:45 a.m.]

[Docket No. CP70-164]

WESTERN GAS INTERSTATE CO.

Notice of Application

JANUARY 8, 1970.

Take notice that on December 31, 1969, Western Gas Interstate Co. (applicant), 1500 Fidelity Union Tower, Dallas, Tex. 75201, filed in Docket No. CP70-164 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and exchange of volumes of natural gas and the construction and operation of certain gathering and compression facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver approximately 29,000 Mcf of casinghead gas per month to Panhandle Eastern Pipe Line Co. (Panhandle) with Panhandle redelivering up to one half of that quantity to applicant in exchange for similar quantities of gas furnished by applicant, with Panhandle making payment to applicant for gas delivered to it in excess of the exchange volumes.

Applicant further proposes to construct and operate gathering and compression facilities (200 horsepower) to effect delivery of gas from the wellhead point of purchase by applicant into the pipeline system of Panhandle.

Applicant further proposes to sell to Southern Union Gas Co. the volumes of gas that are received by way of exchange from Panhandle.

The total estimated cost of the proposed facilities is estimated to be $65,000, which will be financed from working funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-518; Filed, Jan. 14, 1970; 8:45 a.m.]

[Docket No. CS70-31]

WOOD, McSHANE & THAMS—COLORADO

Notice of Application for "Small Producer" Certificate

JANUARY 8, 1970.

Take notice that on December 15, 1969, Wood, McShane & Thams—Colorado, c/o W. H. Thams, Partner, Post Office Box 968, Monahans, Tex. 79756, filed in Docket No. CS70-31 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the application which is 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 application should on or before January 30, 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 the 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 section 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 if 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 certificate 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 applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-520; Filed, Jan. 14, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett Banks of Florida, Inc., which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by Applicant of 80 percent or more of the voting shares of Bank of Osceola, Kissimmee, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 5th day of January 1970.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-532; Filed, Jan. 14, 1970; 8:46 a.m.]

CENTRAL BANKING SYSTEM, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Central Banking System, Inc., Oakland, Calif., for approval of acquisition of 51 percent or more of the voting shares of Tahoe National Bank, South Lake Tahoe, Calif.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Central Banking System, Inc., Oakland, Calif., a registered bank holding company, for the Board's prior approval of the acquisition of 51 percent or more of the voting shares of Tahoe National Bank, South Lake Tahoe, Calif.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on October 21, 1969 (34 F.R. 17086), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 23d day of December 1969.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-533; Filed, Jan. 14, 1970; 8:46 a.m.]

CITY NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by City National Corp., Miami, Fla., for prior approval by the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: City National Bank of Miami, Miami; City National Bank of Miami Beach, Miami Beach; The City National Bank of Coral Gables, Coral Gables, all in the State of Florida.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

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

monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 31st day of December 1969.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-524; Filed, Jan. 14, 1970; 8:46 a.m.]

JEFFERSON BANCORP, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Jefferson Bancorp, Inc., Miami Beach, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Jefferson National Bank of Miami Beach, Miami Beach, Fla., and Jefferson National Bank at Sunny Isles, Sunny Isles, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Jefferson Bancorp, Inc., Miami Beach, Fla., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of Jefferson National Bank of Miami Beach, Miami Beach, Fla., and Jefferson National Bank at Sunny Isles, Sunny Isles, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller indicated that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on July 25, 1969 (34 F.R. 12304), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 8th day of January 1970.

By order of the Board of Governors.[2]

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-525; Filed, Jan. 14, 1970; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 6]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 9, 1969.

The following applications are governed by Special Rule 1.247[3] of the Commission's general rules of practice (49 CFR as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 263 (Sub-No. 192), filed December 8, 1969. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the National Lead Co. plantsite at Rowley, Utah, as an off-route point in connection with applicant's authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

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

[3] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 921 (Sub-No. 18), filed November 25, 1969. Applicant: DEAN TRUCK LINE, INC., Fulton Drive, Post Office Drawer 32, Corinth, Miss. 38834. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Handles*, wooden other than in the rough or rough turned, with or without metal ferrules, caps, or yokes, loose or in packages; and (2) *dowels*, wooden, in the rough or rough turned, in packages, from the plantsite and warehouse facilities of the Gateway Corp., located in Corinth, Miss., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., or Jackson, Miss.

No. MC 2860 (Sub-No. 68), filed December 2, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and products distributed by meat packinghouses* (except commodities in bulk) from Chicago, Ill., to points in Maryland, New Jersey, New York, Pennsylvania, 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 terriories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa.; or Washington, D.C.

No. MC 3255 (Sub-No. 9), filed December 12, 1969. Applicant: PEP TRUCKING CO., INC., 74 Montgomery Street, Jersey City, N.J. 07303. 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: *General commodities* (except paper makers' chemicals in bulk), between points in the New York, N.Y., commercial zone as defined by the Commission. NOTE: Applicant states the sought authority is to be tacked to its present operating authority, at points in the New York, N.Y., commercial zone. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 3468 (Sub-No. 158) (Clarification), filed November 26, 1969, published in the FEDERAL REGISTER issue of December 24, 1969, and republished as clarified this issue. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 706 South Dort Highway, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., Suite 705, 666 11 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 in 1 M.C.C. 665 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. This republication is for the purpose of adding "1 M.C.C. 665" to the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 7555 (Sub-No. 61) (Amendment), filed September 23, 1969, published in the FEDERAL REGISTER issue of October 30, 1969, and republished this issue. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 70, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *canned citrus juices*, and (2) *citrus fruits*, when moving in mixed shipments with canned citrus juices; from points in Florida, to Rochester, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect a change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 11592 (Sub-No. 8), filed December 1, 1969. Applicant: BEST REFRIGERATED EXPRESS, INC., 1001 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Robert V. Dwyer, Jr., 1414 First National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, packinghouse products, dairy products, canned goods and supplies* incidental to, or used in, the operation and maintenance of meat packing plants, between Avoca, Iowa, and points within 15 miles of Avoca on the one hand, and, on the other, Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the purpose of this application is to eliminate the Omaha commercal zone which presently must be observed as a gateway. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 25798 (Sub-No. 203), filed December 1, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in descriptions in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Glover Packing Co. at Amarillo, Tex., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 29120 (Sub-No. 111), filed December 18, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report on *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite and/or warehouse facilities of Iowa Beef Packers, Inc., located at or near Dakota City and West Point, Nebr.; Denison, Fort Dodge, and Mason City, Iowa; and Luverne, Minn., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, 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 Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 29120 (Sub-No. 112), filed December 18, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: E. J. Dwyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, except in bulk, in tank vehicles, from Pekin and Peoria, Ill.; Lawrenceburg, Ind.; Bardstown, Clermont, Frankfort, and Owensboro, Ky., to Aberdeen and Sioux Falls, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 29613 (Sub-No. 6), filed December 8, 1969. Applicant: JAYNE'S

