Volume 82
UNITED STATES STATUTES AT LARGE
[90th Cong., 2d Sess.]
Contains laws and concurrent resolutions enacted by the Congress during 1968, reorganization plans, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

Price: $16.25

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Federal Register will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first Federal Register issue of each month.

There are no restrictions on the republication of material appearing in the Federal Register of the Code of Federal Regulations.
List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

7 CFR
- 775
- 791
- Proposed Rules:
  - 947
  - 953

9 CFR
- 76
- 145
- 157
- 53

19 CFR
- 3 CFR
- 121
- 141
- 145
- 147
- 149u

21 CFR
- 41
- 264
- 26 CFR
- 26 CFR
- 29 CFR
- 32 CFR
- 33 CFR

37 CFR
- Proposed Rules:
  - 5

46 CFR
- Proposed Rules:
  - 137

47 CFR
- 2

49 CFR
- 103
- 1307

50 CFR
- Proposed Rules:
  - 10
Title 7—Agriculture

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

SUBCHAPTER C—SPECIAL PROGRAMS

Order 1

1. (1) District 1: 5,580 cartons.

2. (1) Distric 2: 34,170 cartons.


Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

PART 775—Feed Grains

Subpart—1970 Feed Grain Program Correction

In F.R. Doc. 70-5907 appearing at page 7495 in the issue for Thursday, May 14, 1970, the initials “RCF” in the 10th line of § 775.5 should read “RCP.”

Title 9—Animals and Animal Products

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—Interstate Transportation of Animals and Poultry

PART 76—Hog cholera and other communicable swine diseases

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1911, and the Act of July 2, 1956, the regulations of §§ 76.1-176.4 are amended to read:

1. In § 76.2, in subparagraph (c)(8) relating to the State of Mississippi subdivision (vi) relating to Warren County is amended to read: (8) Mississippi. . . . . . . .

2. In § 76.2, in subparagraph (e)(16) relating to the State of Virginia, subdivision (li) relating to Essex and King and Queen Counties; and subdivision (vii) relating to Southampton County are deleted.


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

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

The amendments also exclude portions of Southampton, Essex, and King and Queen Counties in Virginia from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

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

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

Done at Washington, D.C., this 21st day of May, 1970.

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

Title 14—Aeronautics and Space

Chapter I—Federal Aviation Administration, Department of Transportation

PART 157—Notice of Construction, Alteration, Activation and Deactivation of Airports

Reporting Requirements, and Aeronautical Studies

The purpose of these amendments to Part 157 of the Federal Aviation Regulations is to (1) Separate the reporting
standards relating to fixed wing aircraft; (2) consider the effects that existing or proposed manmade objects and natural objects would have on the airport proposal; and (3) require notification to the FAA upon completion of an airport project.

These amendments are based on a notice of proposed rule making (Notice No. 69-21 published in the Federal Register on May 15, 1969 (34 F.R. 7657)). A public hearing was then conducted in response to the notice. Due consideration was given to all comments received.

Several of the comments contained objections to the proposal that the FAA can control the airspace utilization of objects of existing or proposed manmade objects and natural objects. One commentator argued that aeronautical studies must be based "exclusively" on considerations of the safe and efficient use of airspace by aircraft, and objected to the change of "exclusively" to "primarily," arguing this went beyond the intent of the Federal Aviation Act. This commentator stated that consideration of the effect of the airport proposal on existing and proposed manmade objects and natural objects within a predetermined area would extend Federal authority over facilities and would represent an unwarranted intrusion into the purview of State and local governments. The scope of this proposal of the FAA was somewhat misconceived by the commentator. This change was intended to include, within an aeronautical study, a determination of what effect any manmade or natural object would have on the airspace utilization of the airport proposal. Existing or proposed ground objects near a proposed airport or airport extension could have serious effect on the airspace utilization and a study of such effects is necessary so the FAA can determine if it has an objection to the airport proposal on the basis of air safety. The FAA is not extending Federal authority to ground facilities but is concerned only with objects requiring notification from the airport under consideration. This change to § 157.7(a) has been reworded to make it clear that the determination will be based on consideration of the safe and efficient use of airspace by aircraft, and that the FAA will study the effect of ground objects on the proposed airspace utilization of the airport under consideration.

Another commentator stated that the standards in Part 77 of the Federal Aviation Regulations (Objects Affecting Navigable Airspace) along with the treatment of ground objects in documents concerning lighting and marking were adequate to assure safety in air commerce and that it was not necessary to study the effect of ground objects under Part 157. Since Part 77 deals only with the proposed construction or alteration of structures, no notice would be given for existing structures which may be near the site of a proposed expansion or construction of an airport. The FAA believes that it is necessary, in the interest of air safety, to study the effects manmade and natural objects have on the proposed airspace utilization of an airport. Another commentator raised a question about notice of a proposed ground structure. The FAA will consider the effect of proposed manmade objects when a previous filing has been made with the agency for the proposed structure. This comment also suggested that the FAA should consider the beneficial effects of a project, such as the value that may accrue to the surrounding land. Such issues are not relevant to the FAA's current activities. Therefore, it was suggested that § 157.5 should recognize Airport Layout Plans on file with the FAA which are required for development under the Federal aid to airports program, and are encouraged for the proper development of other airports. Part 157 expressly excludes from its notice requirements airports that have applied for Federal funds, so as not to impose a dual reporting requirement on such airports. If a sponsor who has not applied for Federal funds has an airport layout plan on file with the FAA that is current and not subject to change, ground objects do not have to be submitted unless the FAA determines that an aeronautical study is required. Except as provided in paragraphs (a), (b), and (c) of this section, the notice required under Part 157 of the Federal Aviation Regulations is amended effective June 30, 1970, as follows:

§ 157.1 Applicability.

This part applies to persons proposing to construct, alter, activate, or deactivate a civil or joint-use (civil/military) airport, and sets forth requirements for notice to the Administrator as prescribed in § 157.3. This part does not apply to any project for which the Federal aid has been requested under the Federal Airport Act or to any project involving a temporary airport, which is intended to be used solely in VFR weather conditions for a period of less than 30 consecutive days with no more than 10 operations a day.

2. Section 157.5 is amended to read as follows:

§ 157.5 Notice of intent.

Except as provided in paragraphs (a), (b), and (c) of this section, the notice required by § 157.3 shall be submitted, in triplicate, on FAA Form 7480-1, to the nearest FAA Area Manager's Office or FAA Regional Office at least 30 days before work is to begin. However, in an emergency involving essential public service, public health, or public safety, or when delay would result in an unreasonable hardship, a proponent may notify the FAA by telegraph or other expeditious means, and send FAA Form 7485-1 within five days thereafter.

(a) Information concerning a personal or private use airport for fixed wing aircraft or a heliport used solely in VFR weather conditions and located more than 20 nautical miles from any airport for which an instrument approach procedure is authorized, and more than five nautical miles from any airport open to the public, shall be submitted on FAA Form 7480-1 at least 30 days before work is to begin.

(b) Information concerning a personal or private use airport for use solely in VFR weather conditions shall be submitted on FAA Form 7481-1 at least 30 days before work is to begin if the project is located—

(1) Outside of a control zone, or outside of a residential, a business, or an industrial area;

(2) More than 10 nautical miles from any airport for which an instrument approach procedure has been authorized;

(3) More than 3 nautical miles from any other airport, other than a heliport; and

(4) More than 1 nautical mile from any other heliport.

After stating whether the project is one of alteration or establishment only Items A, B, D, and I of the form need be filled.

(c) Information received under paragraphs (a) and (b) of this section is normally used only for record purposes unless the FAA determines that an aeronautical study is required.

(d) Except as provided in paragraph (e) of this section, information concerning the deactivation, discontinued use, or abandonment of an airport, runway, landing strip, or associated taxiway shall be submitted either by letter or on FAA Form 7481-1, and prior notice is not required. Any information received under this section with respect to record purposes only unless the affected property is subject to any agreement with the United States requiring that it be maintained and operated as a public airport.

(e) Information concerning the deactivation, discontinued use or abandonment of an airport, runway, or landing strip with an established instrument approach procedure shall be submitted at least 30 days prior to such deactivation, discontinued use, or abandonment on FAA Form 7481-1. Copies of FAA Form 7481-1 may be obtained from the nearest FAA Area Manager's Office or Regional Office.
FAA determination. This determination will be based on considerations of the safety and efficient use of airspace by aircraft. In making the determination, the FAA will consider matters such as the effects it would have on existing or contemplated traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA and the effects of existing or proposed manmade objects on the operation of airports, which have affected the area would have on the airport proposal. These determinations will fall within one of the following categories:

1. No objection to the proposal;
2. No objection to the proposal if certain conditions are met, such as the execution of aircraft operations in VFR weather conditions only, the establishment of traffic patterns compatible with those of adjacent airports, the exclusive use of the airport by the owner, and such other conditions as the FAA may require.
3. Objectionable, including reasons for the objections.

(b) The FAA may establish void dates for certain determinations to permit orderly planning. Determinations are furnished to the proponent, airport officials, aviation officials of the State concerned, and, when appropriate, local political bodies and other interested persons.

4. A new §157.9 is added to read as follows:

§157.9 Notice of completion.

Within 30 days after completion of an airport project covered by this Part 157, the construction proponent shall notify the nearest FAA area manager's office or regional office by letter or post card of the fact of completion.

(c) of the Department of Transportation Act (80 Stat. 174; 49 U.S.C. 1055(c))

Note.-The recordkeeping and reporting requirements prescribed herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C. on May 19, 1970.

J. H. Shaffer,
Administrative Assistant Secretary of the Treasury.

Title 19—CUSTOMS DUTIES
Chapter I—Bureau of Customs, Department of the Treasury
[T.D. 70-127]

PART 53—ANTIDUMPING

Discontinuance of Antidumping Investigations

The present practice under the Customs Regulations is to conclude antidumping investigations in which price revisions are made which eliminate the likelihood of present or future sales at less than fair value, or in which sales to the United States of the merchandise have terminated and will not be resumed, by a determination of no sales below fair value. The Customs Regulations are hereby amended to change the foregoing practice to a practice of concluding such investigations by a notice that the investigation has been discontinued.

In addition, the last sentence of §53.15(b) is amended to make clear that price assurances are not accepted until a final decision of the Treasury Department is published in the Federal Register stating that such assurances have been accepted.

Price assurances are normally regarded as a basis for terminating antidumping cases only when the home market price, third country price, or constructed value of the merchandise under consideration exceeds the price paid or export price by a margin that is considered minimal in relation to the total volume of sales. For example, in a situation in which home market price exceeded purchase price by a margin of 10 percent in only 1 or 2 sales out of a total of 1,000 sales to the United States, an offer of price assurances might well be accepted. On the other hand, in situations in which home market price exceeded purchase price by 4 percent in 800 of 1,000 sales to the United States, an offer of price assurances might well be rejected.

Accordingly, §53.15(b) of the Customs Regulations (19 CFR 53.15(b)) is amended to read as follows:

Fair Value; Revision of Prices or Other Changed Circumstances.

(b) Notice. The notice shall state the facts relied upon by the Secretary in publishing the notice and that those facts are considered to be evidence warranting the termination of the investigation.

(2) The notice shall state that, unless persuasive evidence or argument to the contrary is presented within such period as is specified in the notice the Secretary will publish a final notice terminating the investigation. The tentative acceptance of price assurances or the termination of sales to the United States will not prevent the Secretary from making a determination of sales at less than fair value in any case where he considers such action appropriate.

Title 32—NATIONAL DEFENSE
Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Section 88240(b), (35 F.R. 4623, Mar. 17, 1970) is amended as follows: Delete subparagraph (4).

ALEXANDER J. KALENSKI, Jr.,
Colonel USAF, Chief, Special Activities Group, Office of The Judge Advocate General

Issuance of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide for the revalidation in the United States of nonimmigrant visas under section 101(a)(15)(L) of the Immigration and Nationality Act, as amended by the Act of April 7, 1970.

Section 41.120(b)(2) is amended to read as follows:

§41.120 Authority to issue visas.

* * * * *
(b) Issuance or revalidation in the United States for certain other nonimmigrants.

(2) The Director of the Visas Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F, N, L and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after temporary absence, to reenter the United States in the nonimmigrant status specified in their visas, regardless of the expiration date of the original visa.

(90, 101, 84 Stat. 116; 8 U.S.C. 1101)

Effective date. These amendments shall become effective upon publication in the Federal Register.

The provisions of the Administrative Procedure Act (80 Stat. 343; 5 U.S.C. 555) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.


BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs

MAY 18, 1970.

Title 32—NATIONAL DEFENSE
Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Section 88240(b), (35 F.R. 4623, Mar. 17, 1970) is amended as follows: Delete subparagraph (4).

ALEXANDER J. KALENSKI, Jr.,
Colonel USAF, Chief, Special Activities Group, Office of The Judge Advocate General

Issuance of Nonimmigrant Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide for the revalidation in the United States of nonimmigrant visas under section 101(a)(15)(L) of the Immigration and Nationality Act, as amended by the Act of April 7, 1970.

Section 41.120(b)(2) is amended to read as follows:

§41.120 Authority to issue visas.

* * * * *
(b) Issuance or revalidation in the United States for certain other nonimmigrants.

(2) The Director of the Visas Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F, N, L and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after temporary absence, to reenter the United States in the nonimmigrant status specified in their visas, regardless of the expiration date of the original visa.

(90, 101, 84 Stat. 116; 8 U.S.C. 1101)

Effective date. These amendments shall become effective upon publication in the Federal Register.

The provisions of the Administrative Procedure Act (80 Stat. 343; 5 U.S.C. 555) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.


BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs

MAY 18, 1970.
The Commissioner of Food and Drugs, having evaluated the data submitted in a food additive petition (PAP OH2468) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 2-(thiocyanomethylthio) benzothiazole and 2-hydroxypropyl methanethiosulfonate as slimicides in the manufacture of food-contact paper and paperboard. 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)), § 121.2505(c) is amended by alphabetically inserting two new items in the list of substances, as follows:

§ 121.2505 Slimicides.

(c) * * *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-Hydroxypropyl methanethiosulfonate. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-(Thiocyanomethylthio) benzothiazole. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-52, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 hearings. A hearing will be granted if the objections are supported (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) 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 its date of publication in the Federal Register.

Dated: May 19, 1970.

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

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

The Commissioner of Food and Drugs, having evaluated the data submitted in a food additive petition (PAP OH2468) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 2-(thiocyanomethylthio) benzothiazole and 2-hydroxypropyl methanethiosulfonate as slimicides in the manufacture of food-contact paper and paperboard. 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)), § 121.2505(c) is amended by alphabetically inserting two new items in the list of substances, as follows:

§ 121.2505 Slimicides.

(c) * * *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-Hydroxypropyl methanethiosulfonate. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-(Thiocyanomethylthio) benzothiazole. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-52, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 hearings. A hearing will be granted if the objections are supported (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) 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 its date of publication in the Federal Register.

Dated: May 19, 1970.

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

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

The Commissioner of Food and Drugs, having evaluated the data submitted in a food additive petition (PAP OH2468) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 2-(thiocyanomethylthio) benzothiazole and 2-hydroxypropyl methanethiosulfonate as slimicides in the manufacture of food-contact paper and paperboard. 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)), § 121.2505(c) is amended by alphabetically inserting two new items in the list of substances, as follows:

§ 121.2505 Slimicides.

(c) * * *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-Hydroxypropyl methanethiosulfonate. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-(Thiocyanomethylthio) benzothiazole. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-52, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 hearings. A hearing will be granted if the objections are supported (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) 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 its date of publication in the Federal Register.

Dated: May 19, 1970.

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

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

The Commissioner of Food and Drugs, having evaluated the data submitted in a food additive petition (PAP OH2468) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of 2-(thiocyanomethylthio) benzothiazole and 2-hydroxypropyl methanethiosulfonate as slimicides in the manufacture of food-contact paper and paperboard. 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)), § 121.2505(c) is amended by alphabetically inserting two new items in the list of substances, as follows:

§ 121.2505 Slimicides.

(c) * * *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-Hydroxypropyl methanethiosulfonate. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

*  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *
2-(Thiocyanomethylthio) benzothiazole. — *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *  *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the Federal Register file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-52, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto 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 hearings. A hearing will be granted if the objections are supported (Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) 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 its date of publication in the Federal Register.

Dated: May 19, 1970.

R. E. Duggan, Acting Associate Commissioner for Compliance.
The following new section is added to Part 141:

§ 141.571 Clindamycin vapor phase chromatography.

(a) Equipment. Gas chromatograph equipped with a flame ionization detector: Barber-Colman 5,000 or equivalent.

(b) Reagents. (1) Pyridine, reagent grade, dried over sodium sulfate.

(c) Typical conditions. (1) Column: 4 feet x 4 millimeters ID, glass, with 1 percent SE-30 on Distoport S (60/80 mesh), or equivalent.

(d) Carrier gas: Helium approximately 120 milliliters per minute.

(e) Detector: Hydrogen flame—hydrogen at 40 pounds per square inch.

(f) Sensitivity: 1,000; attenuation, 10⁻⁸; significant lot of a homogeneous preparation.

(g) Approximately 15 milligrams of sample or working standard into a glass-stoppered conical 15-milliliter centrifuge tube. Add 1.0 milliliter of chloroform, 1.0 milliliter of internal standard solution, and 0.6 milliliter of acetate anhydride. Aslate the tubes to insure dissolution of the sample and complete mixing of the liquids. Proceed as directed in paragraph (e) of this section.

(h) Procedure. Cover the top of each centrifuge tube with a plastic cap. Punch a small hole in the top of each cap to allow vapor to escape. Place the tubes in a 100° C. drying oven for 2.5 hours. Remove the tubes from the oven and allow to cool. Take the plastic cap from each tube and replace with the glass stopper. Centrifuge 10–15 minutes at 2,000–2,500 r.p.m. to separate the white solid from the liquid in the tube. Inject 0.5 microliter of the clear liquid into the gas chromatograph. Use the conditions and materials listed in paragraphs (a), (b), and (e) of this section. The conditions should be adequate to maintain a stable baseline and provide at least 60 percent deflection of the recorder scale by the clindamycin peak. The resolution of the peaks should be complete. The elution order is: Internal standard, clindamycin, and epiclendamycin (if present). Calculate the clindamycin content as directed in paragraph (f) of this section.

(i) Calculations. Calculate the clindamycin content of the sample as follows:

\[
\text{Micrograms of clindamycin per milligram} = \frac{R_s \times W_s}{R_x \times W_n}\]

where:

- \( R_s \) = Area of the clindamycin sample peak (at a retention time equal to that observed for the clindamycin standard)
- \( R_x \) = Area of internal standard peak
- \( W_s \) = Weight of the clindamycin working standard in milligrams
- \( W_n \) = Weight of the sample in milligrams

5. Section 145.3 is amended by adding a new subparagraph to paragraph (a) and another to paragraph (b), as follows:

§ 145.3 Definitions of master working standards.

(a) * * *

(39) Clindamycin. The term "clindamycin master standard" means a specific lot of clindamycin designated by the Commissioner as the standard of comparison in determining the potency of the clindamycin working standard.

(b) * * *

(39) Clindamycin. The term "clindamycin working standard" means a specific lot of a homogeneous preparation of clindamycin.

6. Section 145.4(b) is amended by adding thereto a new subparagraph, as follows:

§ 145.4 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(a) * * *

(b) * * *

(42) Clindamycin. The term "microgram" applied to clindamycin means the clindamycin activity (potency) contained in 1.139 micrograms of the clindamycin master standard.

7. Section 147.1 is amended by adding a new subparagraph to paragraph (a), by alphabetically inserting a new item in the table in paragraph (c) (3), and another in the table in paragraph (d), as follows:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

(a) * * *

(9) Medium I:

Peptone……………… 6.0 gm.
Yeast extract………… 3.0 gm.
Beef extract……….. 1.5 gm.
Dextrose…………… 1.0 gm.

* * *

(3) * * *

Distilled water, q.s. pH 6.5 to 7.0 after sterilization.
8. Section 147.2(a) is amended by adding thereto a new subparagraph, as follows:

§ 147.2 Antibiotic sensitivity discs: certification procedure.

(a) * * *

(34) Clindamycin: 2 μg.

9. By adding to Title 21 a new Part 149u, as follows:

Sec. 149u.1 Clindamycin hydrochloride hydrate. 149u.2 Clindamycin hydrochloride hydrate capsules.


§ 149u.1 Clindamycin hydrochloride hydrate.

(a) Requirements for certification—

(1) Standards of identity, strength, quality, and purity. Clindamycin hydrochloride hydrate is the hydrated hydrochloride salt of clindamycin. It is so purified and dried that:

(i) Its clindamycin content is not less than 800 micrograms of clindamycin chloride salt of clindamycin. It is so made that:

(ii) Its moisture content is not less than 3.0 percent and not more than 6.0 percent.

(iii) It passes the safety test.

(iv) Its moisture content is not less than 3.0 percent and not more than 6.0 percent.

(v) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.0 and not more than 5.5.

(vi) It is crystalline.

(vii) It passes the identity test for clindamycin hydrochloride hydrate.

(2) Labeling. It shall be labeled in accordance with the requirements of § 148.3(b) of this chapter.

(3) Requests for certification; samples. In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for clindamycin content, microbiological activity, safety, moisture, pH, crystallinity, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) Tests and methods of assay.—

(1) Clindamycin content (vapor phase chromatography). Proceed as directed in § 141.571 of this chapter.

(2) Microbiological activity (microbiological agar diffusion assay). Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient sterile distilled water to give a stock solution of convenient concentration. Further dilute the stock solution with 0.1 M potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of clindamycin per milliliter (estimated).

(3) Safety. Proceed as directed in § 141.5 of this chapter.

(4) Moisture. Proceed as directed in § 141.902 of this chapter.

(5) pH. Proceed as directed in § 141.903 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(6) Crystallinity. Proceed as directed in § 141.504(a) of this chapter.

(7) Identity. Proceed as directed in § 141.521 of this chapter, using the sample preparation method described in paragraph (b) (2) of that section.

§ 149u.2 Clindamycin hydrochloride hydrate capsules.

(a) Requirements for certification—

(1) Standards of identity, strength, quality, and purity. Clindamycin hydrochloride hydrate capsules are composed of clindamycin hydrochloride hydrate and one or more suitable and harmless diluents and lubricants. Each capsule contains clindamycin hydrochloride hydrate equivalent to 75 or 150 milligrams of clindamycin. Its content of clindamycin is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of clindamycin that it is represented to contain. The moisture content is not more than 70 percent. The clindamycin hydrochloride hydrate used conforms to the standards prescribed by § 149u.1(a) (1).

(2) Labeling. It shall be labeled in accordance with the requirements of § 149u.1(b) (2) of this chapter, except:

(i) Preparation of clindamycin sample and working standard solutions. Accurately weigh a portion of the clindamycin working standard equivalent to about 45 milligrams of clindamycin and transfer to a 15-milliliter centrifuge tube. Empty 20 capsules, containing approximately 300 milligrams.

(ii) The batch: A minimum of 30 capsules.

(b) Tests and methods of assay.—

(1) Clindamycin content (vapor phase chromatography). Proceed as directed in § 141.571 of this chapter, except:

(i) Preparation of clindamycin sample and working standard solutions. Accurately weigh a portion of the clindamycin working standard equivalent to about 45 milligrams of clindamycin and transfer to 20 centrifuge tubes. Each contains 0.5 milliliter of potassium carbonate, 0.5 milliliter of chloroform solution and 3 milliliters of chloroform. Add 3 milliliters of 1 percent sodium carbonate solution and 3 milliliters of chloroform to each tube. Shake the solution vigorously and then centrifuge. Remove the top aqueous layer and add approximately 1 gram of amylene sulfonate and 50 milligrams of chloroform solution to a 15-milliliter centrifuge tube, add 1 milliliter of internal standard and 0.6 milliliter of acetic anhydride. Agitate the vials to insure complete mixing of the liquids.

(ii) Calculations. Calculate the clindamycin content of the capsules as follows:

<table>
<thead>
<tr>
<th>Antibiotic</th>
<th>Volume of suspension added to each 100 ml</th>
<th>Suspension (μg)</th>
<th>Medium</th>
<th>Day Seed</th>
<th>Soil layer</th>
<th>Layer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clindamycin</td>
<td>2.9</td>
<td>2.1</td>
<td>2.0</td>
<td>1.0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970


Milligrams of clindamycin per capsule = \( \frac{R_s \times W_s \times 14}{R_c \times W_c} \)

where:
- Area of the clindamycin sample peak (at a retention time equal to that observed for the clindamycin standard) \( R_s \)
- Area of internal standard peak \( R_c \)
- Weight of clindamycin working standard in milligrams \( W_s \)
- Weight of internal standard working standard in milligrams \( W_c \)
- Potency of clindamycin working standard in milligrams of clindamycin per milligram
- Average capsule fill weight in milligrams

(2) Moisture. Proceed as directed in § 141.502 of this chapter.

Data supplied by the manufacturer concerning the subject antibiotic drugs have been evaluated. Since the conditions prerequisite to providing for certification of these drugs have been complied with and since it is in the public interest not to delay in so providing, the procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the Federal Register.


SAM D. FINE,
Associate Commissioner
for Compliance.

F.R. Doc. 70-6519; Filed, May 26, 1970; 8:45 a.m.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

PART 1—GENERAL PROVISIONS

Subpart 1.05—Rule Making

REDELEGATION OF AUTHORITY

It is the policy of the Department of Transportation to provide for the decentralization of authority to the maximum extent compatible with effective direction and control. In consonance with this policy, the Commandant has redelegated to the Chief, Office of Operations, U.S. Coast Guard Headquarters the authority to issue regulations pertaining to (1) the establishment and disestablishment of anchorage grounds and special anchorage areas, (2) changes to the anchorage regulations, and (3) affirmation of the actions of District Commanders concerning security zones. This document by reference to §§ 1.05-1 and 1.05-30 reflects the transfer of the Coast Guard from the Treasury Department to the Department of Transportation and this redelegation by the Commandant to the Chief, Office of Operations.

Since the revised sections deal with agency organization and management, they are excepted from the public rule-making procedures and the effective date requirement of the Administrative Procedure Act.

