

FEDERAL REGISTER

VOLUME 35 • NUMBER 103

Wednesday, May 27, 1970 • Washington, D.C.

Pages 8269-8327

Agencies in this issue—

Agency for International Development
Agricultural Research Service
Agricultural Stabilization and
Conservation Service
Air Force Department
Atomic Energy Commission
Business and Defense Services
Administration
Coast Guard
Consumer and Marketing Service
Customs Bureau
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Housing and Urban Development
Department
Internal Revenue Service
Interstate Commerce Commission
Labor Department
Land Management Bureau
Patent Office
Securities and Exchange Commission
State Department

Detailed list of Contents appears inside.



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 on 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 or the CODE OF FEDERAL REGULATIONS.

Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

- Notices**
 Redelegation of authority regarding contracting functions... 8294

AGRICULTURAL RESEARCH SERVICE

- Rules and Regulations**
 Hog cholera and other communicable swine diseases; areas quarantined 8273

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

- Rules and Regulations**
 Feed grain program; correction... 8273

- Notices**
 Advertising and sales promotion for:
 Mohair 8304
 Wool and lamb 8303

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

AIR FORCE DEPARTMENT

- Rules and Regulations**
 Decorations and awards; miscellaneous amendment 8275

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

- Notices**
 Americium-241; price reduction... 8300
 Gulf General Atomic, Inc.; issuance of amendment to facility license 8299
 Thorium, uranium and plutonium; isotopically enriched quantities... 8300

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

- Notices**
 Duty-free entry of scientific articles:
 Board of Public Instruction... 8297
 University of Mississippi et al... 8298
 Wyler Children's Hospital et al... 8298

COAST GUARD

- Rules and Regulations**
 General provisions; redelegation of authority 8279
 Removed bridges; revocation of regulations 8280
 Sabine River, Texas; drawbridge operation regulations 8279

Proposed Rule Making

- Offenses involving narcotic or dangerous drugs; suspension and revocation proceedings... 8291

Notices

- American Metal Climax, Inc.; qualification as a citizen of U.S. 8318
 Equipment, construction, and materials; approval notice 8317

COMMERCE DEPARTMENT

See Business and Defense Services Administration; Patent Office.

CONSUMER AND MARKETING SERVICE

- Rules and Regulations**
 Lemons grown in California and Arizona; handling limitations... 8273

Proposed Rule Making

- Irish potatoes:
 Grown in California and Oregon; decision 8286
 Grown in southeastern States; proposed expenses and rate of assessment 8290

CUSTOMS BUREAU

- Rules and Regulations**
 Antidumping investigations; discontinuance 8275

DEFENSE DEPARTMENT

See Air Force Department; Engineers Corps.

ENGINEERS CORPS

- Rules and Regulations**
 Administrative procedure; harbor lines 8280

FEDERAL AVIATION ADMINISTRATION

- Rules and Regulations**
 Reporting requirements and aeronautical studies 8273

FEDERAL COMMUNICATIONS COMMISSION

- 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... 8281
 Requests for inspection of materials not routinely available for public inspection 8280
Proposed Rule Making
 Standard broadcast stations; limit on positive modulation 8292

Notices

Hearings, etc.:

- Benson Polytechnic School (KBPS) 8319
 DuPage County Broadcasting, Inc., and Central DuPage County Broadcasting Co. 8320
 United Television Co., Inc. (WFAM-TV) et al. 8321
 Worstell, George E., et al. 8324

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Area rates for Appalachian and Illinois Basin Areas et al... 8300
 Ashland Oil, Inc. 8300
 Bright & Schiff et al. 8301
 Florida Gas Transmission Co. (2 documents) 8300, 8301
 Sarkeys, Inc., et al. 8301
 Shell Oil Co., and Mobil Oil Corp 8301

FISH AND WILDLIFE SERVICE

Proposed Rule Making

- Migratory birds; 1970-71 hunting season 8285

Notices

- Carawan, Mickey Paul; notice of loan application 8297

FOOD AND DRUG ADMINISTRATION

- Rules and Regulations**
 Drugs; clindamycin hydrochloride hydrate 8276
 Food additives; simicides 8276

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

- Basic water and sewer facilities grant program; redelegation of authority 8303

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Proposed Rule Making

- Manufacturers of cigars, cigarettes, and cigarette papers and tubes; application for employer identification number and clarifying amendments 8283

(Continued on next page)

**INTERSTATE COMMERCE
COMMISSION****Rules and Regulations**

Freight car movement; railroad operating regulations.....	8282
Tariffs and schedules; suspension supplements and postponement notices.....	8282

Notices

Certain railroads; car distribution (2 documents).....	8316, 8317
Midwest cement carriers; agreement.....	8304
Petition for institution of proceeding for purpose of investigating limitation of free baggage allowance.....	8305
Motor carrier:	
Alternate route deviation notices (2 documents).....	8305, 8306
Applications and certain other proceedings.....	8306
Intrastate applications.....	8305
Temporary authority applications (2 documents).....	8314
Transfer proceedings.....	8316

LABOR DEPARTMENT**Proposed Rule Making**

Immigrant labor certifications; adverse effect upon American workers.....	8291
---	------

LAND MANAGEMENT BUREAU**Notices**

California; classification of public lands for transfer out of Federal ownership.....	8295
New Mexico; proposed land classification.....	8297
Utah; proposed classification of public lands for multiple-use management.....	8294

PATENT OFFICE**Proposed Rule Making**

Secrecy of certain inventions and licenses to file applications in foreign countries; defense inspection of patent applications.....	8290
--	------

**SECURITIES AND EXCHANGE
COMMISSION****Notices**

Hearings, etc.:	
Controlled Foods International, Ltd.....	8302
State Street Investment Corp.....	8303

STATE DEPARTMENT

See also Agency for International Development.

Rules and Regulations

Nonimmigrant visas; issuance.....	8275
-----------------------------------	------

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

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		22 CFR		37 CFR	
775.....	8273	41.....	8275	PROPOSED RULES:	
910.....	8273			5.....	8290
PROPOSED RULES:		26 CFR		46 CFR	
947.....	8286	PROPOSED RULES:		PROPOSED RULES:	
953.....	8290	270.....	8283	137.....	8291
		285.....	8283		
9 CFR		29 CFR		47 CFR	
76.....	8273	PROPOSED RULES:		0.....	8280
		60.....	8291	2.....	8281
14 CFR				PROPOSED RULES:	
157.....	8273	32 CFR		73.....	8292
		882.....	8275		
19 CFR		33 CFR		49 CFR	
53.....	8275	1.....	8279	1033.....	8282
		117 (2 documents).....	8279, 8280	1307.....	8282
21 CFR		209.....	8280	50 CFR	
121.....	8276			PROPOSED RULES:	
141.....	8276			10.....	8285
145.....	8276				
147.....	8276				
149u.....	8276				

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

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".

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

[Lemon Reg. 427, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) and (ii) of § 910.727 (Lemon Regulation 427, 35 F.R. 7637) are hereby amended to read as follows:

§ 910.727 Lemon Regulation 427.

- (b) *Order.* (1) * * *
- (i) District 1: 5,580 cartons.
 - (ii) District 2: 343,170 cartons.

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

Dated: May 22, 1970.

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

[F.R. Doc. 70-6516; Filed, May 26, 1970;
8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in subparagraph (e) (8) relating to the State of Mississippi, subdivision (vi) relating to Warren County is amended to read:
 - (8) *Mississippi.* * * *
 - (vi) Warren County.
2. In § 76.2, in subparagraph (e) (16) relating to the State of Virginia, subdivision (ii) relating to Essex and King and Queen Counties; and subdivision (vii) relating to Southampton County are deleted.

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

Effective date. The foregoing 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. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

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

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

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

[F.R. Doc. 70-6817; Filed, May 26, 1970;
8:00 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9322; Amdt. 157-2]

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 for heliport proposals from 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 number of comments were received 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 consider, in aeronautical studies, the effect 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 to ground 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 misinterpreted. 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 with the safety of aircraft operating 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 considerations 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 comment 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. That same 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 kind of aeronautical study set forth in Part 157. The FAA is concerned with the effect of the proposed change to the airport, on the safe and efficient use of airspace by aircraft.

One of the comments 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, then such a sponsor would not be required to attach a new plan with its notice under Part 157.

In § 157.5(b)(1) of the notice, the location of a heliport outside of a control zone, residential or business area was established as one criterion for submitting notice. Since there may be some question whether or not a business area includes an industrial area, the section has been rewritten to make it clear that an industrial area is encompassed in the requirements.

In consideration of the foregoing, Part 157 of the Federal Aviation Regulations is amended effective June 27, 1970, as follows:

1. Section 157.1 is amended to read 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 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), (d), and (e) 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 90 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 telephone, or any 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 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. After stating whether the project is one of alteration or establishment, only Items A, B, D, and I of the form need be filled out.

(b) Information concerning a personal or private use heliport for use solely in VFR weather conditions shall be submitted on FAA Form 7480-1 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 out.

(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 7480-1, and prior notice is not required. Any information received under this section will be used for 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 7480-1. Copies of FAA Form 7480-1 may be obtained from the nearest FAA Area Manager's Office or Regional Office.

3. Section 157.7 is amended to read as follows:

§ 157.7 FAA determination.

(a) The Federal Aviation Administration makes aeronautical studies of airport proposals and after consultations are held with interested persons, as appropriate, advises those concerned of the

FAA determination. This determination will be based on considerations of the safe 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 that existing or proposed manmade objects (on file with the FAA) and natural objects within the affected 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; or
 - (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, 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.

(Secs. 309 and 313(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1350 and 1354, and of section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

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

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

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-6514; Filed, May 26, 1970; 8:46 a.m.]

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 purchase price or exporter's sales price by an amount 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 50 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 a situation 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. The notice shall also 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.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

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

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

Approved: May 22, 1970.

EUGENE T. ROSSIDES,
*Assistant Secretary of the
Treasury.*

[F.R. Doc. 70-6640; Filed, May 26, 1970; 8:51 a.m.]

Title 32—NATIONAL DEFENSE

**Chapter VII—Department of the
Air Force**

**SUBCHAPTER I—MILITARY PERSONNEL
PART 882—DECORATIONS AND
AWARDS**

Section 882.40(b), (35 F.R. 4622, Mar. 17, 1970) is amended as follows: Delete subparagraph (4).

ALEXANDER J. PALENSCAR, JR.,
*Colonel, USAF, Chief, Special
Activities Group, Office of
The Judge Advocate General*

[F.R. Doc. 70-6501; Filed, May 26, 1970; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.620]

**PART 41—VISAS; DOCUMENTATION
OF NONIMMIGRANTS UNDER THE
IMMIGRATION AND NATIONALITY
ACT, AS AMENDED**

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

(Sec. 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. 383; 5 U.S.C. 553) 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.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

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

MAY 18, 1970.

[F.R. Doc. 70-6515; Filed, May 26, 1970; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

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

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in a food additive petition (FAP 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 methanethiolsulfonate 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) List of substances	Limitation
2-Hydroxypropyl methanethiolsulfonate.	-----
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 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in triplicate. 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 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.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 19, 1970.

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

[F.R. Doc. 70-6509; Filed, May 26, 1970;
8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 145—ANTIBIOTIC DRUGS; DEFINITIONS AND INTERPRETATIVE REGULATIONS

PART 147—ANTIBIOTICS INTENDED FOR USE IN THE LABORATORY DIAGNOSIS OF DISEASE

PART 149u—CLINDAMYCIN

Clindamycin Hydrochloride Hydrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141, 145, and 147 are amended and Part 149u is established as follows to provide for certification of clindamycin hydrochloride hydrate:

1. Section 141.5(b) is amended by alphabetically inserting a new item in the table, as follows:

§ 141.5 Safety test.

Antibiotic drug	Diluent (diluent number as listed in § 141.3)	Test dose		Route of administration as described in paragraph (c) of this section
		Concentration in units or milligrams of activity per milliliter	Volume in milliliters to be administered to each mouse	
Clindamycin hydrochloride hydrate.....	4	4 mg.....	0.5	Intravenous.

2. Section 141.110 is amended by alphabetically inserting a new item in the table in paragraph (a) and another in the table in paragraph (b), as follows:

§ 141.110 Microbiological agar diffusion assay.

Antibiotic	Media to be used (as listed by medium number in § 141.103(b))		Milliliters of media to be used in the base and seed layers		Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
	Base layer	Seed layer	Base layer	Seed layer			
Clindamycin.....	11	11	21	4	C.....	1.5	37

(b) * * *

Antibiotic	Drying conditions (method number as listed in § 141.501)	Working standard stock solutions				Standard response line concentrations	
		Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration units or milligrams per milliliter	Storage time under refrigeration	Diluent	Final concentrations, units or micrograms of antibiotic activity per milliliter
Clindamycin	Not dried	Distilled water	1 mg	1 month	3	0.64, 0.80, 1.00, 1.25, 1.56 µg.	

3. 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.
- (2) Chloroform, reagent grade.
- (3) Acetic anhydride, reagent grade, used as acetylating agent.
- (4) *Internal standard.* Prepare a solution containing 3 milligrams of cholestane per milliliter in pyridine.
- (c) *Typical conditions.* (1) Column: 4 feet x 4 millimeters ID, glass, with 1 percent SE-30 on Diatoport S (60/80 mesh), or equivalent.
- (2) *Temperatures:* Column 200° C.; detector 215° C.; injection port, ambient temperature.
- (3) *Carrier gas:* Helium approximately 120 milliliters per minute.
- (4) *Detector:* Hydrogen flame—hydrogen at 20 pounds per square inch, air at 40 pounds per square inch.
- (5) *Sensitivity:* 1,000; attenuation, 2 for clindamycin, 1 for internal standard; 2×10^{-8} amperes.
- (d) *Preparation of clindamycin sample and working standard solutions.* Accurately weigh 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 acetic anhydride. Agitate the tubes to insure dissolution of the sample and complete mixing of the liquids. Proceed as directed in paragraph (e) of this section.

(e) *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 (c) 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 epiclindamycin (if present). Calculate the clindamycin content as directed in paragraph (f) of this section.