MOTOR FREIGHT, INC., 860 North Avenue E, Elizabeth, N.J. 07201. 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: *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 South Hampton Township, N.J., on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at the New Jersey-New York State line at Jersey City, N.J., and extending along U.S. Highway 1 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New Jersey Highway 70, thence along New Jersey Highway 70 through Camden, N.J., thence along New Jersey-Pennsylvania State line to points in that part of New Jersey on and north of New Jersey Highway 70, including Burlington and Mercer Counties, N.J. NOTE: Common control may be involved. Applicant states it intends to tack through this new point of South Hampton Township, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 31533 (Sub-No. 10), filed July 31, 1969. Applicant: SOUTH BEND FREIGHT LINE, INC., Post Office Box 545, South Bend, Ind. 46624. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, Ill. 61107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission), and commodities in bulk, between points in the counties of Boone, Carroll, Cook, De Kalb, Du Page, Grundy, Jo Daviess, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Livingston, Ogle, Stephenson, Whiteside, Will, and Winnebago, Ill., to or from any point within the State of Illinois for a shipper or receiver within the above counties. NOTE: Applicant states it will tack at Rockford and Chicago, Ill., with existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35628 (Sub-No. 299) (Amendment), filed June 30, 1969, published in the FEDERAL REGISTER issue of November 14, 1969, and republished as amended this issue. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of Southwire Co., National-Southwire Aluminum Co., and National Steel Corp.'s Aluminum Rolling Mill at or near Hawesville, Ky., as off-route points in connection with regular-route operations to and from Owensboro, Ky., as authorized in MC 35628. The purpose of this republication is to reflect the additional plantsite of National Steel Corp.'s Aluminum Rolling Mill. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 41792 (Sub-No. 15), filed December 4, 1969. Applicant: HOLDCROFT TRANSPORTATION COMPANY, a corporation, 3232 Highway 75 North, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, 300 N.S.E.A. Building, 14th and J Streets, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities utilized by Sioux-Preme Packing Co. at or near Sioux Center, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at the named origin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa

No. MC 41915 (Sub-No. 33), filed December 11, 1969. Applicant: MILLER'S MOTOR FREIGHT, INC., 1130 Zinn's Quarry Road, York, Pa. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight, require use of special equipment, and *commodities* which because of size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment, between points in that part of Pennsylvania bounded by a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 501, thence along Pennsylvania Highway 501 to junction U.S. Highway 222, thence along U.S. Highway 222 to the Maryland-Pennsylvania State line, thence along the Maryland-Pennsylvania State line to point of beginning, including points on the indicated portions of the highways specified, and Mechanicsburg, Pa., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, the District of Columbia, Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, that part of Virginia on and north of U.S. Highway 60, and on and east of U.S. Highway 11, and that part of West Virginia on and north of U.S. Highway 50). 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 Harrisburg, Pa.

No. MC 45657 (Sub-No. 48), filed December 8, 1969. Applicant: PIC-WALSH FREIGHT CO., a corporation, 731 Campbell Avenue, St. Louis, Mo. 63147. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent lighting fixtures, parts, and supplies* used in the manufacture and distribution of fluorescent lighting fixtures, between Tupelo, Miss., and points in Illinois and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 432), filed December 11, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. 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: *Acids, chemicals, and related products*, in bulk, in tank vehicles, between the plantsite of Reichhold Chemicals, Inc., located in Grundy County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), including the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 56679 (Sub-No. 37), filed December 5, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Atlanta and Athens, Ga., over U.S. Highway 78, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61592 (Sub-No. 160), filed December 1, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from

Elk Grove Village, Ill., to points in Idaho, Montana, Oregon, Washington, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 61592 (Sub-No. 161), filed December 1, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, from points in Utah County, Utah, to points in Montana on and west of U.S. Highway 89, points in Idaho in and north of Idaho County, points in Washington and points in Oregon on and north of U.S. Highway 20. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant states that the instant application is identical to the application filed by System Transport, Inc., MC 107743 Sub 11 and requests that they be set at the same time and place.

No. MC 61592 (Sub-No. 162), filed December 15, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, truck-tractors, containers, bodies and materials, supplies, and parts* of such commodities, between points in Mecklenburg County, N.C., on the one hand, and, on the other, points in the United States (except 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 Chicago, Ill.

No. MC 61592 (Sub-No. 164), filed December 15, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated steel buildings*, knocked down, including *parts and accessories and iron and steel articles*, from Milwaukee, Wis., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at the same time and place as identical application of Melton Truck Lines, Inc., MC 100666 (Sub-No. 146).

No. MC 61955 (Sub-No. 10), filed December 18, 1969. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Kansas City, Mo., to points in Kansas, Iowa, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 64112 (Sub-No. 42), filed December 16, 1969. Applicant: NORTHEASTER TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 2676, Charlotte, N.C. 28213. 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: *Petroleum and petroleum products*, in containers, from the plantsites of, and storage facilities used by, Enjay Chemical Co. at Baton Rouge, La., to points in North Carolina. NOTE: Applicant states that by combining the authority sought with that presently held in MC 64112 and subs thereunder, operating via common points in North Carolina, applicant may serve various points in Virginia, Pennsylvania, New Jersey, New York, Connecticut, Maryland, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76436 (Sub-No. 39), filed November 21, 1969. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. 40216. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Bowling Green, Ky., and junction Kentucky Highway 234 and Kentucky Highway 101, from Bowling Green over Kentucky Highway 234 to junction Kentucky Highway 101, and return over the same route, serving all intermediate points; (2) between Dawson Springs and Hopkinsville, Ky., from Dawson Springs over Kentucky Highway 109 to Hopkinsville, and return over the same route, as an alternate route for operating convenience only serving no intermediate points; (3) between Henderson, Ky., and junction of Pennyrile Parkway and U.S. Highway 41 at or near Madisonville, Ky., from Henderson over the Pennyrile Parkway to its junction with U.S. Highway 41 at or near Madisonville, Ky., and return over the same route, as an alternate route for operating convenience only serving no intermediate points, but serving both termini for joinder only; and

(4) Between the junction of the Pennyrile Parkway and U.S. Highway 41 at or near Mannington, Ky., and the junction of the Pennyrile Parkway with U.S. Highway 41 at or near Hopkinsville, Ky., from junction Pennyrile Parkway and U.S. Highway 41 at or near Mannington, Ky., over the Pennyrile Parkway to its junction with U.S. Highway 41 at or near Hopkinsville, Ky., and return over the same route as an alternate route for operating convenience only, serving no intermediate points, and serving both termini for joinder only; (5) between junction Western Kentucky Parkway and Kentucky Highway 79 and junction of U.S. Highway 79 and U.S. Highway 41, from the junction of Western Kentucky Parkway with Kentucky Highway 79 over Kentucky Highway 79 to Russellville, Ky., thence over Kentucky Highway 96 to Keysburg, Ky., thence over Kentucky Highway 102 to its junction with U.S. Highway 79, thence over U.S. Highway 79 to its junction with U.S. Highway 41 and return over the same route, serving all intermediate points in Todd and Logan Counties, Ky., and the off-route point of Sugar Grove, Ky., and serving the junction of Western Kentucky Parkway and Kentucky Highway 79 and the junction of U.S. Highway 79 and U.S. Highway 41 for joinder only; (6) between Russellville, Ky., and the junction of Kentucky Highway 591 with Kentucky Highway 96, from Russellville, Ky., over U.S. Highway 431 to Adairville, Ky., thence over Kentucky Highway 591 to its junction with Kentucky Highway 96 and return over the same route, serving all intermediate points; and (7) between Bowling Green, Ky., and Anna, Ky., from Bowling Green, Ky., and Kentucky Highway 67 to Anna, Ky., and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 85231 (Sub-No. 12), filed December 10, 1969. Applicant: FRANK WILLIAMS TRANSFER & STORAGE CO., a corporation, Route 39 North, Post Office Box 406, Mansfield, Ohio 44901. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers supplies and materials and enamelware*, between Shelby and Mansfield, Ohio, on the one hand, and, on the other, points in Kentucky (except Louisville). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 94350 (Sub-No. 251), filed December 1, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings*, complete and in sections, from origins which are points of manufacture, from points in Delaware County, Ohio, to points in the United States (excluding Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 99154 (Sub-No. 2), filed December 8, 1969. Applicant: R. M. ORMES TRANSPORTATION, INC., 232 Ash Street, Reading, Mass. 01867. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts; restricted (1) to shipments having a prior or subsequent movement beyond said points, in containers, and (2) to pickup and delivery service incidental to and in connection with packaging, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 100666 (Sub-No. 158), filed December 3, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 766, Shreveport, La. 71107. Applicant's representatives: Paul Caplinger (same address as above) also 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: *Woodpulp, paper and paper products and materials and supplies* used in the manufacture thereof (except commodities in bulk), between the plantsites of Southland Paper Mills, Inc., at Herty and Sheldon, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 193993 (Sub-No. 483), filed December 10, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 106398 (Sub-No. 438), filed December 1, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections transported on wheeled undercarriages, from origins which are points of manufacture, from Waterbury, Conn., to points in Vermont, Maine, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Massachusetts. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 106398 (Sub-No. 442), filed December 12, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Lee County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greensboro or Raleigh, N.C.