1. Section 1.05-1 is revised to read as follows:

 § 1.05-1 General. (a) The Secretary of Transportation is empowered by various statutes to issue regulations regarding the functions, powers and duties of the Coast Guard.
(b) The Secretary of Transportation by 49 CFR 1.45 and 1.46 has delegated to the Commandant, U.S. Coast Guard, the authority to issue regulations regarding the functions, powers and duties of the Coast Guard together with the authority to redelegations of that authority to the Commandant, U.S. Coast Guard, subject to the conditions that the Commandant redelegates the authority to the Chief, Office of Operations, U.S. Coast Guard Headquarters with the reservation that this authority shall not be further redelegated the authority to issue rules and regulations pertaining to the following:
(1) The establishment and disestablishment of anchorage grounds and special anchorage areas.
(2) Changes to the anchorage regulations.
(3) The affirmation of the actions of District Commanders concerning security zones.
2. Section 1.05-30 is revised to read as follows:

 § 1.05-30 Final action. (a) After the hearing or after the final date when comments may be submitted in accordance with the notice of proposed rulemaking, the Merchant Marine Council or the official designated in the notice shall consider all the data, views or arguments submitted and shall forward to the appropriate officer recommendations regarding the proposed regulations.
(b) Final action on the proposed regulations will be determined and the regulations will be issued by the Commandant, U.S. Coast Guard, or by the Chief, Office of Operations, U.S. Coast Guard Headquarters within the limits of the authority redelegated to him by § 1.05-1(c).

(c) Amendments to the regulations or new regulations will be published in the Federal Register. The effective date will be not less than 30 days after the date of publication except when otherwise provided by the Administrative Procedure Act.

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

§ 117.247 Sabine River, Texas.

1. The Livingston Shipbuilding Co. by letter dated November 94, 1969, requested the Commandant, Eighth Coast Guard District to provide special operation regulations for its swing span pontoon bridge across Sabine River (Old Channel) behind Orange Harbor Island at Orange, Tex. A public notice dated December 18, 1969, setting forth the proposed revision of the regulations governing this drawbridge was issued by the Commander, Eighth Coast Guard District, and was made available to all persons known to have an interest in this subject. The Commandant also published these proposals in the Federal Register of March 24, 1970 (35 F.R. 126).

2. After consideration of all known factors in this case this proposal is accepted. Accordingly, 33 CFR 117.245(a) is added and shall read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

(j) * * * * *

(26-a) Sabine River (Old Channel) behind Orange Harbor Island, Orange, Tex. The draw shall be open promptly on signal from 7 a.m. to 12 Midnight Monday through Friday, except holidays. At all other times, including legal holidays, 8-hours' advance notice is required.

(26) Sabine River (Old Channel), behind Orange Harbor Island, Orange, Tex. The draw shall be open promptly on signal from 7 a.m. to 12 Midnight Monday through Friday, except holidays. At all other times, including legal holidays, 8-hours' advance notice is required.

(§ 5, 28 Stat. 362, as amended, sec. 6 (g) (3), 90 Stat. 27; 33 U.S.C. 2, 279, 49 U.S.C. 2, 375, 416, 49 U.S.C. 1655; 40 CFR 1.14 (a) and (g))
Effective date: This revision shall become effective 30 days following the date of publication in the Federal Register.


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

[FR Doc. 70-6650; Filed, May 26, 1970; 8:40 a.m.]

[CGFR 70-70]

PART 117—DRAWBRIDGE OPERATING REGULATIONS

Revocation of Regulations for Removed Bridges

1. The Commandant has been advised that the Washington Street bascule bridge across the Petaluma River at Petaluma, Calif., for which special operation regulations had been prescribed, has been removed and these regulations governing its operation are no longer required.

2. Accordingly, 33 CFR 117.712(g)(2) is revised to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

(g) * * *

(2) City of Petaluma highway bridge at "D" Street. At least 6-hours' advance notice required.

* * *

(3) [Sec. 5, 28 Stat. 362, as amended, sec. 2 (c), 49 U.S.C. 1655(g)(2); 4 CFR 1.46(c)(5)]

Effective date. This revision shall become effective 30 days following the date of publication in the Federal Register.


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

[FR Doc. 70-6650; Filed, May 26, 1970; 8:40 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 209—ADMINISTRATIVE PROCEDURE

Harbor Lines

Pursuant to the provisions of sections 10 and 11 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403, 404), § 209.150 is hereby amended in its entirety effective upon publication in the Federal Register as follows:

§ 209.150 Harbor lines.

(a) Definition. The term "harbor line" is used here in its generic sense. It includes types of harbor lines frequently referred to by other names, including, for example, pierhead lines and bulkhead lines.

(b) Policies, practices and procedures.

(1) Under previous policies, practices and procedures, riparian owners could erect open pile structures, or undertake solid fill construction shoreward of established harbor lines without obtaining a permit under 33 U.S.C. 403. Because a matter of great concern, particularly in cases involving long established harbor lines, since all factors affecting the public interest may not have been taken into account at the time the lines were established. Accordingly, under previous policies, practices and procedures there was the danger that work shoreward of existing harbor lines could be undertaken without appropriate consideration having been given to the impact which such work may have on the environment and without a judgment having been made as to whether or not the work was, on balance, in the public interest.

(2) In order to assure that the public interest will be considered and protected in all instances, all existing and future harbor lines are declared to be guidelines for defining, with respect to the impact on navigation interests alone, the offshore limits of open pile structures (pierhead lines) and fills (bulkhead lines). A permit under 33 U.S.C. 403 will be required in each case for any work which is commenced shoreward of existing or future harbor lines after the date of publication of this regulation in the Federal Register. Applications for permits for work in navigable waters shoreward of harbor lines shall be filed and processed in accordance with the provisions of applicable sections of this part. For work already completed prior to the establishment of a harbor line, granting of a permit shall be a matter of great concern, particularly in the public interest.

(c) Establishment or modification of harbor lines. Applications for the establishment or modification of existing harbor lines will be processed in a manner similar to applications for permits for work in navigable waters. Public notices concerning any such application will be sent to all parties known or believed to be interested in the application and a copy of the notice will be posted in post offices or other public places in the area. Public notices, apart from providing information relative to any harbor line application, shall make it clear that harbor lines are guidelines for defining, with respect to the impact on navigation interests alone, the offshore limits of open pile structures or fills and that the establishment of a harbor line carries with it no presumption that individual applications for permits to undertake work shoreward of any harbor line will be granted. Public hearings will be held in connection with applications for the establishment or modification of harbor lines whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State or local authorities, including Members of the Congress, request that a hearing be held. The information to be presented at the hearing that will be of assistance in determining whether the harbor line should be established or modified. District Engineers will forward all recommendations concerning the establishment or modification of harbor lines through the appropriate Division Engineer to the Chief of Engineers, ENGCW-ON. No new harbor lines will be established and no existing harbor lines will be modified unless specifically authorized by the Chief of Engineers.

[Regs., ENGCW-ON (Secs. 10 and 11, 30 Stat. 1151; 49 U.S.C. 689, 694) for the Adjutant General.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[POC 70-531]

PART 0—COMMISSION ORGANIZATION

Requests for Inspection of Materials Not Routinely Available for Public Inspection

Order. 1. Section 0.461(e)(3) of the rules and regulations now provides for appeal to the Commission from the rulings of the presiding officer in a hearing proceeding involving the inspection of Commission records. We have determined to amend this section to provide for appeal to the Review Board rather than the Commission. It is desirable as a general matter that such appeals be handled by the Board, in the same manner as other appeals from rulings of the presiding officer, and it is our belief that the change will expedite their consideration.

2. Authority for the adoption of this amendment is contained in sections 4(i), 5(d), and 303(f) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(f). Because the amendment relates to matters of practice and procedure and to internal Commission organization, the prior notice and effective date provisions of 5 U.S.C. 552 do not apply.

3. In view of the foregoing: It is ordered, Effective June 1, 1970, That § 0.461(e)(3) is revised as set forth below. Appeals now on hand will be acted on under the revised procedure.

(See 4, 5.303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)


Released: May 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] BEN F. WAPLE, Secretary.

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.461(e)(3) is revised to read as follows:

§ 0.461 Requests for inspection of materials not routinely available for public inspection.
3. The API commented favorably on the proposed rule making in that it broadens the radiolocation service generally and looks toward development of equipment, particularly in the 33.4-35.6 GHz band. GE also supported the proposal, but repeated the suggestion made in response to the second notice of inquiry in Docket 18294 that the 3.4 to 3.7 GHz band be opened up for communication satellite use by U.S. applicants. This latter proposal will not be considered at this time since it is not responsive to this docket and has been considered in Docket 18294.

4. The Westinghouse comments favored all of the objectives of the proceeding, but proposed an increase in the power limitation in the 33.4-36 GHz band from 5-w. peak power input to the radiating antenna to 20-w. average power into the radiating antenna, to accommodate the non-Government use of side-looking radars (SLR) similar to those manufactured by Westinghouse and the Government service permitted in this band. The recent availability of SLR to the earth sciences community opens a new realm in earth resource surveying. Its application permits the production of radar imagery, similar to aerial photography, of features of the earth's surface that are not discernible by any other technique. Mapping and surveying can be accomplished through reduced cloud cover and total darkness. With a narrow beam antenna illuminating a small area that changes at the speed of the aircraft, the probability of harmful interference to the Government radiolocation service in the same band is near zero.

5. The Office of Telecommunications Management has concurred in the changes ordered herein, including that requested by Westinghouse, but has requested that the Commission again emphasize a point made in the original notice in this proceeding. That is, despite the provision ordered herein for non-Government access to additional bands now used for Government survey operations, future planned Government use of the bands 3100-3600 MHz and 10,000-10,500 MHz may prove detrimental to low power survey operations. Accordingly, developers of new types of survey equipment are urged to consider the band 33.4-36 GHz, and more particularly that portion between 34.0 and 35.6 GHz, in the interest of future international frequency standardization, in preference to the two lower bands.

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

Allocation of Certain Bands to Radiolocation Service on Secondary Basis and Increase in Maximum Permitted Power in Bands Used for Survey Operations

Report and order. 1. On July 2, 1969, the Commission adopted a notice of proposed rule making in the above entitled matter which was published in the Federal Register July 10, 1969 (34 F.R. 11425). The time for filing comments thereon has expired.

2. Comments were timely filed by: The Central Committee on Communications Facilities of the American Petroleum Institute (API); The General Electric Co. (GE); and The Westinghouse Electric Corp. (Westinghouse). Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations is amended as follows:

§ 2.106.[Amended] 1. In § 2.106, the Table of Frequency Allocations is amended to read as follows in Columns 5 through 11 with respect to the bands 3100-3300, 3300-3600, 3500-3600, 3600-3700 MHz, 10,000-10,500 MHz and 33.4-38.6 GHz.

<table>
<thead>
<tr>
<th>Band (MHz)</th>
<th>Allocation</th>
<th>Service</th>
<th>Class of station</th>
<th>Frequency (MHz)</th>
<th>Nature OF SERVICES</th>
<th>of stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>3300-3600</td>
<td>G, N, G(360)/(US61)</td>
<td>Amateur, Radiolocation</td>
<td>Radiolocation mobile.</td>
<td>3300-3600</td>
<td>AMATEUR.</td>
<td></td>
</tr>
<tr>
<td>3300-3600</td>
<td>G, N, G(360)/(US61)</td>
<td>Radiolocation</td>
<td>Radiolocation mobile.</td>
<td>3300-3600</td>
<td>Radiolocation.</td>
<td></td>
</tr>
<tr>
<td>10,000-10,100</td>
<td>G, N, G(404) (US61)</td>
<td>Amateur, Radiolocation (N 042)</td>
<td>Radiolocation mobile.</td>
<td>10,000-10,100</td>
<td>AMATEUR.</td>
<td></td>
</tr>
<tr>
<td>33.4-36</td>
<td>G, N,G(412D)/(US61)</td>
<td>Radiolocation</td>
<td>Radiolocation mobile.</td>
<td>33.4-36</td>
<td>Radiolocation mobile.</td>
<td></td>
</tr>
<tr>
<td>36.6-6</td>
<td>G, O(US100)</td>
<td>Radiolocation</td>
<td>Radiolocation mobile.</td>
<td>36.6-6</td>
<td>Radiolocation mobile.</td>
<td></td>
</tr>
</tbody>
</table>

2. In § 2.106, U.S. footnotes 38 and 61 are amended and two new U.S. footnotes are added to read as follows: US60 In the band 10,000-10,500 MHz pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000-10,025 MHz. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The use of radiolocation service is limited to survey operations as specified in footnotes US108 and US110.

US61 Non-Government use of the bands 3100-3600 MHz and 10,000-10,500 MHz may prove detrimental to low power survey operations. Accordingly, developers of new types of survey equipment are urged to consider the band 33.4-36 GHz, and more particularly that portion between 34.0 and 35.6 GHz, in the interest of future international frequency standardization, in preference to the two lower bands.

6. In view of the foregoing: It is ordered, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective July 2, 1970, Part 2 of the Commission's Rules and Regulations, § 2.106, is amended as set forth below.

7. It is further ordered, That the proceeding in Docket 18590 are hereby terminated.


Released: May 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
(SEAL) BEN F. WAPLE,
Secretary.
At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 13th day of May 1970.

It is ordered. That 49 CFR Part 1307.90, be, and the same is hereby amended, the purpose of which is to change the expiration date and is to read as follows:

§ 1307.90 Suspension supplements and postponement notices.

(f) Publications issued hereunder to make specific reference hereto as authority for short notice filing or for tariff circular departure by using the following notation wholly or in part:

Issued on (show number of days) notice; Tariff Circular departure authorized: ICC Permission No. M-83800.

This authority does not, except as expressly indicated, waive or modify any of the requirements of its published rules relative to the construction and filing of tariffs or schedules, nor any of the provisions of the Interstate Commerce Act. This permission shall continue in force and effect until July 1, 1975.

(Authority secs. 204, 217, as amended, 218, as amended, 49 Stat. 546, as amended, 561, as amended; 49 U.S.C. 304, 317, 318)

It is further ordered. That this order be, and it is hereby, amended by substituting the following paragraph (a) (3) for paragraph (a) (3) thereof:

(3) Forwarding of cars: (i) Loaded cars subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein.

(ii) Loaded cars held for repairs or cleaning.

(iii) Cars held because no trains or switch engine service is available between hold point and destination.

(v) Empty single-door plain boxcars and empty covered hoppers assembled for prospective loading of grain held on railroads in the States of Texas, Oklahoma, and Kansas.

Effective date. This amendment shall become effective at 12:01 a.m., May 25, 1970.

Expiration date. This amendment shall expire at 11:59 p.m., June 21, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

(Seats. 1, 12, 15, and 17(2), 24 Stat. 979, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(9), 49 Stat. 981, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(9))

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

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARNER, Secretary.

[F.R. Doc. 70-6565; Filed, May 26, 1970; 8:50 a.m.]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Special Permission No. M-83800]

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Suspension Supplements and Postponement Notices

In the matter of postponement or further postponement of matter suspended and establishment of matter found justified.

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 13th day of May 1970.
DEPARTMENT OF THE TREASURY
Internal Revenue Service
[26 CFR Parts 270, 285]

MANUFACTURE OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Notice of Proposed Rule Making

Notice is hereby given that the regulations, consideration will be given to all data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the Federal Register. Any written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco, and Firearms Division, Washington, D.C., within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (88A Stat. 817; 26 U.S.C. 7805).

[SEAL] RANFOLPH W. TRYGWER, Commissioner of Internal Revenue.

To provide for filing of other than hand-cast Application for Employer Identification Number (Form SS-4) with service center directors rather than with district directors, to make clarifying changes relating to bonds and extensions of coverage, and to add new terms and conditions defining for "center service director," in alphabetical sequence immediately following the definition for "Removal or return." These new and changed definitions read as follows:

§ 270.11 Meaning of terms.

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco, and firearms) is responsible to, and functions under the direction and supervision of, a regional commissioner.

Director. The Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C.

Service center director. A director of an internal revenue service center.

(B) Section 270.141 is amended to clarify the three alternatives of tax payment available to manufacturers operating under bonds executed before June 24, 1959. As amended, § 270.141 and the heading read as follows:

§ 270.141 Tax payments in the case of bonds executed before June 24, 1959.

This section applies to bonds on Form 2100 executed before June 24, 1959. A manufacturer of tobacco products operating under such a bond of sufficient amount has three alternatives for payment of the tax:

(a) Prepayment of tax. Every manufacturer who desires to prepay the tax as provided in § 270.167 need take no further action.

(b) Deferral of tax. Every manufacturer who desires to remove cigars and cigarettess on determination of tax and before payment of the tax until the time of filing his semimonthly return as provided in § 270.165(a) shall, before such removal, have an approved extension of coverage of bond on Form 2105 on file with the assistant regional commissioner for every bond. Form 2100, executed prior to June 24, 1959, under which such removals are to be made. This extension of coverage shall be executed by the principal and the surety and shall be in the following form:

Whereas, the purpose of this extension is to bind the obligation for payment of the tax on all tobacco products removed by the principal on determination of tax and before payment of the tax notwithstanding that the time for payment of tax may be deferred pursuant to a semimonthly return system as provided for by regulations.

Now, therefore, the above described bond is further specifically conditioned that the principal named therein shall pay all taxes (plus penalties and interest) for which he may become liable with respect to all tobacco products removed by him on determination of tax and before payment of the tax thereon, and comply with all provisions of law and regulations with respect thereto.

The aforesaid terms and conditions shall, on and after the effective date, have the same force and effect as the other terms and conditions stated in the bond.

(c) Extended deferral of tax. Every manufacturer who desires benefit of the extended time for filing his return as provided for in § 270.165(b) with extended deferral of payment of the tax until the time of filing such semimonthly return shall have an approved extension of coverage of bond as provided in § 270.141(b).

(D) Section 270.142 is amended to make editorial changes and to clarify conditions under which a manufacturer doing business under a bond of sufficient amount executed between June 24, 1959, and September 24, 1965 is entitled to extend the time for filing his semimonthly return as provided in § 270.165(b).

(FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970)
PROPOSED RULE MAKING

(E) Section 270.165 is amended to make editorial changes to clarify that a manufacturer of tobacco products whose bond was executed on or after September 24, 1965, is entitled to the extended deferral for filing tax returns as well as to the extension of coverage of bond as provided in § 270.142(b). As amended, § 270.165 reads as follows:

§ 270.165 Times for filing semimonthly return.

(a) General rule. Returns on Form 3071 shall be filed not later than the third business day following the last day of each return period prescribed in § 270.163.

(b) Extended time for filing. A manufacturer of tobacco products whose bond was executed on or after September 24, 1965, or who has obtained the extension of coverage of bond prescribed in § 270.142(b) for extended deferral shall file returns on Form 3071 not later than the last day of the next succeeding return period.

(c) Definitions, etc. Where the return and remittance required with the return are delivered by U.S. mail to the office of the district director, the date of official postmark of the U.S. Postal Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. As used in this section the term "business day" means any day other than Saturday, Sunday, a legal holiday in the District of Columbia, or a statewide legal holiday in the State wherein the return is required to be filed. If the last day for filing a return under this section falls on Saturday, Sunday, or a legal holiday in the District of Columbia, or on a statewide legal holiday in the State wherein the return is required to be filed, the filing of such return and remittance required with the return shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.


(F) Section 270.170 is amended to eliminate out-of-date provisions, to clarify that the same employer identification number should be used for all internal revenue tax purposes, and to inform that Application for Employer Identification Number, Form SS-4, may be obtained from any service center director or from any district director. As amended, § 270.170 reads as follows:

§ 270.170 Application for employer identification number.

Every manufacturer of tobacco products who has neither secured an employer identification number nor made application therefor shall file an application on Form SS-4. Form SS-4 may be obtained from any service center director or from any district director. Such application shall be filed on or before the seventh day after the date on which any tax return under this part is filed. Each manufacturer shall make application for and shall be assigned only one employer identification number for all internal revenue tax purposes.


(G) Section 270.171 is amended to provide that applications on Form SS-4 other than those hand-carried will be filed with the service center director rather than with the district director. As amended, § 270.171 and the heading read as follows:

§ 270.171 Execution and filing of Form SS-4.

The application on Form SS-4, together with any supplementary statement, shall be prepared in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. The application shall be filed with the service center director serving any internal revenue district where the applicant is required to file such a return under this part, except that hand-carried applications may be filed with the district director of any such district as provided for in § 260.1501-1 of this chapter. The application shall be signed by (a) the individual if the person is an individual; (b) the president, vice president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member of an unincorporated organization controlling the affairs of the person in the event the person is a partnership or other unincorporated organization; or (d) the fiduciary if the person is a trust or estate.

78 Stat. 833; 26 U.S.C. 6109)

PAR. 2. 26 CFR Part 285 is amended as follows:

(A) Section 285.11 is amended by changing the definitions of "assistant regional commissioner" and "Director" to reflect new titles, and by adding a definition for "service center director" in alphabetical sequence immediately following the definition for "Removal or removal." These changed and new definitions read as follows:

§ 285.11 Meaning of terms.

**Assistant Regional Commissioner.** An assistant regional commissioner (alcohol, tobacco and firearms) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

**Director.** The Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Washington, D.C.

**Service Center Director.** A director of an internal revenue service center.

(B) Section 285.30 is amended to eliminate out-of-date provisions, to clarify that the same employer identification number should be used for all internal revenue tax purposes, and to inform that Application for Employer Identification Number, Form SS-4, may be obtained from any service center director or from any district director. As amended, § 285.30 reads as follows:

§ 285.30 Application for employer identification number.
§ 285.30 Application for employer identification number.

Every manufacturer of cigarette paper and tubes who has not secured an employer identification number may make application for one. Such application shall be filed on or before the seventh day after the date on which any tax return under this part is filed. Each manufacturer shall make application for an employer identification number only—

(a) Secretary, The Secretary of the Interior.

(b) Person. Individual, club, association, partnership, or corporation as the context requires.

(c) Take. Pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(d) Open season. Time during which migratory game birds may be taken.

(e) Closed season. Time during which migratory game birds may not be taken.

(f) Transport. Ship, carry, export, import, and conveyance, carriage, transportation, or shipment.

(g) State. Any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States.

(h) Live decoy. Any live bird, wild or domestic, which is penned, tethered, wing-dipped, pinioned, brailed, held captive or under control by any means, used in any manner whereby the sight of, or the sounds or calls of such birds, serve to lure or attract wild migratory birds to, or over an area where hunters are attempting to take them.

(i) Baiting. Means to place, deposit, or scatter salt or feed of any kind so as to constitute a lure, attraction, or enticing for migratory game birds to an area where hunting occurs, other than as a result of customary and bona fide agricultural, planting, harvesting, or feeding livestock in constricted feedlots.

(j) Sinkbox. Any floating device having a depression which affords the hunter a means of concealing himself below the surface of the water.

§ 10.3 Hunting methods.

The provisions of this section shall govern the methods by which any person may take migratory game birds on which such fences or cylinder is posted.

(a) Migratory game birds may be taken only—

(1) By the aid of dogs, artificial decoys (live decoys are prohibited), with longbow and arrow, or with a gun of No. 10 gauge, fired from the shoulder, and if capable of holding more than three shells, the magazine must not exceed, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the gun to not more than three shells in the magazine, chamber, or breech, and by the use of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water. The use or aid of live stock as a blind or means of concealment is prohibited;

(3) In a motor boat or other motor-propelled floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when (i) the motor of such craft has been completely shut off and/or the sails furled, as the case may be; its propeller has been cleared and is drifting, beached, moored, or being propelled by paddle, oars, or pole; Provided, That the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in the State of Maryland in those areas described, delineated, and designated in its hunting regulations, in those coastal areas open to sea duck hunting; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running from the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.

§ 285.30a Execution and filing of Form SS-4.

The application shall be signed by (a) the person who is an individual; (b) the president, or other principal officer if the person is a corporation; (c) a responsible and duly authorized member or officer having knowledge of its affairs if the person is a partnership or other unincorporated organization; or (d) the fiduciary if the person is a trust or estate.

§ 10.3 Hunting methods.

The provisions of this section shall govern the methods by which any person may take migratory game birds on which such fences or cylinder is posted.

(a) Migratory game birds may be taken only—

(1) By the aid of dogs, artificial decoys (live decoys are prohibited), with longbow and arrow, or with a gun of No. 10 gauge, fired from the shoulder, and if capable of holding more than three shells, the magazine must not exceed, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the gun to not more than three shells in the magazine, chamber, or breech, and by the use of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water. The use or aid of live stock as a blind or means of concealment is prohibited;

(3) In a motor boat or other motor-propelled floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when (i) the motor of such craft has been completely shut off and/or the sails furled, as the case may be; its propeller has been cleared and is drifting, beached, moored, or being propelled by paddle, oars, or pole; Provided, That the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in the State of Maryland in those areas described, delineated, and designated in its hunting regulations, in those coastal areas open to sea duck hunting; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running from the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.

§ 10.3 Hunting methods.

The provisions of this section shall govern the methods by which any person may take migratory game birds on which such fences or cylinder is posted.

(a) Migratory game birds may be taken only—

(1) By the aid of dogs, artificial decoys (live decoys are prohibited), with longbow and arrow, or with a gun of No. 10 gauge, fired from the shoulder, and if capable of holding more than three shells, the magazine must not exceed, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the gun to not more than three shells in the magazine, chamber, or breech, and by the use of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water. The use or aid of live stock as a blind or means of concealment is prohibited;

(3) In a motor boat or other motor-propelled floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when (i) the motor of such craft has been completely shut off and/or the sails furled, as the case may be; its propeller has been cleared and is drifting, beached, moored, or being propelled by paddle, oars, or pole; Provided, That the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in the State of Maryland in those areas described, delineated, and designated in its hunting regulations, in those coastal areas open to sea duck hunting; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running from the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.

§ 10.3 Hunting methods.

The provisions of this section shall govern the methods by which any person may take migratory game birds on which such fences or cylinder is posted.

(a) Migratory game birds may be taken only—

(1) By the aid of dogs, artificial decoys (live decoys are prohibited), with longbow and arrow, or with a gun of No. 10 gauge, fired from the shoulder, and if capable of holding more than three shells, the magazine must not exceed, or plugged with a one-piece filler, incapable of removal without disassembling the gun, so as to reduce the capacity of the gun to not more than three shells in the magazine, chamber, or breech, and by the use of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(2) In the open or from a blind or other place of concealment (except a sinkbox) on land or water. The use or aid of live stock as a blind or means of concealment is prohibited;

(3) In a motor boat or other motor-propelled floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when (i) the motor of such craft has been completely shut off and/or the sails furled, as the case may be; its propeller has been cleared and is drifting, beached, moored, or being propelled by paddle, oars, or pole; Provided, That the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in the State of Maryland in those areas described, delineated, and designated in its hunting regulations, in those coastal areas open to sea duck hunting; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running from the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island.
(4) By the aid of a motorboat, sailboat, or other craft when used solely as a means of picking up dead or injured birds.

(5) All migratory game birds, may be taken on or over standing crops (including aquatic), flooded standing crops, flooded marshlands, standing crops properly shocked on the field where grown, or grains scattered solely as a result of customary and bona fide agricultural planting or harvesting or feeding livestock in customarily fed fields, or from natural causes. Provided, That such birds may not be taken or on over any baited area or with the aid of bait by any person who knows or by the exercise of due care should have known that such taking is by the aid of bait or that the area is baited.