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

$$\text{Micrograms of clindamycin per milligram} = \frac{R_u \times W_s \times f}{R_s \times W_u}$$

where:

- R_u = $\frac{\text{Area of the clindamycin sample peak (at a retention time equal to that observed for the clindamycin standard)}}{\text{Area of internal standard peak}}$
- R_s = $\frac{\text{Area of the clindamycin standard peak}}{\text{Area of internal standard peak}}$
- W_s = Weight of the clindamycin working standard in milligrams;
- W_u = Weight of the sample in milligrams;
- f = Potency of the clindamycin working standard in micrograms per milligram.

4. Section 145.2(a) is amended by adding thereto a new subparagraph, as follows:

§ 145.2 Definitions of antibiotic substances.

(a) * * *

(34) *Clindamycin.* Each of the antibiotic substances produced by the 7-chloro- substitution of the 7(R)-hydroxyl group of lincomycin, and each of the same substances produced by any other means, is a kind of clindamycin.

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.

(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	5.0 gm.
Yeast extract	3.0 gm.
Beef extract	1.5 gm.
Dextrose	1.0 gm.
Agar	15.0 gm.
Distilled water, q.s. pH 6.5 to 6.6 after sterilization.	1,000.0 ml.

(c) * * *

(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
Clindamycin	2.0	2	A	1

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
Clindamycin	50 percent methyl alcohol	1.0, 1.41, 2.0, 2.82, 4.0 µg.

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.

AUTHORITY: The provisions of this Part 149u issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 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 per milligram.

(ii) Its microbiological activity is not less than 800 micrograms of clindamycin per milligram.

(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 0.1M 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 § 141.502 of this chapter.

(5) pH. Proceed as directed in § 141.503 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 con-

tains 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 7.0 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 § 148.3 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:

(a) The clindamycin hydrochloride hydrate used in making the batch for clindamycin content, microbiological activity, safety, moisture, pH, crystallinity, and identity.

(b) The batch for clindamycin content and moisture.

(ii) Samples required:

(a) The clindamycin hydrochloride hydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(b) 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 a 15-milliliter glass-stoppered centrifuge tube. Empty 20 capsules, collecting the contents quantitatively. Weigh the powder and determine the average capsule fill weight. Mix the powder and accurately weigh a portion containing the equivalent of about 45 milligrams of clindamycin into a second 15-milliliter glass-stoppered centrifuge tube. 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 anhydrous sodium sulfate to dry the chloroform layer. Place a 1-milliliter aliquot of the chloroform solution into 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:

$$\text{Milligrams of clindamycin per capsule} = \frac{R_u \times W_s \times f \times W_a}{R_s \times W_u}$$

where:

R_u = 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_s = Area of the clindamycin standard peak

W_s = Weight of clindamycin working standard in milligrams;

W_u = Sample weight in milligrams;

f = Potency of clindamycin working standard in milligrams of clindamycin per milligram;

W_a = 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, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 957)

Dated: May 15, 1970.

SAM D. FINE,
Associate Commissioner
for Compliance.

[F.R. Doc. 70-6510; Filed, May 26, 1970; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CFR 69-115]

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 re-delegated 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 Commander concerning security zones. This document by revision of §§ 1.05-1 and 1.05-30 reflects the transfer of the Coast Guard from the Treasury Department to the Department of Transporta-

tion and this redelegation by the Commandant to 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 redelegate and authorize successive redelegations of that authority within the Coast Guard.

(c) The Commandant redelegates 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 the Coast Guard 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 regulation will be determined and the regulation 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.

(Sec. 553, 80 Stat. 383, sec. 2, 63 Stat. 496, as amended, sec. 633, 63 Stat. 545, sec. 2, 23 Stat. 118, as amended, R.S. 4405, as amended, R.S. 4462, as amended, sec. 6, 80 Stat. 947; 5 U.S.C. 553, 14 U.S.C. 2, 633, 46 U.S.C. 2, 375, 416, 49 U.S.C. 1655; 49 CFR 1.4 (a) and (g))

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

Dated: May 20, 1970.

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

[F.R. Doc. 70-6548; Filed, May 26, 1970; 8:49 a.m.]

SUBCHAPTER J—BRIDGES

[CFR 70-28a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sabine River, Texas

1. The Livingston Shipbuilding Co. by letter dated November 24, 1969, requested the Commander, 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. 5012).

2. After consideration of all known factors in this case this proposal is accepted. Accordingly, 33 CFR 117.245(j) (25-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) * * *

(25-a) *Sabine River (Old Channel) behind Orange Harbor Island, Orange, Tex.* The draw shall be opened 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.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: May 20, 1970.

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

[F.R. Doc. 70-6549; Filed, May 26, 1970;
8:49 a.m.]

[CGFR 70-70]

PART 117—DRAWBRIDGE OPERATION 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.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5))

Effective date. This revision shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: May 20, 1970.

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

[F.R. Doc. 70-6550; Filed, May 26, 1970;
8:49 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 (s)" 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. This was 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) or 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 or commenced in conformance with existing harbor line authority before that date, no permit is required.

(c) **Establishment or modification of harbor lines.** Applications for the establishment of new harbor lines or the 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 and it is likely that information will 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 establish-

ment 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; 33 U.S.C. 403, 404)

For the Adjutant General.

RICHARD B. BELNAP,
Special Advisor to TAG.

[F.R. Doc. 70-6534; Filed, May 26, 1970;
8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70-533]

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(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), and 303(r). 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. 553 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.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: May 20, 1970.

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.

(e) * * *

(3) Any party to the hearing and any person who has participated in proceedings on the request may appeal the presiding officer's ruling to the Review Board. Appeals shall be filed within 5 days after the order is released. Oppositions to the appeal shall be filed within 5 days after the time for filing appeals has expired. Additional pleadings may be filed only if specifically authorized or requested by the Board.

[F.R. Doc. 70-6540; Filed, May 26, 1970; 8:48 a.m.]

[Docket No. 18590; FCC 70-532]

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, 3300-3500, 3500-3600, 3600-3700 MHz, 10,000-10,500 MHz and 33.4-38.6 GHz.

United States			Federal Communications Commission				
Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature OF SERVICES of stations	
5	6	7	8	9	10	11	
3100-3300	G, NG (366) (US46)/(US61) (US46)/(US108)	3100-3300	Radiolocation.	Radiolocation land. Radiolocation mobile.	...	RADIOLOCATION.	
3300-3500	G, NG. (US61)/(US108)	3300-3500	Amateur. Radiolocation.	Amateur. Radiolocation land. Radiolocation mobile.	...	AMATEUR. RADIOLOCATION.	
3500-3600	G, NG. (US61)/(US108)	3500-3600	Radiolocation.	Radiolocation land. Radiolocation mobile.	...	RADIOLOCATION.	
3600-3700	G.	...	...	...	...	...
10000-10500	G, NG. (401A) (US88) (US108)	10000-10500	Amateur. Radiolocation. (NG42)	Amateur. Radiolocation land. Radiolocation mobile.	...	AMATEUR. RADIOLOCATION.	
...	
33.4-36	G, NG. (412D) (US100) (US109) (US110)	33.4-36	Radiolocation.	Radiolocation land. Radiolocation mobile.	...	RADIOLOCATION.	
36-38.6	G. (US100)	...	...	...	...	...

2. In § 2.106, U.S. footnotes 58 and 61 are amended and two new U.S. footnotes are added to read as follows:

US58 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-Gov-

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 under a Government contract. A detailed exhibit accompanied their comments. 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 most 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.

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 proceedings in Docket 18590 are hereby terminated.

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

Adopted: May 20, 1970.

Released: May 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, Secretary.

ernment services permitted in this band. The non-Government radiolocation service is limited to survey operations as specified in footnote US108.

US61 Non-Government use of the band 3100-3600 MHz is limited as indicated in footnotes US45, US46, and US108 and, in the band 3300-3500 MHz, to the amateur service.

US108 Within the bands 3100-3600 MHz and 10,000-10,500 MHz, survey operations, using transmitters with a peak power not to exceed 5 watts into the antenna, may be

authorized for Government and non-Government use on a secondary basis to other Government radiolocation operations.

US109 Within the band 33.4-36.0 GHz, survey and mapping operations, using transmitters with an average power not to exceed 20 watts into the antenna may be authorized for Government and non-Government use on a secondary basis to other Government radiolocation operations.

[F.R. Doc. 70-6541; Filed, May 26, 1970; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised S.O. 1009; Amdt. 2]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of May 1970.

Upon further consideration of Service Order No. 1009 (34 F.R. 12392, 35 F.R. 894), and good cause appearing therefor:

It is ordered, That:

Section 1033.1009 *Revised Service Order No. 1009*, Railroad Operating Regulations for Freight Car Movement 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 and empty cars of system, foreign or private ownership, shall not be held in excess of 24 hours for any purpose, except as follows:

(ii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein.

(iii) Cars held for repairs or cleaning.

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

(v) Empty system cars when the holding line is not the beneficiary of car distribution directions or orders issued by this Commission applicable to the kind of car held.

(vi) Empty single-door plain boxcars and empty covered hoppers assembled for prospective loading of grain held on rail-

roads 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.

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

It is further ordered, That copies of this order 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 GARSON,
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.

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 outstanding formal order of the Commission, 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, 560, as amended, 561, as amended; 49 U.S.C. 304, 317, 318)

It is further ordered, That this order shall become effective May 13, 1970.

And it is further ordered, That notice of this order 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 with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6564; Filed, May 26, 1970; 8:50 a.m.]

Proposed Rule Making

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 set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any 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 not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting 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, 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 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

To provide for filing of other than hand-carried 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 of bonds required for deferral of tax on cigars and cigarettes, and to reflect changed titles, 26 CFR Parts 270 and 285 are amended as follows:

PARAGRAPH 1. 26 CFR Part 270 is amended as follows:

(A) Section 270.11 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 remove." These changed and new definitions read as follows:

§ 270.11 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 270.141 is amended to clarify the three alternatives of taxpayment available to manufacturers operating under bonds executed before June 24, 1959. As amended, § 270.141 and the heading read as follows:

§ 270.141 Taxpayments 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 cigarettes on determination of tax and defer 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 obligors for the 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, if any, and interest) for which he may become liable with respect to all tobacco products removed by him on determination of the 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 § 270.142(b).

(72 Stat. 1421, as amended; 26 U.S.C. 5711)

(C) Section 270.142 is amended to clarify the methods of taxpayment available to manufacturers operating under bonds executed between June 24, 1959, and September 24, 1965. As amended, § 270.142 and the heading read as follows:

§ 270.142 Tax payments in the case of bonds executed before September 24, 1965.

(a) *Deferral of tax.* Every manufacturer of tobacco products operating under a bond of sufficient amount executed between June 24, 1959, and September 23, 1965, inclusive, is entitled to defer payment of the tax until the time of filing his semimonthly return as provided in § 270.165(a), unless he has been found in default as provided in § 270.166. Every manufacturer operating under such a bond executed prior to June 24, 1959, is likewise entitled to defer payment of the tax if he has an approved extension of coverage of bond as provided in § 270.141(b).

(b) *Extended deferral of tax.* Every manufacturer of tobacco products operating under a bond on Form 2100 or 3070 executed before September 24, 1965, 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 on Form 2105 on file with the assistant regional commissioner for every such bond. A manufacturer who has given the extension of coverage required by this section may file returns with benefit of extended deferral commencing with the return for the first return period fully covered by such extension of coverage. Each extension of coverage on Form 2105 shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved) notwithstanding that the periods to be covered by returns for the deferred payment of taxes on tobacco products, and the time for filing such returns, with remittances, have been changed as provided for by regulations.

(72 Stat. 1421; U.S.C. 5711)

(D) Section 270.162 is amended to make editorial changes and to clarify conditions under which a manufacturer

is entitled to the extended deferral of tax-payment and the filing of tax returns provided for in § 270.165. As amended, § 270.162 reads as follows:

§ 270.162 Semimonthly tax return.

(a) *Requirement for filing.* Every manufacturer of tobacco products shall file, for each of his factories, a semi-monthly tax return on Form 3071, in triplicate, with the district director of the internal revenue district in which the factory is located, for each and every return period, including any period during which a manufacturer begins or discontinues business. He shall file such return at the time specified in § 270.165 regardless of whether cigars or cigarettes are removed or whether tax is due for that particular return period: *Provided*, That where the manufacturer so requests by letter, in duplicate, and the assistant regional commissioner grants specific authorization, the manufacturer need not during the term of such authorization file a tax return for any period for which tax is not due or payable. The manufacturer shall retain the receipted copy of each tax return transmitted to him by the district director.

(b) *Information to be included.* The manufacturer shall show on the return his employer identification number as required by § 270.169, the kinds and quantities, and tax class in the case of large cigars, of cigars and cigarettes removed subject to tax during the semi-monthly return period and the tax due thereon. The manufacturer shall serially number each return on Form 3071 commencing with the number "1" on the first return filed in any calendar year, and shall verify by a written declaration that the return is made under penalties of perjury.

(c) *Deferral of taxpayment.* The payment of the tax with respect to cigars and cigarettes removed subject to tax may be deferred and paid at the time prescribed in § 270.165(a) for filing the semi-monthly return only if the manufacturer has on file a bond of sufficient amount executed on or after June 24, 1959, or in the case of a bond of sufficient amount executed prior to such date only if the manufacturer has filed the extension of coverage of bond prescribed in § 270.141(b). A manufacturer is entitled to the extended deferral of taxpayment and the filing of tax returns provided for in § 270.165(b) only if he has on file a bond of sufficient amount executed on or after September 24, 1965, or in the case of a bond of sufficient amount executed prior to such date if the manufacturer has filed the extension of coverage of bond prescribed in § 270.142(b). Otherwise, the tax with respect to removals of cigars and cigarettes subject to tax shall be prepaid with the return, Form 2617, as provided in § 270.167, and the semi-monthly return required under this section shall be filed showing such prepayment and the serial number(s) of the Form(s) 2617 filed during the return period.

(72 Stat. 1417, 1423, as amended; 26 U.S.C. 5703, 5741)

(E) Section 270.165 is amended to make editorial changes and 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 those who have obtained 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 in the official postmark of the U.S. Post 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.

(68A Stat. 895, as amended, 896, 72 Stat. 1417; 26 U.S.C. 7502, 7503, 5703)

(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.