No. MC 106398 (Sub-No. 443), filed December 12, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Buildings, buildings in sections and parts and accessories*, from Ogden, Utah, to points in the United States (except Alaska, Hawaii, California, Nevada, Arizona, and New Mexico). NOTE: Common control and dual operations may be involved. Applicant states that the above sought authority could be tacked with its Sub 341 but to do so is not the purpose of this application. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 107295 (Sub-No. 267), filed December 4, 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: *Storage racks, and pallet racks*, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107295 (Sub-No. 268), filed December 8, 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: *Plywood, wallboard, hardboard, composition board, flooring, lumber products, and accessories* used in the installation thereof from points in Wisconsin, to points in the United States in and east of the States of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that it intends to tack with 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 Madison, Wis., or Chicago, Ill.

No. MC 107496 (Sub-No. 758), filed December 1, 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 above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, truck tractors, containers, bodies and materials, supplies and parts of such commodities*, between points in Lee County, Iowa, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108053 (Sub-No. 92), filed December 8, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles); (1) from Arkansas City and Wichita, Kans., to points in Arizona, California, Idaho, Nevada, Utah, and Washington; and (2) from Kansas City, Kans., to points in Arizona, Idaho, Nevada (except Las Vegas and

Reno), Oregon, Utah, 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 Kansas City, Kans.

No. MC 108068 (Sub-No. 87), filed December 8, 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 applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning equipment and parts*, from Minneapolis, Minn., 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 Washington, D.C., or Chicago, Ill.

No. MC 108207 (Sub-No. 279), filed December 10, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined by the Commission, *dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish, and prepared salads*, in vehicles equipped with mechanical refrigeration; and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except those described in paragraph (1) above), when moving in mixed loads with one or more of the commodities described in paragraph (1) above, from points in Texas to points in Arkansas, Oklahoma, Kansas, Missouri, Illinois, Louisiana, Iowa, Michigan, Minnesota, Mississippi, Wisconsin, Ohio, South Dakota, Indiana, Louisville, Ky., Memphis, Tenn., and Nebraska, restricted against the transportation of the above-described commodities in bulk, in tank vehicles. NOTE: Applicant states it will tack with its existing authority in MC 108207 Sub 147 over Texas to serve all States from California. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108449 (Sub-No. 305), filed December 5, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as applicant) also Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Spring Valley, Minn., and points within 5 miles thereof to points in Wisconsin and Iowa. 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 108449 (Sub-No. 306), filed December 5, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as above) also Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Milwaukee County, Wis., to the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 111785 (Sub-No. 46), filed December 8, 1969. Applicant: BURNS MOTOR FREIGHT, INC., Post Office Box 149, U.S. Highway 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets, contain-a-pallets, lumber and shipping devices*, from points in Cuyahoga County, Ohio, to points in New Jersey, Maryland, Virginia, North Carolina, and Tennessee; (2) *shipping devices and contain-a-pallets*, from points in Cuyahoga County, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Texas, Vermont, West Virginia, and Wisconsin; and (3) *nails*, from Port Newark, N.J., Richmond and Norfolk, Va., and Baltimore, Md., to points in Tucker County, W. 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 Charleston, W. Va.

No. MC 112595 (Sub-No. 40), filed December 12, 1969. Applicant: FORD BROTHERS, INC., Post Office Box 727, Ironton, Ohio 45638. Applicant's representative: Charles F. Dodrill, Post Office Box 1824, Huntington, W. Va. 25719. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, in tank vehicles from Lockland (Cincinnati), Ohio, to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio, or Washington, D.C.

No. MC 112822 (Sub-No. 139), filed December 1, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, plastic mouldings, valves, fitting compounds, joint sealer, bonding cement, thinner, vinyl building products and accessories* used in the installation of such products, from McPherson, Kans., Waco, Tex., and Social Circle, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., St. Louis, Mo., or Wichita, Kans.

No. MC 113267 (Sub-No. 227), filed December 11, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burlap bags, and burlap bagging*, from Charlotte, N.C., and Savannah, Ga., to points in Illinois, Indiana, Ohio, Michigan, Iowa, Wisconsin, Minnesota, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Raleigh, N.C.

No. MC 113651 (Sub-No. 129), filed October 7, 1969. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh and *meats* fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Hereford, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113651 (Sub-No. 130), filed October 7, 1969. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier*

Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles) from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 370), filed November 25, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Harlan, Iowa, to points in Massachusetts, New York, New Jersey, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 113678 (Sub-No. 373), filed December 11, 1969. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, 4810 Pontiac Street, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 806, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Clarinda, Postville, and Storm Lake, Iowa, to points in Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 113784 (Sub-No. 35), filed December 8, 1969. Applicant: LAIDLAW TRANSPORT LIMITED, a corporation, Post Office Box 430, Hagersville, Ontario, Canada. Applicant's representative: David A. Sutherlund, 1140 Connecticut Avenue, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and refractory products*, between the international boundary, at or near Lewiston, Niagara Falls, and Fort Erie, Ontario, Canada, and the Buffalo, N.Y., commercial zone, as defined by Interstate Commerce Commission. NOTE: Applicant states the authority sought herein will be joined with authority held to conduct operations within Canada. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113974 (Sub-No. 38), filed December 3, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, from Aliquippa and Pittsburgh, Pa., to points in Florida, Georgia, North Carolina, South Carolina, and Virginia, and (2) *plastic coated wrought steel pipe*, from Pittsburgh, Pa., to points in Tennessee. NOTE: Applicant states that the requested authority could be tacked at any of the origin points, to heavy hauling authority covering points in Pennsylvania, Ohio, and West Virginia within 125 miles of Wheeling, W. Va. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113974 (Sub-No. 39), filed December 9, 1969. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated wrought steel pipe*, from North Lima, Ohio, to points in Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 53), filed December 1, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I of the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766, except hides and commodities in bulk in tank vehicles, from the plantsite and cold storage facilities of Wilson & Co., located at or near Logansport, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Restricted: Restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co. located at or near Logansport, Ind., and destined to the above-specified destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114362 (Sub-No. 11), filed December 3, 1969. Applicant: H. A. PIERCE AND R. E. SCHUSTER, a partnership, doing business as PIERCE-SCHUSTER TRUCK LINES, Freeborn, Minn. 56032. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer ingredients*, from Humboldt, Iowa, to points in Minnesota, and points in Bon Homme, Brookings, Clay, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Turner, Union, and Yankton Counties, S. Dak. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114533 (Sub-No. 204), filed December 18, 1969. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606, and Arnold Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woven labels, yarns, fibers, and other related textile supplies and parts*, between Holdrege, Nebr., on the one hand, and, on the other, Omaha, Nebr., restricted to the transportation of shipments having an immediately prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 114632 (Sub-No. 24), filed November 17, 1969. Applicant: APPLE LINES, INC., 225 South Van Epps, Madison, S. Dak. 57022. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*