(6) Any other method of taking migratory game birds by hunting pursuant to this part is specifically prohibited.

(b) Exceptions. The provisions of this section shall not be construed to apply to the taking of migratory birds as permitted by section 10.5; nor to alter the terms of any permit or other authorization issued pursuant to part 16 of this subchapter.

§ 10.9 Restrictions applicable to possession, tagging, and recordkeeping requirements.

(a) No person may possess or transport more than the daily bag limit or aggregate daily limit, which ever applies, of migratory game birds at or between the place where taken and either (1) his automobile or principal means of land transportation, or (2) his personal abode or temporary or transient place of lodging; or (3) a commercial preservation facility; and (4) a post office or common carrier to some person other than the hunter.

(b) No person shall put or leave any migratory game birds at any place (other than his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), unless such birds have a tag attached, signed by the hunter, stating his address, the total number and kinds of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

(c) No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under paragraphs (a) and (b) of this section.

(d) Any commercial preservation facility receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the number of birds of each species, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this part may enter such facilities at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the possessor or person responsible for their preparation and maintenance for a period of 1 year following the close of the open season on migratory game birds prescribed for the State in which such commercial-preservation facility is located.

4. Section 10.10 is revised to read:

§ 10.10 Termination of possession by hunters.

Subject to all other requirements of this part, the possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been disposed of to some person other than the owner as gift; or have been delivered by him to a commercial cold-storage or locker plant for transportation by the postal service or a common carrier to some person other than the hunter.

5. Section 10.13 is revised to read:

§ 10.13 Commercial use of feathers.

Any person without a permit, may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not commercial use, feathers of wild ducks and wild geese lawfully killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities.

§ 10.19 Commercial use of feathers.

Any person without a permit, may possess, dispose of, and transport, feathers of wild ducks and wild geese lawfully killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities.
PROPOSED RULE MAKING

8287

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970

period in the States of Idaho and Washington and Malheur County in Oregon which had been shipped to specified locations therein for grading or storage pursuant to § 947.54. The order does not authorize regulations on any potatoes except production area potatoes. Therefore, to avoid any misunderstanding, the word "ship" should be inserted after the word "shipped" in this subparagraph for clarification.

Section 947.54(a)(9) provides that "Shipments of potatoes for the purpose of having such potatoes graded or stored in districts within the production area other than the district where grown or to and within specific locations in the adjoining States of Idaho and Washington and Malheur County in the State of Oregon."

To make the intent of this subparagraph clearer it should read "Grading or storing between the districts within the production area or to and within specific locations in the adjoining States of Idaho and Washington and Malheur County in the State of Oregon."

Amendment of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure have been met.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 691-674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Hermiston, Ore., on January 14, 1970, upon a proposed amendment of Marketing Agreement 114 and Order No. 947 (7 CFR Part 947) regulating the handling of Irish potatoes grown in the Counties of Modoc and Siskiyou in California, and in the production area of the several orders applicable to subdivisions of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and the handling, marketing, and processing of potatoes grown in the production area is in the public interest.

(b) It is therefore ordered, That this decision and referendum order, except the annexed marketing agreement, as amended, shall be published in the Federal Register and marketing requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest.

The said order, as amended, as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act.

(1) The said order, as amended, as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and the handling, marketing, and processing of potatoes grown in the production area is in the public interest.

(2) It is therefore ordered, That, on and after the effective date hereof, all handling of potatoes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

(a) "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes or causes potatoes to be shipped.

(b) "Handle" is synonymous with "ship" and means to sell, transport, or in any other way to place potatoes, or cause
PROPOSED RULE MAKING

§ 947.26 Procedure.

(a) Nine members of the committee shall be necessary to constitute a quorum and nine concurrent votes shall be required to require any action or approve any committee action.

(8) Paragraph (b) of § 947.27 is amended to read as follows:

§ 947.27 Selection.

(b) The Secretary shall select three producer members of the committee, with their respective alternates, from District No. 1; two producer members, with their respective alternates, from each of Districts No. 2 and No. 4; and one producer member, with his respective alternate, from each of Districts No. 3 and No. 5. The Secretary shall also select one handler member of the committee, with his respective alternate, from each of Districts Nos. 1, 2, 3, 4, and 5.

(9) Paragraph (a) of § 947.28 is amended to read as follows:

§ 947.28 Term of office.

(a) Except as otherwise provided in this section, the term of office of committee members and alternates shall be 2 years beginning June 1 and ending May 31. The terms of office of members and alternates shall be so determined that approximately one-half of the total producer committee membership and approximately one-half of the total handler committee membership shall terminate each May 31.

(10) Section 947.31 is amended to read as follows:

§ 947.31 Expenses and compensation.

Committee members and their respective alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition, they may receive reasonable compensation at a rate recommended by the committee and approved by the Secretary.

(11) Paragraph (a) of § 947.32 is amended to read as follows:

§ 947.32 Districts.

(a) The following districts of the production area are hereby established as follows:

District No. 1. The counties of Crook, Deschutes, and Jefferson in the State of Oregon;

District No. 2. The counties of Klamath, Lake, Jackson, and Josephine in the State of Oregon;

District No. 3. The counties of Curry, Cates, Douglas, Lane, Lincoln, Benton, Linn, Polk, Marion, Yamhill, Tillamook, Washington, Clatsop, Columbia, Multnomah, Clackamas, and Hood River in the State of Oregon;

District No. 4. The counties of Modoc and Siskiyou in the State of California;

District No. 5. The counties of Wasco, Sherman, Gilliam, Morrow, Umatilla, Walla, Union, Baker, Grant, Wheeler, and Harney in the State of Oregon.

(12) Section 947.33 is amended to read as follows:

§ 947.33 Nominations.

The Secretary may select the members of the Oregon-California Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held by the committee in each district for which nominees are to be selected, not later than April 1 of each year, to designate nominees for members and alternates to the committee.

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 1:

(c) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 1 of each year, or by such other date as may be specified by the Secretary.

(d) Only producers may participate in designating producer nominees and only handlers may participate in designating handler nominees. Any person who operates in more than one district or is engaged in producing and handling potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter’s privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote, and

(f) If nominations are not made within the time and in the manner specified in this subpart, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

(13) Section 947.35 is added to read as follows:

§ 947.35 Annual report.

The committee shall prepare and submit to the Secretary, within 2 months following the last day of each fiscal
period, an annual report covering such fiscal period, and make a copy available to each handler and producer who re-
quests it. This annual report shall con-
tain at least:
(a) A complete review of the regulatory
operations during the fiscal period;
(b) An appraisal of the effect of such regu-
lar operations upon the potato industry within the production area; and
(c) Any recommendations for changes.
§ 947.40 Expenses.
The committee is authorized to incur such expenses as the Secretary may direct:
(a) To pay his assessment within the time pre-
scribed by the committee, the assessment
shall be charged to the person from whom such funds were
collected.
(b) To pay his assessment within the time pre-
scribed by the committee, the assessment
shall be charged to the person from whom such funds were
collected.
(c) Any recommendations for changes.
§ 947.41 Assessments.
(a) Each handler shall pay to the committee upon demand his pro rata share of the expenses authorized by the Secretary for each fiscal period. Each handler's pro rata share shall be the amount of assessment per hundredweight fixed by the Secretary times the quantity of potatoes which he handles as the first handler thereof. At any time during or after a fiscal period, funds in excess of such rates shall be placed in an operating reserve to be used for the maintenance and functioning of the committee.
§ 947.42 Excess funds.
(a) When the Secretary finds, pursuant to the provisions of this subpart, that the regulations are in effect during periods when no regulation is in effect, if a handler does not pay his assessment within the time prescribed by the committee, the assessment may be charged to the person from whom such funds were collected.
(b) Excess funds: At the end of a fiscal period, funds in excess of the reserve required during periods when no regulations are in effect. If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be charged to the person from whom such funds were collected. Such funds shall be returned pro rata to the person from whom such funds were collected.
(c) Accounting of funds upon termination of order: Any money collected as sales and marketing expenses shall be placed in an operating reserve as prescribed by the committee with the approval of the Secretary at rates prescribed by the committee as to the rate of assessment for such fiscal period.
§ 947.43 Issuance of regulations.
(a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendation and evidence submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:
(1) To regulate, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or qualities of any or all varieties of potatoes, or any combination of the foregoing, during any period;
(2) To regulate the handling of particular grades, sizes, qualities, or qualities of any or all varieties of potatoes, or any combination of the foregoing, during any period, in the States of Idaho and Washington;
(3) To regulate the handling of particular grades, sizes, qualities, or qualities of any or all varieties of potatoes, or any combination of the foregoing, during any period, in the adjoining States of Idaho and Washington, or in any combination of the foregoing, during any period; and
(4) To regulate, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or qualities of any or all varieties of potatoes, or any combination of the foregoing, during any period.
(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulations obstruct or no longer tend to effectuate the declared policy of the act.
§ 947.44 Safeguards.
(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 947.54 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.
(b) Safeguards provided by this section shall not exhaust the power of the committee to require such safeguards as the Secretary may consider necessary.
§ 947.45 Minimum quantities.
The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities of potatoes, or any combination of the foregoing, during any period.
§ 947.46 Shipments for specified purposes.
(a) Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate any or all regulations issued pursuant to this part, and issue new regulations for shipments of potatoes for the following purposes:
(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning and freezing;
(7) Processing into other products, in-
cluding "other processing" pursuant to Public Law 91-196, 91st Cong., second session (Feb. 20, 1970);
(8) Such other purposes as may be specified by the committee, with the approval of the Secretary; and
(9) Grading or sorting between the districts within the production area or to and within specified locations in the adjoining States of Idaho and Wash-
ington.
§ 947.47 County in Oregon which had been
(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 947.54 from entering channels of trade and other outlets for other than the specific purpose authorized therefor.
(b) Safeguards provided by this section shall not exhaust the power of the committee to require such safeguards as the Secretary may consider necessary.
§ 947.48 Issuance of regulations.
(a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendation and evidence submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:
(1) To regulate, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or qualities of any or all varieties of potatoes, or any combination of the foregoing, during any period;
(2) To regulate the handling of particular grades, sizes, qualities, or qualities of any or all varieties of potatoes, or any combination of the foregoing, during any period, in the States of Idaho and Washington.
§ 947.49 Minimum quantities.
The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities of potatoes, or any combination of the foregoing, during any period.
§ 947.50 Shipments for specified purposes.
(a) Whenever the Secretary finds, upon the basis of the recommendations

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970
PROPOSED RULE MAKING

§ 947.80 Reports.
(a) Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to authorized employees of the committee in such manner, on such forms and at such time as the committee may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

(b) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him segregated as to the respective operations; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates relating to the potatoes which are handled pursuant to § 947.52 or § 947.54, or both.

(c) All such reports shall be kept in the custody and under the control of one or more employees of the committee so that the information contained therein, which may adversely affect the competitive position of any handler in relation to other handlers, will not be disclosed.

(d) Each handler shall maintain and make available on request for at least ten data, views, or arguments in connection with these proposals shall file the same, in four copies, with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. (20250), not later than the 10th day after the publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 953.207 Expenses and rate of assessment.
(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending March 31, 1971, will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be four-tenths of one cent ($0.004) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: Provided, That potatoes for canning, freezing, and "other processing" as defined in the recent amendment to the act, Public Law 81-196) shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.


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

[FR Doc. 70-50557; Filed, May 26, 1970; 8:47 a.m.]

DEPARTMENT OF COMMERCE

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 301 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file before July 24, 1970. An oral hearing will not be scheduled.

Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

The proposed revision of § 5.1 would modify the procedures for administering 35 U.S.C. 181. As currently written, § 5.1 authorizes defense agencies to inspect patent applications relating to national security only at the Patent Office. Many representatives of defense agencies, however, are not located in the Washington, D.C., area. The requirement for representatives to travel to the Patent Office often results in considerable expense and delay in conducting the security review.

Under the proposed revision of § 5.1, the Patent Office would carry out the inspections at the location of the application. This would enable the defense agencies to inspect at a location closer to the patent office. The proposed rule would enable more prompt review in many cases.

Under the proposed change, the Patent Office would send, in microfiche form, copies of applications which might be related to national security, to defense agencies under conditions insuring the confidentiality required by 35 U.S.C. 122. The copies would be sent with the request that they be promptly returned to the Patent Office or destroyed if a secrecy order were not imposed. If a secrecy order were imposed, a copy would be promptly destroyed or returned and the order was rescinded. Access to the copies would be limited to responsible agency representatives who would be required to sign an acknowledgment accepting the condition that information obtained from the inspection would be used for no other purpose than the administration of 35 U.S.C. 181-188. Such a procedure would provide better service to the public by enabling the defense agencies to inspect applications promptly and at less expense.

§ 5.1 Defense inspection of certain applications.
In accordance with the provisions of 35 U.S.C. 181, patent applications containing subject matter the disclosure of which might be detrimental to national security are made available for inspection by defense agencies as specified in said section. Only applications obviously relating to national security, and applications within fields indicated to the Patent Office by the defense agencies as so related, are made available. The inspection will be made only by responsible representatives authorized by the agency to request application. In all such instances, the representations are required to sign a dated acknowledgment of access accepting the condition that information obtained from the inspection will be used for no other purpose than the administration of 35 U.S.C. 181-188. Applications relating to atomic energy are made available to the
DEPARTMENT OF LABOR
Office of the Secretary
[29 CFR Part 60]

IMMIGRANT LABOR CERTIFICATIONS
Adverse Effect Upon American Workers

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182), and Secretary's Order No. 14-69 (34 F.R. 6502), I hereby propose to amend 29 CFR Part 60 as set forth herein.

Any person interested in this proposal may file a written statement of data, views, or argument regarding it with the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the Federal Register. Section 60.4 would be amended to read as follows:

§ 60.4 Certification determinations and review.

(a) Initial determinations pursuant to paragraphs (a) and (b) of § 60.3 shall be made by the Certifying Officer appointed by the Regional Manpower Administrator of the Regional Manpower Administration office of the U.S. Department of Labor for the region wherein the employment is proposed.

(b) Requests for review of a denial of certification pursuant to paragraph (a) of this section may be made to the Regional Manpower Administrator of the same region in which the denial had been made. Such requests shall state with particularity the determination of which review is sought and shall set forth the particular grounds on which the request is based and shall include all documents which accompanied the denial of certification. Denial of certifications based upon occupations on the certification and noncertification schedules are not reviewable under the provisions of this section.

(c) The Regional Manpower Administrator, or his designated representative who shall not have participated in making the initial determination, shall review the determination for which review is sought.

(d) Upon review, the Regional Manpower Administrator or his designated representative may order the issuance of a certificate or may affirm the denial of the certification.

(e) The Regional Manpower Administrator's determination as to certification shall be final; provided that, in any case wherein the denial of certification is determined pursuant to the provisions of paragraph (h), (i), or (j) of § 60.6 and upon a written request made to the Regional Manpower Administrator within 10 days of receipt of the determination, the Regional Manpower Administrator, after having received a party's notice in paragraph (d) above, shall review the application of paragraph (h), (i), or (j) of § 60.6 to a hearing officer whom he shall designate.

(f) The Regional Manpower Administrator shall refer such issues raised by the application of paragraph (h), (i), or (j) of § 60.6 to a hearing officer upon which the Regional Manpower Administrator's decision as to certification may be made. Such requests shall state with particularity the determination of which review is sought and shall set forth the particular grounds on which the request is based and shall include all documents which accompanied the denial of certification.

§ 60.6 Determinations and review.

(a) Initial determinations pursuant to paragraphs (a) and (b) of § 60.3 shall be made by the Certifying Officer appointed by the Regional Manpower Administrator of the Regional Manpower Administration office of the U.S. Department of Labor for the region wherein the employment is proposed.

(b) Requests for review of a denial of certification pursuant to paragraph (a) of this section may be made to the Regional Manpower Administrator of the same region in which the denial had been made. Such requests shall state with particularity the determination of which review is sought and shall set forth the particular grounds on which the request is based and shall include all documents which accompanied the denial of certification. Denial of certifications based upon occupations on the certification and noncertification schedules are not reviewable under the provisions of this section.

(c) The Regional Manpower Administrator, or his designated representative who shall not have participated in making the initial determination, shall review the determination for which review is sought.

(d) Upon review, the Regional Manpower Administrator or his designated representative may order the issuance of a certificate or may affirm the denial of the certification.

(e) The Regional Manpower Administrator's determination as to certification shall be final; provided that, in any case wherein the denial of certification is determined pursuant to the provisions of paragraph (h), (i), or (j) of § 60.6 and upon a written request made to the Regional Manpower Administrator within 10 days of receipt of the determination, the Regional Manpower Administrator, after having received a party's notice in paragraph (d) above, shall review the application of paragraph (h), (i), or (j) of § 60.6 to a hearing officer upon which the Regional Manpower Administrator's decision as to certification may be made. Such requests shall state with particularity the determination of which review is sought and shall set forth the particular grounds on which the request is based and shall include all documents which accompanied the denial of certification.

§ 60.7 Notice and opportunity to be heard.

(a) The Regional Manpower Administrator, or his designated representative, shall give the affected parties notice of the specific issues presented to him for consideration and shall provide them opportunity to present evidence with respect thereto; provide them opportunity to present evidence with respect thereto and to cross-examine adverse witnesses; and shall make findings based upon the record so made and shall submit a recommended decision to the Regional Manpower Administrator.

(b) The hearing officer's recommended decision shall be reviewed by the Regional Manpower Administrator whose decision with respect thereto shall be final.

§ 60.8 Failure to act.

(a) If a determination is not made by the Regional Manpower Administrator within 30 days after the Regional Manpower Administrator has received the initial determination, the Regional Manpower Administrator, or his designated representative, shall make a final determination as to certification.

(b) If a determination is not made by the Regional Manpower Administrator within 30 days after the Regional Manpower Administrator has received the initial determination, the Regional Manpower Administrator, or his designated representative, shall make a final determination as to certification.

DEPARTMENT OF TRANSPORTATION
Office of the Secretary
[46 CFR Part 137]

OFFENSES INVOLVING NARCOTIC OR DANGEROUS DRUGS
Suspension and Revocation Proceedings

Notice is hereby given that the Commandant, U.S. Coast Guard has under consideration a revision of 46 CFR Part 137 which would incorporate, with the changes indicated, the existing paragraph (a) into § 137.03-4 and the existing paragraph (b) into § 137.03-5. At § 137.03-4(a) requires an examiner to enter an order of revocation whenever a charge of misconduct is found proved involving the possession, use, sale or association with narcotics or dangerous drugs, including marijuana. The proposal would extend this policy to include other dangerous drugs that are not classified as narcotic drugs. In view of the current widespread use of these other drugs and the harmful consequences resulting therefrom, in addition, with respect to marijuana only, the proposal would authorize the examiner to enter an order less than revocation whenever he is satisfied that the use, possession or association by the person was the result of experimentation, and the person has submitted satisfactory evidence that such misconduct will not recur. Finally, the proposal would create a separate section for the existing paragraph (b) with an appropriate heading and a change in the text to make it clear that it is a rule of evidence and in connection with the issue of the proper order to be entered in drug cases. The present paragraph (b) has been subject to misinterpretation because of its wording and its placement in a section dealing with the appropriate order in narcotics cases.

These proposals are made under authority of R.S. 4450, as amended (46 U.S.C. 239), section 6(b)(1) of the Department of Transportation Act (49 U.S.C. 1655(b)(1) and 49 CFR 1.46(b)).

Accordingly, it is proposed to amend Part 137 by revising § 137.03-3 and by adding § 137.03-4 to read as:

§ 137.03-3 Possession of narcotics; penalties.

When a charge of misconduct is supported by a specification alleging possession of narcotics or dangerous drugs, including marijuana, evidence of possession is enough to support a finding of misconduct, unless the examiner is satisfied by other evidence that the possession was not wrongful.

§ 137.03-4 Offenses for which revocation of licenses or documents is mandatory.

Whenever a charge of misconduct by virtue of the possession, use, sale or association with narcotics or dangerous drugs, including marijuana, is found proved, the examiner shall enter an order revoking all licenses, certificates and documents held by such a person. However, in those cases involving marijuana where the examiner is satisfied that the use, possession or association, was the result of experimentation by the person and that the person has submitted satisfactory evidence that such use will not recur, he may enter an order less than revocation.

Interested persons are invited to submit written data, views, arguments or comments concerning these proposals to the Commandant (CMC), U.S. Coast
PROPOSED RULE MAKING

2. Section 73.55 reads, in part, as follows:

The percentage of modulation shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice. In no case is it to exceed 100 percent on negative peaks of frequent recurrence. **

The rule prescribes no limit for positive peaks. The general theory which dictated the restriction on negative peaks will also be placed on negative but not on positive excursions of the carrier. In, of course, that excessive negative excursions produce carrier cut-off, a flat-topped modulation waveform. The carrier modulation consists of audio-frequency harmonics, which can result in the emission of components outside of the normal bandwidth of the station, causing interference to the reception of other stations.

There is no such fundamental restriction on the positive excursions, although attempts to drive a transmitter beyond its modulation capability, or to overmodulate or to cause excessive audio-frequency distortion, even though the maximum level of modulation may be less than 100 percent.

4. In addition, both the requirements of §73.55 and the definition of percentage modulation set forth in §73.14 of the rules assume that the modulating waveform is essentially sinusoidal, and a restriction placed on negative modulation peaks will automatically limit positive excursions. That this is not strictly true has long been recognized, particularly with respect to speech waveforms, and it is sometimes the practice in pole connections of microphones used primarily for speech so that the greatest excursions in the audio waveform will modulate the carrier in a positive direction. This practice permits a somewhat what higher average modulation level and positive peaks may exceed the 100 percent modulation level without carrier cut-off on negative peaks, if the transmitter and the microphone have equalization characteristics of that level. In the usual case, this capability has been quite limited, and the Commission has considered that the resulting moderate improvement in modulation level presented no problem.

5. It has become the general practice to use peak limiters on the audio input to transmitters. The primary purpose for such limiters is to provide an automatic restriction on negative modulation peaks, thus preventing overmodulation with less intensive operator supervision than might otherwise be necessary. However, the use of such limiters, which flatten negative peaks while placing no restriction on positive peaks, also permits a considerably higher average level of modulation. This has been accompanied by a restriction, sometimes substantial if limiting is carried to excess, of the dynamic range of transmitted program material.

The fact that some broadcasters are more concerned with "sounding loud" and in employing systems which permit the absolute minimum of technical supervision, than in transmitting a signal of good quality to their listening audiences, has been a matter of concern to the Commission. It has considered the desirability of restricting, by rule, the amount of limiting which may be employed, but so far has arrived at no conclusion in this matter. But while the adverse effects of excessive limiting have heretofore been confined almost entirely to the service of the broadcaster employing it, a recent development has occurred which justifies the Commission in giving more serious dimension to this problem, one that requires immediate Commission action.

It has come to our attention that certain manufacturers are offering for sale broadcast transmitters with modulators capable of supplying considerably more power to the carrier than is necessary for 100 percent modulation with signal from an undemodulated 5 kilowatt transmitter. While the ostensible reason for providing such a modulator is to it is of bar transmitters to take advantage of the diseconomies occurring in some audio waveforms, it appears quite clear that such transmitters may be employed with a substantial degree of negative peak limiting to produce positive peak modulation levels greatly in excess of 100 percent. Under such conditions the radiated signal may include considerably more power in the sidebands than would be possible if the modulation were essentially sinusoidal.

7. Aside from its concern with the resulting carrier shift and the audiofrequency distortion that may be experienced when such a substantially asymmetrical modulation envelope is demodulated, the Commission has a more desirability of restricting, by rule, the ratio on the basis of the selectivity of the carriers of the desired and undesired signal. On the other hand, the degree of interference to a desired station with a carrier of given strength and with a given type of program material depends directly on how heavily the undesired carrier is modulated.

8. It is apparent that if a transmitter is so designed and operated that positive modulation excursions considerably exceed 100 percent, with negative excursions of over 100 percent, the sideband power is increased materially over that which would normally be present, and the potentiality for causing actual interference to other stations is increased. It is quite possible that to be expected on the basis of the ratio of the strengths of the desired and undesired carriers.

Aside from its concern with the resulting carrier shift and the audio-frequency distortion that may be experienced when such a substantially asymmetrical modulation envelope is demodulated, the Commission has a more desirability of restricting, by rule, the ratio on the basis of the selectivity of the carriers of the desired and undesired signal. On the other hand, the degree of interference to a desired station with a carrier of given strength and with a given type of program material depends directly on how heavily the undesired carrier is modulated.

8. It is apparent that if a transmitter is so designed and operated that positive modulation excursions considerably exceed 100 percent, with negative excursions of over 100 percent, the sideband power is increased materially over that which would normally be present, and the potentiality for causing actual interference to other stations is increased. It is quite possible that to be expected on the basis of the ratio of the strengths of the desired and undesired carriers.

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST STATIONS

Prescribing Limit on Positive Modulation

1. The Commission proposes to amend §73.55 of the rules governing broadcast stations so as to prescribe a limit of 100 percent on positive modulation excursions. The reasons why it believes this action is necessary are set forth in some detail hereunder.
9. Five-kilowatt transmitters with modulators of 10-kilowatt capability have an ultimate capacity for producing twice as much sideband power as conventional transmitters. While practical considerations would probably preclude the former being fully realized, the limit may be approached, depending to a considerable extent on what degree of negative peak limiting a particular licensee considers tolerable.

10. No licensee would seriously consider requesting authorization for the substitution of a 10-kilowatt for a 5-kilowatt transmitter (even if its station were of such a class that the increase were otherwise acceptable) without an accompanying showing that the higher-powered transmitter would not cause interference to other stations above the limits prescribed in the rules. It appears, nevertheless, the 5-kilowatt transmitters with “souped-up” modulators are presently being delivered to and used by broadcasters without any authorization whatever being sought or received from the Commission. The acceptance requirements for particular types of transmitters do not cover the modulator design changes involved.

11. In the light of this development, we believe it necessary in protecting the integrity of our interference standards that we propose to modify § 73.55 of our rules to place a limit on the positive modulation excursions. Initially, we propose this limit as 100 percent. As previously discussed, we recognize that somewhat higher levels have been possible of achievement in certain circumstances, and have been considered permissible even under conservative operating practices, where the modulating waveform was only moderately unsymmetrical. At the present time we have not decided what, if any, higher limit should be permitted, and we will accept comment on this point.

12. We are also proposing to amend the definition of modulation percentage contained in § 73.14, which, in effect, is based on the conception of symmetrical waveforms, to provide for separate definitions of positive and negative percentages.