(75 Stat. 828; 26 U.S.C. 6109)

(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 returns under this part, except that hand-carried applications may be filed with the district director of any such district as provided for in § 301.6091-1 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 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.

(75 Stat. 828; 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 remove." 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.

Every manufacturer of cigarette papers and tubes 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 purposes.

(75 Stat. 828; 26 U.S.C. 6109)

(C) Section 285.30a 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, § 285.30a and the heading read as follows:

§ 285.30a 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 returns under this part, except that hand-carried applications may be filed with the district director of any such district as provided for in § 301.6091-1 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 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.

(75 Stat. 828; 26 U.S.C. 6109)

[P.R. Doc. 70-6520; Filed, May 26, 1970; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Services

[50 CFR Part 10]

MIGRATORY GAME BIRDS

1970-71 Hunting Season

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704) it is proposed to amend Part 10, Title 50, Code of Federal Regulations.

Proposed amendments to the basic regulations. 1. Section 10.2 is revised to read:

§ 10.2 Definition of terms.

For the purpose of this part, the following terms shall mean:

(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. Each period prescribed as an open season includes the first and last days thereof.

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

(f) *Transport*. Ship, carry, export, import, and receive, or deliver for shipment, conveyance, carriage, exportation, or importation.

(g) *State*. Any State, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(h) *Live decoy*. Any live bird, wild or domestic, which is penned, tethered, wing-clipped, pinioned, brailled, 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, on, 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 enticement for migratory game birds to any area where hunting occurs, other than as a result of customary and bona fide agricultural planting, harvesting, or feeding livestock in constricted feedlots.

(j) *Baited area*. Means any area where for 14 days or less, prior to, and during the migratory bird hunting season salt or feed of any kind, capable of attracting migratory game birds has been placed, deposited or scattered, or which is intended to attract such birds to an adjacent area for hunting purposes. This definition does not include areas where all salt or feed is present as a result of customary and bona fide agricultural planting, harvesting, feeding livestock in constricted feedlots, or natural causes.

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

(l) *Daily bag limit*. The maximum number permitted to be taken by one person in 1 day.

(m) *Aggregate daily bag limit*. The maximum number permitted to be taken by one person in 1 day when such person hunts in more than one specified area for which a daily bag limit is prescribed. The aggregate daily bag limit is equal to, but may not exceed, the largest daily bag limit prescribed for any one of the specified areas in which taking occurs.

(n) *Possession limit*. The maximum number permitted to be possessed by one person.

(o) *Aggregate possession limit*. The maximum number permitted to be possessed by one person when taking and possession occurs in more than one specified area for which a possession limit is prescribed. The aggregate possession limit is equal to, but may not exceed, the largest possession limit prescribed for

any one of the specific areas in which taking and possession occurs.

(p) *Personal abode*. One's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

(q) *Commercial preservation facility*. Any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

2. Section 10.3 is revised to read:

§ 10.3 Hunting methods.

The provisions of this section shall govern the methods by which any person may take migratory game birds on which open seasons are prescribed in this part.

(a) Migratory game birds may be taken only—

(1) By the aid of dogs, artificial decoys (live decoys are prohibited), with long-bow and arrow, or with shotgun not larger than No. 10 gauge, fired from the shoulder, and if capable of holding more than three shells, the magazine must have been cut off, altered, 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 and chamber combined, and by means of falconry; with the aid and use of bird calls, except 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 livestock as a blind or means of concealment is prohibited;

(3) From 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 progress therefrom has ceased; and it is drifting, beached, moored, resting at anchor, or it is 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; in the State of Maryland in those areas described, delineated, and designated in its hunting regulations as being 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 between Miamogue Point in 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 aquatics), flooded standing crops, flooded harvested crop lands, grain 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 constricted feedlots, or from natural causes. *Provided*, That such birds may not be taken on or 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.

3. Section 10.9 is amended to read:

§ 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, whichever 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 facility, whichever one he arrives at first.

(b) No person shall put or leave any migratory game birds at any place (other than at 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 paragraph (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 numbers and kinds of such birds, 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 person or persons 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 delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or 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 for millinery or ornamental 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.

Proposed Amendments to the Schedule of Hunting Seasons, Limits, and Shooting Hours. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1970-71 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coot), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain north-eastern States will be proposed for final adoption not later than August 15, 1970, to become effective on or before September 1, 1970. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 15, 1970, to become effective on or before October 1, 1970.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico, and for doves in the Virgin Islands, will be proposed for final adoption not later than June 20, 1970, to become effective on or after July 1, 1970.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed

amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

JOHN S. GOTTSCHALK,
Director, Bureau of
Sport Fisheries and Wildlife.

May 22, 1970.
[F.R. Doc. 70-6531; Filed, May 26, 1970;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 947]

[AO-158-A3]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Decision With Respect to Proposed Amendments to Marketing Agreement and Order; Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Hermiston, Oregon, January 14, 1970, pursuant to notice thereof which was published in the December 5, 1969, issue of the FEDERAL REGISTER (34 F.R. 19294), upon proposed amendments to Marketing Agreement No. 114 and Order No. 947, as amended (7 CFR Part 947) hereinafter collectively referred to as the "order," regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon except Malheur County.

On the basis of the evidence introduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on April 22, 1970, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the April 25, 1970 issue of the FEDERAL REGISTER (F.R. Doc. 70-5098; 35 F.R. 6653). This notice allowed until May 14, 1970, for filing exceptions. None was filed.

Material issues, findings and conclusions. The material issues, findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 70-5098; 35 F.R. 6653), as modified by the conforming changes hereinafter set forth, are hereby approved and adopted as the material issues, findings and conclusions of this decision as if set forth in full herein.

Section 947.52(a)(2) provides authority "To regulate the handling of particular grades, sizes, qualities, or maturities of any or all varieties of potatoes or any combination of the foregoing during any

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 words "from the production area" 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 amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County" and "Order Amending the Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the period June 1, 1969, through May 31, 1970 (which is hereby determined to be a representative period for the purpose of such referendum), have been engaged within the production area as defined in the order annexed to this decision and referendum order in the production of potatoes for market, to determine whether such producers approve or favor the issuance of the annexed amendatory order.

Allan E. Henry and William C. Knope of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Portland, Oregon, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Veg-

etables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

A copy of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Northwest Marketing Field Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland, Oregon, 97205.

Ballots to be cast in the referendum and other necessary forms and instructions may be obtained from the referendum agent.

It is hereby ordered. That this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the order as amended by the annexed order which will be published with this decision.

Dated: May 22, 1970.

RICHARD E. LYNG,
Assistant Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County

§ 947.0 Findings and determinations.

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. 601-674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Hermiston, Oregon, 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 all Counties in Oregon except Malheur County. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area (i) by establishing

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interest of the consumer (a) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (b) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (ii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest.

(2) The said order, as amended, and as hereby further amended, regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held;

(3) The said order, as amended, and 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;

(4) The said order, as amended, and 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 difference in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *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:

(1) Section 947.6 is amended to read as follows:

§ 947.6 Handler.

"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.

(2) Section 947.7 is amended to read as follows:

§ 947.7 Handle.

"Handle" is synonymous with "ship" and means to sell, transport, or in any other way to place potatoes, or cause

PROPOSED RULE MAKING

potatoes to be placed in the current of the commerce within the production area or between the production area and any point outside thereof, or from any point in the adjoining States of Idaho and Washington and Malheur County, Oreg., to any other point: *Provided*, That the definition of "handle" shall not include the transportation of ungraded potatoes within the district where they were grown for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards, pursuant to § 947.55 with respect to such potatoes.

(3) Section 947.8 is amended to read as follows:

§ 947.8 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the production of potatoes for market.

(4) Section 947.13 is deleted:

§ 947.13 [Deleted]

(5) Section 947.15 is amended to read as follows:

§ 947.15 Grade and size.

"Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The U.S. Standards for Potatoes issued by the U.S. Department of Agriculture (§§ 51.1540 to 51.1556 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) U.S. Consumer Standards for Potatoes as issued by the U.S. Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) U.S. Standards for Grades of Potatoes for Processing as issued by the U.S. Department of Agriculture (§§ 51.3410 to 51.3424 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(d) U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421 to 52.2433 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(e) Standards for potatoes issued by the State of Oregon or California, or amendments thereto, or modifications thereof, or variations based thereon.

(6) Paragraph (a) of § 947.25 is amended to read as follows:

§ 947.25 Establishment and membership.

(a) The Oregon-California Potato Committee consisting of 14 members, of whom nine shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(7) Paragraph (a) of § 947.26 is amended to read as follows:

§ 947.26 Procedure.

(a) Nine members of the committee shall be necessary to constitute a quorum and nine concurring votes shall be required to pass any motion 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 and a new paragraph (c) is added 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.

(c) The initial producer member and his alternate for District No. 5 shall be selected for a period of 2 years beginning with the committee selected for the term of office beginning June 1, 1970, through May 31, 1972. The initial handler member and his alternate for District No. 5 shall be selected for a 1-year term of office beginning June 1, 1970, through May 31, 1971, and thereafter each term of office shall be for 2 years.

(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, Coos, 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, Wallowa, 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, shall elect the classification (i.e., producer or handler), and the district within which he desires to participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles 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 section, 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 requests it. This annual report shall contain at least:

- (a) A complete review of the regulatory operations during the fiscal period;
 - (b) An appraisal of the effect of such regulatory operations upon the potato industry within the production area; and
 - (c) Any recommendations for changes.
- (14) Sections 947.40, and 947.41, are amended to read as follows:

§ 947.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate and for the maintenance and functioning of the committee. The committee shall submit to the Secretary a budget for each fiscal period, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such fiscal period.

§ 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 rate 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, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be 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 increased by a late payment charge or an interest charge, at rates prescribed by the committee with the approval of the Secretary.

(b) Excess funds: At the end of a fiscal period, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one fiscal period's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 947.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) Accounting of funds upon termination of order: Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct:

Provided, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(15) Sections 947.42, 947.43, 947.44 are deleted:

§§ 947.42, 947.43, and 947.44 [Deleted]

(16) Section 947.52 is amended to read as follows:

§ 947.52 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 information 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 maturities 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 maturities of any or all varieties of potatoes, or any combination of the foregoing during any period, in the States of Idaho and Washington and Malheur County in Oregon which had been shipped from the production area to specified locations therein for grading or storage pursuant to § 947.54.

(3) To regulate the handling of particular grades, sizes, qualities, or maturities of any or all varieties differently for different portions of the production area, for different uses or outlets, for potatoes for prepeeling to different markets, for different packs, or for any combination of the foregoing, during any period; and

(4) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(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 regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

(17) Section 947.53 is amended to read as follows:

§ 947.53 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to this part.

(18) Section 947.54 is amended to read as follows:

§ 947.54 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 will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate any or all regulations issued pursuant to this part, in order to facilitate 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, including "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 storing between the districts within the production area or to and within specified locations in the adjoining States of Idaho and Washington and Malheur County in the State of Oregon.

(b) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(19) Section 947.55 is added to read as follows:

§ 947.55 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 may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 947.60 or pay the assessment provided by § 947.41 or both, in connection with the potato shipments effected in accordance with § 947.54, and

(2) Shall obtain a Special Purpose Certificate from the committee for shipments of potatoes effected or to be effected under provisions of § 947.54.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of Special Purpose Certificates.

(d) The committee may rescind, or deny to any handler, the Special Purpose Certificate if proof satisfactory to the committee is obtained that potatoes shipped by him for the purpose stated in the certificate were handled contrary to the provisions of the certificate and this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied, and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

(20) Section 947.80 is amended to read as follows:

§ 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 quantities subject to regulation and not subject to regulation; (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. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(d) Each handler shall maintain and make available on request for at least 2 succeeding years, following his handling of potatoes, such records and documents on potatoes received and potatoes disposed of by him as may be necessary to verify reports required to be submitted to the committee pursuant to this section.

[F.R. Doc. 70-6533, Filed, May 26, 1970; 8:47 a.m.]

[7 CFR Part 953]

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. 601 et seq.).

All persons who desire to submit written 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 91-196) 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.

Dated: May 22, 1970.

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

[F.R. Doc. 70-6567; Filed, May 26, 1970; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 5]

SECURITY OF CERTAIN INVENTIONS AND LICENSES TO FILE APPLICATIONS IN FOREIGN COUNTRIES

Defense Inspection of Patent Applications

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to revise § 5.1 of Title 37, Code of Federal Regulations, as set forth below.

Parties who desire to present their views, objections, recommendations, or suggestions in connection with this proposed revision are invited to do so by letter addressed to the Commissioner of Patents, Washington, D.C. 20231, on or

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 send copies of these applications to the defense agencies instead of waiting for the representatives to come to the Office. Since some representatives travel to the Patent Office only two or three times per year, this procedure 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 requirement that they would be promptly returned to the Patent Office or destroyed if a secrecy order were not imposed. If a secrecy order were imposed, the copy would be promptly destroyed or returned when 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 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 the 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 review applications. Such representatives are required to sign a dated acknowledgment of access accepting the condition that information obtained from the inspection will be used for no purpose other than the administration of 35 U.S.C. 181-188. Applications relating to atomic energy are made available to the

Atomic Energy Commission as specified in § 1.14 of this chapter.

WILLIAM E. SCHUYLER, JR.,
Commissioner of Patents.

Approved: May 22, 1970.

MYRON TRIBUS,
Assistant Secretary for
Science and Technology.

[P.R. Doc. 70-6551; Filed, May 26, 1970;
8:49 a.m.]

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 to occur.

(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 upon the review provided at paragraph (d) above, a party denied a certification pursuant to said paragraph (h), (i), or (j) shall receive a hearing on the issues raised by the application of that paragraph.

(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 whom he shall designate.

(g) The hearing officer, so designated by the Regional Manpower Administrator, shall give the affected parties notice of the specific issues presented to him for hearing and of the time and place of the hearing; 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.

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

(i) Notwithstanding any provision in this section to the contrary, initial determinations pursuant to this section in any case which is removed to the national office may be made in the national office by a Certifying Officer designated by the Manpower Administrator. Requests for review or hearing under the circumstances set forth in this section regarding a denial of certification made in the national office pursuant to this paragraph shall be made to the Manpower Administrator, U.S. Department of Labor, Washington, D.C. Such review or hearing shall be consistent with the provisions of this section.