as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, and *foodstuffs*, except meats and packinghouse products as described above, when moving in the same vehicle at the same time with meats and packinghouse products, from Fremont, Nebr., to points in Illinois, Kansas, and Missouri; and (2) *meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from Huron, S. Dak., to points in Iowa, Indiana, and Nebraska, restricted to shipments originating at: In (1) the plantsite and/or warehouse facilities of Geo. A. Hormel and Fremont, Nebr.; and in (2) the plantsite and/or warehouse facilities of Rod Barnes Packing Co., Huron, S. Dak.; and in (1) and (2) to shipments destined to the named States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant is also authorized to operate under MC 129760, as a contract carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 115523 (Sub-No. 159), filed December 3, 1969. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, Utah 84116. Applicant's representative: H. E. Barker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from points in San Bernardino and Inyo Counties, Calif., to points in Nevada: NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Reno, Nev.

No. MC 115841 (Sub-No. 365), filed December 1, 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) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except *meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, unfrozen, and frozen foods, and candy*, and except in bulk), in vehicles equipped with mechanical refrigeration, when moving in mixed loads with *meats, meat products, meat byproducts, articles, distributed by meat products, dairy products, articles distributed by meat packinghouses, frozen foods, and candy* (presently authorized), from Chattanooga, Tenn., to points in North Carolina, South Carolina, Virginia, West Virginia, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas. Restriction: Service from Chattanooga, Tenn., to points in Florida is limited to traffic originating at Chattanooga and destined to points in Florida. NOTE: Common control may be involved. Applicant states it intends to tack with its Sub-4 and Sub-146, however, 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 Chattanooga, Tenn., or Birmingham, Ala.

No. MC 116448 (Sub-No. 3), filed December 1, 1969. Applicant: RAYMOND WOODSON, doing business as WOODSONS TRUCKING SERVICE, 700 Continental, Wellsville, Mo. 63384. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet materials, and wood chips*, from points in Montgomery County, Mo., to Alton, Ill., and points within the commercial zone thereof. 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 Jefferson City or St. Louis, Mo.

No. MC 117344 (Sub-No. 199), filed December 11, 1969. 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. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, from Cincinnati, Ohio, to points in Montana, Utah, and Wyoming. 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 117686 (Sub-No. 110), filed December 1, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 55102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities of Wilson & Co., Inc., located at or near Albert Lea, Minn., to points in Georgia, Kentucky, Louisiana, Mississippi, Tennessee, restricted to traffic originating at the above plantsite and/or storage facilities and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 117765 (Sub-No. 92), filed December 3, 1969. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: F. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, mineral feed mixtures, materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in mixed loads with salt and mineral mixtures, and *materials and supplies* used in manufacture and processing of salt and salt products; (1) between plantsite and warehouse facilities of Carey Salt Co., New Orleans, La., and points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) between plantsite and warehouse facilities of Carey Salt Co., Hutchinson, Kans., and points in Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 118159 (Sub-No. 84), filed December 1, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spice sets*, in glass containers and/or racks, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Oklahoma City, Okla., or Washington, D.C.

No. MC 118959 (Sub-No. 58), filed December 1, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving and roofing materials* (except commodities in bulk), from Chicago, Ill., to points in Indiana, Missouri, Ohio, Kentucky, Tennessee, Kansas, and Iowa. NOTE: Applicant states it presently holds contract carrier authority under its permit No. MC 125664 and subs thereunder, therefore dual operations may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it to be held at Chicago, Ill., or St. Louis, Mo.

No. MC 118959 (Sub-No. 60), filed December 9, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*,

from the plantsite of Union Camp Corp., located at Affton, Mo., to points in Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Florida, Louisiana, Texas, New Mexico, Arizona, Colorado, Oklahoma, Kansas, Indiana, Ohio, Pennsylvania, New York, New Jersey, Illinois, Michigan, Minnesota, Wisconsin, North Dakota, South Dakota, Nebraska, Missouri, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119441 (Sub-No. 19), filed December 8, 1969. Applicant: BAKER HIWAY EXPRESS, INC., Box 484, Dover, Ohio 44622. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, other than in bulk, between Columbus and Upper Sandusky, Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, West Virginia, Virginia, Delaware, New Jersey, Maryland, Connecticut, Rhode Island, Massachusetts, and the District of Columbia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of clay products, from points in Pennsylvania, New York, West Virginia, Virginia, Delaware, New Jersey, Maryland, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, to Columbus and Upper Sandusky, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119560 (Sub-No. 9), filed November 17, 1969. Applicant: SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, S.C. 29448. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement mix, asphalt, sand, rock or stone* (crushed, ground, or natural), *tile grout, masonry coating, hydraulic cement, acrylic paints, vinyl concrete patches, lime, adhesives, liquid asphalt sealer, coal, tar pitch emulsion, patching plaster, cold weather additive, liquid latex, advertising matter and paper bags*, palletized in bags, in mixed or straight loads, from the plantsite of Carolina Readymix, Inc., at or near Columbia, S.C., to points in Florida, Georgia, North Carolina, 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 Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 119619 (Sub-No. 19), filed December 3, 1969. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and except commodities in bulk, in tank vehicles), from the plantsites and/or cold storage facilities of Wilson & Co., Inc., at Monmouth, Ill., to points in Maryland, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, District of Columbia, and Pennsylvania, restricted to the transportation of traffic originating at the above-specified origins and destined to the above-specified destinations. 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 119619 (Sub-No. 20), filed December 3, 1969. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and except commodities in bulk, in tank vehicles), from the plantsites and/or cold storage facilities of Wilson & Co., Inc., at Logansport, Ind., to points in Maryland, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, Pennsylvania, and the District of Columbia, restricted to the transportation of traffic originating at the above-specified origins and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 232), filed December 15, 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: (1) *Fresh and frozen meats*, from St. Cloud, Minn., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, and Missouri; and (2) *foodstuffs*, from Belding, Mich., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota. 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 Minneapolis, Minn.

No. MC 119988 (Sub-No. 26) (Correction), filed November 3, 1969, published in the FEDERAL REGISTER issue of December 11, 1969, corrected and republished in part, as corrected, this issue. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Drive, Post Office Box 1384, Lufkin, Tex. 75902. Applicant's representative: Bennie W. Haskins (same address as above). NOTE: The purpose of this partial republication is to reflect section 203(b)(7) of the Act, in lieu of section 208(b)(7) of the Act, in Item 2. The rest of the application remains the same.