13. Accordingly, comments and reply comments are requested on proposed amendment of § 73.55 and paragraph (1) of § 73.14 of the Commission’s rules and regulations, to read as follows:

§ 73.14 Technical definitions.

1. Percentage modulation (amplitude):

In a positive direction:

\[ M = \frac{\text{MAX} - \text{MIN}}{\text{MIN}} \times 100 \]

In a negative direction:

\[ M = \frac{\text{MAX} - \text{MIN}}{\text{MIN}} \times 100 \]

Where:

\( M \) = Modulation level in percent;

\( \text{MAX} \) = Instantaneous maximum RMS level of the modulated carrier;

\( \text{MIN} \) = Instantaneous minimum RMS level of the modulated carrier;

\( \text{C} \) = RMS level of the carrier without modulation.

Note: All values are in the same units, either voltage, current, or field strength, as appropriate.

§ 73.55 Modulation.

The percentage of modulation shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice. In no case shall it exceed 100 percent on positive or negative peaks of frequent recurrence. Generally, it should not be less than 85 percent on peaks of frequent recurrence; however, where necessary to avoid objectionable loudness, modulation may be reduced to whatever level is necessary, even if the resulting modulation is substantially less than 85 percent on peaks of frequent recurrence.

14. Authority for the adoption of the amendments proposed herein is found in sections 4(i) and (j) and 303 of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission’s rules, interested persons may file comments on or before August 3, 1970, and reply comments on or before September 3, 1970. All relevant and timely 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 requested by this notice.

16. In accordance with the provisions of § 1.410 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Released: May 22, 1970.

Federal Communications Commission.

[Seal]

Ben F. Waple,
Secretary.
**DEPARTMENT OF STATE**

Agency for International Development

DEPUTY ASSISTANT ADMINISTRATOR ET AL.

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Assistant Administrator for Africa under Delegation of Authority No. 17, as amended, from the Administrator of the Agency for International Development or research institutes, for countries or areas within the responsibility of the Assistant Administrator for Africa, to the Deputy Assistant Administrator and to the Director and Deputy Director (Contracting) of the Office of Management, and to senior contract negotiators, to sign or approve the following, to sign or approve the following:

1. **Contracts and amendments to contracts**
   - Financed under loan agreements or contracts exclusively for the supply of commodities; and grants, other than to foreign governments, or agencies of foreign governments;
   - Letters of Commitment and Acceptances
   - Classifying for multiple-use management
   - Technical Services (PIO /T);
   - Nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States; provided, That all such amendments or modifications are requested prior to final payment under the contract; and

2. **Advance payments and the required determination and findings for such payments under A.I.D.**

The authority herein delegated to the officers named above may not be further redelegated by such officers, but may be exercised by duly authorized persons who are performing the functions of such officers in an acting capacity.

The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

This Redelegation of Authority supersedes APR Redelegation of Authority No. 111, dated February 12, 1970.

---

**DEPARTMENT OF THE INTERIOR**

Bureau of Land Management

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 996; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the revised statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as noted in paragraph 3 below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6919 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management within the following described areas in Sanpete, Juab, Millard, and Sevier Counties:

**SALT LAKE MERIDIAN**

T. 17 S., R. 5 W., Secs. 11-15, 21-23, 26-28, 33-35.
T. 18 S., R. 5 W., Secs. 7, 8, 17-22, 28, 29.
T. 18 S., R. 5 W., Secs. 1-4, 9-12.
T. 20 S., R. 8 W., Secs. 6, 9-10, 17, 18, 21.
T. 21 S., R. 4 W., Sec. 12.
T. 23 S., R. 4 W., Secs. 7, 8, 10, 19.
T. 22 S., R. 5 W., Secs. 13, 24-26.

All the public lands within the following described area:

**SALT LAKE MERIDIAN**

T. 14 S., R. 3 W., Secs. 35, 36, 37.
T. 17 S., R. 3 W., Secs. 32, 35, N1/4, W1/4, SW1/4.
T. 18 S., R. 3 W., Secs. 2, lots 1, 2, W1/4, N1/4, NW1/4.
T. 19 S., R. 2 W., Sec. 4, lot 5.
T. 19 S., R. 3 E., Sec. 1, lots 2-4, S1/2 NW1/4, NW1/4 SW1/4, N1/2 SE1/4.
T. 13 S., R. 2 E., Secs. 12, SW1/4, NW1/4.
T. 15 S., R. 2 E., Secs. 12, 13, SE1/4 NW1/4, NE1/4 SW1/4.
T. 16 S., R. 2 E., Secs. 7, SW1/4 NE1/4, SE1/4 NW1/4.
Sec. 12, lot 4.
T. 14 S., R. 3 E., Secs. 11, SW1/4 NW1/4.
T. 14 S., R. 2 E., Secs. 32, SW1/4 NW1/4, NE1/4 SW1/4.
T. 15 S., R. 3 E., Secs. 7, SE1/4 NW1/4.
T. 16 S., R. 3 E., Secs. 3, lots 1-3, SE1/4 SW1/4.
Sec. 12, SW1/4 W1/4.
Sec. 13, SW1/4 NW1/4, N1/2 SW1/4.

Beginning at the northeast corner of sec. 34, T. 14 S., R. 3 W., SLM, thence south and west along the east and south boundary of the Fishlake and Manti LaSal National Forest boundary to the northeast corner of the NW1/4 SW1/4, sec. 12, T. 19 S., R. 4 W., SLM, thence south 1/4 mile, east 1/4 mile, north 1/4 mile, south 1/4 mile, north 1/4 mile, east 5 miles to the southwest corner of sec. 15, T. 19 S., R. 3 W., SLM; thence north, east and south along the Fishlake National Forest boundary to the northwest corner of the NE1/4 NW1/4, sec. 28, T. 21 S., R. 2 W., SLM, thence southwesterly along the boundary line between BLM Districts 3 and 5 (as modified by the Secretary of the Interior on May 2, 1944, and published in the Federal Register on May 19, 1944; page 5079) to the southeast corner, sec. 31, T. 21 S., R. 1 W., SLM, thence east 8 miles to the southeast corner sec. 33, T. 21 S., R. 4 E., SLM, thence west 9 miles to the southwest corner of sec. 3, T. 12 S., R. 3 E., SLM, thence south, west, and northerly along the Uinta National Forest boundary to the northeast corner of sec. 5, T. 10 S., R. 2 E., SLM, thence west 13 miles, south 6 miles, east 6 miles, south 12 miles, west 1/2 mile, south 1/4 mile, north 1/4 mile, west 14 miles to the northeast corner of the NE1/4 SE1/4, sec. 12, T. 19 S., R. 2 W., SLM, thence west 1/4 mile, north 1/2 mile, east 1/2 mile, south approximately 4 1/2 miles to the middle of the Sevier River, thence northeasterly along the center of the river to a point where the aforementioned boundary line intersects the N.1/2 S.1/2, T. 14 S., R. 3 W., SLM, thence approximately 1 mile west to point of beginning.

The areas described aggregate approximately 310,690 acres of Public Domain lands.

The following described lands within these areas are not segregated against public sale under RS 2455 (43 U.S.C. 1171):

**SALT LAKE MERIDIAN**

T. 17 S., R. 5 W., Secs. 11-15, 21-23, 26-28, 33-35.
T. 18 S., R. 5 W., Secs. 7, 8, 17-22, 28, 29.
T. 18 S., R. 5 W., Secs. 1-4, 9-12.
T. 20 S., R. 8 W., Secs. 6, 9-10, 17, 18, 21.
T. 21 S., R. 4 W., Sec. 12.
T. 23 S., R. 4 W., Secs. 7, 8, 10, 19.
T. 22 S., R. 5 W., Secs. 13, 24-26.
NOTICES

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970

T. 20 S., R. 2 E.
Sec. 3, SE_4 NW_4.

The areas described aggregate 1,654.78 acres of Public Domain.

3. Publication of this notice also has the effect of segregating the proposed recreation areas, described below from all forms of appropriation, entry, location, or selection under the public land laws, including the general mining laws, and from surface use and occupancy under the mineral leasing laws.

Sevier Bridge Reservoir Recreation Sites:
T. 16 S., R. 1 W.
Sec. 30, lots 38, 39;
Sec. 31, lots 5, 6, 7, 17, 18.

T. 17 S., R. 1 W.
Sec. 24, SE_4 SW_4, SW_4 NW_4;
Sec. 25, NW_4 SE_4.

T. 17 S., R. 1 W.
Sec. 5, NE_4 SW_4, NW_4 SE_4;
Sec. 16, SE_4 NW_4.

T. 17 S., R. 1 W.
Sec. 1, SE_4 NW_4.

Gunnison Reservoir Recreation Sites:
T. 19 S., R. 2 E.
Sec. 21, SW_4 NW_4, SW_4 NW_4;
Sec. 22, SW_4 NW_4.

Lone Cedar Recreation Site:
T. 19 S., R. 1/2 W.
Sec. 27, E_4 NW_4.

Total: 740 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 writing to the District Manager, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111, should be deleted from the classification because of legal description errors:

Mount Diablo Meridian, California
T. 11 S., R. 7 E.
Sec. 24, SW_4 SW_4.

T. 6 S., R. 21 E.
Sec. 16, NE_4 NW_4, NW_4 SW_4.

The following lands are being deleted from the classification because the record of public participation revealed the proposed classification to be improper:

Mount Diablo Meridian, California
T. 2 N., R. 14 E.
Sec. 29, lot 3 (exclusive of M.S. 4660), lot 6 (exclusive of M.S. 5923), lot 9 (exclusive of M.S. 4460 and M.S. 5923).

T. 10 S., R. 22 E.
Sec. 29, lots 12, 13, and 14, 3/4 SE_4.

T. 11 S., R. 23 E.
Sec. 25, portion of Clara H. Lode Mine (unsurveyed);
Sec. 34, NE_4 NE_4.

The effect of the proposed classification is hereby terminated on the above lands. The below legal description published in the notice of proposed classification is corrected as follows:

Mount Diablo Meridian, California
T. 6 S., R. 20 E.
Sec. 27, lots 11 and 14.

Chattanooga: Lots 17 and 18.

3. The following public lands are hereby classified for transfer out of Federal ownership by public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

Mount Diablo Meridian, California
T. 5 S., R. 5 E.
Sec. 12, SE_4 NE_4, NE_4 SE_4, SE_4 SW_4;
Sec. 7 S., R. 5 E.
Sec. 10, E_4 NE_4, NE_4 SE_4;
Sec. 6 S., R. 6 E.
Sec. 4, lot 14 and portion of M.S. 5233;
Sec. 23, NE_4 NW_4, SW_4 NE_4;
Sec. 26, NE_4, SE_4 NW_4.

T. 8 S., R. 6 E.
Sec. 4, SW_4 NW_4, W_4 SW_4;
Sec. 20, lot 4.

T. 7 S., R. 7 E.
Sec. 20, NW_4, lots 1, 5/8, lots 8, N_4 lot 10, and SW_4 NW_4;

T. 3 S., R. 14 E.
Sec. 29, W_4 NE_4 NW_4 SW_4;
Sec. 30, W_4 SW_4.

Merced County
T. 11 S., R. 7 E.
Sec. 21, land formerly designated as lots 37 and 38 (unsurveyed);
Sec. 26, unsurveyed land in N_4 NW_4 (formerly portions of lots 37 and 38).

T. 12 S., R. 7 E.
Sec. 1, W_4 SW_4;
Sec. 11, N_4 NW_4, SW_4 NE_4;
Sec. 12, NW_4 SW_4;
Sec. 14, SW_4 SW_4, SW_4 SE_4;
Sec. 18, NE_4 NE_4, SE_4 NE_4, NE_4 NW_4.

T. 13 S., R. 9 E.
Sec. 20, 5/8 NW_4;
Sec. 32, NE_4 SW_4, N_4 SE_4;
Sec. 33, N_4 NW_4, E_4 NW_4, NW_4 SW_4.

Sanpete County Courthouse, Manti, Utah.
T. 13 S., R. 10 E.
Sec. 14, lots 1 to 8;
Sec. 19, lots 1, 2, and N_4 lot 8.

Tuolumne County
T. 1 S., R. 12 E.
Sec. 1, SE_4 NW_4.

T. 1 N., R. 14 E.
Sec. 25, Last Chance Quartz mine (unsurveyed) and Morning Glory Quartz mine (unsurveyed);
Sec. 27, SE_4 NE_4, NE_4 NE_4 SW_4, SW_4 NE_4 NW_4, SW_4 NW_4;
Sec. 34, SE_4 NE_4.

T. 1 S., R. 13 E.
Sec. 2, NW_4 SW_4, SE_4 SW_4;
Sec. 3, SW_4 SE_4;
Sec. 9, SW_4 NE_4, SW_4 SE_4;
Sec. 17, NW_4 NW_4, SW_4 NW_4, SW_4.

T. 2 S., R. 13 E.
Sec. 13, SW_4 SE_4;
Sec. 2, NW_4 SW_4 NW_4;
Sec. 3, lot 1.

T. 1 N., R. 14 E.
Sec. 21, lot 43;
Sec. 24, SE_4 NW_4;
Sec. 37, SE_4.

T. 1 S., R. 14 E.
Sec. 32, SW_4 SW_4 NE_4, SW_4 SE_4 SE_4.

T. 1 S., R. 15 E.
Sec. 2, lot 51;
Sec. 3, lot 69.

T. 1 N., R. 15 E.
Sec. 1, lots 6 and 7 (exclusive of Mineral Survey 4660).

T. 2 S., R. 15 E.
Sec. 33, lot 12 (exclusive of Mineral Survey 5693).

T. 1 S., R. 15 E.
Sec. 7, lot 15;
Sec. 22, lots 5 and Mineral Survey 5693B;
Sec. 33, lots 6, 7, 13, and 14; and
Sec. 22, lots 6, 7, 13, and 14.

T. 2 S., R. 13 E.
Sec. 4, lot 6,
T. 1 S., R. 16 E.
Sec. 20, lot 2, and lot 10.

T. 2 S., R. 16 E.
Sec. 2, lot 5;
Sec. 17, NE_4 NE_4.

Mariposa County
T. 3 S., R. 15 E.
Sec. 6, SW_4 NW_4 SW_4, NW_4 SE_4 NW_4 SW_4;
Sec. 26, SW_4 NW_4;
Sec. 35, NE_4 NE_4.

T. 4 S., R. 15 E.
Sec. 25, SW_4 NW_4;
Sec. 5, SE_4 SW_4;
Sec. 5, SW_4 SE_4.

T. 3 S., R. 16 E.
Sec. 4, lot 1;
Sec. 4, lot 3 (portion west of lot 65), and
Sec. 9, lot 12;
Sec. 11, lot 3;
Sec. 4, lot 10.

T. 4 S., R. 16 E.
Sec. 22, SE_4 SW_4;
Sec. 23, SE_4 SW_4.

T. 5 S., R. 16 E.
Sec. 5, mineral land;
Sec. 12, 1/4 NE_4 (exclusive of Mineral Survey 5690 and Mineral Survey 5690), and 3/4 NE_4 (exclusive of Mineral Survey 5690 and Mineral Survey 5690).

T. 21 S., R. 46 E.
Sec. 21, portion of Mineral Survey 4660;
Sec. 31, NW_4 SE_4;
Sec. 34, E_4 SE_4 SW_4.

CALIFORNIA

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

APRIL 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 3411, the public lands in paragraphs 3 through 9 are hereby classified for transfer out of federal ownership under one or more of the below stated statutes.

2. Following publication of a notice of proposed classification (35 F.R. 1118, Jan. 30, 1970), it was determined the following lands should be deleted from

[R. D. NIELSON, State Director.]

(F.R. Doc. 70-6511; Filed, May 26, 1970; 8:46 a.m.)
NOTICES

T. 6 S., R. 17 E.,
Sec. 14, SW¼ NE¼.
T. 3 S., R. 17 E.,
Sec. 19, lot 18, SE¼ SW¼.
T. 12 S., R. 17 E.,
Sec. 22, NE¼ SW¼.
T. 4 S., R. 17 E.,
Sec. 3, SW¼ NE¼.

FRESNO COUNTY

T. 13 S., R. 15 E.,
Sec. 18, lot 3.
T. 9 S., R. 23 E.,
Sec. 23, W¼ NW¼.
T. 11 S., R. 20 E.,
Sec. 2, W¼ SW¼.
T. 12 S., R. 20 E.,
Sec. 3, lots 10, 11, and 13;
Sec. 15, SW¼.
T. 11 S., R. 24 E.,
Sec. 3, lots 2 and 3.
Sec. 22, SW¼.
T. 12 S., R. 24 E.,
Sec. 23, SW¼.
T. 13 S., R. 24 E.,
Sec. 3, SE¼.
Sec. 6, W¼.
Sec. 24, SE¼.
Sec. 13, NE¼ SW¼.
Sec. 24, W¼ SW¼.
Sec. 12, SW¼.
Sec. 7, W½ NE¼.
Sec. 14, SE¼ SW¼.
T. 13 S., R. 26 E.,
Sec. 9, NE¼.
Sec. 10, W¼ SW¼.
Sec. 15, NE¼.
Sec. 24, SE¼.
Sec. 13, S½.
Sec. 22, NE¼ SW¼.
Sec. 14, S½ NE¼.
T. 14 S., R. 26 E.,
Sec. 6, SE¼ SW¼.
Sec. 7, W½ NE¼.
T. 15 S., R. 26 E.,
Sec. 10, NE¼ SW¼.
Sec. 12, SW¼.
Sec. 21, portion of Cross lode mine, White Cross lode mine, and Mineral Survey 5808; and 97 Discovery lode mine, and 97 Discovery lode mine.
Sec. 4, lot 6 (exclusive of Mineral Survey 4999, Mineral Survey 5000, and Mineral Survey 5008), and SE¼ SW¼ (exclusive of Mineral Survey 5606) and 97 Discovery lode mine, and 97 Discovery lode mine; White Cross lode mine, R. E. Lee lode mine, and Mineral Survey 5608; and 97 Discovery lode mine, White Cross lode mine, and R. E. Lee lode mine.
T. 14 S., R. 27 E.,
Sec. 10, lots 5 and 6, and SE¼.
Sec. 8, S½ NE¼.
Sec. 32, SW¼.

The public lands described above aggregate approximately 138.54 acres.

T. 9 S., R. 22 E.,
Sec. 3, jumper lode mine; Sec. 13, lot 3, SE¼ SW¼;
Sec. 14, NE¼ SE¼;
Sec. 22, NE¼ SW¼, NE¼ SE¼;
Sec. 34, NW¼, NE¼ SW¼.
T. 6 S., R. 17 E.,
Sec. 25, NE¼ SW¼, E½ SW¼, SE¼, SE¼;
Sec. 24, SE¼ SW¼.
Sec. 26, NE¼ NE¼.
T. 8 S., R. 22 E.,
Sec. 3, NE¼ NE¼.
Sec. 9, SW¼ NW¼.


TUOLUMNE COUNTY

T. 1 N., R. 14 E.,
Sec. 2, lots 2, 4, and 6, and SW¼ NE¼;
Sec. 25, SE¼ NE¼.

T. 1 N., R. 16 E.,
Sec. 12, SW¼ NE¼.
T. 2 N., R. 16 E.,
Sec. 33, lot 5; lot 41 (unsurveyed); lot 58 (unsurveyed); and lot 67 (unsurveyed).
T. 1 S., R. 16 E.,
Sec. 21, portion of Sampson Lode in NW¼ SE¼.

MADERA COUNTY

T. 7 S., R. 20 E.,
Sec. 2, SE¼.
T. 7 S., R. 21 E.,
Sec. 5, SW¼ NE¼.

PRESIDIO COUNTY

T. 18 S., R. 24 E.,
Sec. 8, lot 15 and SW¼ NE¼.
T. 14 S., R. 27 E.,
Sec. 5, lots 1, 3, and 4;
Sec. 10, lot 5.
The public lands described above aggregate approximately 677.56 acres.

7. The following public lands are hereby classified for sale under the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-1427):--

TUOLUMNE COUNTY

T. 3 N., R. 14 E.,
Sec. 29, lot 8 (exclusive of Mineral Survey 5544), lot 10 (exclusive of Mineral Survey 4460); and lots 11, 12, and 13;
Sec. 30, lots 5, 12, 15, 16, 17, 18, 19, 21, and 23;
Sec. 32, lots 16 and 17.
T. 1 N., R. 14 E.,
Sec. 4, lot 7.
Sec. 9, Mineral Survey 4746.
T. 2 N., R. 16 E.,
Sec. 19, lot 4 (exclusive of Mineral Survey 5670), lots 9, 15, 16, 17, 18, 19, 21, and 23;
Sec. 32, lots 16 and 17.
T. 1 N., R. 16 E.,
Sec. 4, lot 10.
Sec. 16, Mineral Survey 4746.
T. 2 N., R. 16 E.,
Sec. 19, lots 10 and 11;
Sec. 20, lot 5 (exclusive of Mineral Survey 4901); and portion of Miracle Mine (exclusive of lots 5 and 42);
Sec. 21, portion of Gold Run Lode in NW¼ SE¼;
Sec. 22, portion of Gold Run Lode in NW¼ SW¼.
The public lands described above aggregate approximately 244.28 acres.

8. The following public lands are hereby classified for State Indemnity Lien Selection (43 U.S.C. 851, 852):--

TUOLUMNE COUNTY

T. 2 N., R. 14 E.,
Sec. 2, N¼ NE¼.
T. 3 N., R. 15 E.,
Sec. 21, N¼ NE¼.
T. 2 N., R. 15 E.,
Sec. 20, SW¼ NE¼.

FRESNO COUNTY

T. 16 S., R. 17 E.,
Sec. 31, NE¼ NE¼.
Sec. 34, NE¼ SW¼.
Sec. 35, SW¼ NE¼.
Sec. 36, E¼.
Sec. 37, SE¼.
T. 8 S., R. 25 E.,
Sec. 2, lots 1, 2, and 3.
Sec. 1, lots 3 and 4;
Sec. 2, lots 1, 2, and 3.

Mariposa County

T. 8 S., R. 25 E.,
Sec. 2, lots 1, 2, and 3.
Sec. 1, lots 3 and 4;
Sec. 2, lots 1, 2, and 3.

The public lands described above aggregate approximately 504.85 acres.

9. The following public lands are hereby classified for State Indemnity Lien Selection (43 U.S.C. 851, 852):
for sale under section 2455 of the Revised Statutes (43 U.S.C. 1711); or for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g):

MAREIS COUNTY

T. S.S., R. 16 E., Sec. 1, Standby quartz mine; portion of Prescott quartz mine; portion of Jack quartz mine; portion of No. 6 quartz mine; portion of No. 5 Extension quartz mine; portion of Old Keoh quartz mine. Sec. 10, portion of Old Keoh quartz mine. Sec. 13, portion of lot 3, lot 4, portion of lot A, and portion of lot B.

The public lands described above aggregate approximately 130,37 acres.

8. The following public lands are hereby classified for State Indemnity Lease Selection (43 U.S.C. 851, 852), or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1711):

MAREIS COUNTY

T. S.S., R. 19 E., Sec. 7, lot 3 and SE ¼ NE ¼; Sec. 24, lot 11, SE ¼ NE ¼.

MADERA COUNTY

T. S.S., R. 19 E., Sec. 10, NW ¼ NE ¼;

The public lands described above aggregate approximately 240.42 acres.

9. The following public notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the forms or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their minerals or vegetative resources, other than under the mining laws.

10. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

J. R. PENNY
State Director.

[F.R. Doc. 70-1828; Filed, May 26, 1970; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Classification
MAY 19, 1970.


The District Advisory Board, local governmental officials, and other interested parties have been notified of this application. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2411.1-3(c)(1), which authorizes classification of lands "for exchanges under appropriate authority, where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N.Mex. 87501 and Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street, NW, Albuquerque, N.Mex. 87107.

For a period of 60 days from the date this publication, interested parties may submit comments to the District Manager of the Albuquerque District Office.

The lands affected by this proposal are located in McKinley County, N.Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 N., R. 20 W.
Secs. 3, 5, 7, 9, and 11;
Sec. 13, W½;
Secs. 15, 17, 19, and 21;
Sec. 23, W½ E¼ and W½;
Secs. 25 and 27;
Sec. 29, W½ and SW¼;
Sec. 31;
Sec. 33, E½ and W½;
Sec. 35.

T. 15 N., R. 20 W.
Secs. 1, 3, 5, 7, and 9;
Sec. 11, 13, 15, 17, and 21;
Sec. 23, SW¼;
Secs. 25 and 27;
Sec. 29, NE¼, and 8½;
Sec. 31 and 33;
Secs. 35, N½ and SW¼.

The areas described aggregate 20,159.31 acres.

W. J. ANDERSON
State Director.

[F.R. Doc. 70-6543; Filed, May 26, 1970; 8:46 a.m.]

Fish and Wildlife Service
[Docket No. G-466]

MICKEY PAUL CARAWAN
Notice of Loan Application
MAY 20, 1970.

Mickey Paul Carawan, Route 1, Box 186, Bayboro, N.C. 28515, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 50-foot length overall wood vessel to engage in the fishery for shrimp.

Notice is hereby given pursuant to the Act of September 26, 1960, 74 Stat. 704 (34 F.R. 15714 et seq.) and the Fish and Wildlife Service, Department of the Interior, LLM, 320, Washington, D.C. 20240, has received this application from the party named above. The application is presently under consideration and will be open to public inspection and study in the Land Office, Bureau of Commercial Fisheries, Washington, D.C. 20240 during ordinary business hours of the Land Office.

Any person desiring to submit evidence concerning the operation of such vessel may submit such evidence in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C. 20240, within 15 days of the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available in making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

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

[F.R. Doc. 70-6532; Filed, May 26, 1970; 8:46 a.m.]

DEPARTMENT OF COMMERCE
Business and Defense Services Administration

BOARD OF PUBLIC INSTRUCTION, SARASOTA, FLA.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15737 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.


Intended use of article: The article will be used as a precision sky and apparent sky motion simulation for educational and public programs including astronomy and navigation instruction.

Comments: No comments have been received with respect to this application.

Letters received from Nova Planetariums (Nova), West Conshohocken, Pa. 19428 dated September 26, 1969, and Spitz Laboratories, Inc. (Spitz), Chadds Ford, Pa. 19317 dated September 26, 1969, have been treated as offers to provide additional information, since the remarks contained therein were not addressed to specific features of the foreign article as required by section 602(c) of the cited regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a planetarium which provides a star positional accuracy of plus or minus (±) 5 minutes of arc. The most closely comparable domestic instrument is the Spitz Model STP planetarium. The Model STP provides a star positional accuracy of ±20 minutes of arc. We are advised by the National Bureau of Standards (NBS) in a memorandum dated February 20, 1970, that the difference between ±5 minutes
NOTICES

of arc and ±20 minutes of arc is per-

UNIVERSITY OF MISSISSIPPI ET AL

University of Illinois, Purchasing

The following are notices of the receipt

of a foreign article, for such purposes as this article

Notices of Applications for Duty-Free

The article will be used by graduate students

is bottled for stability studies. Experi-

UNIVERSITY OF MISSISSIPPI ET AL

Notice of Applications for Duty-Free

of a foreign article, for such purposes as this article

is intended to be used.