(79 Stat. 911; 8 U.S.C. 1182; 34 F.R. 6502)

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

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

[P.R. Doc. 70-6521; Filed May 26, 1970;
8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 137]

[CGFR 70-61]

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

137.03-3 which would incorporate, with the changes indicated, the existing paragraph (a) into § 137.03-4 and the existing paragraph (b) into § 137.03-3. At present, § 137.03-3(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 narcotic 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 has no 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 narcotic 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; prima facie case.

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

Guard, Washington, D.C. 20591. Communications received on or before _____, will be considered before final action is taken on these proposals.

It is requested that each submission state the section to which it is directed, the specific wording recommended, the reason for the recommended change, and the name and address and the firm or organization, if any, of the person making the submission.

In addition to publication in the FEDERAL REGISTER, copies of this document will be mailed to persons and organizations who have requested that they be furnished with copies of proposed changes in the regulations. Copies will also be furnished upon request to the Commandant (CMC). In addition, copies of this document will be available for examination at the office of the Commandant (CMC), U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, D.C., as well as at the offices of the Coast Guard District Commanders.

No hearing is contemplated on the proposals in this document. However, arrangements may be made for informal conferences with appropriate Coast Guard personnel by contacting Commandant (CMC). Any data or views presented at such informal conferences should also be submitted in writing in accordance with this notice in order to become a part of the record.

Each communication received within the time specified will be fully considered and evaluated before final action is taken on the proposals in this document. Copies of all written communications received will be available for examination by interested persons at U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for the receipt of comments. Communications received will not be acknowledged. The proposals contained in this document may be changed in the light of the communications received.

Dated: May 20, 1970.

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

[F.R. Doc. 70-6545; Filed, May 26, 1970;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18867; FCC 70-539]

STANDARD BROADCAST STATIONS Prescribing Limit on Positive Modulation

1. The Commission proposes to amend § 73.55 of the rules governing standard 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.

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 that a restriction be placed on negative but not on positive excursions of the carrier is, of course, that excessive negative excursions produce carrier cutoff, a flat-topped modulation waveform, carrier shift and the generation 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 stations on adjacent channels.

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

4. In any event, 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 to 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 higher average modulation level, and positive peaks may exceed the 100 percent modulation level without carrier cutoff on negative peaks, if the transmitter is capable of modulating in excess of this 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 promises to add a new and more serious dimension to this problem, one that requires immediate Commission action.

6. 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 a sinusoidal waveform—for instance, a 5 kilowatt transmitter may be equipped with a modulator normally intended for a 10 kilowatt unit. While the ostensible reason for providing such a modulator is to permit the transmitter to take advantage of the dissymmetries occurring naturally in some audio waveforms, it appears quite clear that such transmitters can be and undoubtedly will 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 audio-frequency distortion that may be experienced when such a substantially asymmetrical modulation envelope is demodulated, the Commission has a more fundamental objection to this kind of operation. It should be observed that while cochannel and adjacent-channel protection ratios are based on the levels of the carriers of the desired and undesired signals, the appropriate protection ratio was determined in the cochannel case by an extensive series of subjective observations of the amount of interference caused by one modulated carrier to another.¹ If the carrier of the undesired signal were unmodulated, no interference would have been caused to the desired signal. On the other hand, the degree of interference to a desired signal from an undesired signal 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 going consistently to 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 over and above that to be expected on the basis of the ratio of the strengths of the desired and undesired carriers.

¹ Adjacent channel ratios were extrapolated from the cochannel ratio by modifying the ratio on the basis of the selectivity characteristic of the "typical" broadcast receiver.

9. Five-kilowatt transmitters with modulators of 10-kilowatts capability have an ultimate capacity for producing twice as much sideband power as conventional transmitters. While practical considerations would probably preclude this 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:

$$M = \frac{MAX - C}{C \times 100}$$

In a negative direction:

$$M = \frac{C - MIN}{C \times 100}$$

Where:

- M = Modulation level in percent;
- MAX = Instantaneous maximum RMS level of the modulated carrier;
- MIN = Instantaneous minimum RMS level of the modulated carrier;
- 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 recur-

rence. 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 § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 20, 1970.

Released: May 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6542; Filed, May 26, 1970; 8:48 a.m.]

² Commissioner Cox abstaining from voting.

Notices

DEPARTMENT OF STATE

Agency for International Development

[AFR Redefinition of Authority No. 117]

DEPUTY ASSISTANT ADMINISTRATOR ET AL.

Redefinition 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, I hereby redelegate, for countries or areas within the responsibility of the Assistant Administrator for Africa, authority to the Deputy Assistant Administrator and to the Director and Deputy Director (Contracting) of the Office of Management, and two senior contract negotiators, to sign or approve the following:

(1) Contracts and amendments to contracts financed in whole or in part by A.I.D., other than 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;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country contracts, for contracts described in (1) above;

(3) Project Implementation Orders—Technical Services (PIO/T);

(4) Amendments or modifications (pursuant to Executive Order 11223) involving less than \$25,000 of A.I.D.-financed contracts entered into with 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

(5) Advance payments and the required determination and findings for such payments under A.I.D. financed nonprofit contracts with nonprofit educational or research institutions.

The authority herein delegated to the officers named above may not be further re delegated 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 Redefinition of Authority supersedes AFR Redefinition of Authority No. 111, dated February 13, 1970.

This Redefinition of Authority shall be effective immediately.

Dated: May 13, 1970.

PHILIP BIRNBAUM,
Acting Assistant
Administrator for Africa.

[F.R. Doc. 70-6530; Filed, May 26, 1970;
8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U 11730]

UTAH

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

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 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. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. 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. 4 W.,
Secs. 7, 8, 17-22, 28, 29.
T. 18 S., R. 5 W.,
Secs. 1-4, 9-12.
T. 20 S., R. 3 W.,
Secs. 6-10, 17, 18, 21.
T. 20 S., R. 4 W.,
Sec. 12.
T. 22 S., R. 4 W.,
Secs. 7, 8, 18, 19.
T. 22 S., R. 5 W.,
Secs. 13, 24-26.

All the public lands within the following described area:

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 National Forest to the northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 12, T. 19 S., R. 4 W., SLM., thence south $\frac{1}{2}$ mile, east $\frac{1}{4}$ mile, south 1 mile, east $\frac{1}{4}$ mile, south $\frac{1}{4}$ mile, east $\frac{1}{4}$ mile, north $\frac{1}{4}$ mile, east 3 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 23, T. 21 S., R. 2 W., SLM., thence southeasterly 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 13, 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. 1 E., SLM., thence north and east along the west boundary of the Fishlake and Manti LaSal National Forest boundaries to the northeast corner, sec. 1, T. 12 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 north along the Uinta National Forest boundary to the northeast corner of sec. 8, T. 10 S., R. 2 E., SLM., thence west 13 miles, south 6 miles, east 6 miles, south 12 miles, west 7 $\frac{1}{2}$ miles, south approximately 14 miles to the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 12, T. 15 S., R. 2 W., SLM., thence west $\frac{1}{4}$ mile, south $\frac{1}{4}$ mile, west approximately 4 $\frac{1}{2}$ miles to the middle of the Sevier River, thence northwesterly along the center of the river to a point where the river crosses the north boundary of sec. 35, T. 14 S., R. 3 W., SLM., thence approximately 1 mile west to point of beginning.

The areas described aggregate approximately 310,600 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. 14 S., R. 3 W.,
Sec. 35, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 3 W.,
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
T. 17 S., R. 5 W.,
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 18 S., R. 3 W.,
Sec. 2, lots 1, 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 19 S., R. 2 W.,
Sec. 4, lot 2.
T. 12 S., R. 3 E.,
Sec. 1, lots 2-4, S $\frac{1}{2}$ N $\frac{1}{2}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$
SE $\frac{1}{4}$.
T. 13 S., R. 2 E.,
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 13, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 13 S., R. 3 E.,
Sec. 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 19, lot 4.
T. 14 S., R. 1 E.,
Sec. 14, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 14 S., R. 2 E.,
Sec. 25, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 35, lot 1.
T. 14 S., R. 5 E.,
Sec. 7, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 16 S., R. 2 E.,
Sec. 1, lot 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 20 S., R. 2 E.,
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 1,854.78 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. 16 S., R. 2 W.,
Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 17 S., R. 1 W.,
Sec. 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 17 S., R. 2 W.,
Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Gunnison Reservoir Recreation Sites:

T. 18 S., R. 2 E.,
Sec. 21, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Lone Cedar Recreation Site:

T. 19 S., R. 1 $\frac{1}{2}$ W.,
Sec. 27, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

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 connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Post Office Box 778, Fillmore, Utah 84631; or to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

5. The record and maps depicting these lands are on file and may be viewed at the Bureau of Land Management's district office at Fillmore, Utah, and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah.

6. A public hearing on the proposed classification will be held June 5, 1970, at 1:30 p.m., at the Courtroom of the Sanpete County Courthouse, Manti, Utah.

R. D. NIELSON,
State Director.

[P.R. Doc. 70-6511; Filed, May 26, 1970;
8:46 a.m.]

[S 487A]

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 2411, 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 P.R. 1118, Jan. 28, 1970), it was determined the following lands should be deleted from

the classification because of legal description errors:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 11 S., R. 7 E.,
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 6 S., R. 21 E.,
Sec. 26, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

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. 4460), 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, S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 11 S., R. 23 E.,
Sec. 25, portion of Clara H. Lode Mine (unsurveyed);
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

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.
Changed to: 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

STANISLAUS COUNTY

T. 5 S., R. 5 E.,
Sec. 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 7 S., R. 5 E.,
Sec. 10, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 6 S., R. 6 E.,
Sec. 4, lot 14 and portion of M.S. 5233;
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 8 S., R. 6 E.,
Sec. 2, lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30, lot 4.
T. 7 S., R. 7 E.,
Sec. 30, N $\frac{1}{2}$ lot 1, N $\frac{1}{2}$ lot 8, N $\frac{1}{2}$ lot 10, and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 3 S., R. 14 E.,
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

MERCED COUNTY

T. 11 S., R. 7 E.,
Sec. 21, land formerly designated as lots 37 and 38 (unsurveyed);
Sec. 28, unsurveyed land in N $\frac{1}{2}$ NW $\frac{1}{4}$ (formerly portions of lots 37 and 38).
T. 12 S., R. 7 E.,
Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 14, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 12 S., R. 8 E.,
Sec. 6, lot 6;
Sec. 7, lots 1 and 2.
T. 12 S., R. 9 E.,
Sec. 28, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 32, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 13 S., R. 9 E.,
Sec. 3, lots 6, 7, 8, 9, 10, and 11, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, lots 8, 9, 10, 15, and 16;
Sec. 5, lot 5;
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 12, lot 4.
T. 13 S., R. 10 E.,
Sec. 15, lots 1, 2, 7, and 8.
T. 12 S., R. 11 E.,
Sec. 18, S $\frac{1}{2}$ lot 8;
Sec. 19, lots 1, 2, and N $\frac{1}{2}$ lot 8.

TUOLUMNE COUNTY

T. 1 S., R. 12 E.,
Sec. 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 1 N., R. 13 E.,
Sec. 25, Last Chance Quartz mine (unsurveyed) and Morning Glory Quartz mine (unsurveyed);
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 1 S., R. 13 E.,
Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 2 S., R. 13 E.,
Sec. 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 2 N., R. 14 E.,
Sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 22, lot 1.
T. 1 N., R. 14 E.,
Sec. 21, lot 43;
Sec. 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, lot 7;
Sec. 32, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 1 S., R. 14 E.,
Sec. 2, lot 63.
T. 1 N., R. 15 E.,
Sec. 1, lots 6 and 7 (exclusive of Mineral Survey 4436).
T. 2 N., R. 16 E.,
Sec. 33, lot 12 (exclusive of Mineral Survey 5993).
T. 1 S., R. 15 E.,
Sec. 7, lot 15;
Sec. 22, lot 5 and Mineral Survey 5635B;
Sec. 33, lots 5, 6, 7, 13, and 14.
T. 2 S., R. 15 E.,
Sec. 4, lot 8.
T. 1 S., R. 16 E.,
Sec. 28, lots 8 and 10.
T. 2 S., R. 16 E.,
Sec. 5, lot 4;
Sec. 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

MARIPOSA COUNTY

T. 2 S., R. 15 E.,
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 4 S., R. 15 E.,
Sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 5 S., R. 15 E.,
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 3 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 4, lot 3 (portion west of lot 65), and lot 10;
Sec. 9, lot 12;
Sec. 11, lot 3.
T. 4 S., R. 16 E.,
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 5 S., R. 16 E.,
Sec. 5, mineral land;
Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ (exclusive of Mineral Survey 5306 and Mineral Survey 5904), and S $\frac{1}{2}$ NE $\frac{1}{4}$ (exclusive of Mineral Survey 5306 and Mineral Survey 5904);
Sec. 21, portion of Mineral Lot 43;
Sec. 31, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 6 S., R. 16 E.,
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 3 S., R. 17 E.,
Sec. 19, lot 18;
Sec. 29, lot 46;
Sec. 30, lot 15.
T. 6 S., R. 17 E.,
Sec. 12, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 4 S., R. 18 E.,
Sec. 14, lot 12;
Sec. 22, lot 4;
Sec. 26, lot 3;
Sec. 27, lot 9;
Sec. 28, Talk quartz lode mining claim;
Sec. 33, lot 7;
Sec. 35, Penobscot lode mining claim.
T. 5 S., R. 19 E.,
Sec. 3, lot 2;
Sec. 5, lot 2;
Sec. 19, lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 6 S., R. 19 E.,
Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 5, portion of St. Paul lode mining claim;
Sec. 6, lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 20, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 7 S., R. 19 E.,
Sec. 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 9 S., R. 19 E.,
Sec. 5, lot 4.
T. 5 S., R. 20 E.,
Sec. 26, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 6 S., R. 20 E.,
Sec. 5, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, lot 1.