No. MC 121499 (Sub-No. 3) (Clarification), filed September 9, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished as clarified, this issue. Applicant: WILLIAM HAYES LINES, INC., Hartman Drive, Post Office Box 610, Lebanon, Tenn. 37087. Applicant's representative: William Hayes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment, between Lebanon, Tenn., and Atlanta, Ga.; (a) from Lebanon over U.S. Highway 231S to Murfreesboro, Tenn., thence over U.S. Highway 41 to Atlanta, and return over the same route; and (b) from Murfreesboro over Interstate Highway 24 to Chattanooga, thence over Interstate Highway 75 to Atlanta and return over the same route, serving no intermediate points in connection with (a) and (b) above, and serving Murfreesboro for joinder only. Restriction: Restricted against the handling of traffic which originates at, is destined to, or is interchanged at Nashville, Tenn., and points in its commercial zone. NOTE: The purpose of this republication is to show serving no intermediate points. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123067 (Sub-No. 99), filed December 12, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from points in Giles County, Va., to points in North Carolina, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 123111 (Sub-No. 6) (Amendment), filed August 22, 1969, published in the FEDERAL REGISTER issues of September 25, 1969, and October 23, 1969, and republished as amended this issue. Applicant: QUEENSWAY TANK LINES LIMITED, a corporation, Queensway

Road, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and kerosene*, in bulk, in tank vehicle, from ports of entry along the United States-Canada boundary line between the States of New York and Vermont and the Province of Quebec, Canada, on the one hand, and, on the other, all points and places in the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect a change in the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Syracuse, Albany, or New York, N.Y.

No. MC 123383 (Sub-No. 44), filed December 10, 1969. Applicant: BOYLE BROTHERS, INC., 2036 South Fourth Street, Camden, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those in bulk, and those which because of size or weight require the use of special equipment), from points in New Jersey and New York within 25 miles of Newark, N.J., including Newark, N.J., to points in Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states it presently provides service through a gateway plant at Camden, N.J., and the purpose of this application is to eliminate need of the gateway. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123465 (Sub-No. 4), filed November 24, 1969. Applicant: ST HYACINTHE EXPRESS, INC., 7770 Bruillette Street, St-Hyacinthe, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood products and parts thereof, such as, but not limited to, wood panels, cabinets, shelving, office and bank furniture, pianos, radio and TV cabinets and coffins* assembled and/or knocked down, all uncrated, and *wooden parts* thereof crated and uncrated, moving in the same shipments with the wood products, from ports of entry on the international boundary line between the United States and Canada located in Maine, Vermont, New York, Michigan, and Wisconsin, to points in the United States including Alaska (but excepting Hawaii), and (2) *furniture pads and packing materials* used to protect said commodities while being transported, on return, under contract with Casavant Freres Limitee, St. Hyacinthe, Quebec, Canada, in connection with (1) and (2) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 123639 (Sub-No. 120), filed November 24, 1969. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. 80216. Applicant's representative: David Senseney, 3395 South Bannock, Englewood, Colo. 80110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses* as defined in sections A, B, and C of appendix I in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766, from Sterling, Colo., to points in Pennsylvania, New York, Maryland, Delaware, Rhode Island, Connecticut, Maine, New Hampshire, Kentucky, Massachusetts, New Jersey, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124032 (Sub-No. 11), filed December 3, 1969. Applicant: REED'S FUEL COMPANY, a corporation, 138 Fifth Street, Springfield, Oreg. 97477. Applicant's representative: Robert P. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, hardboard, and wood chip products*, from points in Lane County, Oreg., to ports on the Siuslaw River, located at or near Florence, Oreg., restricted to traffic having a subsequent movement by water. NOTE: Applicant states it holds authority under MC 124032 (Sub-No. 5) to transport said commodities requested herein to the above described points (except ports on the Siuslaw River). The purpose of the instant application is to permit a continuation of service to newly developing port facilities along the river in the vicinity of Florence. All such duplicating authority shall be eliminated, if and when the present application is granted. 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 Eugene or Portland, Oreg.

No. MC 124117 (Sub-No. 4), filed December 5, 1969. Applicant: EARL FREEMAN, doing business as MID-TENN EXPRESS, Post Office Box 101, Eagleville, Tenn. 37060. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Winston-Salem, N.C.; St. Joseph, Mo.; Newport, Ky.; and Perry, Ga., to points in that part of Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Tennessee River. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 124813 (Sub-No. 71), filed December 9, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Clinton, Iowa, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118468 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125473 (Sub-No. 9), filed December 11, 1969. Applicant: YAZOO TRUCKING CO., INC., Post Office Box 625, Yazoo City, Miss. 39194. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, Miss. 39201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer and fertilizer materials*, dry, in containers, from the plantsite of Monsanto Co., located near Luling, La., to points in Mississippi, under contract with Monsanto Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127584 (Sub-No. 4), filed December 3, 1969. Applicant: AERO TRANSPORTERS, INC., Box 551, Ellenville, N.Y. 12428. Applicant's representatives: Martin Werner and Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum mill products and materials, supplies and equipment* used in connection with the manufacture, production and distribution of *aluminum and aluminum mill products* (except commodities in bulk, in tank vehicles), between points in the town of Wawarsing (Ulster County), N.Y., on the one hand, and, on the other, points in Kentucky, Missouri, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with V.A.W. of America, Inc., of the town of Wawarsing, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127657 (Sub-No. 3), filed December 3, 1969. Applicant: HAWAIIAN PACKING AND CRATING COMPANY, LTD., a corporation, 611 Middle Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities ordinarily transported in dump trucks), between points in Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant request it be held at Honolulu, Hawaii.

No. MC 127952 (Sub-No. 16), filed December 19, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, on pallets, from points in Los Angeles County, Calif., to points in Arizona, under contract with Ball Bros. Co., Inc., Brockway Glass Co., Glass Containers Corp., Owens-Illinois, Inc., Anchor Hocking Corp., and Latchford Glass Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 128375 (Sub-No. 37), filed December 8, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire rope and prestressed, reinforced strand cable*, from Trenton and Roebling, N.J., and Palmer, Mass., and points in their commercial zones to points in Wyoming, Colorado, Texas, Oklahoma, Utah, Arizona, California, Oregon, and Washington; and (2) *iron and steel articles* from Pueblo, Colo., and points in its commercial zone to points in Califronia, under contract with CF & I Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Lincoln, Nebr.

No. MC 128570 (Sub-No. 12), filed December 1, 1969. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 1122, Warner Building, E at 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing machine and typewriter parts and articles pertaining thereto*, between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Newark and Trenton, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 115601 Sub 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 128585 (Sub-No. 2), filed December 1, 1969. Applicant: WILLIAM J. PETERSON, doing business as PETERSON TRUCKING, 427 West Fourth Avenue, Redfield, S. Dak. 57469. Applicant's representative: Galen G. Gillette, 28 East Seventh Avenue, Redfield, S. Dak. 57469. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons and egg cases, and fillers* therefore, from points in Minnesota, Illinois, Ohio, Indiana, New York, Pennsylvania, New Jersey, and Iowa, to Redfield, S. Dak.; under contract with Harry's Station, Redfield, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Redfield or Aberdeen, S. Dak.