Assistant Administrator for

for the purposes for which the for-

and the purposes for which the for-

mestic Model STP planetarium is not of

tinent to the purposes for which the for-

Charles M. Denton,

Assistant Administrator for

mologic and Pharmacognosy, and Medicinal

U.S. and Garland Avenue, Nashville, Tenn.

37203. Article: Electron microscope,

n.m.r. spectra which can be utilized to

Cultural Materials Importation Act of 1966

of arc will be used for investigation of the

Assistant Administrator for

the purposes for which the foreign

is intended to be used.

for Industry Operations, Business

H. G. Kalish Co., Ltd., Canada. Inten-

tended use of article: The article will be

be used is being manufactured in the United States. Such comments

magnetic resonance

of compounds and mechanisms of reac-

is intended to be used by being

and Medical

is intended to be used by being

of scientific value for the purposes for which the

of scientific value for the purposes for which the

and Defense Services Admin-

4.87 a.m.]

of Commerce

of a foreign article, for such purposes as this article

of Commerce

of Commerce

of Commerce

and will be examined in a wide variety of

Amended regulations issued under

cited Act, as published in the October

be used is being manufactured in the United States. Such comments

be used is being manufactured in the United States. Such comments

be used is being manufactured in the United States. Such comments

used by a federal agency are included. The images are in black and white format. The text is in a mixture of uppercase and lowercase letters. The text appears to be a notice of applications for duty-free entry of scientific articles. The document includes information about the intended use of various scientific articles and equipment, such as spectrometers, microscopes, and other instruments used in research and education. The text contains technical terminology related to scientific research and instruments. The document also mentions the University of Mississippi and other institutions involved in the applications. The text is a blend of formal and technical language, typical of scientific notices. The overall tone is informative and descriptive, providing detailed information about the applications and their purposes. The text is written in a clear and concise manner, focusing on the scientific and technical aspects of the applications.
NOTICES

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the Federal Register, prescribes the requirements applicable to comments.

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

Docket No. 70-00665-09-46040. Applicant: Wyler's Children's Hospital, University of Chicago, 950 East 59th Street, Chicago, Ill. 60617. Article: Spare parts kit for Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to replace worn during routine operation of an existing electron microscope. Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00666-09-46040. Applicant: Wayne State University, Department of Dermatology, Research Medical Building, Detroit, Mich. 48207. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to examine and identify fungi and postdoctoral trainees the fundamental techniques in electron microscopy. These techniques will be useful to them for further investigation of skin diseases. The instructions which begin with theories and techniques of fixing and embedding, principles of photography and methods of quantitative electron microscopy. Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00667-00-00500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: RF separator deflector structure. Manufacturer: Compagnie Generale de Telegraphie San Fil, France. Intended use of article: The article will be used to filter out unwanted nuclear particles produced by Argonne's Zero Gradient Synchrotron (ZGS). This is accomplished by adjusting the r.f. phase of the separator so as to only pass wanted particles and stop the unwanted particles. The object of these high energy physics scattering experiments is to discover new properties of and to produce a greater understanding of the nuclear structure of matter. Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00668-33-46040. Applicant: University of Denver, Denver, Colo. 80210. Article: Electron microscope, Model HU-11C. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used for research on biological mineralization to determine how organisms build hard structures such as bones, teeth, shell, and other mineralized skeletal elements; for the study of chondromyxoma structure from both insect and vertebrate spermatoocytes; and for studies of blood and blood-forming tissues to determine the clotting mechanisms of arthropod blood and the function of nuclei and mitochondria in the blood cells of the lower vertebrates. Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00670-33-46040. Applicant: Iowa State University, Department of Zoology, Ames, Iowa 50010. Article: Electron microscope. Model HU-11E-1. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used in biological ultrastructural research. The projects concern the cytochemical changes in the Golgi apparatus of pituitary adenohypophyses under varying secretory conditions; the examination of several different stages in the development of the mature sperm from the spermatocyte; and the localization of antigens on the surfaces of sperm and eggs to determine the biochemical role of these antigens in sperm-egg attachment and fertilization. Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00671-65-46070. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Scanning electron microscope. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to investigate fracture modes and mechanisms in alloy steels, vanadium and titanium alloys, and composite materials, in particular, directionally solidified Al-AlN eutectics and silica-epoxy composites. This project is being performed by students working for advanced degrees. Other research concerns dental restoratives, copper and alloys. The article is to be used to demonstrate fracture modes in a course "Scanning Electron Microscopy." Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00673-91-77940. Applicant: Indiana University Purchasing Department, Bloomington, Ind. 47401. Article: Mass Spectrometer, Model CH-7. Manufacturer: Varian MAT, West Germany. Intended use of article: The article will be used to identify nuclear isotopes distribution patterns in n-alkanes isolated in low amounts from organic geochemical samples. The main experiment in these studies will consist of the careful observation of the main spectrum of the undergraded alkane molecule. Precise measurement of ratios of various pairs of peaks in the alkane spectrum will allow detection of the intramolecular isotope distribution pattern. Application received by Commissioner of Customs: May 4, 1970.

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

[F.R. Doc. 70-6526; Filed, May 26, 1970; 8:45 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GULF GENERAL ATOMIC, INC.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 22 to Facility License No. R-67 dated July 1, 1960. The license presently authorizes Gulf General Atomic, Inc. to possess, use and operate the TRIGA Mark F research reactor located at the University of New Mexico in Albuquerque, New Mexico. The amendment extends the expiration date to July 1, 2000.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be detrimental to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the Federal Register, the applicant may file a request for a hearing and/or a petition for leave to intervene. For the Aftmic Energy Commission.

For further details with respect to this amendment, see (1) the licensee's application for the amendment dated April 21, 1970, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C. Copies of the amendment may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545.

Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 14th day of May 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT, Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-6506; Filed, May 26, 1970; 8:45 a.m.]
NOTICES

FEDERAL POWER COMMISSION

[Docket No. R-371 etc.]

AREA RATES FOR APPALACHIAN AND ILLINOIS BASIN AREAS ET AL.

Notice of Conference

May 18, 1970.

Area rates for the Appalachian and Illinois Basin Areas; Docket No. R-371; Ashland Oil & Refining Co. et al.; Docket No. R-366-211 etc.

Take notice that on June 2, 1970, a conference will be held pursuant to the provisions of paragraph 10 of the notice of proposed rulemaking in Docket No. R-371, and in response to the request of certain parties. The conference will be held at 8:45 a.m. in Room 2043 in the Federal Power Commission, 441 G Street NW., Washington, D.C. The Commission staff proposes an agenda consisting of discussion of: (1) Regulatory method, (2) proposals presented in staff report and Commission notice, and (3) any other relevant matters.

Gordon M. Grant,
Secretary.

[F.R. Doc. 70-6502; Filed, May 26, 1970; 8:45 a.m.]

ASHLAND OIL, INC.

Notice of Petition To Amend

May 19, 1970.

Take notice that on April 27, 1970, Ashland Oil, Inc., filed in Docket No. G-3912 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by changing the name of the certificate holder from Ashland Oil & Refining Co. to reflect a change in corporate name with no succession in interest, and the Commission on February 2, 1970, all as more fully set forth in the petition to amend 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 petition to amend should on or before June 12, 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). 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.

Gordon M. Grant, 
Secretary.

[F.R. Doc. 70-6503; Filed, May 26, 1970; 8:45 a.m.]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

May 10, 1970.

Take notice that on May 11, 1970, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70-272, a petition for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain natural gas facilities at and as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to construct and operate a skid-mounted field compressor unit in the North Withers Field, Texas, to enable it to continue to receive natural gas from Perry R. Bass when Perry R. Bass exercises his contractual right to reduce delivery pressure of gas delivered to applicant to not in excess of 500 p.s.i.g. during the last 10 years of the contract term. Applicant further states that it has been advised by Perry R. Bass that he will invoke such right in which event it will be necessary for applicant to install the proposed facilities to maintain continuity of deliveries of gas by Perry R. Bass to applicant.

The total estimated cost of the proposed facilities is $55,000, which will be financed by internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 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). 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 matters finds that a hearing is necessary for the public convenience and necessity, if a petition for leave to intervene is timely filed, and 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 to be represented at the hearing.

GORDON M. GRANT, 
Secretary.

[F.R. Doc. 70-6504; Filed, May 26, 1970; 8:45 a.m.]

[Docket No. CP70-271]

FLORIDA GAS TRANSMISSION CO.
Notice of Application

MAY 18, 1970.

Take notice that on May 8, 1970, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70-271 an application pursuant to section 7(e) 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 states that it proposes to construct and operate a skid-mounted field compressor unit in the Blind Pass Field, Tex., to enable it to continue to receive natural gas from Perry R. Bass when Perry R. Bass exercises his contract right to reduce delivery pressure of gas delivered to applicant to not in excess of 500 p.s.i.g. during the last 10 years of the contract term. Applicant further states that it has been advised by Perry R. Bass that he will invoke such right, in which case it will be necessary for applicant to install the proposed facilities to maintain continuity of gas deliveries by Perry R. Bass to applicant. The total estimated cost of the proposed facilities is $65,000, which will be financed by internally generated funds. Any person desiring to be heard or to make any protest with reference to said application should file thereon or on before June 8, 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 C.F.R. 1.2 or 3.10) and in regulations under the Natural Gas Act (18 C.F.R. 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 wherein 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 to be represented at the hearing.

GORDON M. GRANT, 
Secretary.

[F.R. Doc. 70-6505; Filed, May 26, 1970; 8:45 a.m.]

[Docket No. RF 70-499 etc.]

SHELL OIL CO. AND MOBIL OIL CORP.
Order Providing for Hearings On and Suspension of Proposed Changes in Rates

MAY 14, 1970.

Shel Oil Co. Docket No. R1 70-493 et al., and Mobil Oil Corp. Docket No. RJ 70-498.

In the order providing for hearings on and suspension of proposed changes in rates, issued November 19, 1969, and published in the Federal Register December 3, 1969, F.R. 34 (19158, Appendix A, Docket No. RI70-498, Mobil Oil Corp.: (Opposite Rate Schedule No. 27) Under column headed "Amount of Annual Increase" change "$17,653" to read "$17,259." Under column headed "Proposed Increased Rate" change "16.6726%" to read "16.6613%".

GORDON M. GRANT, 
Secretary.

[F.R. Doc. 70-6506; Filed, May 26, 1970; 8:45 a.m.]

[Docket Nos. RI70-493 etc.]

BRIGHT & SCHIFF ET AL.
Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund

MAY 19, 1970.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 18, the regulations pertaining thereto, 18 C.F.R. Ch. 1, and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending the hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

Pan American filed on Jan. 9, 1969, a generic undertaking as permitted by Order No. 377 which was accepted by notice issued March 7, 1969. Does not consolidate for hearing or dispose of the several matters herein.

No. 103--8301

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970
NOTICES

Act: Provided, however, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and §154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.2

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 3, 1970, by the Commission.

APPENDIX A

<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate schedule no.</th>
<th>Purchase and producing area</th>
<th>Amount of annual increase</th>
<th>Effective date</th>
<th>Date suspended until</th>
<th>Cents per Mf</th>
<th>Rate in effect</th>
<th>Rate in effect subject to refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>RI70-1034</td>
<td>Bright &amp; Schiff 2306 Smocum Blvd., Dallas, Tex. 75207</td>
<td>9</td>
<td>1</td>
<td>Trunkline Gas Co. (East Cypress Creek, Newtown Township, Bucks County, Pa.) (R.R. No. 31)</td>
<td>15</td>
<td>4-21-70</td>
<td>4-22-70</td>
<td>17.0</td>
<td>17.0538</td>
</tr>
<tr>
<td>RI70-1035</td>
<td>Glen A. Martin et al., N. R. C. Bldg., San Antonio, Tex. 78205</td>
<td>2</td>
<td>4</td>
<td>South Texas Natural Gas Systems Co. (Glen Martin Field, Galveston Co., Webb County, Tex.) (R.R. District No. 4)</td>
<td>170</td>
<td>4-20-70</td>
<td>4-21-70</td>
<td>15.0</td>
<td>15.0563</td>
</tr>
</tbody>
</table>

1 The stated effective date is the date of filing pursuant to Commission's Order No. 360.
2 The suspension period is limited to 1 day.
3 Tax reimbursement increase.

The proposed rate increases filed by Bright & Schiff and Glen A. Martin et al., reflect partial reimbursement of the recent increase in the Texas production tax from 7 percent to 7.5 percent. The producers' proposed rates exceed the applicable area ceiling rates for the areas involved as set forth in the Commission's Statement of General Policy No. 61-1, as amended, and should be suspended for one day from the date of filing pursuant to the Commission's Order No. 360 issued October 19, 1969, since the filings involved were made after October 31, 1969.

SECURITIES AND EXCHANGE COMMISSION

[61-104]

CONTROlLED FOODS INTERNATIONAL, LTD.

Notice of Application and Opportunity for Hearing

MAY 20, 1970.

Notice is hereby given that Controlled Foods International, Ltd., c/o Corporation Service Co., Delaware Trust Building, Wilmington, Del. 19899, a Delaware corporation, has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act") for an order of the Commission exempting the company from the requirements of section 12(g) of the Act.

Section 12(h) of the Act authorizes the Commission upon application, by order, after notice and opportunity for hearing, to exempt in whole or in part any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act upon such terms and for such period as it deems necessary or appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

This applicant is a corporation incorporated in the State of Delaware, with its offices and business operations located in Vancouver, British Columbia, Canada. It is in the business of operating fast-food establishments, both drive-in and eat-in restaurants, which are located in Alberta, British Columbia, Quebec, Ontario, and Manitoba, Canada. All business conducted by it in the United States is carried on through two wholly owned subsidiaries. One of the subsidiaries does not carry on any business operations, and the other is primarily a wholesaler of paper goods to independent drive-in restaurants and operates a few fast-food establishments.

Shares of common stock of Controlled Foods International, Ltd. ("Foods") were sold to the Canadian public in 1969 under registrations in Ontario, Alberta, Quebec, and British Columbia, Canada. There are now 2,625,000 shares outstanding. Prior to the public offering in Canada, Foods went through a reorganization involving a predecessor Delaware corporation, which was not a publicly held company. During the reorganization a problem arose concerning whether certain shareholders would be required to pay capital gains on their shares if they reincorporated in Canada, and considerable delay would have resulted if they attempted to obtain a favorable Internal Revenue Service ruling. Therefore, Foods remained incorporated in Delaware to eliminate any uncertainties regarding the position of the Internal Revenue Service. As a result of the above offering in Canada, Foods has about 975 shareholders, only three of which are residents of the United States. In the past fiscal year Foods had sales of about $13,500,000 and has approximately $7,500,000 in assets.

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

Notice is further given that any interested person may, not later than June 10, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

By the Commission.

[SEAL]  

[SEAL]  

FEDERAL REGISTER, VOL. 35, NO. 103— WEDNESDAY, MAY 27, 1970
STATE STREET INVESTMENT CORP.

Notice of Filing of Application for an Order Exempting a Sale by an Open-End Company of its Securities at Other Than Public Offering Price

May 20, 1970.

Notice is hereby given that State Street Investment Corp. ("Applicant") 225 Franklin Street, Boston, Mass. 02110, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission, among other things, to exempt the sale of securities representing 8.45 percent of the market value of such assets, but in no event will such sale represent more than 20 percent of the market value on the closing date of the assets received. The remainder of the assets will either be transferred to Applicant's portfolio. When the shares of applicant are received by Woods, Woods will distribute such shares to its sole stockholder upon the liquidation of Woods. Applicant has been advised that the sole stockholder of Woods has no present intention of redeeming any substantial number or otherwise transferring any of applicant's shares following the proposed transaction.

Applicant represents that no affiliation exists between Woods, or any director or stockholder thereof, and applicant. It is excepted from the definition of an investment company by reason of section 3(c)(1) of the Act.

Applicant entered into an Agreement and Plan of Reorganization ("Agreement") whereby substantially all of the assets of Woods are to be transferred to applicant in exchange for shares of applicant's common stock. Pursuant to the Agreement, the number of shares of applicant's shares to be delivered to Woods shall be determined on the closing date, as defined in the Agreement, by dividing the aggregate market value of the gross assets of Woods (subject to certain adjustments as set forth in the Agreement) by the net asset value per share of applicant.

As of February 28, 1970, the market value of the assets of Woods to be delivered to applicant was approximately $818,154. Applicant intends to sell, soon after receipt, securities representing any such sale.

Applicant represents that no affiliation exists between Woods, or any director or stockholder thereof, and applicant. It is excepted from the definition of an investment company by reason of section 3(c)(1) of the Act.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redegulation of Authority with Respect to Basic Water and Sewer Facilities Grant Program

SECTION A. General authority redelegated. Each Regional Administrator and each Deputy Regional Administrator of the Department of Housing and Urban Development is authorized to exercise the following authority of the Secretary of Housing and Urban Development, under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) with respect to the basic water and sewer facilities grant program:

1. To approve applications, authorize grants, and execute grant agreements, involving grants for water and/or sewer facilities.

2. To amend or modify any such grant agreement.

Sec. B. Authority to redelegate. Each Regional Administrator and Deputy Regional Administrator is authorized to redelegate to subordinate employees any of the authority redelegated under section A.

Sec. C. Revocation. The redelegation of authority by the Assistant Secretary for Metropolitan Development to Regional Administrators and Deputy Regional Administrators with respect to the basic water and sewer facilities grant program, under section A, 3, of the document published at 31 F.R. 7355, May 26, 1966 (which document was continued in effect by the Secretary's delegations of authority published at 35 F.R. 2751, February 7, 1970), is revoked as of the date of this publication of this document in the FEDERAL REGISTER. (Secretary's delegation of authority published at 35 F.R. 2744, Feb. 7, 1970.)

Effective date of redelegation of authority. This redelegation of authority is effective as of March 31, 1970.

SAMUEL C. JACKSON, Assistant Secretary for Metropolitan Planning and Development.

[FR Doc. 70-5544; Filed May 26, 1970; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

ADVERTISING AND SALES PROMOTION FOR WOOL AND LAMB

Extension of Agreement Between American Sheep Producers Council, Inc., and Secretary of Agriculture

During the period September 13 through 23, 1966, sheep and wool producers voted in a nationwide referendum...
on a proposed agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture providing for advertising and sales promotion programs for wool and lamb. The programs were to be carried out under section 708 of the National Wool Act, as amended (68 Stat. 912; 7 U.S.C. 1787), and to be financed by deductions at rates not exceeding 1.5 cents a pound of wool marketed and 7.5 cents per hundredweight of unshorn lambs, from payments earned by producers under that act for the marketing years 1966 through 1969.

On October 29, 1966, final results of the referendum showed that 60,306 producers (79.5 percent of the sheep owned by all producers voting) favored the agreement. The producers voting in favor of the agreement owned 19,893,714 sheep (79.5 percent of the sheep owned by all producers voting). On the basis of these results, the Secretary of Agriculture determined that the agreement was favored by the requisite two-thirds of the sheep and wool producers. On March 15, 1967, the Council entered into the proposed agreement with the American Sheep Producers Association, Inc.

The American Sheep Producers Council, Inc., recently asked for an extension of the agreement to include deductions from payments on wool and lambs marketed during 1970, the last year presently covered by the National Wool Act.

Under the present agreement, deductions have been made from payments on an average of 125,000 producers each year for the 1966, 1967, 1968, and 1969 marketing years. During these years, producers have indicated strong support for the advertising and sales promotion programs. The Department of Agriculture has received no complaints about the programs of the Council during that period.

In addition, the National Wool Growers Association, the National Lamb Feeders Association, the National Wool Marketing Corporation, and the Mohair Warehouse Association, in the major wool growing States of Texas, Montana, Idaho, California, Arizona, and Colorado, have recently passed resolutions urging extension of the advertising and sales promotion program for another year.

On the basis of this evidence, I hereby determine that at least two-thirds of all persons engaged in the production of sheep and wool in the United States, the area which will be benefited by the agreement, during the period January 1, 1966, through the current date continue to favor advertising and sales promotion programs for mohair to be financed by deductions from producer payments earned under the National Wool Act. Accordingly, pursuant to section 708 of the National Wool Act, I hereby enter into an agreement with the Mohair Council of America, Inc., which amends the current agreement to provide for financing the Council’s programs by deductions from payments earned by producers under the National Wool Act on mohair marketed during 1970.

Sec. 708, 68 Stat. 912; 7 U.S.C. 1787
Signed at Washington, D.C., on May 18, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970

NOTICES

ADVERTISING AND SALES PROMOTION FOR MOHAIR

Extension of Agreement Between the Mohair Council of America, Inc., and the Secretary of Agriculture

During the period February 6 through 17, 1967, mohair producers voted in a referendum on a proposed agreement between the Mohair Council of America, Inc., and the Secretary of Agriculture providing for advertising and sales promotion programs for mohair. The programs were to be carried out under section 708 of the National Wool Act of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), and to be financed by deductions at rates not exceeding 0.015 cents a pound of mohair marketed, from payments earned by producers under that act for the marketing years 1966 through 1969.

On the basis of this evidence, I hereby determine that at least two-thirds of all persons engaged in the production of mohair in the United States, the area which will be benefited by the agreement, during the period January 1, 1966, through the current date continue to favor advertising and sales promotion programs for mohair to be financed by deductions from producer payments earned under the National Wool Act. Accordingly, pursuant to section 708 of the National Wool Act, I hereby enter into an agreement with the Mohair Council of America, Inc., which amends the current agreement to provide for financing the Council’s programs by deductions from payments earned by producers under the National Wool Act on mohair marketed during 1970.

Sec. 708, 68 Stat. 912; 7 U.S.C. 1787
Signed at Washington, D.C., on May 18, 1970.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970

INTERSTATE COMMERCE COMMISSION

MIDWEST CEMENT CARRIERS

Application for approval of agreement

MAY 19, 1970

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed April 27, 1970 by: Michael B. Lalkin, Attorney-in-fact, 611 East Wisconsin Ave., Room 450, Milwaukee, Wis. 53202.

Agreement involves: Organization and procedures of motor common carriers, members of Midwest Tank Carriers Conference, Inc., for the joint consideration, initiation, or establishment of rates and related matters for the transportation of cement, in interstate and intrastate commerce, from, to and between points in some 36 States and the District of Columbia, but not territorially limited thereto.

The complete application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the Federal Register. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interests, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion may proceed to investigate and determine the matters without public hearing.

[SEAL]
H. NEIL GARSON,
Secretary.
NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

May 22, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the Federal Register, issue of April 11, 1969, page 3333, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. Case MT-1318, filed April 13, 1970. Applicant: CRAWCART INC., 200 Exchange Street, Rochester, N.Y. 14601. Applicant's representative: S. Michael Richards, 23 West Main Street, Webster, N.Y. 14580. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, between the city of Rochester, on the one hand, and, on the other, all points in the following counties: Genesee, Livingston, Ontario, Orleans, and Wayne, both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 114 South Main Street, Webster, N.Y. 14580 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. Neil Garson, Secretary.

[F.R. Doc. 70-6555; Filed, May 26, 1970; 8:48 a.m.]

NOTICE OF FILING OF PETITION FOR THE INSTITUTION OF A PROCEEDING FOR THE PURPOSE OF INVESTIGATING THE LIMITATION OF FREE BAGGAGE ALLOWANCE

May 22, 1970.

Petitioner: LINCOLN SMITH.

By petition filed April 27, 1970, Lincoln Smith requested the Commission to institute a proceeding for the purpose of investigating the limitation of free baggage allowance, and more particularly:

(1) To determine the reasonableness of the so-called ceiling (maximum liability of $50) on the free baggage allowance of certain motor common carriers of passengers as prescribed in the current National Baggage Rules, Regulations, and Charges, issued by the National Bus Traffic Association, Inc.; (2) to determine the adequacy of baggage checking facilities generally available to the public and the equality of opportunity for members of the public to utilize such facilities, particularly in order to take advantage of those provisions contained in said tariffs and rules which permit the declaration of excess valuations on baggage; and (3) to determine whether the current free baggage allowance described in (1) above is arbitrary, discriminatory, unreasonable, and unjust, and thereby in violation of the Interstate Commerce Act.

Although the scope of the complaint of petitioner, treated as a petition for an investigation proceeding, is not limited to a particular carrier, allegedly it is based, in part, on a decision of a court in Detroit, Mich., which repudiated the validity of the maximum liability provisions set forth in the tariff and rules of a motor common carrier of passengers, and from which the carrier and various other parties adversely affected did not appeal. Petitioner has also expressed the opinion that the $50 limitation is unreasonable today in view of the effect of inflation on the costs of luggage and clothing, and that the allowance should be increased.

Any person or persons desiring to participate in this proceeding (including petitioner) may, within 30 days from the date of this publication, file representations, consisting of an original and six copies, supporting or opposing the relief sought by petitioner. A copy of such statement should be served upon petitioner whose summer address after May 28, 1970, will be 80 Federal Street, Brunswick, Maine 04011.

Notice to the general public of the matters hereinafter set forth will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission.

H. Neil Garson, Secretary.

[F.R. Doc. 70-6554; Filed, May 26, 1970; 8:40 a.m.]

NOTICES

8365

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 2.2(2)), but at any time, and will not to stay operations not the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same nature, under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

Motor Carriers of Passengers

No. MC 1315 (Deviation No. 544) (Correction), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 28, 1970, and published in the Federal Register on May 13, 1970, should be corrected to show the proposed deviation route as follows: From Atlafi, Ga., over Interstate Highway 85 to junction Georgia Highway 139, thence over Georgia Highway 139 to junction Georgia Highway 314, thence over Georgia Highway 214 to junction Georgia Highway 85, thence over Georgia Highway 285 to junction Georgia Highway 852, thence over Georgia Highway 852 to Manchester, Ga., with the following access route: From College Industrial, Ga., over unnumbered highway (Virginia Avenue) to junction Interstate Highway 85, and return over the same routes, for operating convenience only.