MADERA COUNTY

T. 8 S., R. 18 E.,
Sec. 34, lot 4.
T. 6 S., R. 20 E.,
Sec. 27, lots 17 and 18.
T. 7 S., R. 20 E.,
Sec. 15, portion of lot 39;
Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, lots 3, 4, 6, and 7;
Sec. 24, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 8 S., R. 20 E.,
Sec. 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 9 S., R. 20 E.,
Sec. 6, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, unpatented portions of lots 37 and 38;
Sec. 23, lot 8, and unpatented portions of lots 37, 39, and 40.
T. 6 S., R. 21 E.,
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 29, lots 7, 10, and 15.
T. 7 S., R. 21 E.,
Sec. 16, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 28, portion of Keystone mine (unsurveyed) in SW $\frac{1}{4}$;
Sec. 29, portion of Keystone, Dig More, and Hibernia mine (all unsurveyed);
Sec. 30, portion of North Star, Golden Ribbon 1 and 2, and May mines (all unsurveyed) in SE $\frac{1}{4}$;
Sec. 31, portion of Gold Ribbon 1 and Mary Mines (both unsurveyed) in NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 32, portion of Keystone, Dig More, Hibernia, and Hibernia No. 2;
Sec. 33, portion of Hibernia and Hibernia No. 2 (both unsurveyed) in NW $\frac{1}{4}$.
T. 8 S., R. 21 E.,
Sec. 12, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$;
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 32, portion of lots 37 and 38;
Sec. 33, portion of lots 37 and 38, and lot 42.
T. 9 S., R. 21 E.,
Sec. 2, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 27, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 8 S., R. 22 E.,
Sec. 7, lot 1 and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 9 S., R. 22 E.,
Sec. 6, Jumper lode mine;
Sec. 13, lot 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

FRESNO COUNTY

T. 13 S., R. 15 E.,
Sec. 18, lot 3.
T. 9 S., R. 22 E.,
Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 11 S., R. 23 E.,
Sec. 2, W $\frac{1}{2}$ lot 1;
Sec. 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 12 S., R. 23 E.,
Sec. 3, lots 10, 11, and 13;
Sec. 10, lot 2;
Sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 11 S., R. 24 E.,
Sec. 5, lots 2 and 3;
Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 12 S., R. 24 E.,
Sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 13 S., R. 24 E.,
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 13 S., R. 25 E.,
Sec. 13, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 14 S., R. 25 E.,
Sec. 18, lot 1.
T. 13 S., R. 26 E.,
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 7, W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 14 S., R. 26 E.,
Sec. 3, W $\frac{1}{2}$ SW $\frac{1}{4}$ (exclusive of Mineral Survey 5000 and Mineral Survey 5808), SE $\frac{1}{4}$ SW $\frac{1}{4}$ (exclusive of 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 5808), and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (exclusive of Mineral Survey 5808);
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ (exclusive of 97 Discovery lode mine, White Cross lode mine, R. E. Lee lode mine, and Mineral Survey 5808), and 97 Discovery lode mine, White Cross lode mine, and R. E. Lee lode mine.
T. 14 S., R. 27 E.,
Sec. 6, lots 4 and 5, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 32, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The public lands described above aggregate approximately 10,790.32 acres.

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

TUOLUMNE COUNTY

T. 2 N., R. 14 E.,
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 2 N., R. 15 E.,
Sec. 30, lot 2 and lot 47 (exclusive of lot 43).

The public lands described above aggregate approximately 118.54 acres.

5. The following public lands are hereby classified for lease or sale under Recreation and Public Purposes Act (44 Stat. 741 and 68 Stat. 173; 43 U.S.C. 869):

TUOLUMNE COUNTY

T. 1 N., R. 14 E.,
Sec. 2, lots 2, 5, and 6, and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 1 N., R. 15 E.,
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 2 N., R. 16 E.,
Sec. 33, lot 5; lot 41 (unsurveyed); lot 56 (unsurveyed); and lot 57 (unsurveyed).
T. 1 S., R. 16 E.,
Sec. 21, portion of Sampson Lode in N $\frac{1}{2}$ SE $\frac{1}{4}$.

MADERA COUNTY

T. 7 S., R. 20 E.,
Sec. 2, SE $\frac{1}{4}$.
T. 7 S., R. 21 E.,
Sec. 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

FRESNO COUNTY

T. 13 S., R. 24 E.,
Sec. 8, lot 15 and SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 14 S., R. 27 E.,
Sec. 5, lots 1, 2, 3, and 4;
Sec. 6, lot 1.

The public lands described above aggregate approximately 677.56 acres.

6. 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. 2 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 6;
Sec. 5, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 9, lot 4 (exclusive of Mineral Survey 5876), lots 9, 15, 16, 17, and lot 46B (exclusive of lot 46A).
T. 2 N., R. 15 E.,
Sec. 14, Mineral Survey 5133;
Sec. 15, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 1 N., R. 16 E.,
Sec. 4, lot 10;
Sec. 9, Mineral Survey 4746.
T. 2 N., R. 16 E.,
Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 20, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 1 S., R. 16 E.,
Sec. 19, lots 10 and 11;
Sec. 20, lot 5 (exclusive of Mineral Survey 4561 and Miracle Mine), and portion of Miracle Mine (exclusive of lots 5 and 42);
Sec. 21, portion of Gold Run Lode in N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, portion of Gold Run Lode in NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The public lands described above aggregate approximately 244.28 acres.

7. The following public lands are hereby classified for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g); or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

MARIPOSA COUNTY

T. 5 S., R. 15 E.,
Sec. 2, lot 1.
T. 4 S., R. 17 E.,
Sec. 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, lot 6 and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 5 S., R. 17 E.,
Sec. 1, lots 3 and 4;
Sec. 2, lots 1, 2, and 3.

The public lands described above aggregate approximately 504.85 acres.

8. The following public lands are hereby classified for State Indemnity Lieu Selection (43 U.S.C. 851, 852); or

for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); or for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g):

MARIPOSA COUNTY

T. 5 S., R. 16 E.,

Sec. 2, Standby quartz mine; portion of Prescott quartz mine; portion of Jack quartz mine; portion of No. 5 quartz mine; portion of No. 5 Extension quartz mine; and portion of Old Keoh quartz mine;

Sec. 11, 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 130.27 acres.

9. The following public lands are hereby classified for State Indemnity Lieu Selection (43 U.S.C. 851, 852), or for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

MARIPOSA COUNTY

T. 6 S., R. 19 E.,

Sec. 7, lot 3 and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

MADERA COUNTY

T. 9 S., R. 19 E.,

Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The public lands described above aggregate approximately 240.42 acres.

10. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form 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.

11. 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. 70-6528; Filed, May 26, 1970;
8:47 a.m.]

[New Mexico 11691]

NEW MEXICO

Notice of Proposed Classification

MAY 19, 1970.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended.

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 2410.1-3(c)(4), which authorizes classification of lands "for exchanges under appropriate authority, where they are found to be chiefly valuable for pub-

lic 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 of 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, W $\frac{1}{2}$;
Secs. 15, 17, 19, and 21;
Sec. 23, W $\frac{1}{2}$ E $\frac{1}{2}$ and W $\frac{1}{2}$;
Secs. 25 and 27;
Sec. 29, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 31;
Sec. 33, E $\frac{1}{2}$ and W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 35.

T. 15 N., R. 20 W.,

Secs. 1, 3, 5, 7, and 9;
Secs. 11, 13, 15, 17, and 21;
Sec. 23, SW $\frac{1}{4}$;
Secs. 25 and 27;
Sec. 29, NE $\frac{1}{4}$ and S $\frac{1}{2}$;
Secs. 31 and 33;
Sec. 35, N $\frac{1}{2}$ and SW $\frac{1}{4}$.

The areas described aggregate 20,153.61 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 70-6543; Filed, May 26, 1970;
8:48 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 166, 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 provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from 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 before making a determination that the contemplated operations 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. 70-6512; 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. 15787 et seq.).

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

Docket No. 70-00113-16-61800. Applicant: Board of Public Instruction, 2418 Hatton Street, Sarasota, Fla. 33577. Article: Planetarium, Model Venus. Manufacturer: Goto Optical Manufacturing Co., Japan.

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 25, 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 602.4(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 (\pm) 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

of arc and ± 20 minutes of arc is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find that the domestic Model STP planetarium is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-6524; Filed, May 26, 1970;
8:47 a.m.]

UNIVERSITY OF MISSISSIPPI ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe 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. 70-00651-33-42200. Applicant: The University of Mississippi, University, Miss. 38677. Article: Liquid filling machine, Model K-52. Manufacturer: H. G. Kallsh Co., Ltd., Canada. Intended use of article: The article will be used in various liquid formulation research projects in the Department of Pharmaceutics, as well as in Pharmacology, Pharmacognosy, and Medicinal Chemistry Department. More specifically, a series of extracts of marijuana is bottled for stability studies. Experimental formulation of medicinal syrups, elixirs, and emulsions are bottled in bulk quantities in various size containers. These systems are studied from the viewpoint of stability and drug release characteristics. Application received by Commissioner of Customs: April 28, 1970.

Docket No. 70-00654-01-77030. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: NMR spectrometer, Model HFX-11. Manufacturer: Bruker Physik AG, West Germany. Intended use of article: The arti-

cle will be used for investigation of the potential of the magnetic resonance parameters of nuclei other than protons in the structural and conformational analysis of carbohydrates, clinical standard reference materials, and proteins, including the dependence of chemical shift and coupling-constant parameters on molecular conformation. One program concerns the synthesis and spectroscopic characterization of ¹⁵N-labelled amino sugar derivatives; another, involves investigation of 6-deoxy sugars by proton magnetic resonance. Application received by Commissioner of Customs: April 30, 1970.

Docket No. 70-00655-01-77030. Applicant: University of Illinois, Purchasing Division 223 Administration Building, Urbana, Ill. 61801. Article: NMR spectrometer, Model JNM-C-60H. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used by graduate students in research leading to a Ph. D. thesis in organic chemistry, by providing the n.m.r. spectra which can be utilized to provide information about the geometry of compounds and mechanisms of reactions. Each student will be required to operate the instrument himself. Consequently, it is essential to have an instrument which is easy to operate and stable over long periods of time. Application received by Commissioner of Customs: April 30, 1970.

Docket No. 70-00657-65-46070. Applicant: Drexel University, Department of Metallurgical Engineering, 32d and Chestnut Streets, Philadelphia, Pa. 19104. Article: Scanning electron microscope Model JSM-2. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used to study metals, alloys, ceramics, and polymers. These materials will be examined in a wide variety of forms, for example, cast and wrought, powder metallurgy materials, composite materials, polymers having differing ratios of crystalline to noncrystalline content, soft polymers for biomaterials, particulate ceramics, and electronic materials. "Electron Microscopy" and "Special Topics in Materials Engineering" are two courses for undergraduate and graduate students in which the article will be used. Application received by Commissioner of Customs: April 30, 1970.

Docket No. 70-00661-33-46040. Applicant: Vanderbilt University, 21st Avenue S. and Garland Avenue, Nashville, Tenn. 37203. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for studies of cell differentiation following estrogen stimulation of the chick oviduct; ultrastructural changes accompanying trophic hormone stimulation of ovary, as correlated with steroid production; and for studies on possible significance of lamellar complexes in relation to de novo biogenesis of mitochondria in fertilized rabbit ova. Specimen preparation for electron microscopy and interpretation of electron micrographs will be taught in Reproductive Physiology to graduate

students, medical students, interns and residents in Obstetrics and Gynecology. Application received by Commissioner of Customs: May 1, 1970.

Docket No. 70-00662-00-46040. Applicant: The Rockefeller University, Purchasing Department, 66th Street and York Avenue, New York, N.Y. 10021. Article: Shutter/Exposure Meter. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing electron microscope used in research in the field of cell biology and in the training of graduate students. Application received by Commissioner of Customs: May 1, 1970.

Docket No. 70-00663-01-07520. Applicant: University of Massachusetts, Polymer Science & Engineering, Amherst, Mass. 01002. Article: Microcalorimeter, Model Calvet. Manufacturer: SETARAM, France. Intended use of article: The article will be used for research on heat capacity, heats of solution of a variety of polymeric and liquid crystalline materials. The materials to be studied are polypeptides, polystyrene, and cholesterol esters in order to gain information about their detailed structures and conformations in solid and solution phases. Application received by Commissioner of Customs: May 1, 1970.

Docket No. 70-00664-99-34000. Applicant: Cleveland State University, 1983 East 24th Street, Cleveland, Ohio 44115. Article: Motor generator sets, 4 each. Manufacturer: CANRON, Ltd., Canada. Intended use of article: The article will be used in Electrical Machinery I and II, the study of motor and generator characteristics. Students are to be taught to interconnect and wire these generators to determine their characteristics and capabilities. Application received by Commissioner of Customs: May 1, 1970.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[F.R. Doc. 70-6525; Filed, May 26, 1970;
8:47 a.m.]

WYLER'S CHILDREN HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe 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. 70-00665-00-46040. Applicant: Wyler Children's Hospital, University of Chicago, 950 East 59th Street, Chicago, Ill. 60637. Article: Spare parts kit for Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to replace those worn during routine operation of an existing electron microscope. Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00666-99-46040. 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 in teaching residents and postdoctoral trainees the fundamental techniques in electron microscopy. These techniques will be useful to them for further investigation of skin disease. The instruction will begin with theories and techniques of fixation 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 wanted nuclear particles from a background of unwanted particles produced by Argonne's Zero Gradient Synchrotron (ZGS). This is accomplished by adjusting the rf phase of the separator so as to only pass the 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 chromosomal structure from both insect and vertebrate spermatozoa; 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 gonadotrophs 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 egg to determine the biochemical roles 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, Model Mark II-A. 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-Al₃Ni eutectics and silica-epoxy composites. This research is being performed by students working for advanced degrees. Other research concerns dental restoratives, copper and alloys. The article is to be also used to demonstrate fracture modes in a course, "Scanning Electron Microscopy." Application received by Commissioner of Customs: May 4, 1970.

Docket No. 70-00673-01-77040. Applicant: Indiana University Purchasing Department, 1000 East 17th Street, Bloomington, Ind. 47401. Article: Mass Spectrometer, Model CH-7. Manufacturer: Varian MAT, West Germany. Intended use of article: The article will be used to study the intramolecular isotope 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 undegraded 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.