No. MC 133000 (Sub-No. 3), filed December 3, 1969. Applicant: DIAMOND SAND & STONE CO., a corporation, 744 Riverside Avenue, Post Office Box 4667, Jacksonville, Fla. 32204. 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: *Dolomite*, in bulk, from points in Taylor County, Fla., to points in Georgia and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 133453 (Sub-No. 4), filed November 19, 1969. Applicant: TROJAN TRANSPORTATION, INC. (formerly M. Milestone, Inc., as amended Dec. 30, 1969), 2729 Federal Street, Philadelphia, Pa. 19145. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, materials, and supplies* used in the manufacture of beverages, from Bound Brook, Carlstadt, Elizabeth, and Linden, N.J.; Baltimore, Md.; Farmingdale, Jamaica, Mount Kisco, Newburgh and Rochester, N.Y.; Norfolk and Richmond, Va.; and Norton and Worcester, Mass.; to Philadelphia, Pa., under contract with Boulevard Beverage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133543 (Sub-No. 1), filed December 1, 1969. Applicant: D. F. HOLBROOK, INC., 29 School Street, Lebanon, N.H. 03766. Applicant's representative: Ridler W. Page (same address as applicant). Authority sought to operatea s a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat products*, from West Lebanon, N.H., to points in New Hampshire, Vermont, and Massachusetts under contract with The Holbrook Grocery Co. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 133689 (Sub-No. 3), filed December 15, 1969. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., Post Office Box 2667, New Brighton, Minn. 55112. Applicant's representatives: James F. Sexton (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) and *canned and frozen foods* (except berries, fruits, and vegetables), from St. Paul and Twin Lakes, Minn., and Monroe, Eau Claire, and Portage, Wis., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that tacking possibilities exist with authority sought in Docket MC 133689. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant states that the purpose of the instant application is to convert the permit in MC 76025 Sub 8 to a certificate as a common carrier. Applicant holds contract carrier authority under MC 76025 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.; Chicago, Ill.; or Washington, D.C.

No. MC 133960 (Sub-No. 1), filed December 3, 1969. Applicant: GEORGE J. RIEDER, doing business as RIEDER TRANSPORTATION COMPANY, 34 Champion Road, Gloucester, N.J. 08030. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen appliances and fixtures*, from Camden, N.J., to points in Pennsylvania and Delaware and *refused, damaged shipments, or used appliances or fixtures, from points* in Pennylvania or Delaware to Camden, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133964 (Sub-No. 1), filed December 8, 1969. Applicant: WATERFRONT HAULERS, INC., Calliope and Delta Streets, New Orleans, La. 70130, Post Office Box 1503, Chalmette, La. 70043. Applicant's representatives: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005, and Salvador J. Forte (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ships spare parts, supplies, equipment, and machinery*, (in bond), loose or in packages, from New Orleans, La., city-front docks and docks in the Chalmette, La., area, and New Orleans International Airport, to docks located at Baton Rouge, Burnside, Gramercy, Port Allen, and St. Rose, La. NOTE: If a hearing is deemed necessary applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 133971 (Sub-No. 2), filed November 24, 1969. Applicant: TRUAX TRUCK LINE, INC., Post Office Box 248, Egan, La. 70531. Applicant's representative: Edward A. Winter, 235 Rosewood Drive, Metairie, La. 70005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from Marrero, La., to points in Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 134162, filed November 12, 1969. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, in truckloads,* from Port Huron, Detroit, and St. Clair, Mich., and points within 1 mile of Port Huron, to all points in Indiana, Illinois, and Ohio; (2) *salt,* (a) from Cleveland and Fairport, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (b) from Akron and Rittman, Ohio, to points in Delaware, Maryland, New Jersey (except points in New Jersey in the Philadelphia, Pa., commercial zone, as defined by the Commission, and the New York, N.Y., commercial zone, as defined by the Commission), and Kentucky (except Covington, Louisville, and Newport, Ky.); and *returned pallets,* on return; (3) *salt,* in bulk, from Watkins Glen, N.Y., to points in Indiana, Michigan, and Ohio; (4) *rock salt,* in bulk from ports of entry on the international boundary line between the United States and Canada, located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, Saginaw Bay, and on the lakes of St. Claire, Ontario, Erie, Huron, Superior, and Michigan (except Wisconsin ports on Lake Michigan, and Wisconsin and Minnesota ports on Lake Superior), to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

Restrictions: The service sought herein is subject to the following conditions: The above-described operations are restricted (a) to shipments which have had a prior movement by water from Goderich and Ojibway, Ontario, Canada; Detroit, Mich.; Cleveland and Fairport, Ohio; and (b) against the transportation of any shipment (1) between points within 40 miles of Monroe, Mich., and (2) from Manistee, Mich., to points in Illinois, Indiana, and Ohio; (5) *salt,* in bulk, in dump trucks; from Akron, Ohio, to Covington, Louisville, and Newport, Ky., points in New Jersey located in the Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission, and points in Illinois, Indiana, Michigan, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (6) *salt,* from Detroit, Mich., to points in Kentucky; (7) *salt,* in bulk; (a) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties); (b) between points in West Virginia; (c) between points in Kentucky; (d) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan). Restrictions: The service sought above is restricted to traffic having a prior movement by rail; and, from water terminals on the Ohio River and its tributaries to points in Ohio, West Virginia, and Kentucky. Restriction: The service sought immediately above is restricted to traffic having a prior movement by water; (8) *packaged individual servings of foodstuffs and condiments, in mixed loads with salt* (presently authorized); from St. Clair, Mich., to points in Ohio, Indiana, and Illinois;

(9) *Rock salt,* in bulk, from Archbold, Ohio, to points in Indiana; (10) *rock salt,* in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan. Restrictions: The services sought herein are subject to the following conditions: The operations sought herein are restricted against the following: (1) Traffic moving between points in Pennsylvania; (2) traffic moving between points within 40 miles of Monroe, Mich.; (3) traffic moving from Lucas County, Ohio, to points in Michigan and Indiana; and (4) traffic moving between points in Ashtubula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, and Pennsylvania; (11) *materials and supplies* used in the agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries (except commodities in bulk), in mixed loads with salt and salt products (presently authorized); (a) from Fairport, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (b) from Rittman, Ohio, to points in Delaware, Maryland, New Jersey (except points in New Jersey in the Philadelphia, Pa., commercial zone as defined by the Commission, and the New York, N.Y., commercial zone, as defined by the Commission), and Kentucky (except Covington, Louisville, and Newport);

(c) From points of entry on the United States-Canada boundary line, located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, Saginaw Bay, and on the Lakes of St. Clair, Ontario, Erie, Huron, Superior, and Michigan (except Wisconsin ports on Lake Michigan and Wisconsin and Minnesota ports on Lake Superior), to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (d) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties); (e) between points in West Virginia; (f) between points in Kentucky; (g) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan); (12) *salt,* in packages, from points in Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, Pennsylvania, West Virginia, and the Lower Peninsula of Michigan; (13) *salt,* from Akron and Rittman, Ohio, to Covington, Louisville, and Newport, Ky., points in New Jersey located in the Philadelphia, Pa., and New York, N.Y., commercial zones, as defined by the Commission, and points in Illinois, Indiana, Michigan, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (14) *salt,* from points in Michigan, to points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and West Virginia;