No. MC 2690 (Deviation No. 83), AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Wichita, Kans. 67203, filed May 15, 1970, Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and necessary personal effects of passengers and their baggage, over a deviation route as follows: From Galesburg, Ill., over East Main Street and access road to junction Interstate Highway 85 to junction Interstate Highway 74 to Peoria, Ill., and return over the same route, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Galesburg, Ill., over U.S. Highway 150 to junction Illinois Highway 8 at a point 2 miles east of Knoxville, Ill., thence over Illinois Highway 8 via Maquon, Yates City, Elmwood, Oak Hill, and Edwards, Ill., to Peoria, Ill. (also from Junction Illinois Highways 8 and 78 at a point 1 mile west of Elmwood, Ill., thence over Illinois Highway 78 to Junction Illinois Highway 116 at a point 1 mile east of Farmington, Ill., thence over Illinois Highway 116 to Peoria, Ill., and return over the same route, for operating convenience only.

By the Commission.

H. Neil Garson, Secretary.

[F.R. Doc. 70-6556; Filed, May 26, 1970; 8:48 a.m.]
NOTICES

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

May 22, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Delegation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(e)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(c)(8)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests of any kind shall refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 50680 (Deviation No. 83), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed May 11, 1970. Carrier proposes to operate as a common carrier by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From junction Pennsylvania Turnpike and Interstate Highway 83, near New Cumberland, Pa., over Interstate Highway 83 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction Interstate Highway 257, thence over Interstate Highway 267 to junction U.S. Highway 119, thence over U.S. Highway 22 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 1, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes, over the same routes as follows: (1) From Cleveland, Ohio, over U.S. Highway 21 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the New Jersey Turnpike, thence over the New Jersey Turnpike to Newark, N.J.; and (2) from Boston, Mass., over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Bridgeport, Conn., to junction U.S. Highway 1, and return over the same routes.

MOTOR CARRIERS AND CERTAIN OTHER PROCEEDINGS

May 22, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the Federal Register, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted by the Commission in respect of the applications may 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.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 12942 (Sub-No. 2) (Republication), filed March 7, 1970, published in the Federal Register issue of April 10, 1970, and republished this issue. Applicant: METRIC TEEN TOURS, INC., 2 Overhill Road, Scarsdale, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10013. A decision and order of the Commission, Review Board No. 3, dated May 13, 1970, and served May 26, 1970, upon consideration of the application as amended and the record in the proceeding, including replies and order of the Examining Board, finds: that the application as filed by applicant is for a certificate of service as a common carrier by motor vehicle, over irregular routes: (1) Of lumber, lumber products, particleboard, laminated wood beams, and poles between points in Idaho, (2) of building materials and steel and steel products between points in Valley, Adams, Owyhee, Elmore, Camas, Ada, Canyon, Gem, and Moreover Counties, Idaho, and between points in said counties, on the one hand, and, on the other, points in Baker, Grant, Harney, Malheur, Umatilla, Union, and Walla Walla Counties, Oregon, on the one hand, and, on the other, points in Idaho. Because it is possible that other parties who have relied on the prior publication of this application, as previously published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted herein, a notice of the authority actually granted, will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 114840 (Sub-No. 8) (Republication), filed July 28, 1969, published in the Federal Register, issue of December 25, 1969, and republished this issue. Applicant: EUGENE EBY, GLENN EBY, AND WAYNE EBY, a partnership, doing business as EBY BROTHERS, 2222 South Second Street, Deposit, N.Y. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. The modified procedure has been followed in this proceeding, and the party in interest may file a petition to reopen the proceeding, or for other appropriate relief, setting forth in detail the precise manner in which it has been so prejudiced.
NOTICES

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970

Regents, issue of September 5, 1969, and republished, this issue. Applicant: THOMAS WALSH, doing business as THOMAS TRUCKING, 24 McLaughlin Avenue, West Haven, N.Y. 10553. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. A recommended report and order of the hearing examiner, served April 12, 1970, and which was ineffective after April 13, 1970, finds that the present and future public convenience and necessity require operation by applicant. In inter-state or foreign commerce, as a common carrier by motor vehicle, over irregular routes: (1) lithographs and statuary, between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut; (2) books, from the plant and warehouse facilities of International Book Service, Inc., at Bayonne, N.J., to Philadelphia, Pa., points in Nassa and Suffolk Counties, N.Y., and points in Connecticut; and (3) parts for medical laboratory machinery, and chemicals used in the operation of medical laboratory machinery, from Tarrytown, N.Y., to New York, N.Y., points in the City of New York, N.Y., and points in New Jersey and Connecticut, subject to the condition that the authority in (1), (2), and (3) above is restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any 1 day. Because it is probable that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any person of any interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 89275 (Notice of Filing of Petition for Interpretation of Certificate), filed April 18, 1970. Petitioner: M & M TRANSPORTATION COMPANY, 186 Alevike Brook Parkway, Cambridge, Mass. 02138. Petitioner's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Petitioner states it presently holds authority in certificate No. 69275, and as here pertinent, a portion of this authority is as follows: "Regular routes: General commodities except those of unusual value, A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Boston Mass., and Philadelphia, Pa., serving the intermediate and off-route points of Springfield, Lee and Great Barrington, Mass., Hartford, New Raven, Bridgeport, and Greenwich, Conn., Hudson and Kingston, N.Y.; Camden, N.J.; Worcester, Mass., and those within 20 miles of City Hall, Worcester, Providence, R.I., and those in Rhode Island and Mass. beyond 30 miles of Providence; those in Pennsylvania and New Jersey within 15 miles of City Hall, Philadelphia; New York, N.Y., and those in Orange, Westchester, and Rockland Counties, N.Y., on and west of New York Highway 110: Newark, N.J., and those within 25 miles of Newark; and those in Massachusetts within 35 miles of Boston, as follows: regular routes: (1) lithographs and statuary within the meaning of section 203(b)(8) of the Interstate Commerce Act; (2) the town of Babylon is an off-route point in petitioner's certificate; (3) that authority to serve the town of Babylon includes authority to serve all areas in the town of Babylon (including Deer Park) and points in its commercial zone according to the population-mileage formula; (4) the town of Huntington, N.Y., is also a 'municipality' within the meaning of section 203(b)(8); the town of Huntington, N.Y., being a 'municipality' located in a commercial zone, which according to the population-mileage formula authorizes service to all municipalities within a 5-mile radius of the base municipality of the town of Huntington, N.Y., excepting those municipalities which do not possess within 5 miles of its corporate limits (5) that since Deer Park, N.Y., is an unincorporated community lying wholly within the 5-mile radius of the town of Huntington, N.Y., is not authorized herein to serve Deer Park, N.Y. Petitioner further requests that the Commission enter and/or issue any other order that it deems meet and just in the premises. Any interested party desiring to participate may file an original and 6 copies of his comments, views or arguments in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 89684 (Sub-No. 49) (Notice of Filing of Petition To Remove Restriction Against Tacking at Boise, Idaho), filed April 28, 1970. Petitioner: WYCOFF COMPANY, INCORPORATED, 560 South 2nd Street West, Salt Lake City, Utah. Petitioner's representative: Harry D. Pugsley, 400 E. Paso Gas Building, Salt Lake City, Utah. Petitioner states it holds authority in certificate No. 89684, issued May 25, 1965, as follows: Regular routes: General Commodities moving in express service, except those of unusual value, classes A and B explosives, house-
Sub 49 certificate in May 1965, with the restriction in its last paragraph: “The authority granted herein is restricted to the transportation of shipments originating at and destined to points on the specified routes.” The carrier has received the following pertinent authorizations which have increased the type, variety and volume of shipments moving into Boise from points in Utah and elsewhere, and increased the demand for through movement beyond Boise to points west and north of Boise and into the Oregon border communities: (a) MC 89884 Sub 52—December 27, 1968—general commodities between Salt Lake City, Utah, and Boise, Idaho, restricted to packages or articles weighing more than 100 pounds and against the restriction in its last paragraph: “KAPRI TRANSPORTATION,” filed May 11, 1970, Petitioner: KAPRI TRANSPORTATION, Donald L. Stem, Suite 630 City National Bank Building, Omaha, Nebr., McCann Sand & Gravel Co., of Omaha, Nebr., Kerford Limestone Products Co., of Lincoln, Nebr., Fort Calhoun Sand & Gravel Co., of Blair, Nebr., Lyman-Riley Sand & Gravel Co., of Nebr., McCann Sand & Gravel Co., of Valley, Nebr. By the instant petition, petitioner requests that Western Brick & Runion Furniture, uncrated from Tacoma, Wash., to points in California, under a continuing contract with Harmon Cabinet Panels, Inc., of Sumner, Wash., thence over U.S. Highway 20 to Columbus, Ohio, thence over Interstate Highway 25 to Dayton, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Auglaize, Butler, Clay, Crawford, Delaware, Erie, Franklin, Hamilton, Hancock, Licking, Lucas, Madison, Medina, Miami, Montgomery, Morrow, Ottawa, Richland, Sandusky, Shelby, Summit, Warren, and Wayne Counties, Ohio. (2) Between Cincinnati, Ohio, and Dayton, Ohio: from Cincinnati, Ohio, U.S. Highway 27, to Pennsylvania, U.S. Highway 20 to Magnetic Road, thence over U.S. Highway 25 to Dayton, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Auglaize, Butler, Clay, Crawford, Delaware, Erie, Franklin, Hamilton, Hancock, Licking, Lucas, Madison, Medina, Miami, Montgomery, Morrow, Ottawa, Richland, Sandusky, Shelby, Summit, Warren, and Wayne Counties, Ohio. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.
Highway 697, thence over Ohio Highway 697 to Def Max, Ohio, thence over Ohio Highway 51 to Urban, Ohio, thence over Ohio Highway 51 to Toledo, Ohio, thence over Ohio Highway 51 to Union Center, Ohio, thence over Ohio Highway 51 to Lima, Ohio, thence over Ohio Highway 51 to Napoleon, Ohio, thence over U.S. Highway 6 to junction Ohio Highway 34 (near Ridgeville Corners, Ohio), thence over Ohio Highway 34 to Edon, Ohio, thence over Ohio Highway 49 to Elida, Ohio, thence over Ohio Highway 49 to Maumee, Ohio, thence over Ohio Highway 49 to Mendota, Ohio, thence over Ohio Highway 49 to Wapakoneta, Ohio, thence over Ohio Highway 49 to Sidney, Ohio, thence over the same route, serving all intermediate points and the off-route points of Brown, Butler, Clark, Clermont, Clinton, Darke, Franklin, Hamilton, Highland, Madison, Miami, Preble, and Warren Counties, Ohio.

(15) Between Columbus, Ohio, and Bucyrus, Ohio, thence over Ohio Highway 60 to Gibsonburg, Ohio (or, from junction U.S. Highway 40 to Hebron, Ohio, thence over Ohio Highway 40 to Newark, Ohio, thence over Ohio Highway 16 to junction Ohio Highway 37 near Greenville, Ohio, thence over Ohio Highway 37 to Findlay, Ohio, thence over Ohio Highway 15 to Carey, Ohio (or, from Findlay, Ohio, over Ohio Highway 12 to Pandora, Ohio, thence south over Putnam County, Ohio, thence over Columbus Grove-Bluffton Road, thence over Columbus Grove-Bluffton Road to Bluffton, Ohio, thence over Ohio Highway 103 to Willard, Ohio, thence over Ohio Highway 99 to junction Ohio Highway 113 (near Bellevue, Ohio), thence over Ohio Highway 113 to Belleview, Ohio, thence over Ohio Highway 113 to Castalia, Ohio, thence over Ohio Highway 101 to Tiffin, Ohio, thence over Ohio Highway 100 to Bucyrus, Ohio, and return over the same route, serving all intermediate points and the off-route points of Crawford, Delaware, Franklin, Hancock, Hardin, Huron, Marion, Licking, Putnam, Sandusky, Seneca, Union, Van Wert, and Wyandot Counties, Ohio.

(13) Between Dayton, Ohio, and Sidney, Ohio; from Dayton, Ohio, over Ohio Highway 444 to Fairborn, Ohio, thence over Ohio Highway 235 to junction U.S. Highway 234, thence over U.S. Highway 234 to Sycamore Grove-Bluffton Road, thence over Ohio Highway 103 to Carey, Ohio, thence over Ohio Highway 101 to Lima, Ohio, thence over Ohio Highway 117 to Rockford, Ohio, thence over U.S. Highway 33 to Willshire, Ohio, thence over Ohio Highway 61 to Patterson, Ohio, thence over Ohio Highway 117 to Union City, Ohio, thence over Ohio Highway 51 to Napoleon, Ohio, thence over Ohio Highway 117 to Seneca, Ohio, thence over Ohio Highway 15 to junction Ohio Highway 11, thence over Ohio Highway 11 to Junction Ohio Highway 15, thence over Ohio Highway 11 to junction Ohio Highway 15 (north of Lima, Ohio), thence over Ohio Highway 65 to Lima, Ohio, thence over Ohio Highway 117 to Bellefontaine, Ohio, thence over Ohio Highway 47 to Sidney, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Auglaize, Champaign, Clark, Fulton, Greene, Hancock, Hardin, Logan, Lucas, Montgomery, Putnam, Shelby, and Wood Counties, Ohio.

(12) Between Columbus, Ohio, and West Unity, Ohio; from Columbus, Ohio, over U.S. Highway 36 to Marysville, Ohio, thence over Ohio Highway 51 to Easton, Ohio, thence over Ohio Highway 51 to Upper Sandusky, Ohio, thence over Ohio Highway 53 to Port Clinton, Ohio, thence over Ohio Highway 53 to Sandusky, Ohio, thence over Ohio Highway 53 to Fremont, Ohio, thence over Ohio Highway 2 to junction U.S. Highway 30N, thence over U.S. Highway 40N to Bucyrus, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Crawford, Erie, Hardin, Huron, Mercer, Ottawa, Richland, Sandusky, Seneca, Van Wert, and Wood Counties, Ohio.

(17) Between Toledo, Ohio, and Fostoria, Ohio; from Toledo, Ohio, over Ohio Highway 19 to Republic, Ohio, thence over Ohio Highway 18 to Fostoria, Ohio, thence over Ohio Highway 19 to Perrysburg, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Crawford, Erie, Hardin, Huron, Mercer, Ottawa, Richland, Sandusky, Seneca, Van Wert, Wood, and Wyandot Counties, Ohio.

(16) Between Columbus, Ohio, and Bucyrus, Ohio, thence over Ohio Highway 2 to junction Ohio Highway 37 near Greenville, Ohio, thence over Ohio Highway 37 to Findlay, Ohio, thence over Ohio Highway 15 to Carey, Ohio (or, from Findlay, Ohio, over Ohio Highway 12 to Pandora, Ohio, thence south over Putnam County, Ohio, thence over Columbus Grove-Bluffton Road, thence over Columbus Grove-Bluffton Road to Bluffton, Ohio, thence over Ohio Highway 103 to Willard, Ohio, thence over Ohio Highway 99 to junction Ohio Highway 113 (near Bellevue, Ohio), thence over Ohio Highway 113 to Belleview, Ohio, thence over Ohio Highway 113 to Castalia, Ohio, thence over Ohio Highway 101 to Tiffin, Ohio, thence over Ohio Highway 100 to Bucyrus, Ohio, and return over the same route, serving all intermediate points and the off-route points of Crawford, Delaware, Franklin, Hancock, Hardin, Huron, Marion, Licking, Putnam, Sandusky, Seneca, Union, Van Wert, and Wyandot Counties, Ohio.
to junction Ohio Highway 281, thence over Ohio Highway 281 to Defiance, Ohio, thence over Ohio Highway 424 to Napoleon, Ohio, thence over Ohio Highway 110 to junction Ohio Highway 109, thence over Ohio Highway 49 to Candle, Ohio, thence over Interstate Highway 80 to junction Interstate Highway 77, thence over Ohio Highway 50 to Beavercreek, Ohio, thence over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 281 to Fremont, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 7, thence over Ohio Highway 7 to Piqua, Ohio, thence over Ohio Highway 32 to Millwood, Ohio, thence over U.S. Highway 322 to Williamsfield, Ohio, and return over the same route, serving all intermediate points and the off-route points of Butler, Clark, Delaware, Fayette, Hamilton, Huron, Knox, Licking, Madison, Marion, Miami, Montgomery, Morrow, Richland and Warren Counties, Ohio.

(19) Between Cleveland, Ohio, and Youngstown, Ohio, from Cleveland, Ohio, over U.S. Highway 21 (Clayton-Massillon Road) and Interstate Highway 77 to junction U.S. Highway 21 (near Montrose, Ohio), thence over U.S. Highway 21 and old U.S. Highway 21 (Cleveland-Massillon Road), thence over Ohio Highway 30 to Canton, Ohio, thence over U.S. Highway 62 to Alliance, Ohio, thence over Ohio Highway 183 to Edinburg, Ohio, thence over Ohio Highway 303 to junction Ohio Highway 252 (near Valley City, Ohio), thence over Ohio Highway 252 to junction Ohio Highway 57, thence over Ohio Highway 57 to Boardman, Ohio, thence over U.S. Highway 30 to Dalton, Ohio, thence over Ohio Highway 94 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction Interstate Highway 271 (near Freeport Road and Harrod Road to Westmorland, Ohio), thence over Ohio Highway 198 to junction Ohio Highway 197, thence over Ohio Highway 197 to Kosuth, Ohio, thence over Ohio Highway 66 to junction Ohio Highway 114, thence over Ohio Highway 114 to junction Ohio Highway 49, thence over Ohio Highway 49 to Payne, Ohio, thence over Ohio Highway 613 to Fostoria, Ohio and return over the same route, serving all intermediate points and the off-route points of Auglaize, Defiance, Hancock, Henry, Logan, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, and Van Wert Counties, Ohio.

(20) Between Akron, Ohio, and Boardman, Ohio: From Akron, Ohio, over Interstate Highway 77 to Canton, Ohio, thence over Ohio Highway 44 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 to intersection Ohio Highway 45, thence over Ohio Highway 45 to Warren, Ohio, and return over the same route serving all intermediate points and the off-route points of Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Stark, Summit, Trumbull, and Wayne Counties, Ohio.

(21) Between Toledo, Ohio, and Peru, Ohio; from Toledo, Ohio, over Interstate Highway 68 to Ashland, Ohio, thence over Ohio Highway 68 to Ashland, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland, Crawford, Lucas, Morrow, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot counties, Ohio.

(22) Between Cleveland, Ohio, and Perryville, Ohio; from Cleveland, Ohio, over Interstate Highway 71 to junction Interstate Highway 271 (near Medina, Ohio), thence over Interstate Highway 271 to junction Old Highway 25, thence over Old Highway 25 to Shreve, Ohio, thence over Ohio Highway 754 to junction Ohio Highway 36, thence over Ohio Highway 39 to Niles, Ohio, thence over Ohio Highway 514 to Shreve, Ohio, thence over Ohio Highway 226 to junction Colorado Road, thence over Ohio Highway 3 to junction Ohio Highway 3, thence over Ohio Highway 3 to junction Ohio Highway 95, thence over Ohio Highway 65 to Perrysville, Ohio, thence over Ohio Highway 176 to Shreve, Ohio, and return over the same route serving all intermediate points and the off-route points of Ashtabula, Cuyahoga, Holmes, Medina, Stark, Summit, and Wayne Counties, Ohio.

(23) Between Dayton, Ohio, and Upper Sandusky, Ohio: From Dayton, Ohio, over Ohio Highway 444 to junction Interstate Highway 70, thence over Interstate Highway 70 to New Westville, Ohio, thence over Ohio Highway 754 to junction Ohio Highway 121 to Greenville, Ohio, thence over Ohio Highway 118 to Coldwater, Ohio, thence over Ohio Highway 219 to...
junction U.S. Highway 127, thence over U.S. Highway 224 to Botkins, Ohio, thence over Ohio Highway 8, thence over U.S. Highway 127 to New Haven, Ohio, and return over the same route, serving all intermediate points and the off-route points of Auglaize, Champaign, Clark, Darke, Hardin, Mercer, Miami, Montgomery, Preble, Shelby, and Wyandot Counties, Ohio.

(24) Between Mansfield, Ohio and Norwalk, Ohio; from Mansfield, Ohio, over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Crestline, Ohio, thence over Ohio Highway 61 to New Haven, Ohio, thence over Ohio Highway 598 to junction Ohio Highway 598, thence over Ohio Highway 96 to junction Ohio Highway 96, thence over Ohio Highway 96 to junction Ohio Highway 96, thence over Ohio Highway 39 to junction Ohio Highway 127 to Jackson Center, Ohio, thence over Interstate Highway 270 to Heidelberg, Ohio, thence over Interstate Highway 75 to Eldean, Ohio, thence over Ohio Highway 123 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 122 at Delaware, Ohio, thence over Ohio Highway 122 to junction Interstate Highway 177, thence over Interstate Highway 177 to junction Ohio Highway 619 (near Alliance, Ohio), thence over Ohio Highway 619 to Barberton, Ohio, thence over Ohio Highway 224 to New Haven, Ohio, thence over U.S. Highway 224 to junction Canal Fulton Road, thence over Canal Fulton Road to North Canton, Ohio, and return over the same route, serving all intermediate points and the off-route points of Stark, and Summit Counties, Ohio. General commodities (except household goods as defined by the Commission, livestock, and the off-route points of Auglaize, Champaign, Clark, Darke, Hardin, Mercer, Miami, Montgomery, Preble, Shelby, and Wyandot Counties, Ohio.)

(25) Between Cleveland, Ohio, and Willoughby, Ohio; from Cleveland, Ohio, over Ohio Route 2 and Interstate Highway 90 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Ohio Highway 8, thence over Ohio Highway 8 to Akron, Ohio, thence over Ohio Highway 91 to Willoughby, Ohio, and return over the same route, serving all intermediate points and the off-route points of Cuyahoga Lake, and Summit Counties, Ohio; (26) between Cleveland, Ohio, and Elyria, Ohio; from Cleveland, Ohio, over Ohio Highway 224 to New Haven, Ohio, thence over Ohio Highway 598 to junction Ohio Highway 598, thence over Ohio Highway 61 to New Haven, Ohio, thence over Ohio Highway 598 to junction Ohio Highway 598, thence over Ohio Highway 96 to junction Ohio Highway 96, thence over Ohio Highway 96 to junction Ohio Highway 96, thence over Ohio Highway 39 to junction Ohio Highway 127, thence over U.S. Highway 127 to Hamilton, Ohio (or, from junction Ohio Highway 177, thence over Interstate Highway 73 to junction U.S. Highway 127, thence over U.S. Highway 127 to Hamilton, Ohio), thence over Ohio Highway 4 to junction Ohio Highwa 63, thence over Ohio Highway 63 to Lebanon, Ohio, thence over Ohio Highway 122 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 122 at Delaware, Ohio, thence over Ohio Highway 122 to junction Interstate Highway 177, thence over Interstate Highway 177 to junction Ohio Highway 619 (near Alliance, Ohio), thence over Ohio Highway 619 to Barberton, Ohio, thence over Ohio Highway 224 to New Haven, Ohio, thence over U.S. Highway 224 to junction Canal Fulton Road, thence over Canal Fulton Road to North Canton, Ohio, and return over the same route, serving all intermediate points and the off-route points of Stark, and Summit Counties, Ohio. General commodities (except household goods as defined by the Commission, livestock, and Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting: (1) Gypsum, Gypsum products, and materials and as­sorted building materials used in the con­struction of roof decks, from Brunswick, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee, under contract with Georgia-Pacific Corp., (2) (a) roof slabs and materials used in the con­struction of roof slabs, from the plant site of Concrete Products, Inc., Brunswick, Ga., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisi­ana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Texas, Vir­ginia, West Virginia, and Wisconsin, and (b) wood excelsior, from points in the above specified States in (2) (a) to the plant site of Concrete Products, Inc., Brunswick, Ga., under contract with Georgia-Pacific Corp., (3) wallboard, insulation materials, and roofing ma­terials, and accessories used in their installation, (a) from points in Chatham County Ga., to points in North Carolina and Virginia, and (b) from points in Chatham County, Ga., to points in Tennes­see with National Gypsum Co., GAF-Ruberoid Co., Certainied Products Corp., Flintkote Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp., (4) gypsum products and commodities used in connection with the erection and installation of gypsum products when moving in the same vehicle and the same time as gypsum products, from Savannah, Ga., to points in Alabama, and returned shipments of the above-spe­cified commodities, from points in Ala­bama to Savannah, Ga., under contracts with National Gypsum Co., GAF-Ruberoid Co., Certainied Products Corp., Flintkote Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp.; (5) Gypsum and gyp­sum products and building materials, from points in Chas­tena, Ga., to points in North Carolina, South Carolina, and Tennessee, and returned shipments of the above-de­scribed commodities, from points in
NOTICES

North Carolina, South Carolina, and Tennessee, points in Chatham County, Ga., under contracts with National Gypsum Co., GAF-Rubroid Co., CertainTeed Products Corp., Flincktoke Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp. The following authority sought to be restricted against the transportation of liquid commodities in bulk and of cement except in mixed loads with the other commodities used in the installation of wallboard, insulation materials and roofing materials, from Savannah, Ga., to points in Alabama, under contracts with National Gypsum Co., GAF-Rubroid Co., CertainTeed Products Corp., Flincktoke Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp., (lumber and flooring, from the plant site of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Georgia, North Carolina, and South Carolina, under contract with U.S. Champion Corp., and (9) wallboard, insulating materials and roofing materials, and supplies and accessories used in the installation of wallboard, insulation materials and roofing materials, from points in Chatham County, Ga., to points in Kentucky and West Virginia, under contracts with National Gypsum Co., GAF-Rubroid Co., CertainTeed Products Corp., Flincktoke Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp. Note: General authority for all applications are governed by the Interstate Commerce Commission's special rules governing notice and handling, and certain other proceedings under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings under section 6(b) of the Federal Power Act. A hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210A(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice and filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings under sections 5(a) and 210a(b) of the Federal Power Act.

No. MC-F-10759. (Amendment) RINGSBY-PACIFIC LTD., a company incorporated in the State of Oregon, Post Office Drawer 807, Springfield, Oregon 97479. By amendment filed May 18, 1970, applicants seek to include ALBERT E. RISING, JR., 2612 North Main Street, Dothan, Ala., of control of such rights through the purchase. Applicants' attorneys: Phineas Stevens, Post Office Drawer 22567, Jackson, Miss. 32305. Operating rights sought to be transferred: General commodities, excepting, among others, dangerous explosives, household goods and commodities in bulk over regular routes between Ojibwa, Mich., and Blackville, S.C., should be deleted and notice should read, between Ojibwa, Mich., and Blackville, S.C., and Columbus, Ohio, in lieu thereof; after the route between New York, N.Y., and Philadelphia, Pa., serving certain intermediate points in New Jersey, the route between New Haven, Conn., and Boston, Mass., serving points within 25 miles of the State in Boston as intermediate and off-route points, and should read, between New Haven, Conn., and Boston, Mass., serving points within 25 miles of the State in Boston as intermediate and off-route points.