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

[F.R. Doc. 70-6526; Filed, May 26, 1970; 8:47 a.m.]

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 tank type nuclear reactor located at its John Jay Hopkins Laboratory for Pure and Applied Science, Torrey Pines Mesa, San Diego, Calif., at power levels up to 1,500 kilowatts (thermal). 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 inimical 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 the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license 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. 70-6500; Filed, May 26, 1970; 8:45 a.m.]

AMERICIUM-241**Price Reduction**

The U.S. Atomic Energy Commission proposes to reduce the price for americium-241 to \$150 a gram based on its full cost of production and distribution.

All interested persons who desire to submit written comments for consideration in connection with this proposed price change should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Unless suspended or rescinded within 30 days after the period provided for public comment as a consequence of any substantive comment received, the new price will become effective 90 days after publication of this notice in the FEDERAL REGISTER.

Public comments received after the aforementioned 45-day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of May 1970.

UNITED STATES ATOMIC
ENERGY COMMISSION,
W. B. McCool,
Secretary.

[F.R. Doc. 70-6523; Filed, May 26, 1970;
8:47 a.m.]

**THORIUM, URANIUM, AND
PLUTONIUM****Isotopically Enriched Quantities**

The U.S. Atomic Energy Commission proposes to revise the base charge for 80 percent plutonium-238 and establish a base charge for 90 percent plutonium-238 containing not more than 0.3 parts per million plutonium-236. This notice amends the prior notice entitled, "Thorium, Uranium and Plutonium, Isotopically Enriched Quantities," published by the AEC in the FEDERAL REGISTER, 34 F.R. 11386, July 9, 1969, by deleting from paragraph 1 *Base Charges* the item "Plutonium-238, greater than 79 percent enrichment, \$1 per milligram" and adding:

Element and isotope	Enrichment range percent	Price per milligram
Plutonium-238	Greater than 80, containing not more than 0.30 parts per million Pu ²³⁶	\$1.25
Plutonium-238	80-89	.70

All interested persons who desire to submit written comments for consideration in connection with the proposed prices should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 45 days after publication of this notice in the FEDERAL REGISTER. Unless suspended or rescinded within 30 days after the period provided for public comment as a consequence of any substantive com-

ment received, the new prices will become effective 90 days after publication of this notice in the FEDERAL REGISTER.

Public comments received after the aforementioned 45-day period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 21st day of May 1970.

UNITED STATES ATOMIC
ENERGY COMMISSION,
W. B. McCool,
Secretary.

[F.R. Doc. 70-6522; Filed, May 26, 1970;
8:47 a.m.]

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. RI66-211 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 10 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) provisions 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.]

[Docket No. G-3912 etc.]

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 dockets 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, effective as of 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.]

[Docket No. CP70-272]

FLORIDA GAS TRANSMISSION CO.**Notice of Application**

May 18, 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 an application 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, 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 North Withers Field, Tex., 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 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 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6504; 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(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to construct and operate a skid-mounted gas 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 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 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 \$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 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 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Com-

mission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

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

[Docket No. RI 70-493 etc.]

SHELL OIL CO. AND MOBIL OIL CORP.

Order Providing for Hearings On and Suspension of Proposed Changes in Rates

MAY 14, 1970.

Shell Oil Co. Docket No. RI 70-493 et al., and Mobil Oil Corp., Docket No. RI 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 "\$17,453" 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. RI70-1535, etc.]

SARKEYS, INC. ET AL.

Order Shortening Suspension Period

MAY 19, 1970.

On March 26, 1970, Pan American Petroleum Corp. (Operator) et al. (Pan American), submitted a proposed increase from 18 cents to 18.01025 cents per Mcf, reflecting an increase in tax reimbursement only for a sale of gas to

Panhandle Eastern Pipe Line Co. in the Oklahoma Panhandle Area under Pan American's FPC Gas Rate Schedule No. 223. By order issued April 24, 1970, in Dockets Nos. RI70-1535 et al., such increase was suspended in Docket No. RI70-1544 for 5 months from April 26, 1970, the date of expiration of the statutory notice. As the proposed rate change involved an increase in tax reimbursement only, the correct suspension period should have been for 1 day instead of 5 months in accordance with prior Commission action taken on similar tax increases in Oklahoma.

The Commission orders:

(A) The April 24, 1970 order is modified to provide that Supplement No. 10 to Pan American's FPC Gas Rate Schedule No. 223 be suspended for 1 day until April 27, 1970.

(B) Pan American shall charge and collect the increased rate set forth in the above supplement commencing as of April 27, 1970, subject to refund in Docket No. RI70-1544.¹

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-6507; Filed, May 26, 1970;
8:45 a.m.]

[Docket Nos. RI70-1634, 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 Refund²

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 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

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

¹ Pan American filed on Jan. 9, 1969, a general undertaking as permitted by Order No. 377 which was accepted by notice issued March 7, 1969.

² Does not consolidate for hearing or dispose of the several matters herein.

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 pur-

chasers 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

² If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

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

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI70-1634...	Bright & Schiff, 2335 Stemmons Bldg., Dallas, Tex. 75207.	9	1	Trunkline Gas Co. (East Cypress Creek, Newton County, Tex.) (RR. District No. 3).	\$153	4-21-70	4-21-70	4-23-70	17.0	17.0638	
RI70-1635...	Glen A. Martin et al., 1520 N.B.C. Bldg., San Antonio, Tex. 78205.	2	4	South Texas Natural Gas Gathering Co. (Glen Martin Field, Webb County, Tex.) (RR. District No. 4).	270	4-20-70	4-20-70	4-21-70	15.0	15.0633	

¹ The stated effective date is the date of filing pursuant to Commission's Order No. 390.

² The suspension period is limited to 1 day.

³ Tax reimbursement increase.

⁴ Pressure base is 14.65 p.s.i.a.

⁵ Permanently certificated initial rate.

⁶ Proposed rate of 16 cents suspended in Docket No. RI65-315 but not yet made effective subject to refund.

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 rate 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. 390 issued October 10, 1969, since the filings involved were made after October 31, 1969.

[F.R. Doc. 70-6508; Filed, May 26, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[81-104]

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: 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] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-6529; Filed, May 26, 1970; 8:47 a.m.]

[812-2747]

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 for exemption from the provisions of section 22(d) of the Act which, in pertinent part, prohibit a registered investment company from selling any redeemable security issued by it to any person except either to or through a principal underwriter for distribution at a current public offering price described in the prospectus. Section 22(d) would prevent applicant, which does not have a prospectus describing a current offering price, from acquiring the assets of Woods Investment Corp. ("Woods") in exchange for the shares of applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant states that Woods, an Indiana corporation, was originally incorporated on May 8, 1946 as Accurate Products, Inc. and engaged in the manufacture and sale of automotive parts and accessories. On September 18, 1969, Woods sold all of its operating assets, changed its name to its present one and since that date has been primarily engaged in investing, reinvesting, and trading in securities. At present Woods has one stockholder, is a personal holding company for Federal income tax purposes and is subject to corporate and personal holding company Federal income taxes. Applicant asserts that Woods is excepted from the definition of an investment company by reason of section 3(c)(1) of the Act.

On December 2, 1969, applicant and Woods 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 applicant's shares to be delivered to Woods shall be determined on the closing date, as defined in the Agreement, by dividing the aggregate value of the gross assets of Woods (subject to certain adjustments as set forth in the Agreement) to be transferred to applicant 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 \$618,154. Applicant intends to sell, soon after receipt, 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 be retained in 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; and that the agreement was negotiated at arm's length by the principals of both corporations.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 11, 1970 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon such application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

(SEAL) ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-6513; Filed, May 28, 1970; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATORS AND DEPUTY REGIONAL ADMINISTRATORS

Redelegation 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. 7359, May 20, 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 publication of this document in the FEDERAL REGISTER. (Secretary's delegation of authority published at 35 F.R. 2745, 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.

[F.R. Doc. 70-6544; 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 12 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 of 1954, as amended (68 Stat. 912; 7 U.S.C. 1787), and to be financed by deductions, at rates not to exceed 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 25, 1966, final results of the referendum showed that 60,305 producers (80 percent of those voting) favored the agreement. The producers voting in favor of the agreement owned 10,839,714 sheep (79.5 percent of the sheep owned by all producers voting). On the basis of the referendum results, the Secretary of Agriculture determined that the agreement was favored by the requisite two-thirds of the sheep and wool producers and on October 25, 1966, 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 to an average of 195,000 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 Corp., and the producer organizations 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 wool and lamb 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 am today entering into an agreement with the American Sheep Producers Council, 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 wool and lambs 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.

[F.R. Doc. 70-6568; Filed, May 26, 1970;
8:50 a.m.]

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 to exceed 1.5 cents a pound of mohair marketed, from payments earned by producers under that act for the marketing years 1966 through 1969.

On March 15, 1967, final results of the referendum showed that 4,256 producers (80 percent of those voting) favored the agreement. The producers voting in favor of the agreement owned 1,921,803 goats (78.9 percent of the goats owned by all producers voting). On the basis of the referendum results, the Secretary of Agriculture determined that the agreement was favored by the requisite two-thirds of the sheep and wool producers and on March 15, 1967, entered into the proposed agreement with the Mohair Council of America, Inc.

The Mohair Council of America, Inc., recently asked for an extension of the agreement to include deductions from payments on mohair marketed during 1970, the last year presently covered by the National Wool Act.

Under the present agreement, deductions have been made from payments to an average of over 12,000 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 Texas Sheep and Goat Raisers Association and the Texas wool and Mohair Warehouse Association, have recently passed resolutions urging extension of the advertising and sales promotion programs of the Council for another year. About 97 percent of our domestic mohair is produced in Texas.

On the basis of this evidence, I hereby determine that at least two-thirds of all persons engaged in the production of Angora goats 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 am today entering 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.

[F.R. Doc. 70-6569; Filed May 26, 1970;
8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 101]

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 38 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.

[F.R. Doc. 70-6553; Filed, May 26, 1970;
8:49 a.m.]

[No. MC-C-6829]

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 requests 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 decision the carrier adversely affected did not appeal. Petitioner has also expressed the opinion that the \$50 limitation is unrealistic today in view of the effects 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 herein under consideration 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.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-6554; Filed, May 26, 1970; 8:49 a.m.]

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, 1963, page 3533, 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: CRAW CARTING, INC., 200 Exchange Street, Rochester, N.Y. 14614. 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, 44 Holland Avenue, Albany, N.Y. 12208 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-6555; Filed, May 26, 1970; 8:49 a.m.]

[Notice 7]

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 Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) 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 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 1515 (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 Atlanta, Ga., over Interstate Highway 85 to junction Georgia Highway 139, thence over Georgia Highway 139 to junction Georgia Highway 314, thence over Georgia Highway 314 to junction Georgia Highway 85, thence over Georgia Highway 85 to junction Georgia Highway 85E, thence over Georgia Highway 85E to Manches-ter, Ga., with the following access route: From College Park, Ga., over unnumbered highway (Virginia Avenue) to junction Interstate Highway 85, and return over the same routes, for operating convenience only.

No. MC 2890 (Deviation No. 83), AMERICAN BUSLINES, INC., 300 South Broadway Avenue, Wichita, Kans. 67202, filed May 15, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Galesburg, Ill., over East Main Street and access road to junction Interstate Highway 74, thence over 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., 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), and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-6556; Filed, May 26, 1970; 8:49 a.m.]

[Notice 17]

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 Deviation 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(d)(4)).

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 82), 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 287, thence over Interstate Highway 287 to junction U.S. Highway 202, near Bernardsville, N.J., thence over U.S. Highway 202 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 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, thence over U.S. Highway 1 to Newark, N.J., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 70-6557; Filed, May 26, 1970;
8:49 a.m.]

[Notice 47]

MOTOR CARRIER APPLICATIONS 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 as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

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. 10038. A decision and order of the Commission, Review Board No. 3, dated May 13, 1970, and served May 20, 1970, upon consideration of the application as amended and the record in the proceeding, including the report and recommended order of the Examiner, authorizes operation by applicant as a broker at Scarsdale, Larchmont, and New Rochelle, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage (restricted to youth groups accompanied by tour conductors, supervisors, or chaperones), in all-expense tours; (1) beginning and ending at Denver, Colo., New Orleans, La., Los Angeles, Calif., and Chicago, Ill., and extending to points in the United States (except Hawaii and Alaska); and (2) from Denver, Colo., New Orleans, La., Los Angeles, Calif., and Chicago, Ill., to points in the United States (except Hawaii and Alaska), restricted to the motor vehicle transportation of passengers and their baggage having a prior movement by air or rail from New York, N.Y., subject to the right of the Commission, which is hereby expressly reserved, to impose, upon final determination of Ex Parte No. MC-29 (Sub-No. 2), Operation of Brokers of Passenger Transportation, such terms and conditions as may be deemed neces-

sary to insure that operation under such license will be limited to bona fide operations as a broker of passenger transportation. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license 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 September 25, 1969, and republished this issue. Applicant: EUGENE EBY, GLENN EBY, AND WAYNE EBY, a partnership, doing business as EBY BROTHERS, 2622 Regan Street, Boise, Idaho 83702. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. The modified procedure has been followed in this proceeding, and report and order of the Commission, Review Board No. 2, decided May 13, 1970, and served May 19, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes: (1) Of lumber, lumber products, particleboard, laminated wood beams, and poles between points in Idaho south of the northern boundary of Idaho County, on the one hand, and, on the other, points in Baker, Grant, Harney, Malheur, Umatilla, Union, and Wallawa Counties, Oreg.; (2) of lumber and poles between points in Idaho, (3) of building materials and steel and steel products between points in Valley, Adams, Owyhee, Elmore, Camas, Ada, Canyon, Gem, Payette, Washington, and Boise Counties, Idaho, and between points in said counties, on the one hand, and, on the other, points in Idaho. Because it is possible that other parties who have relied upon the notice as previously published, may have an interest in and would be prejudiced by the lack of proper notice of the authority 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 the proceeding, or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced. Issuance of a certificate is further subject to the prior receipt from applicant of a written request for the coincidental cancellation of its certificate of registration No. MC 114840 (Sub-No. 6).