(15) *Products used in agricultural, water treatment, food processing, wholesale grocery and institutional supply industries,* when shipped in mixed shipments with salt and salt products (presently authorized); (a) from Port Huron, Detroit, and St. Clair, Mich., and points within 1 mile of Port Huron, to all points in Indiana, Illinois, and Ohio; (b) from Akron, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (c) from Cleveland, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (d) from Watkins Glen, N.Y., to points in Indiana, Michigan, and Ohio; (e) from Detroit, Mich., to points in Kentucky; (f) between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan; and (16) *salt,* from Chicago, Ill., to points in Indiana, Michigan, and Ohio. NOTE: Applicant presently holds contract carrier authority under its permit MC 114115 and subs thereunder. No duplicating authority is sought. Applicant further states the purpose of this application is to seek conversion of its contract carrier authority to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 134194, filed December 1, 1969. Applicant: NORMAN C. EMERSON, Box 161, Springfield, Vt. 05156. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motion picture films and accessories, including advertising matter,* between Boston, Mass., on the one hand, and, on the other, points in Vermont and New Hampshire. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Concord, N.H., or Boston, Mass.

No. MC 134197, filed December 4, 1969. Applicant: JACKSON AND JOHNSON, INC., West Church, Box 7, Savannah, N.Y. 13146. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* other than frozen, and *canning materials and supplies,* between Hamlin, Holley, and Williamson, N.Y., to points in Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held

at Rochester, Buffalo, or New York, N.Y.

No. MC 134198, filed December 1, 1969. Applicant: HARDEE'S TRANSPORTATION SYSTEM, INC., 1233 North Church Street, Rocky Mount, N.C. 27801. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, restaurant equipment, and supplies*, between points in the United States (except Alaska and Hawaii), under a continuing contract with Carolina Foods, Inc., Golden Shore Seafoods, Inc., New Orleans Shrimp Co., Inc., Gol-Pak Corp., H.G.C. Construction and Equipment Co., Inc., Fast Foodmakers, Inc., and Hardee Products, Inc.; restricted to movements from or to facilities of the specified companies or public warehouses. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 134208, filed December 5, 1969. Applicant: L. V. Kirkman, doing business as KIRKMAN'S AIRPORT TRANSPORTATION COMPANY, Post Office Box 3014, Greensboro, N.C. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except dangerous articles, commodities in bulk, commodities requiring special equipment, commodities contaminating to other lading, and household goods); restricted to freight having prior or subsequent movement by air and further restricted to shipments received from or delivered to air lines or air freight forwarders at named airports, and further restricted to be applicable only on traffic moving on air bills of lading, between Greensboro-High Point-Winston-Salem Airport, in Guilford County, Greensboro, N.C., on the one hand, and, on the other, the Douglas Field in Charlotte, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C., or Washington, D.C.

No. MC 134217, filed December 8, 1969. Applicant: BOB KEATON, Post Office Box 1187, 1001 Lelia Street, Texarkana, Tex. 75501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Straight or mixed shipments of pallets and/or containers, fiberboard or pulpboard*, corrugated or other than corrugated, metal, wood or plastic, separate or combined, set up, knocked down or taken apart, from Texarkana, Tex., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex., or Shreveport, La.

No. MC 134222, filed December 11, 1969. Applicant: CHARLES R. DISETA, doing business as DISETA TRUCKING CO., 908 Fawn Street, Baltimore, Md. 21202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups, paper dishes, plastic cups, plastic lids, and paper covers*, under contract with Solo Cup Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 134230, filed December 8, 1969. Applicant: WALLACE L. SMITH, 560 South Fairview, Prineville, Oreg. 97754. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from John Day, Oreg., to Fruitland, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 134231, filed December 8, 1969. Applicant: SERVICE MOVING & TRANSFER, INC., 910 Keck Avenue, Evansville, Ind. 47711. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New household goods, furniture and furnishings, and office furniture and furnishings*, in retail deliveries only, from Evansville, Ind., to points in Indiana, Kentucky, and Illinois; under contract with Stewart's Department Store, Evansville, Ind., and Universal Furniture Co., Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis or Evansville, Ind.

No. MC 134232, filed December 10, 1969. Applicant: WESTERN STATES TRANSPORT, INC., Post Office Box 20, Boise, Idaho 83707. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocers and food business houses*, between points in Washington, Oregon, California, Nevada, Utah, Idaho, Montana, Wyoming, and Colorado under a continuing contract with Albertson's, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

MOTOR CARRIERS OF PASSENGERS

No. MC 541 (Sub-No. 3), filed November 12, 1969. Applicant: THE NEW BRITAIN TRANSPORTATION COMPANY, a corporation, 333 Arch Street, New Britain, Conn. 06051. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special racetrack operations, from Bristol, Plainville, New Britain, and Meriden, Conn., to the Rockingham Race Track in Salem, N.H., and the Green Mountain Race Track in Pownal, Vt., and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 2835 (Sub-No. 33), filed November 24, 1969. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction New York Highway 208 and New York Highway 17K and junction New York Highway 52 and New York Highway 376 at or near East Fishkill, N.Y., from junction New York Highway 208 and New York Highway 17K, over New York Highway 17K to Newburgh, N.Y., thence over New York Highway 9W to junction Interstate Highway 84, thence over Interstate Highway 84 to junction New York Highway 9D, thence over New York Highway 9D to Beacon, N.Y. thence over New York Highway 52 to junction New York Highway 376 at or near East Fishkill, N.Y., and return over the same route serving all intermediate points. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kingston or Albany, N.Y.

No. MC 2835 (Sub-No. 35), filed December 12, 1969. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Kingston, N.Y., and Rhinebeck, N.Y.; From Kingston over U.S. Highway 9W to junction New York Highway 199, thence over New York Highway 199 to junction New York Highway 9G, thence over New York Highway 9G to junction U.S. Highway 9, thence over U.S. Highway 9 to Rhinebeck, and return over the same route serving all intermediate points. NOTE: Applicant states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kingston or Albany, N.Y.

APPLICATION OF FREIGHT FORWARDER

No. FF-383 (EMERY AIR FREIGHT CORPORATION, Freight Forwarder Application), filed December 31, 1969. Applicant: EMERY AIR FREIGHT CORPORATION, Post Office Box 322, Wilton, Conn. 06897. Applicant's representative: George C. Neal, 1100 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought under section 410, Part IV of the Interstate Commerce Commission Act, for a permit to institute operation as a *freight forwarder*, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, express, water, air, or motor vehicle in the transportation of: *General commodities*, between all points in the United States, restricted to shipments having a prior or subsequent movement by aircraft.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 133302 (Sub-No. 3), filed October 23, 1969. Applicant: WICHITA-SOUTHEAST KANSAS TRANSIT, a corporation, 624 East Morris Street, Wichita, Kans. 67211. Applicant's representatives: Lowell L. Rhodes (same address as applicant) and Paul V. Dugan, 1400 Wichita Plaza, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities;* (1) between Wichita, Kans., and points in Cherokee, Crawford, Labette, Neosho, and Wilson Counties, Kans.; (2) between Wichita, Kans., and points on and south of U.S. Highway 54 in Allen, Bourbon, Greenwood, and Woodson Counties, Kans.; (3) between Wichita, Kans., and points in an area in Montgomery County, Kans., described as follows: The area north and east of a line beginning at the point on the Montgomery County-Elk County boundary line where U.S. Highway 160 enters Montgomery County, Kans., east on U.S. Highway 160 to junction U.S. Highways 160 and 169, thence south to the Kansas-Oklahoma boundary line; and serving all points on U.S. Highways 160 and 169 in said county; (4) between Wichita, Kans., and Beaumont, Kans.; and (5) between points in the counties and areas described herein. NOTE: Common control may be involved. Applicant states that it does not intend to tack.