No. MC-P-10818. Authority sought for by purchase and operation of THE NORTHERN STREET RAILWAY COMPANY, 7031 Northeast Halsey Street, Portland, Ore. 97213, of the operating rights and certain property of ALBERT E. RISING, JR., 2612 North Main Street, Dothan, Ala., and JEFF. D. LOFTTN, Post Office Drawer 1568, Dothan, Ala. 36301, of AMERICAN TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, Dothan, Ala. 36301, of American Moving & Storage Co., Inc., 7030 Preston Avenue, Post Office Drawer 1568, New Orleans, La. 70122, and for acquisition by GRADY C. LOFTTN, 718 Dury Street, Dothan, Ala., JEFF. D. LOFTTN, 207 Whistler Drive, Dothan, Ala., and C. N. ARMSTRONG, c/o John L. Crossen, Receiver, 512 Main Street, Portland, Oreg. 97213, of the operating rights sought to be controlled: Under a contract with the property of ATLAS TRUCK LINES, INC., through the acquisition by LOFTIN' S TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, Dothan, Ala. 36301, of American Moving & Storage Co., Inc., 7030 Preston Avenue, Post Office Drawer 1568, New Orleans, La. 70122, and for acquisition by GRADY C. LOFTTN, 718 Dury Street, Dothan, Ala., JEFF. D. LOFTTN, 207 Whistler Drive, Dothan, Ala., and C. N. ARMSTRONG, c/o John L. Crossen, Receiver, 512 Main Street, Portland, Oreg. 97213, of the operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-96528 Sub-I, covering the reservation of property, as a common carrier, in interstate commerce, within the State of Louisiana, (Norx: This authority is being requested in lieu of property rights from NORTON OILCO, pursuant to MC-F-35402.) LOFTIN' S TRANSFER & STORAGE CO., INC., is authorized to operate as a common carrier in Alabama, Florida, Georgia, Mississippi, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

W. R. JAOHNSON, Secretary.

[F.R. Doc. 70-6558; Filed, May 26, 1970; 8:40 a.m.]
NOTICES

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1970.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act, as provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 11) published in the Federal Register, issue of April 27, 1965, effective July 1, 1965.

Applications relating to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of the notice of the filing of the application published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed copy of such protests must be served on the applicant.

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

MOTOR CARRIERS OF PROPERTY

No. MC 42090 (Sub-No. 3 TA), filed May 19, 1970. Applicant: CONTAINER TRUCKING, INC., 602 North Nagle Street, Houston, Tex. 77002. Applicant’s representative: F. A. Hawkins (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

<table>
<thead>
<tr>
<th>Description</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petroleum wax</td>
<td>in packages, from Kilgore, Tex. to Houston, Tex.</td>
</tr>
<tr>
<td>Fresh meat</td>
<td>in bulk, from Lititz, Pa., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Indiana, Illinois, and Ohio, for 180 days. Supporting shipper: Wallace H. Smith, Metal Container, United Sheet Metal Co., 1122 Milford Avenue, Rockford Ill. 61109. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Fourth Avenue, Portland, Oreg. 97204.</td>
</tr>
</tbody>
</table>

No. MC 106760 (Sub-No. 130 TA), filed May 19, 1970. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Rockford, Ill. 61109. Applicant’s representative: A. R. Fowler (same address as above). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting:

<table>
<thead>
<tr>
<th>Description</th>
<th>Specifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meat products</td>
<td>and confectioner’s coating and compounds, in bulk, from Littiz, Pa. to points in Wallawau County, Wis., for 180 days. Supporting shipper: Wilbur Chocolate Co., Littiz, Pa. 17549.</td>
</tr>
</tbody>
</table>
NOTICES


INFORMATION.

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

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 728 TA), filed May 19, 1970. Applicant: ARMORA TRUCKING CORPORATION, Third and Kessingers Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Synthetic resins, in bulk, in tank vehicles, from Minneapolis, Minn., to Moorhead, Minn., for 180 days. Supporting shipper: Kohler Co., 131 Matzinger Road, Kohler, Wis. 53043.

No. MC 109708 (Sub-No. 48 TA), filed May 19, 1970. Applicant: INDIAN RIVER TRANSPORT, INC., Post Office Box 1749, Fort Pierce, Fla. 33440. Applicant's representative: R. William Becker (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Vinegar and vinegar stock, in bulk, in tank vehicles, from North Rose, Lyons, and Lyndonville, N.Y., to Boston, Mass., and Indianapolis, Ind., and from Charlotte, N.C., to points in Burlington County, N.J.; (e) from Goodman, Wis.; (b) from the plantsite of the Kohler Co. at Camp Croft, S.C., for 180 days. Supporting shipper: Kohler Co. at Camp Croft, S.C., to points in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Kansas, Louisiana, Maryland, Mississippi, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, and Virginia; and (2) sanitary gel coat, polyester resin, glass roving, packing material, and polyurethane foam, from Chicago, Ill.; Swanton, Toledo, and Port Clinton, Ohio, to the plantsite of the Kohler Co. at Camp Croft, S.C., for 180 days. Supporting shipper: Kohler Co., Kohler, Wis. Send protests to: Keith D. Bossley, Route 3, Box 60, Armstrong Creek, Wis. 54103.

No. MC 112359 (Sub-No. 7 TA), filed May 19, 1970. Applicant: PERCHAK TRUCKING, INC., Hazel Village, Post Office Box 611, Hazleton, Pa. 18201. Applicant's representative: Kenneth R. Davis, 999 Union Street, Hazleton, Pa. 18201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Scrap metal; (a) from points in Warren, Bur-
from the
irregular routes, transporting:

Professional Building, Kansas City, Mo.
INC., Post Office Box 23, Passaic, Mo.
common carrier,
GRAIN AND WHOLESALE COMPANY,
May 19, 1970. Applicant: PASSAIC
field, Pa.; Luray and Salem, Va., and
Federal Office Building, 911 Walnut
Street, Kansas City, Mo. 64106. Applicant intends to operate as a
contract carrier, by motor vehicle, over irregular routes, transporting:
(1) Solid and semipneumatic tires, plastic or rubber handle bar
strips, pedals, and mud flaps, plastic streamers and wheels, steel wheels, and
rubber and plastic wheels mounted with solid or semi-pneumatic tires, and rubber and plastic
tile and floor product production: The operations authorized herein
are limited to a transportation service to be performed, under a continuing
contract to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:
Cabinets, vanities, cases, and cabinet accessories, from Ladysmith, Wis., to points in Connecticut, New Jersey, and New
York, and return to Bowdon, Ga. 180 days. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting:
Cabinets, vanities, cases, and cabinet accessories, from Ladysmith, Wis., to points in Connecticut, New Jersey, and New
York, and return to Bowdon, Ga. 180 days. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: (1) Solid and semipneumatic tires, plastic or rubber handle bar
strips, pedals, and mud flaps, plastic streamers and wheels, steel wheels, and
rubber and plastic wheels mounted with solid or semi-pneumatic tires, and rubber and plastic
wheels mounted with solid or semi-pneumatic tires, and rubber and plastic
tiles and floor products, and wall facing strips, from Bowdon, Ga., to points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsyl-
avia, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, Connecticut, and Minnesota. (2) Materials, equipment, and supplies used in the production of the above-named commodities, from the destination States in (1) above to Bowdon, Ga.; (3) Rubber and plastic tile and floor products, and wall facing strips, from Bowdon, Ga., and Tuscaloosa, Ala., to points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsyl-
avia, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, Connecticut, and Minnesota. (4) Materials, equipment, and supplies used in the production of the above-named commodities, from the destination States in (3) above to Bowdon, Ga., and Tuscaloosa, Ala. Restrictions: The operations authorized herein
are limited to a transportation service to be performed, under a continuing
contract to operate as a contract carrier, by motor vehicle, over regular routes, transporting:
Liquors (except in bulk), for the account of Monsieur Henri
Wines, Ltd., 131 Morgan Avenue, Port Jefferson, N.Y., under section 210a(b). The transfer to DIRECT AIRPORT SERVICE, INC., of the op-
authority to lease the operating rights of WALTER G. ELSEBOUGH, doing business as PORT JEFFERSON MOTOR TRANSPORTATION CO., is presently pending.
By the Commission.
[skal]
H. NEIL GARBON, Secretary.

MOTOR CARRIER TRANSFER
PROCEEDINGS

May 22, 1970.
Synopsis of orders entered pursuant to section 1718(b) of the Interstate Com-
merce 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 reconsider-
ation of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 1718(b) 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-71334. By application filed May 21, 1970, DIRECT AIRPORT SERV-
ICE, INC., 44 Coldwell Street, Huntsing-
ton Station, N.Y., for a temporary authority to lease the operating rights of WALTER G. ELSEBOUGH, doing business as PORT JEFFERSON MOTOR TRANSPORTATION CO., 61 Oakland Avenue, Port Jefferson, N.Y., under section
210a(b). The transfer to DIRECT AIRPORT SERVICE, INC., of the op-
operations of WALTER G. ELSE-
BOUGH, doing business as PORT JEFF-
FERNER MOTOR TRANSPORTATION
CO., is presently pending.
By the Commission.
[skal]
H. NEIL GARBON, Secretary.

FLORIDA EAST COAST RAILWAY
CO., AND SOUTHERN RAILWAY CO.
CarDistribution

Pursuant to section 1 (18) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Com-
merce Commission Revised Service Order
No. 1002.
It is ordered, That:
(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:
(a) The Florida East Coast Railway Co. shall deliver to the Southern Railway Co., a weekly total of 175 empty plain serviceable boxcars. Exception: Canadian ownerships.
(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week ending Saturday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., May 25, 1970.

(4) Expiration date. This direction shall expire at 11:59 p.m., June 21, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

It is further ordered, That cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week ending Saturday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) Regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) Effective date. This direction shall become effective at 12:01 a.m., May 25, 1970.

(4) Expiration date. This direction shall expire at 11:59 p.m., June 21, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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


[Seal]

R. D. Pfahler,
Agent.

[P.R. Doc. 70-6652; Filed, May 26, 1970; 8:50 a.m.]
NOTICES

against ammonia vapors only, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086.


No. 160.049/3/0, Type I, Model AK-1, adult kapok buoyant vest U.S.C.G. Specification Subpart 160.049, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, effective March 18, 1970. (It is an extension of Approval No. 160.049/390/0, dated June 7, 1965.)

No. 160.049/390/0, Type I, Model AK-1, adult kapok buoyant vest U.S.C.G. Specification Subpart 160.049, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, effective March 18, 1970. (It is an extension of Approval No. 160.049/390/0, dated June 7, 1965.)

No. 160.049/390/0, Type I, Model AK-1, adult kapok buoyant vest U.S.C.G. Specification Subpart 160.049, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, effective March 18, 1970. (It is an extension of Approval No. 160.049/390/0, dated June 7, 1965.)


No. 160.049/3/0, Type I, Model AK-1, adult kapok buoyant vest U.S.C.G. Specification Subpart 160.049, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, effective March 18, 1970. (It is an extension of Approval No. 160.049/390/0, dated June 7, 1965.)


No. 160.049/3/0, Type I, Model AK-1, adult kapok buoyant vest U.S.C.G. Specification Subpart 160.049, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, effective March 18, 1970. (It is an extension of Approval No. 160.049/390/0, dated June 7, 1965.)
addresses, and citizenship attached to the oath:

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories, or possessions not less than 75 percent of the raw materials used or sold in its operations.

3. The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on May 20, 1970, issued to the American Metal Climax, Inc., a certificate of compliance on Form 1262, as provided in 46 CFR 67.23-7(d). The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7(c).


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

[F.R. Doc. 70-6546; Filed, May 26, 1970; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18860; File No. 18654; FCC 70-519]

BENSON POLYTECHNIC SCHOOL

Memorandum Opinion and Order

In regard application of BENSON POLYTECHNIC SCHOOL (KBPS) Portland, Ore. Has: 1450 kc., 250 w., S.H., Class IV, Requests: 1450 kc., 250 w., 1 kw.-LS, S.H., class IV, for construction permit.

1. The Commission has before it the above-captioned and described application which was granted without hearing on February 4, 1970; a petition for reconsideration of that action filed by Cathryn C. Murphy, licensee of station KVAN, Vancouver, Wash. (1480 kc., 1 kw., Day); and an opposition to the petition filed by the applicant.

2. In support of its request for reconsideration KVAN alleges that the proposed operation of KBPS would not comply with § 73.37 of the Commission's rules in that the proposed operation would result in an overlap of the 25 mw./m. contours of KBPS and KVAN; that the Commission, in announcing the grant of the KBPS application, acknowledged that interference would be caused to KVAN; and that KVAN is entitled to a hearing on the question of whether or not a modification of its license would be in the public interest.

3. In opposition, KBPS points out that the KVAN objection was not filed within the time required by 1.580 of the rules. KBPS also refers to KVAN's failure to comply with § 1.106(b) of the rules in that KVAN did not show why it was not possible to participate in the earlier stages of this matter. In addition, KBPS infers that KVAN relies on section 316 of the Communications Act of 1934, as amended, in claiming the grant of the KBPS application constitutes a modification of the KVAN license. KBPS takes the position that the KVAN current authorization is not a license within the meaning of section 309(e) of the Communications Act. Under these circumstances, KBPS urges that the holder of a certificate of determination of KBPS is entitled to a hearing on the question of whether or not a renewal of its license would be in the public interest.

4. KBPS also refers to KVAN's failure to construct and operate KBPS as proposed, but that, on the question of compliance with section 373.37 of the Commission's rules, the application must be designated for hearing on the issues set forth below.

5. Accordingly, it is ordered. That the petition for reconsideration filed by Cathryn C. Murphy is dismissed; and KBPS' s prediction is accurate or that there will be any 25 mw./m. overlap at all. For example, KBPS assumes an antenna efficiency of 197 mw./km.

Whether this efficiency will be achieved is not clear. Some doubt arises due to the fact that some of the KBPS ground radials are not buried under the surface of the ground but are buried in the earth under large buildings. Therefore, the Commission finds that a more satisfactory resolution of the question may be reached in a hearing.

6. With reference to the principle that a licensee accepts a renewal of its license subject to amendments to the rules, the Commission finds that principle inapplicable here since it does not involve a rule amendment.

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970
NOTICES

Federal Communications Commission

Memorandum Opinion and Order Clarifying Issues


1. This case involves the mutually exclusive applications of DuPage County Broadcasting, Inc. (DuPage) and Central DuPage County Broadcasting Co. (Central) for a construction permit to build a standard broadcast facility in Elmhurst and Wheaton, III., respectively. In a memorandum opinion and order, 21 FCC 2d 235, released February 13, 1970, the Commission reversed the Review Board's decision granting DuPage's application.

In its opinion, the Commission noted that Mr. Frank Blotter, President, Director and 81-percent stockholder of DuPage is the President, Director, and 26.7-percent stockholder of Central, licensee of standard broadcast station WCKD in Ishpeming, Mich. The Commission also noted that beginning in November 1968, WCKD had been operated beyond its specified sign off times under circumstances indicating "a substantial likelihood that the violations were willful or, at the very least, the result of extreme carelessness." Therefore, the Commission ordered the proceeding remanded to the Hearing Examiner to resolve the following issues:

(a) To determine all of the facts and circumstances surrounding the operation of WCKD at Ishpeming, Mich., under the management of Frank Blotter, with particular respect to operation later than the authorized sign off times and with excessive presunrise power during the months of November and December 1967, and January, February, and March, 1968.

(b) To determine in the light of the facts developed under issue (a) whether DuPage County Broadcasting, Inc., of which Mr. Blotter is 49 percent stockholder, reasonably could be expected to exercise diligently that degree of license responsibility required of the operator of a broadcast facility and whether the public interest would be served by permitting Mr. Blotter to acquire an interest in an additional broadcast authorization.

(c) To determine in the light of the evidence adduced pursuant to the foregoing issues what disposition of this proceeding would best serve the public interest, convenience and necessity.

2. DuPage has now filed with the Commission a petition for reconsideration of the above order. In its petition, DuPage requests that the Commission clarify the issues to be resolved on remand and affirm the Review Board's grant of DuPage's application. DuPage notes that the determination has already been made pursuant to the provisions of section 307(b) of the Communications Act that Elmhurst, where DuPage proposes to build its facility, is in greater need of a first local transmission facility that is Wheaton, Central's proposed station site. Thus, DuPage argues, the remand proceeding will seriously delay a needed first local transmission facility for Elmhurst and effectuation of the section 397(b) mandate will thereby be thwarted for an indefinite period.

3. DuPage also contends that the Commission can obtain reasonable assurance that its facilities will responsibly operate its proposed broadcast facility without requiring a prolonged hearing. In support of this contention, DuPage states that Mr. Blotter intends to assign other broadcast interests so that he will be able to devote his full attention to the proposed Elmhurst station. Further, DuPage states that in order to assure the scrupulous observance of the Commission's rules the services of "a uniquely well qualified Technical Director" have been secured to aid in the proposed station's operation and that its 49 percent stockholder, Mr. Blotter, who has extensive experience in working with regulations of federal and local regulatory bodies will be involved full time in station operations.

4. DuPage also alleges that in remanding the case the Commission failed to consider all of the relevant facts. DuPage asserts that the Commission did not mention the reason caused by the inconsistency between the times stated in WCKD's license and the local Ishpeming time. Further, DuPage continues, the remand opinion failed to note that in a memorandum opinion of 1966 WCKD had signed off earlier than required, thus indicating genuine confusion. Finally, DuPage states that the opinion makes no reference to the fact that the general regulation of communication over the Michigan Upper Peninsula intensified after October 1968, which is the period with which the Commission stated it was most concerned. These facts, coupled with the above assurances that DuPage will properly operate its station, indicate, DuPage contends, that the remand order should be vacated.

5. If a further hearing is required, however, DuPage requests that the Commission clarify the issues to be resolved in the hearing. At the hearing conference, the Examiner expressed the view that issue (b) was conclusionary only, that the record indicated a likelihood arising under issue (a). DuPage argues that issue (b) should be regarded as evidentiary, and that it should be allowed to adduce further evidence as to the manner in which its proposed station will be operated. Therefore, DuPage requests the Commission to clarify issue (b) to read:

(b) to determine in the light of the facts developed under issue (a) and other pertinent facts

DuPage also notes that while issue (a) expressly includes the time period of late 1967 and early 1968, the Commission in its opinion stated that the even occurring during this time had "no decisional significance." DuPage therefore seeks a clarification of this alleged inconsistency.

6. DuPage also requests the addition of certain issues against Central. DuPage contends that Central has attempted improperly to influence the Commission through the distribution of copies of newspaper articles, and that the petition should be amended to include those articles, copies of which are attached to the petition: and that Central's principals and their agents have used "highly questionable means" in their investigations of the operation of WCKD in preparation for the hearing. Attached to DuPage's petition are affidavits detailing the allegedly improper investigations. DuPage argues that the issues should be enlarged so that these charges may be fully explored at the hearing.

7. DuPage's petition is opposed by the Broadcast Bureau on both procedural and substantive grounds. The Bureau contends that the petition for reconsideration is interlocutory in nature, may not be entertained under § 1.106(a) of the rules and regulations of the Commission, and that a further hearing is not required.

FEDERAL REGISTER, VOL. 35, NO. 103—WEDNESDAY, MAY 27, 1970
should be summarily dismissed. The Bureau further contends that both the request for enlargement of issues and the request for clarification, which is in effect an application for review of an adverse ruling by the Hearing Examiner, should have been made before the Review Board; and that neither request was timely filed. §§ 1.229(b), 1.291(a)(2) and 1.301 are cited in support of these contentions. With respect to the merits of the Bureau’s arguments that the public interest in a determination of DuPage’s basic qualifications outweighs any delay attendant upon a remand. Further, the Bureau asserts, assurances by DuPage that it will in good faith operate the proposed station are insufficient to enable the Commission to resolve the issues designated for hearing and no new fact has been alleged by DuPage which should cause the Commission to reconsider its remand order.

8. In answer to DuPage’s contention that issue (b) is evidentiary, the Bureau contends that the Commission’s action to dismiss the matter itself makes clear that it is conclusionary only. Nor is clarification of the issues necessary, the Bureau urges, since the Commission’s statement that “no decision was intended to include the time period of late 1967 and early 1968 violations had reference only to whether issues should be added inquiring into WCKD’s operation; but that all aspects of the operation were included at the hearing including the said violations. Finally, the Bureau contends that no enlargement of issues is warranted. DuPage, the Bureau asserts, has not shown by affidavit or by substantial factual allegations that a serious abuse of the investigative procedure by Central took place.

9. Central opposes the petition on grounds similar to those advanced by the Bureau. In addition, Central states that the Commission, contrary to the assertion of DuPage, did not make the finding that WCKD’s illegal operation was caused by confusion over time zones. Referring to DuPage’s request for clarification of the issues, Central contends that the revision of the proposed station are insufficient to enable the Commission to resolve the issues designated for hearing and no new fact has been alleged by DuPage which should cause the Commission to reconsider its remand order.

10. In reply, DuPage states that neither Central nor the Broadcast Bureau dispute that a further hearing will substantially delay a final Commission decision or that DuPage’s application is preferred under Section 1(b). DuPage contends that there is no factual basis for DuPage’s assurances of proper operation, the factual basis for which has not been seriously challenged, justify reconsideration. As to its request for clarification of the issues, DuPage points out that issue (c) calls for a determination “in the light of the evidence adduced pursuant to the foregoing issues.” This language indicates, DuPage argues, that issue (b) was intended to be evidentiary, and that DuPage should therefore be allowed to show under issue (b) the manner in which its proposed station would be operated.

11. We believe that the public interest would best be served by acting on DuPage’s alternative requests for a grant without hearing or for clarification of the issues. Neither the procedural challenges raised in the opposition have validity. The contentions advanced in support of the request that the Commission vacate its remand order controls. The grounds for the decision are patently insufficient. Merely because a further hearing will delay a final grant does not relieve the Commission of the obligation to make reasonably certain that the prospective broadcast licensee will operate the facility responsibly and in the public interest. DuPage’s application was remanded for further hearing because of our concern that the illegal operation of WCKD might have resulted from deliberate and intentional misconduct, or at the least from extreme carelessness. The conflicting factual allegations discussed in our remand order and those set forth in the pleadings filed in connection with this petition for reconsideration, demonstrate that a grant may not be made until all the material facts are ascertainable. The need for an evidentiary hearing procured. Self-serving assurances of responsible operation contained in a pleading are no substitute for a hearing with the right of opposing parties to cross-examine and to introduce countervailing evidence. We have carefully reviewed DuPage’s petition, but we are not persuaded that the facts therein alleged obviate the need for an evidentiary hearing.

12. We turn now to a consideration of DuPage’s request for clarification of issue (b). The crucial issue to be determined in the remand hearing is whether DuPage can be expected to operate responsibly its proposed station, then DuPage’s application may be granted. With respect to DuPage’s further request that the Commission indicate whether issue (a) is intended to include the time period of late 1967 and early 1968, we hold that it is. In and of themselves, the rule violations during that period would not have justified a remand. In light of its subsequent violations, however, DuPage’s conduct throughout the period specified in issue (a) is material and relevant in determining whether such violations were willful or the result of extreme carelessness, and whether the public interest would be served by licensing principals of DuPage to operate another broadcast facility.

13. In addition, DuPage has moved to add certain issues against Central. This request must be denied. Under § 1.291(a) of the Commission’s rules, motions to add issues must be directed in the first instance to the Review Board. Finally, DuPage’s contention that the Commission failed to consider all of the relevant facts is untrue. Simply because the Commission did not mention each and every fact relied upon or the result of extreme carelessness, we nevertheless concluded that further hearings were required in the public interest. Nothing advanced in DuPage’s petition for reconsideration persuades us that we erred in that conclusion.

14. Accordingly, it is ordered, That the petition for reconsideration, filed by DuPage County Broadcasting Co. on March 16, 1970, is granted to the extent indicated herein, and is denied in all other respects.

Released: May 15, 1970.
FEDERAL COMMUNICATIONS COMMISSION,
Bren P. Wolka, Secretary.

[Docket No. 18559 et al.; FCC 70R-185]
UNITED TELEVISION CO., INC.

Memorandum Opinion and Order
Enlarging Issues

In regard applications of United Television Co., Inc. (WPAN-TV), Washington, D.C.; Docket. No. 18558, File No. BRCT-585; for renewal of license Washington Community Broadcasting Co., Washington, D.C.; Docket No. 18560, File No. BCRT-5849; for construction permit for new television broadcast station, *Commissioners Burch, chairman; and Wells dissenting; Commissioner Bartley dissenting and issuing a statement filed as part of the original document.
United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18563, File No. BPCT-3917; for construction permit United Broadcasting Co., Inc. (WOKK), Washington, D.C., Docket No. 18562, File No. B15-1064; for renewal of license to Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BF-17416; for construction permit for new standard broadcast station. In this proceeding involves, among other matters, the application of United Broadcasting Co., Inc. (United) for renewal of its license for standard broadcast Station WOOK, Washington, D.C. and the competing application of Washington Community Broadcasting Co. for a construction permit for the same facility. These mutually exclusive applications were designated for hearing by the Commission memorandum opinion and order, 18 FCC 2d 363, 16 RR 2d 621, released June 13, 1969. Included among the issues specified in the designation order were Suburban and deceptive advertising issues against United and standard comparative issues. Presently before the Review Board is a petition filed by the Broadcast Bureau on February 24, 1970 requesting hearing on the following issues against United:

(a) To determine the nature and extent of all violations of the Commission's rules and departures from license authorization as alleged in the Notice of Violation (FCC Form 793) issued to the licensee of Station WOOK in October 1969, the responses thereto and related documents.

(b) To determine whether the management and operation of Station WOOK was so negligent, careless and inept, and evidence such disregard for the Commission's rules that United Broadcasting Co., Inc. cannot be relied upon to fulfill the responsibilities imposed upon it as a licensee of the Commission.

In support of its request, the Broadcast Bureau submits a copy of an Official Notice of Violation (FCC Form 793) issued October 3, 1969, by the engineer in charge of the Washington, D.C. district office of the Field Engineering Bureau addressing its concern to United which contains nineteen separate items concerning violations of Commission rules and regulations and departures from license authorization in the operation of Station WOOK. In the Bureau's view, the licensee's response to the notice on January 12, 1970, as supplemented on January 23, 1970, has effectively left fourteen rule violations or departures from license authorization still outstanding. Examples of these allegedly outstanding violations include: failure to provide data concerning equipment change cited as required by § 73.57(a) of the rules; failure to make corrections in the operating log in the prescribed manner (§ 73.111(c)); operating with power more than 5 percent above and 10 percent below authorized power (§ 73.57(a)); and failure to reduce power at local sunset as specified in the station license. In further support of its request, the Bureau points to Station WOOK's past history of rule violations, specifically a $7,500 forfeiture assessed by a Hearing Examiner in a 1965 renewal proceeding in Docket No. 15795, and urges that these current violations, coupled with United's past violations, raise a serious question concerning the qualifications of United. On this basis then, the Bureau asserts that enlargement of the issues in this proceeding is necessary and appropriate so that the nature of the management and operation of Station WOOK and a determination as to whether United can be relied upon to fulfill the responsibilities of a broadcast license holder is a matter for the Review Board.