No. MC 133873 (Republication), filed July 1, 1969, published in the FEDERAL

REGISTER, issue of September 5, 1969, and republished, this issue. Applicant: THOMAS WALSH, doing business as THOMAS TRUCKING, 24 McLaughlin Avenue, West Haverstraw, N.Y. 10933. 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 13, 1970, and which was made effective May 13, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) 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 Nassau and Suffolk Counties, N.Y., and points in Connecticut; and (3) medical laboratory machinery, 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 Nassau and Suffolk Counties, 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 possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 69275 (Notice of Filing of Petition for Interpretation of Certificate), filed April 18, 1970. Petitioner: M & M TRANSPORTATION COMPANY, 186 Alewife 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, classes 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 Haven, 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 Massachusetts within 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.; those on Long Island, 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: Petitioner requests the Interstate Commerce Commission to interpret a certain portion of its authority with respect to serving the Town of Babylon, N.Y., and the area of Deer Park, N.Y., which is located within the Town of Babylon, N.Y.

Petitioner further states that the instant petition arises as a result of it being informed that service to the area of Deer Park, N.Y., which is located in the northeastern section of the town of Babylon, N.Y., is beyond the scope of Petitioner's authority. Petitioner requests the Commission to determine whether or not (1) the town of Babylon is a "municipality" 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" has 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., and all unincorporated areas 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., petitioner is authorized 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 person desiring to participate may file an original and 6 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.

No. MC 89684 (Sub-No. 49) (Notice of Filing of Petition To Remove Restriction Against Tacking at Boise, Idaho), filed April 26, 1970. Petitioner: WYCOFF COMPANY, INCORPORATED, 560 South 2d Street West, Salt Lake City, Utah. Petitioner's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah. Petitioner states it holds authority in MC 89684 Sub 49, 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-

hold goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Boise, Idaho, and Weiser, Idaho, serving all intermediate points, and the off-route points of Vale and Adrian, Oreg.: From Boise over U.S. Highway 30 to junction U.S. Highway 20 west of Caldwell, Idaho, thence over U.S. Highway 20 via Nyssa, Oreg., to junction Oregon Highway 201, thence over Oregon Highway 201 to Ontario, Oreg., thence over U.S. Highway 30 to junction U.S. Highway 30N, and thence over U.S. Highway 30N to Weiser, and return over the same route. From Boise over Idaho Highway 44 to junction Idaho Highway 16 near Star, Idaho, thence over Idaho Highway 16 via Emmett, Idaho, to junction Idaho Highway 52, thence over Idaho Highway 52 to Payette, Idaho, and thence over U.S. Highway 30N to Weiser, and return over the same route. Between Parma, Idaho, and Caldwell, Idaho, serving all intermediate points:

From Parma over U.S. Highway 95 to junction Idaho Highway 72 west of Marsing, Idaho, thence over Idaho Highway 72 via Marsing, Idaho, to junction unnumbered highway, and thence over unnumbered highway to Caldwell, and return over the same route. Between Payette, Idaho, and Caldwell, Idaho, serving all intermediate points: From Payette over U.S. Highway 30N via Fruitland, Idaho, to junction U.S. Highway 30, and thence over U.S. Highway 30 to Caldwell, and return over the same route. Between Boise, Idaho, and Caldwell, Idaho, serving all intermediate points: From Boise over combined U.S. Highways 20 and 26 to Caldwell, and return over the same route. Between Fruitland, Idaho, and Parma, Idaho, serving all intermediate points: From Fruitland over U.S. Highway 95 to Parma, and return over the same route. Between Ontario, Oreg., and Weiser, Idaho, serving all intermediate points: From Ontario over Oregon Highway 201 to the Snake River, and thence across the Snake River to Weiser, and return over the same route. Between Wilder, Idaho, and Caldwell, Idaho, serving all intermediate points: From Wilder over Idaho Highway 19 to Caldwell, and return over the same route. Between Homedale, Idaho, and Caldwell, Idaho, serving all intermediate points:

From Homedale over unnumbered highway to Caldwell, and return over the same route. Between Nampa, Idaho, and Meridian, Idaho, serving all intermediate points: Restriction: The service authorized herein is subject to the following conditions: That Carrier shall conduct separately its for-hire carrier operation and its other business activities. That it shall maintain separate accounts and records therefor. That it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time. The authority granted herein is restricted to the transportation of shipments originating at and destined to points on the above specified routes. Petitioner further states that since the time of granting of the

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 above specified routes" it 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 89684 Sub 52—December 27, 1968—general commodities having a prior or subsequent movement by aircraft from both the Salt Lake City, Utah, and the Boise, Idaho, airports; (b) MC 89684 Sub 54—December 30, 1968—general commodities between Salt Lake City, Utah, and Boise, Idaho, restricted to packages or articles each weighing not more than 100 pounds and against the transportation of packages or articles weighing more than 200 pounds in aggregate from one consignor at one location to one consignee at one location during a single day;

(c) MC 89684 Sub 63—February 18, 1970—authority recommended by Review Board No. 3 from Denver, Colo., tying into the existing authority held by Wycoff Co. on the same 100-200 pound commodity description set forth in Sub 54. Issuance of the certificate is expected momentarily. Petitioner states that Boise, Idaho, is one of its principal points of service, and not only is Boise a natural distribution point for merchants in Boise, but also for national and international shipments destined to the points west and north of Boise, as well as those in the Oregon border states. Thus it is important to the shippers and consignees that petitioner on its express type service as authorized by Sub 49 be permitted to carry commodities tendered to it in eastern Idaho, Wyoming, Colorado, or Utah through its Boise, Idaho, terminal to the destination points in Idaho west and north of Boise and the Oregon border states as authorized in the Sub 49 Certificate. The Sub 49 refers to "general commodities moving in express service" and the type commodities handled under this are similar to those authorized under the small package authority covered by its Sub 54 and 58, as well as its commodities having a prior or subsequent movement by air, as covered by its Sub 52. By the instant petition, Petitioner requests that the restriction in its Sub 49 Certificate "restricted to the transportation of shipments originating and destined to points on the above specified routes" be removed, thereby permitting tacking of the Sub 49 authority to the authorities above which have been received since the granting of the Sub 49 authority in 1965. 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.

No. MC 124129 (Sub-No. 3) (Notice of Filing of Petition To Add Additional Contracting Shipper), filed May 11, 1970. Petitioner: KAPRI TRANSPORTATION CO., 1222 W.O.W. Building, Omaha, Nebr. 68102. Petitioner's representative: Donald L. Stern, Suite 630 City National Bank Building, Omaha, Nebr. 68102. Petitioner states it holds a permit in No. MC 124129 (Sub-No. 3) wherein it holds motor contract carrier authority, over irregular routes in the transportation of: Crushed stone, rip rap stone, agricultural lime, limestone products, sand and gravel, in dump vehicles, from points in Nebraska to points in Iowa, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Kerford Limestone Products Co., of Lincoln, Nebr., Fort Calhoun Stone Co., of Blair, Nebr., Lyman-Richey Sand & Gravel Co., of Omaha, Nebr., Ready-Mix Concrete Co., of Omaha, Nebr., McCann Sand and Gravel Co., of Valley, Nebr. By the instant petition, petitioner requests that Western Brick & Aggregate Co., doing business as Western Sand & Gravel Co., be added as an additional shipper under MC 124129 Sub-3. 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.

No. MC 125952 (Sub-No. 5) (Notice of Filing of Petition To Add Additional Shipper Under Contract Permit), filed April 30, 1970. Petitioner: INTERSTATE DISTRIBUTOR CO., INC., 8311 Durango Street, N.W., Tacoma, Wash. 98499. Petitioner's representative: George R. Labissoniere, 1424 Washington Building, Seattle, Wash. 98101. Petitioner states that in MC 125952 (Sub-No. 5), it has received a final decision and order of the Interstate Commerce Commission, Division 1, served April 17, 1970, granting it authority as a contract carrier to transport over irregular routes: (1) institutional furniture, uncrated from Tacoma, Wash., to points in California, under a continuing contract with Harmon Cabinets, Inc., of Tacoma, Wash., and (2) cabinet panels, from Sumner, Wash., to San Francisco and Los Angeles, Calif., under contract with Pasquier Panel Products, Inc., of Sumner, Wash. By the instant petition, petitioner seeks to add Lindell Enterprises Co., of Tacoma, Wash., as an additional shipper, for the purpose of transporting custom cut lumber for furniture and cabinets to be added to the contract carrier authority it holds under docket MC 125952 and subs thereunder. Petitioner further states that this authority is substantially contained under the authority to transport cabinet panels from Sumner, Wash., to Los Angeles and San Francisco, Calif., inasmuch as Sumner is 5 miles from Tacoma and within the commercial zone thereof and part and parcel of the au-

thority. 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.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 14314 (Sub-No. 17), filed May 6, 1970. Applicant: DUFF TRUCK LINE, INC., Broadway and Vine Street, Lima, Ohio 45802. Applicant's representatives: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, and James R. Stivers, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: General commodities (except household goods as defined by the Commission, livestock, and commodities in bulk): (1) Regular routes: (2) Between Cincinnati, Ohio, and Dayton, Ohio; from Cincinnati, Ohio, over Interstate Highway 75 and U.S. Highway 25 (and old U.S. Highway 25) to Toledo, Ohio, thence over Interstate Highways 80 and 90 to junction U.S. Highway 21 (near Brecksville, Ohio), thence over U.S. Highway 21 to junction Cleveland-Massillon Road, thence over Cleveland-Massillon Road to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Interstate Highway 71, thence over Interstate 71 to Columbus, Ohio, thence over U.S. Highway 40 and Interstate Highway 70 to junction Interstate Highway 75 (north of Dayton, Ohio), thence over Interstate Highway 75 and 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, Clark, Cuyahoga, Delaware, Erie, Franklin, Hamilton, Hancock, Lorain, 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, over U.S. Highway 127 to Celina, Ohio, thence over Ohio Highway 29 to junction Ohio Highway 49, thence over Ohio Highway 49 to junction Ohio Highway 707, thence over Ohio Highway 707 to Mercer, Ohio (also from Celina, Ohio, over U.S. Highway 127 to Mercer, Ohio), thence over U.S. Highway 127 to junction U.S. Highway 20 (north of West Unity, Ohio), thence over U.S. Highway 20 to Conneaut, Ohio, thence over Ohio Highway 7 to Andover, Ohio, thence over U.S. Highway 6 to Edgerton, Ohio, thence over Ohio Highway 49 to Greenville, Ohio, thence over Ohio Highway 571 to Laura, Ohio, thence south and west over county road past Pittsburg, Ohio, to junction Ohio Highway 49 and Ohio Highway 49A, thence over Ohio Highway 49A to

Arcanum, Ohio, thence north over Ohio Highway 49A to junction Ohio Highway 49, (or from Greenville, Ohio, over Ohio Highway 49 to junction Ohio Highway 49A), thence over Ohio Highway 49 to Dayton, Ohio, and return over the same route, serving all intermediate points and the off route points of Ashtabula, Butler, Cuyahoga, Darke, Defiance, Erie, Fulton, Geauga, Hamilton, Henry, Huron, Lake, Lorain, Lucas, Mercer, Miami, Montgomery, Paulding, Preble, Sandusky, Van Wert, Williams, Wood Counties, Ohio;

(3) Between Cincinnati, Ohio, and Toledo, Ohio; from Cincinnati, Ohio, over Ohio Highway 264 to Cleves, Ohio, thence over U.S. Highway 50 to junction Ohio Highway 128 and U.S. Highway Bypass 50 thence over Ohio Highway 128 and U.S. Highway Bypass 50 to junction Interstate Highway 74 and U.S. Highway 52, thence over Interstate Highway 74 and U.S. Highway 52 to Harrison, Ohio, thence over Harrison Road and West Road to Miamitown, Ohio (or from junction Interstate Highway 74 and U.S. Highway Bypass 50 over U.S. Highway Bypass 50 and Ohio Highway 128 to Miamitown, Ohio), thence from Miamitown, Ohio over Ohio Highway 128 and U.S. Highway Bypass 50 to Ross (Vencel), Ohio, thence over U.S. Highway 27, U.S. Highway Bypass 50 and Ohio Highway 126 to Dunlap, Ohio, thence over U.S. Highway Bypass 50 and Ohio Highway 126 to junction U.S. Highway 50 (near Milford, Ohio), thence over U.S. Highway 50 to Chillicothe, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 199 (south of Upper Sandusky, Ohio) thence over Ohio Highway 199 to Carey, Ohio (or, from junction Ohio Highway 199 over U.S. Highway 23 to Carey, Ohio), thence over U.S. Highway 23 to Toledo, Ohio, and return over the same route, serving all intermediate points and the off-route points of Brown, Butler, Clermont, Delaware, Franklin, Hamilton, Highland, Lucas, Marion, Pickaway, Ross, Sandusky, Seneca, Wood, Wyandot Counties, Ohio;

(4) Between Van Wert, Ohio, and Cincinnati, Ohio, from Van Wert, Ohio, over old U.S. Highway 30 and U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30N to Crestline, Ohio, thence over Ohio Highway 61 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction U.S. Highway 30 (near Mansfield, Ohio) (or, from Crestline, Ohio, over U.S. Highway 30N to junction U.S. Highway 30 (near Mansfield, Ohio), thence over U.S. Highway 30 to East Canton, Ohio, thence over Ohio Highway 44 to junction Ohio Highway 18, thence over Ohio Highway 18 to Hicksville, Ohio, thence over Ohio Highway 2 to Huron, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over Interstate Highway 71 to Cincinnati, Ohio and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Clinton, Crawford, Defiance, Erie, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Henry, Huron, Knox, Licking, Lorain, Lucas, Madison,

Medina, Ottawa, Pickaway, Portage, Richland, Sandusky, Seneca, Stark, Summit, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot Counties, Ohio; (5) between Cincinnati, Ohio, and Greenville, Ohio; from Cincinnati, Ohio, over Ohio Highway 4 to Sandusky, Ohio, thence over U.S. Highway 250 to Wilmot, Ohio, thence over U.S. Highway 62 to Millwood, Ohio, thence over U.S. Highway 36 to Greenville, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland, Butler, Champaign, Clark, Crawford, Darke, Delaware, Erie, Hamilton, Holmes, Huron, Knox, Marion, Miami, Montgomery, Seneca, Stark, Union, and Wayne Counties, Ohio;