No. MC 134104 (Sub-No. 2), filed October 16, 1969. Applicant: GILBERT FONT & PETER J. BETZ, a partnership, doing business as B & F TRANSPORT COMPANY, 110 Moriches Bypass, Center Moriches, N.Y., 11934. Applicant's representative: William J. Augello, Jr., 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial refuse containers*, from Lindenhurst and Farmingdale, N.Y., to points in Delaware, Iowa, Illinois, Indiana, Louisiana, Maryland, Michigan, Minnesota, New Jersey, Nebraska, Ohio, Oklahoma, Pennsylvania, Virginia, Wisconsin, and the District of Columbia, and *materials and supplies* used in the manufacture of industrial refuse containers from Ohio, Pennsylvania, and West Virginia to Lindenhurst and Farmingdale, N.Y.; and (2) *lamp shades*, from East Patchogue, N.Y., to points in Delaware, Maryland, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

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

[F.R. Doc. 70-479; Filed, Jan. 14, 1970; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 12, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41856—*Phthalic anhydride to Baton Rouge, La.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2966), for interested rail carriers. Rates on phthalic anhydride, in tank carloads, as described in the application, from Bridgeville, Neville Island, Philadelphia, Pittsburgh, and Pittsburgh (West End), Pa., to Baton Rouge, La.

Grounds for relief—Market competition.

Tariff—Supplement 264 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-334.

By the Commission.

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

[F.R. Doc. 70-558; Filed, Jan. 14, 1970; 8:48 a.m.]

[Notice 476]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 12, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71753. By order of January 8, 1970, the Motor Carrier Board approved the transfer to Del-Sco Transfer, Inc., Selden, N.Y., of the operating rights in permit No. MC-123374 issued September 1, 1961, to Paul Scalice, New York, N.Y., authorizing the transportation of such commodities as are dealt in by manufacturers of office supplies, from the site of the Wilson Jones Co. plant in Elizabeth, N.J., to New York, N.Y. Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-71793. By order of January 6, 1970, the Motor Carrier Board approved the transfer to Dodson S. Waugh, doing business as Waugh Trucking Co., Berkeley Springs, W. Va., of certificate No. MC-127376 issued December 9, 1965, to Furniture Storage, Ltd., Pittsburgh, Pa., authorizing the transportation of: Household goods, as defined by the Commission, between points in Morgan County, W. Va., on the one hand, and, on the other, points in Pennsylvania, Maryland, and the District of Columbia. John T. Tierney, Post Office Box 2009, Pittsburgh, Pa. 15230, attorney for applicants.

No. MC-FC-71801. By order of January 8, 1970, the Motor Carrier Board approved the transfer to Black's Motor Express, Inc., Wilmington, N.C., of certificate No. MC-35374 issued January 21, 1947, to D. J. Black, doing business as Black's Motor Express, Wilmington, N.C., authorizing the transportation of general commodities, with the usual exceptions between Wilmington, N.C., and Richmond, Va., serving the intermediate point of Petersburg, Va., and between Wilmington, N.C., and Warsaw, N.C., serving intermediate and off-route points of Rocky Point, Burgaw, Tin City, Wallace, Rosehill, and Magnolia, N.C. J. Ruffin Bailey, Post Office Box 2246, Raleigh, N.C. 27602, attorney for applicants.

No. MC-FC-71805. By order of January 7, 1970, the Motor Carrier Board approved the transfer to Emil B. Ludolph II, doing business as Ludolph Truck Line, Westphalia, Kans. 66093, of the operating rights in certificate No. MC-29605 issued May 24, 1961, to William E. Fry, Westphalia, Kans. 66093, authorizing the transportation of agricultural implements and parts, hardware, fertilizer, flour, iron, and steel articles, fencing materials, roofing, feed, and seeds, from Kansas City, Mo., and Kansas City, Kans., to Westphalia, Kans., and points within 10 miles of Westphalia; and livestock, between Kansas City, Mo., and Kansas City, Kans., on the one hand, and, on the other, points within 10 miles of Westphalia, Kans., including Westphalia.

No. MC-FC-71806. By order of January 6, 1970, the Motor Carrier Board approved the transfer to Mabey's Leasing, Inc., Chatham, N.Y., of the operating rights in certificates Nos. MC-2221, MC-2221 (Sub-No. 1), MC-2221 (Sub-No. 3), and MC-2221 (Sub-No. 5) issued October 10, 1940, February 26, 1940, August 10, 1944, and March 7, 1957, respectively, to Mabey's Moving & Storage, Inc., Chatham, N.Y., authorizing the transportation of household goods, between Hudson, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Indiana, and Ohio, and between Hudson, N.Y., and points in Columbia County, N.Y., within 20 miles of Hudson, on the one hand, and, on the other, points in Connecticut, Indiana, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, and the District of Columbia; and bakery products, from Hudson, N.Y., to Pittsfield, Mass. John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207, attorney for applicants.

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

[F.R. Doc. 70-559; Filed, Jan. 14, 1970; 8:48 a.m.]

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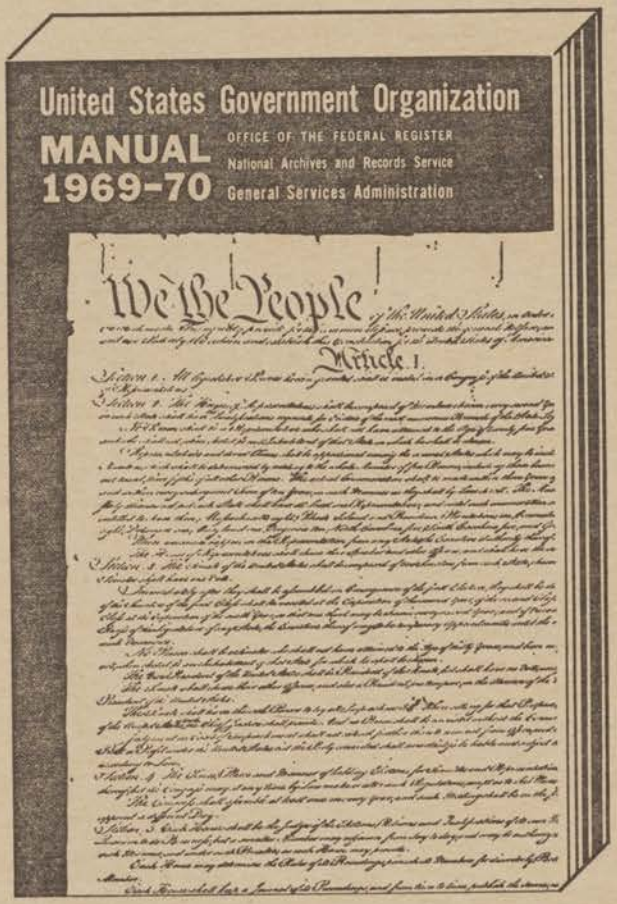

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