3. United opposes the Bureau's request on two grounds: (1) The petition represents an unauthorized and improper use of discovery techniques; and (2) the issues requested are mutually exclusive.

As to its first ground, United contends that the activities of the Field Engineering Bureau, the fruits of which were adopted by the Broadcast Bureau and used as the basis for its petition, constitute unauthorized discovery under the Commission's rules and that, therefore, the request should be denied by the Board and a protective order entered prohibiting use of the information obtained in this procedure. Although recognizing that the Commission's staff may inspect a station which is involved in a hearing, United insists that the results of such inspections may not be injected into that hearing in violation of the discovery rules. The licensee points out that all but two items contained in the official notice of violation were based entirely on a nonroutine inspection of its files at a time when this proceeding was in hearing status and that it was required, as the Broadcast Bureau recognized in its petition, to answer the interrogatories of the consulting engineer. The licensee also explains the steps it has taken to prevent recurrence of these engineering violations including the termination of employment of several personnel involved in the violations, the retention of a new chief engineer with instructions to reinstitute the station's system of automatic power changes and automatic logging, and certain security measures.

The Examiner, in his Initial Decision (4 FCC 2d 293), which became effective June 23, 1966, pursuant to § 1.276 of the rules, concluded that United's organizational irregularities at Station WOOK, i.e., power change failures, warranted the imposition of a $7,500 forfeiture.
these allegations; United complains that no consideration was given by the Bureau to the licensee’s denial or explanation of the facts or to the corrective action instituted by it. It is United’s position that such an automatic submission would not only preempt the Commission of jurisdiction and ultimate review of such matters, but it would also eliminate the ability of the Commission to utilize licensee admissions and recommendations of the licensee, e.g., forfeitures, which are not available to the Review Board. In stressing its point that a licensee would be denied its right to be considered for less than the ultimate penalty under such a short-cut procedure, United emphasizes that forfeiture would appear to be the appropriate penalty where, as here, the principal violations involve operator errors in maintaining the station’s operations. In response to an implication in the licensee’s argument, the Bureau states, its counsel notified the FEB and that the Bureau was advised of the issuance of the official notice of violation. It is clear, however, that the Bureau would be required to file its response until after the listening period. The Bureau explains that a public complaint requiring an inspection of Station WOOK was received by the Bureau. It did not request a hearing status, it did not request the issuance of an official notice of violation or to the issuance of an official notice of violation, but “at no determination would be made as to whether an enlargement request would be filed until after the licensed station had filed its response. That response, alleges the Bureau, “with efforts to place the blame on others and efforts at hindsight rationalizations” raises serious factual questions which can only be resolved in the hearing process. As to United’s contention that the Bureau’s request is procedurally improper, the Bureau submits that it is not the FEB which makes recommendations to the Commission concerning a broadcast licensee. Rather, it is the Bureau itself to recommend to the Commission whether a hearing is required, “it must determine that a hearing is required. “It must address this recommendation to the Review Board in a Petition to Enlarge Issues when the station involved is in hearing status.” The Bureau believes that this is a fair procedure since it affords the station an opportunity to set forth its arguments in opposition to the enlargement request; the Bureau also notes that United is not precluded from approaching the Commission with a request for a waiver. The Court House Broadcasting Company, FCC 69-839, 34 FR 12847 (published Aug. 7, 1969). Moreover, the contention has been effectively countered in The Court House Broadcasting Company, 21 FCC 2d 792, 18 RR 2d 616 (1970).

5. In reply, the Broadcast Bureau states that the discovery rules do not apply to the inspection of broadcast stations; they necessitate the issuance of an official notice of violation or to the issuance of an official notice of violation. The Bureau points out that Station WOOK, as an operating AM station, is required to comply with the rules of the Commission and that United, by virtue of its hearing status, does not gain an instant pardon for rule violations or for failures to operate as authorized which are discovered in an inspection. According to the Bureau, following United’s reasoning to its logical result would, in effect, give an operating station in hearing status a blank check to ignore commissions rules or for failures to operate as authorized which are discovered in an inspection after the license has been received, it must be assumed that the licensee’s responses were satisfactory and that, therefore, the issues should not be enlarged as requested by the Bureau.

6. In reply, the Broadcast Bureau’s petition to enlarge issues will be granted. In effect, United argues that Commission inspection of a broadcast facility may occur but that the results of such an inspection, may not be used in a current renewal proceeding involving that facility since such procedure: (1) Contravenes established Commission policy concerning the discovery process in adjudicatory proceedings; and (2) is improper in that it preempts the Commission of jurisdiction over matters contained in an official notice of violation and also deprives a licensee of the right to be considered for a lesser sanction. The Court House Broadcasting Company, FCC 69-839, 34 FR 12847 (published Aug. 7, 1969). To insist further, as does United, that the Board grant the instant request. In conclusion, the Board agrees with United that the Review Board does not have authority to issue a Notice of Apparent Liability, but, the Bureau urges, United that the Review Board does not have authority to issue a Notice of Apparent Liability or to the corrective action, e.g., forfeiture, if the Board adds the requested issues. However, in this regard, we note that the Commission itself has been held that the imposition of a forfeiture penalty does not bar a subsequent determination that the occurrence of violations leading to such forfeiture may be appealed directly to the Commission. In addition, the licensee has not appealed from seeking the addition of a forfeiture provision to this proceeding. See Trans America Broadcasting Corporation, FCC 69-839, 34 FR 12847 (published Aug. 7, 1969).

7. United’s objection that the Bureau’s request is procedurally improper is equally without merit. The licensee contends that it will be deprived of the Commission’s opportunity for an impartial review of the facts or to the corrective action, e.g., forfeiture, if the Board adds the requested issues. However, in this regard, we note that the Commission itself has been held that the imposition of a forfeiture penalty does not bar a subsequent determination that the occurrence of violations leading to such forfeiture may be appealed directly to the Commission. In addition, the licensee has not appealed from seeking the addition of a forfeiture provision to this proceeding. See Trans America Broadcasting Corporation, FCC 69-839, 34 FR 12847 (published Aug. 7, 1969).

To insist further, as does United, that the Confederation of the report of violations precludes its use here is to hamper the Commission in its ultimate public interest determination. We are not prescribing United’s right to oppose the claimed violations by the addition of these issues; we are simply fulfilling our function of reviewing the facts of the violation and United’s qualifications for renewal on the basis of a complete record. Even assuming that United’s explanations and rationalizations are adequate to dispose of all the alleged violations, the fact still remains that the licensee has conceded
that several operational violations did occur. It has been recognized by the Court that the failure to operate in the public interest occurs in many cases because of the failure of the licensee to properly supervise and maintain control of his station. The Court House Broadcasting Company, supra. Thus, the alleged failure of United to exercise proper supervision in the operation of Station WOOK, as evidenced by the record of operational irregularities, when viewed in light of the issues already specified herein concerning that station's practices and the prior imposition of a forfeiture for similar operational irregularities, is sufficient to warrant examination of these matters in this renewal proceeding, and we conclude that our inability to issue a notice of apparent liability is no bar to specifying the requested issues for evidentiary hearing.

8. Accordingly, it is ordered, That the petition to enlarge issues, filed February 3, 1970, by the Broadcast Bureau, is granted; and

9. If further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine all of the facts and circumstances surrounding the operation of Station WOOK, including the management of United Broadcasting Co., Inc, with particular respect to the alleged departures from Commission rules and regulations and license authorization as disclosed by the Official Notice of Violation issued to the licensee in October 1969, the record of which is referred to above;

(b) To determine whether, in light of the evidence adduced pursuant to Issue (a) above, United Broadcasting Co., Inc., is sufficiently responsive to proper supervision of the operation of Station WOOK, engaged in conduct which reflects such negligence, carelessness, ineptness or disregard of the Commission's processes that the Commission cannot rely upon the licensee to fulfill the duties and responsibilities of a licensee.

George E. Worstell claims to have interested the community in the needs and interests of the area to be served and the manner in which the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural service to such areas and populations (1 mv/m or greater in the case of FM).

2. To determine the effort made by George E. Worstell and Scioto Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

3. To determine whether the transmitter site proposed by Circleville Broadcasting Co. is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

4. To determine whether George E. Worstell and Scioto Broadcasting Co. are financially qualified to construct and operate the proposed station.

5. To determine whether the proposals would, on a comparative basis, best serve the public interest, convenience and necessity.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

7. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.231(c) of the Commission's rules, in pertinent part, shall, within 30 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.904 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(c) of the rules.


Released: May 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION.*

[SEAL] BEN F. WAPLE, Secretary.


* Commission Member Rober E. Lee concurring in the result.
### CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

<table>
<thead>
<tr>
<th>3 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proclamations:</td>
<td></td>
</tr>
<tr>
<td>3982</td>
<td>6999</td>
</tr>
<tr>
<td>3983</td>
<td>7105</td>
</tr>
<tr>
<td>3984</td>
<td>7160</td>
</tr>
<tr>
<td>3985</td>
<td>7855</td>
</tr>
</tbody>
</table>

| Executive Orders: | |
| May 24, 1879 (revoked in part by PLO 4832) | 8233 |
| July 2, 1910 (revoked in part by PLO 4814) | 7255 |
| March 28, 1924 (revoked by PLO 4812) | 7254 |
| April 17, 1926 (revoked in part by PLO 4813) | 7255 |
| 1378 (revoked in part by PLO 4823) | 7972 |

| Presidential Documents Other Than Proclamations and Executive Orders: Reorganization Plan No. 2 of 1970 | 7539 |

<table>
<thead>
<tr>
<th>5 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>212</td>
<td>6997</td>
</tr>
<tr>
<td>7123, 7124, 7171, 7283, 7426, 7492, 7559, 7777, 7962</td>
<td>7111</td>
</tr>
<tr>
<td>566</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>7 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>7493</td>
</tr>
<tr>
<td>63</td>
<td>7066</td>
</tr>
<tr>
<td>354</td>
<td>7091</td>
</tr>
<tr>
<td>301</td>
<td>7285</td>
</tr>
<tr>
<td>404</td>
<td>7361</td>
</tr>
<tr>
<td>417</td>
<td>7361</td>
</tr>
<tr>
<td>772</td>
<td>7361</td>
</tr>
<tr>
<td>755</td>
<td>7492, 7557, 7873</td>
</tr>
<tr>
<td>792</td>
<td>7172</td>
</tr>
<tr>
<td>811</td>
<td>7777</td>
</tr>
<tr>
<td>905</td>
<td>7109</td>
</tr>
<tr>
<td>907</td>
<td>7123, 7503, 7773</td>
</tr>
<tr>
<td>908</td>
<td>7173, 7504, 7657, 7777</td>
</tr>
<tr>
<td>910</td>
<td>7003, 7009, 7285, 7691, 7961, 8273</td>
</tr>
<tr>
<td>916</td>
<td>7061</td>
</tr>
<tr>
<td>917</td>
<td>7066, 7779</td>
</tr>
<tr>
<td>918</td>
<td>7362, 7723</td>
</tr>
<tr>
<td>944</td>
<td>7504</td>
</tr>
<tr>
<td>955</td>
<td>8203</td>
</tr>
<tr>
<td>956</td>
<td>7065, 7780</td>
</tr>
<tr>
<td>966</td>
<td>7083</td>
</tr>
<tr>
<td>968</td>
<td>7173</td>
</tr>
<tr>
<td>1041</td>
<td>7283</td>
</tr>
<tr>
<td>1042</td>
<td>7283</td>
</tr>
<tr>
<td>1043</td>
<td>7283</td>
</tr>
<tr>
<td>1044</td>
<td>7283</td>
</tr>
<tr>
<td>1045</td>
<td>7283</td>
</tr>
<tr>
<td>1046</td>
<td>7283</td>
</tr>
<tr>
<td>1047</td>
<td>7283</td>
</tr>
<tr>
<td>1048</td>
<td>7283</td>
</tr>
<tr>
<td>1049</td>
<td>7283</td>
</tr>
<tr>
<td>1050</td>
<td>7283</td>
</tr>
<tr>
<td>1051</td>
<td>7283</td>
</tr>
<tr>
<td>1052</td>
<td>7283</td>
</tr>
<tr>
<td>1053</td>
<td>7283</td>
</tr>
<tr>
<td>1054</td>
<td>7283</td>
</tr>
<tr>
<td>1055</td>
<td>7283</td>
</tr>
<tr>
<td>1056</td>
<td>7283</td>
</tr>
<tr>
<td>1057</td>
<td>7283</td>
</tr>
<tr>
<td>1058</td>
<td>7283</td>
</tr>
<tr>
<td>1059</td>
<td>7283</td>
</tr>
<tr>
<td>1060</td>
<td>7283</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>7759</td>
</tr>
<tr>
<td>28</td>
<td>7427</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>7249</td>
</tr>
<tr>
<td>103</td>
<td>7294</td>
</tr>
<tr>
<td>204</td>
<td>7294</td>
</tr>
<tr>
<td>205</td>
<td>7284</td>
</tr>
<tr>
<td>212</td>
<td>7637</td>
</tr>
<tr>
<td>228</td>
<td>7285, 7368</td>
</tr>
<tr>
<td>245</td>
<td></td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td>7018</td>
</tr>
<tr>
<td>103</td>
<td></td>
</tr>
<tr>
<td>214</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>71</td>
<td>7249</td>
</tr>
<tr>
<td>76</td>
<td>6658, 7004, 7066, 7107, 7175, 7285, 7370, 7376, 7412, 7505, 7638, 7723, 7724, 7781, 8207, 8208, 8273</td>
</tr>
<tr>
<td>73</td>
<td>7692</td>
</tr>
<tr>
<td>277</td>
<td>7781</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td></td>
</tr>
<tr>
<td>109</td>
<td>7652</td>
</tr>
<tr>
<td>111</td>
<td>7652</td>
</tr>
<tr>
<td>114</td>
<td>7652</td>
</tr>
<tr>
<td>131</td>
<td>7652</td>
</tr>
<tr>
<td>201</td>
<td>7611</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10 CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7285</td>
</tr>
<tr>
<td>2</td>
<td>7639, 7640</td>
</tr>
<tr>
<td>50</td>
<td>7640</td>
</tr>
<tr>
<td>150</td>
<td>7640</td>
</tr>
<tr>
<td>Proposed Rules:</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>7818</td>
</tr>
<tr>
<td>CFR</td>
<td>Page</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>14 CFR—Continued</td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td></td>
<td>208</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td></td>
<td>212</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td></td>
<td>214</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td></td>
<td>221</td>
</tr>
<tr>
<td></td>
<td>7583</td>
</tr>
<tr>
<td></td>
<td>249</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td></td>
<td>295</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td></td>
<td>390</td>
</tr>
<tr>
<td></td>
<td>7587</td>
</tr>
<tr>
<td>15 CFR</td>
<td>371</td>
</tr>
<tr>
<td></td>
<td>7379</td>
</tr>
<tr>
<td></td>
<td>1000</td>
</tr>
<tr>
<td></td>
<td>7220, 7228</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>1009</td>
</tr>
<tr>
<td></td>
<td>7133</td>
</tr>
<tr>
<td>16 CFR</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>7007—7009, 7226, 7507—7511, 7786, 7797</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>7822</td>
</tr>
<tr>
<td></td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>7822</td>
</tr>
<tr>
<td></td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>605</td>
</tr>
<tr>
<td></td>
<td>6969</td>
</tr>
<tr>
<td></td>
<td>425</td>
</tr>
<tr>
<td></td>
<td>7437</td>
</tr>
<tr>
<td></td>
<td>426</td>
</tr>
<tr>
<td></td>
<td>7744</td>
</tr>
<tr>
<td></td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>7903</td>
</tr>
<tr>
<td></td>
<td>502</td>
</tr>
<tr>
<td></td>
<td>7903</td>
</tr>
<tr>
<td></td>
<td>503</td>
</tr>
<tr>
<td></td>
<td>7903</td>
</tr>
<tr>
<td>17 CFR</td>
<td>240</td>
</tr>
<tr>
<td></td>
<td>7643, 7644</td>
</tr>
<tr>
<td></td>
<td>249</td>
</tr>
<tr>
<td></td>
<td>7608</td>
</tr>
<tr>
<td></td>
<td>274</td>
</tr>
<tr>
<td></td>
<td>7986</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>270</td>
</tr>
<tr>
<td></td>
<td>7132, 7985</td>
</tr>
<tr>
<td>18 CFR</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>7511, 7683</td>
</tr>
<tr>
<td></td>
<td>157</td>
</tr>
<tr>
<td></td>
<td>7789</td>
</tr>
<tr>
<td></td>
<td>250</td>
</tr>
<tr>
<td></td>
<td>7010</td>
</tr>
<tr>
<td></td>
<td>260</td>
</tr>
<tr>
<td></td>
<td>6660, 7412</td>
</tr>
<tr>
<td></td>
<td>620</td>
</tr>
<tr>
<td></td>
<td>7379</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>7385, 7865</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>7865</td>
</tr>
<tr>
<td></td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>7885</td>
</tr>
<tr>
<td></td>
<td>104</td>
</tr>
<tr>
<td></td>
<td>7885</td>
</tr>
<tr>
<td></td>
<td>105</td>
</tr>
<tr>
<td></td>
<td>7885</td>
</tr>
<tr>
<td></td>
<td>141</td>
</tr>
<tr>
<td></td>
<td>7885</td>
</tr>
<tr>
<td></td>
<td>157</td>
</tr>
<tr>
<td></td>
<td>7282, 7285</td>
</tr>
<tr>
<td></td>
<td>201</td>
</tr>
<tr>
<td></td>
<td>7282, 7285</td>
</tr>
<tr>
<td></td>
<td>204</td>
</tr>
<tr>
<td></td>
<td>7282, 7285</td>
</tr>
<tr>
<td></td>
<td>205</td>
</tr>
<tr>
<td></td>
<td>7285</td>
</tr>
<tr>
<td></td>
<td>260</td>
</tr>
<tr>
<td></td>
<td>7282, 7285</td>
</tr>
<tr>
<td>19 CFR</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>7296, 7645, 8223</td>
</tr>
<tr>
<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>8214</td>
</tr>
<tr>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>8222</td>
</tr>
<tr>
<td></td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>7890</td>
</tr>
<tr>
<td></td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>7891</td>
</tr>
<tr>
<td></td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>8222</td>
</tr>
<tr>
<td></td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>7845, 8222</td>
</tr>
<tr>
<td></td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>8275</td>
</tr>
<tr>
<td></td>
<td>123</td>
</tr>
<tr>
<td></td>
<td>8215</td>
</tr>
<tr>
<td>20 CFR</td>
<td>422</td>
</tr>
<tr>
<td></td>
<td>7891</td>
</tr>
<tr>
<td>21 CFR</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>7068, 7399</td>
</tr>
<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>7696</td>
</tr>
<tr>
<td></td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>7791</td>
</tr>
<tr>
<td></td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>7940</td>
</tr>
<tr>
<td>22 CFR</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>7554, 8278</td>
</tr>
<tr>
<td>24 CFR</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>7831</td>
</tr>
<tr>
<td></td>
<td>201</td>
</tr>
<tr>
<td></td>
<td>7849</td>
</tr>
<tr>
<td></td>
<td>1655</td>
</tr>
<tr>
<td></td>
<td>7012, 7560, 7801, 7815</td>
</tr>
<tr>
<td></td>
<td>1914</td>
</tr>
<tr>
<td></td>
<td>7013, 7561, 7802, 8225</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>7840</td>
</tr>
<tr>
<td></td>
<td>1905</td>
</tr>
<tr>
<td></td>
<td>7655</td>
</tr>
<tr>
<td>26 CFR</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>7311, 7300</td>
</tr>
<tr>
<td></td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>7070</td>
</tr>
<tr>
<td></td>
<td>143</td>
</tr>
<tr>
<td></td>
<td>6962, 7727</td>
</tr>
<tr>
<td></td>
<td>147</td>
</tr>
<tr>
<td></td>
<td>7555</td>
</tr>
<tr>
<td></td>
<td>601</td>
</tr>
<tr>
<td></td>
<td>7111</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>7125</td>
</tr>
<tr>
<td></td>
<td>270</td>
</tr>
<tr>
<td></td>
<td>8283</td>
</tr>
<tr>
<td></td>
<td>265</td>
</tr>
<tr>
<td></td>
<td>8283</td>
</tr>
<tr>
<td>28 CFR</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>7013</td>
</tr>
<tr>
<td>29 CFR</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>7016</td>
</tr>
<tr>
<td></td>
<td>526</td>
</tr>
<tr>
<td></td>
<td>7727</td>
</tr>
<tr>
<td></td>
<td>670</td>
</tr>
<tr>
<td></td>
<td>6643</td>
</tr>
<tr>
<td></td>
<td>675</td>
</tr>
<tr>
<td></td>
<td>7709</td>
</tr>
<tr>
<td></td>
<td>678</td>
</tr>
<tr>
<td></td>
<td>6603</td>
</tr>
<tr>
<td></td>
<td>790</td>
</tr>
<tr>
<td></td>
<td>7382</td>
</tr>
<tr>
<td></td>
<td>870</td>
</tr>
<tr>
<td></td>
<td>8225</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>8291</td>
</tr>
<tr>
<td>30 CFR</td>
<td>301</td>
</tr>
<tr>
<td></td>
<td>7181, 7132</td>
</tr>
<tr>
<td>31 CFR</td>
<td>306</td>
</tr>
<tr>
<td></td>
<td>8223</td>
</tr>
<tr>
<td></td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>6963, 7729</td>
</tr>
<tr>
<td>32 CFR</td>
<td>51c</td>
</tr>
<tr>
<td></td>
<td>7253</td>
</tr>
<tr>
<td></td>
<td>808b</td>
</tr>
<tr>
<td></td>
<td>8226</td>
</tr>
<tr>
<td></td>
<td>882</td>
</tr>
<tr>
<td></td>
<td>8275</td>
</tr>
<tr>
<td></td>
<td>888c</td>
</tr>
<tr>
<td></td>
<td>7862</td>
</tr>
<tr>
<td></td>
<td>1001</td>
</tr>
<tr>
<td></td>
<td>8230</td>
</tr>
<tr>
<td></td>
<td>1007</td>
</tr>
<tr>
<td></td>
<td>8230</td>
</tr>
<tr>
<td></td>
<td>1009</td>
</tr>
<tr>
<td></td>
<td>8230</td>
</tr>
<tr>
<td>32A CFR</td>
<td>BDSA (Ch. VI):</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>M—11A</td>
</tr>
<tr>
<td></td>
<td>M—11A, Dir. 1</td>
</tr>
<tr>
<td></td>
<td>M—11A, Dir. 2</td>
</tr>
<tr>
<td></td>
<td>Ch. X</td>
</tr>
<tr>
<td></td>
<td>7305, 7307</td>
</tr>
<tr>
<td>33 CFR</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>8270</td>
</tr>
<tr>
<td></td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>7182, 7881, 8279, 8285</td>
</tr>
<tr>
<td></td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>7555</td>
</tr>
<tr>
<td></td>
<td>207</td>
</tr>
<tr>
<td></td>
<td>7511</td>
</tr>
<tr>
<td></td>
<td>209</td>
</tr>
<tr>
<td></td>
<td>8289</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>7019, 7902</td>
</tr>
<tr>
<td></td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>7020</td>
</tr>
<tr>
<td></td>
<td>401</td>
</tr>
<tr>
<td></td>
<td>7169</td>
</tr>
<tr>
<td>36 CFR</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>7555, 7793</td>
</tr>
<tr>
<td></td>
<td>251</td>
</tr>
<tr>
<td></td>
<td>8230</td>
</tr>
<tr>
<td></td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>7439</td>
</tr>
<tr>
<td>37 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>8290</td>
</tr>
<tr>
<td>38 CFR</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>7380, 8239</td>
</tr>
<tr>
<td></td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>7728</td>
</tr>
<tr>
<td>39 CFR</td>
<td>Proposed Rules:</td>
</tr>
<tr>
<td></td>
<td>Ch. I</td>
</tr>
<tr>
<td></td>
<td>142</td>
</tr>
<tr>
<td></td>
<td>7382</td>
</tr>
<tr>
<td></td>
<td>7418</td>
</tr>
<tr>
<td></td>
<td>7018</td>
</tr>
<tr>
<td></td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>7427</td>
</tr>
<tr>
<td>41 CFR</td>
<td>1-16</td>
</tr>
<tr>
<td></td>
<td>7079</td>
</tr>
<tr>
<td></td>
<td>5A-1</td>
</tr>
<tr>
<td></td>
<td>7254, 8231</td>
</tr>
<tr>
<td></td>
<td>5A-2</td>
</tr>
<tr>
<td></td>
<td>7416, 8231</td>
</tr>
<tr>
<td></td>
<td>5A-3</td>
</tr>
<tr>
<td></td>
<td>7416, 7728</td>
</tr>
<tr>
<td></td>
<td>5A-72</td>
</tr>
<tr>
<td></td>
<td>8231</td>
</tr>
<tr>
<td></td>
<td>5A-73</td>
</tr>
<tr>
<td></td>
<td>7649, 7729</td>
</tr>
<tr>
<td></td>
<td>5A-74</td>
</tr>
<tr>
<td></td>
<td>7729, 8231</td>
</tr>
<tr>
<td></td>
<td>5B-2</td>
</tr>
<tr>
<td></td>
<td>8221</td>
</tr>
<tr>
<td></td>
<td>5B-12</td>
</tr>
<tr>
<td></td>
<td>8221</td>
</tr>
<tr>
<td></td>
<td>5B-15</td>
</tr>
<tr>
<td></td>
<td>7892, 7964</td>
</tr>
<tr>
<td></td>
<td>7-13</td>
</tr>
<tr>
<td></td>
<td>7964</td>
</tr>
<tr>
<td></td>
<td>7969</td>
</tr>
<tr>
<td></td>
<td>7-16</td>
</tr>
<tr>
<td></td>
<td>7182, 7991, 7950</td>
</tr>
<tr>
<td></td>
<td>101-26</td>
</tr>
<tr>
<td></td>
<td>7860</td>
</tr>
<tr>
<td></td>
<td>101-28</td>
</tr>
<tr>
<td></td>
<td>7557</td>
</tr>
</tbody>
</table>
United States Government Organization

MANUAL 1969-70

Presented essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

$3.00 per copy. Paperbound, with charts