(6) Between Cincinnati, Ohio, and Payne Ohio; From Cincinnati, Ohio, over U.S. Highway 52 to Ripley, Ohio, thence over U.S. Highway 62 to junction U.S. Highway 68 (near Redoak, Ohio), thence over U.S. Highway 68 to Findlay, Ohio, thence over Ohio Highway 15 to junction Interstate Highway 80 and 90 (north of West Jefferson, Ohio), thence over Interstate Highway 80 and 90 to Maumee, Ohio, thence over U.S. Highway 24 to Antwerp, Ohio, thence over county road east to junction U.S. Highway 127, thence over U.S. Highway 127 to Paulding, Ohio, thence over Ohio Highway 500 to Payne, Ohio, and return over the same route, serving all intermediate points and the off-route points of Brown, Champaign, Clark, Clermont, Clinton, Defiance, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Logan, Lucas, Paulding, Putnam, and Williams Counties, Ohio; (7) between Cincinnati, Ohio, and Van Wert, Ohio; from Cincinnati, Ohio, over U.S. Highway 42 to Cleveland, Ohio, thence over U.S. Highway 21 to junction Interstate Highway 80, thence over Interstate Highway 80 and over Interstate Highway 80S to junction Ohio Highway 7 (near North Lima, Ohio), thence over Ohio Highway 7 to Boardman, Ohio, thence over U.S. Highway 224 to junction Ohio Highway 49 (near Middlebury, Ohio), thence over Ohio Highway 49 to Convoy, Ohio, thence over county road to junction U.S. Highway 30 (or, from Convoy, Ohio, over Ohio Highway 49 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction county road), thence over U.S. Highway 30 (and old U.S. Highway 30) to Van Wert, Ohio, and return over the same route, serving all intermediate points and the off-route points of Ashland, Butler, Clark, Cuyahoga, Delaware, Greene, Hamilton, Hancock, Huron, Madison, Mahoning, Medina, Morrow, Portage, Putnam, Richland, Seneca, Summit, Trumbull, Union, Van Wert, Warren, and Wayne Counties, Ohio;

(8) Between Delphos, Ohio, and Cleveland, Ohio; from Delphos, Ohio, over U.S. Highway 30S to junction U.S. Highway 30 (near Mansfield, Ohio), thence over U.S. Highway 30 to Mansfield, Ohio, thence over Ohio Highway 39 to Millersburg, Ohio, thence over Ohio Highway 241 to Benton, Ohio, thence over county road to junction Ohio Highway 76 (near Holmesville, Ohio) (or, from Millersburg,

Ohio, over Ohio Highway 76 to junction county road (near Holmesville, Ohio), thence over Ohio Highway 76 to Wooster, Ohio, thence over Ohio Highway 585 to Smithville, Ohio, thence over Smithville Road to Orrville, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 585 (or, from Smithville, Ohio over Ohio Highway 585 to junction Ohio Highway 57), thence over Ohio Highway 585 to junction Ohio Highway 619, thence over Wooster Road and East Avenue to Akron, Ohio, thence over Ohio Highway 59 to Ravenna, Ohio, thence over Ohio Highway 5 to Warren, Ohio, thence over U.S. Highway 422 to Cleveland, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Crawford, Cuyahoga, Geauga, Hardin, Holmes, Marion, Morrow, Portage, Richland, Summit, Trumbull, and Wayne Counties, Ohio;

(9) Between Cleveland, Ohio, and Maumee, Ohio; from Cleveland, Ohio, over Ohio Highway 3 to Cincinnati, Ohio, thence over unmarked highway to Loveland, Ohio, thence over Ohio Highway 48 to Centerville, Ohio, thence over Ohio Highway 725 to Germantown, Ohio, thence over Ohio Highway 4 to Dayton, Ohio (or, from Centerville, over Ohio Highway 48 to Dayton, Ohio), thence over U.S. Highway 35 to Xenia, Ohio, thence over U.S. Highway 42 to Cedarville, Ohio, thence over Ohio Highway 72 to Clifton, Ohio, thence over Ohio Highway 343 to Yellow Springs, Ohio, thence over county road to junction Ohio Highway 235, thence over Ohio Highway 235 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Ohio Highway 48 (or, from Dayton, Ohio over Ohio Highway 48 to junction Interstate Highway 70), thence over Ohio Highway 48 to junction Ohio Highway 66 (near Newport, Ohio), thence over Ohio Highway 66 to Oakwood, Ohio, thence over county road to Junction, Ohio, thence over Ohio Highway 111 to Defiance, Ohio (or, from Oakwood, Ohio, over Ohio Highway 66 to Defiance, Ohio), thence over Ohio Highway 66 to Burlington, Ohio, thence over U.S. Highway Alternate 20 to Maumee, Ohio, and return over the same route, serving all intermediate points and the off-route points of Allen, Ashland, Auglaize, Clinton, Cuyahoga, Defiance, Delaware, Fayette, Franklin, Fulton, Greene, Hamilton, Holmes, Knox, Lucas, Medina, Miami, Montgomery, Paulding, Pickaway, Putnam, Shelby, Van Wert, Warren, and Wayne Counties, Ohio;

(10) Between Cincinnati, Ohio, and Sandusky from Cincinnati, Ohio, over U.S. Highway 50 to junction Ohio Highway 28, thence over Ohio Highway 28 to North Fork Village, Ohio, thence over U.S. Highway 50 to Chillicothe, Ohio, thence over U.S. Highway 35 to Washington Court House, Ohio, thence over U.S. Highway 22 to Circleville, Ohio, thence over Ohio Highway 56 to London, Ohio, thence over Ohio Highway 38 to Marysville, Ohio, thence over U.S. Highway 33 to Rockford, Ohio, thence over Ohio Highway 118 to Van Wert, Ohio, thence over Ohio Highway 116 to junction Ohio

Highway 697, thence over Ohio Highway 697 to Delphos, Ohio, thence over Ohio Highway 190 to Fort Jennings, Ohio, thence over Ohio Highway 189 to Vaughnsville, Ohio, thence over Ohio Highway 12 to Columbus Grove, Ohio (or, from Fort Jennings, Ohio, over Ohio Highway 634 to junction Ohio Highway 613, thence over Ohio Highway 613 to junction Ohio Highway 66, thence over Ohio Highway 66 to junction Ohio Highway 114, thence over Ohio Highway 114 to Kalida, Ohio, thence over Ohio Highway 115 to junction County road, thence over County road to Columbus Grove, Ohio), thence southeast and east over County road to junction Ohio Highway 696, thence over Ohio Highway 696 to junction Ohio Highway 12 (or, from Columbus Grove, Ohio, over Ohio Highway 12 to junction Ohio Highway 696, thence over Ohio Highway 12 to junction U.S. Highway 20 (near Fremont, Ohio), thence over U.S. Highway 20 to junction Ohio Highway 412, thence over Ohio Highway 412 to junction Ohio Highway 101 (southwest of Castalia, Ohio), thence over Ohio Highway 101 to Sandusky, Ohio, and return over same route, serving all intermediate points and the off-route points of Allen, Auglaize, Clermont, Clinton, Erie, Fayette, Hamilton, Hancock, Highland, Logan, Madison, Mercer, Pickaway, Putnam, Ross, Sandusky, Seneca, Union, Van Wert, and Warren Counties, Ohio;

(11) Between Toledo, Ohio, and Elizabethtown, Ohio, from Toledo, Ohio, over Ohio Highway 65 to junction Ohio Highway 47 (near Port Jefferson, Ohio), thence over Ohio Highway 47 to Union City, Ohio, thence over Ohio Highway 571 to Greenville, Ohio, thence over Ohio Highway 121 and Ohio Highway 320 to junction U.S. Highway 35 (near New Westville, Ohio), thence over U.S. Highway 35 to Washington Court House, Ohio, thence over U.S. Highway 62 to Russellville, Ohio, thence over Ohio Highway 125 to Cincinnati, Ohio, thence over U.S. Highway 50 to Elizabethtown, Ohio and return over the same route, serving all intermediate points and the off-route points of Allen, Auglaize, Brown, Clermont, Darke, Fayette, Greene, Hamilton, Henry, Highland, Montgomery, Preble, Putnam, Shelby, and Wood Counties, Ohio;

(12) Between Columbus, Ohio, and West Unity, Ohio; from Columbus, Ohio, over U.S. Highway 38 to Marysville, Ohio, thence over Ohio Highway 31 to Kenton, Ohio, thence over Ohio Highway 67 to Upper Sandusky, Ohio, thence over Ohio Highway 53 to Port Clinton, Ohio, thence over Ohio Highway 163 to junction Ohio Highway 420, thence over Ohio Highway 420 and over Ohio Highway 120 and Interstate Highway 280 to junction County road (near Walbridge, Ohio), thence east over county road to junction Ohio Highway 51, thence over Ohio Highway 51 to Toledo, Ohio (or, from junction county road (near Walbridge, Ohio) over Ohio Highway 120 and Interstate Highway 280 to Toledo, Ohio), thence over Ohio Highway 120 to Seward, Ohio, thence over Ohio Highway 109 to junc-

tion Ohio Highway 110, thence over Ohio Highway 110 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 junction county road (west of Pioneer, Ohio), thence east over county road to junction Ohio Highway 576, thence over Ohio Highway 576 to Montpelier, Ohio, thence over Ohio Highway 107 to junction U.S. Highway Alternate 20, thence over U.S. Highway Alternate 20 to Burlington, Ohio, thence over Ohio Highway 66 to Fayette, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 49, thence over Ohio Highway 49 to Edgerton, Ohio, thence over U.S. Highway 6 to junction county road, thence north and east over county road to Bryan, Ohio, thence over U.S. Highway 127 to junction county road, thence over county road to Stryker, Ohio, thence over Ohio Highway 191 to West Unity, Ohio, and return over the same route, serving all intermediates and the off-route points of Franklin, Fulton, Hardin, Henry, Lucas, Ottawa, Sandusky, Seneca, Union, Williams, Wood, 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 224, thence over U.S. Highway 224 to junction Ohio Highway 186, thence over Ohio Highway 186 to junction Ohio Highway 235 (or, from junction U.S. Highway 224 over Ohio Highway 235 to junction Ohio Highway 186), thence over Ohio Highway 235 to junction Ohio Highway 65 (northeast of Grand Rapids, Ohio), thence over Ohio Highway 65 to junction Ohio Highway 64 (near Haskins, Ohio), thence over Ohio Highway 64 to Assumption, Ohio, thence over U.S. Highway 20 to Oakshade, Ohio, thence over Ohio Highway 108 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction Ohio Highway 115, thence over Ohio Highway 115 to junction Ohio Highway 65 (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, Henry, Logan, Lucas, Montgomery, Putnam, Shelby, and Wood Counties, Ohio; (14) between Cincinnati, Ohio, and Columbus, Ohio; from Cincinnati, Ohio, over Ohio Highway 32 to Sardinia, Ohio, thence over Ohio Highway 134 to Buford, Ohio, thence over Ohio Highway 138 to Hillsboro, Ohio, thence over Ohio Highway 73 to junction Ohio Highway 503 (near Seven Mile, Ohio), thence over Ohio Highway 503 to Ithaca, Ohio, thence over Ohio Highway 722 to junction Ohio Highway 726 (near Castine, Ohio), thence over Ohio Highway 726 to junction U.S. Highway 40 (north of Eaton, Ohio), thence over U.S. Highway 40 to Columbus, Ohio, and return over 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; from Columbus, Ohio, over U.S. Highway 40 to Hebron, Ohio, thence over Ohio Highway 79 to Newark, Ohio, thence over Ohio Highway 16 to junction Ohio Highway 37 (near Granville, 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 road to junction Columbus Grove-Bluffton Road, thence over Columbus Grove-Bluffton Road to Bluffton, Ohio, thence over Ohio Highway 103 to Carey, 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 Bellevue, Ohio, thence over Ohio Highway 269 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, Erie, Franklin, Hancock, Hardin, Huron, Marion, Licking, Putnam, Sandusky, Seneca, Union, and Wyandot Counties, Ohio; (16) between Lima, Ohio, and Perrysburg, Ohio, from Lima, Ohio, over Ohio Highway 117 to Rockford, Ohio, thence over U.S. Highway 33 to Willshire, Ohio, thence over Ohio Highway 81 to Patterson, Ohio, thence over Ohio Highway 53 to Upper Sandusky, Ohio, thence over Ohio Highway 182 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Bucyrus, Ohio, thence over Ohio Highway 96 to Shelby, Ohio, thence over Ohio Highway 39 to Mansfield, Ohio, thence over Ohio Highway 545 to Savannah, Ohio, thence over Ohio Highway 60 to Birmingham, Ohio, thence over Ohio Highway 113 to junction Ohio Highway 99, thence over Ohio Highway 99 to junction Ohio Highway 101, thence over Ohio Highway 101 to junction Ohio Highway 2, thence over Ohio Highway 2 to junction Ohio Highway 19, thence over Ohio Highway 19 to Republic, Ohio, thence over Ohio Highway 18 to Fostoria, Ohio, thence over Ohio Highway 199 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;

(17) Between Toledo, Ohio, and Fostoria, Ohio; from Toledo, Ohio, over Ohio Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 300, thence over Ohio Highway 300 to Gibsonburg, Ohio (or, from junction Ohio Highway 300 over U.S. Highway 20 to junction Ohio Highway 600, thence over Ohio Highway 600 to Gibsonburg, Ohio), thence over Ohio Highway 300 to junction U.S. Highway 6, thence over U.S. Highway 6

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 109 to Ottawa, Ohio, thence over Ohio Highway 65 to junction county road, thence over county road to junction county road (northwest of Pandora, Ohio), thence over county road to junction Ohio Highway 12 (west of Pandora, Ohio), thence over Ohio Highway 12 to junction Ohio Highway 696, thence over Ohio Highway 696 to Beaverdam, Ohio, thence over Napoleon Road through Lafayette, Ohio, to Harrod, Ohio, thence over Westminster Road and Harrod Road to Westminster, Ohio, thence over Ohio Highway 196 to New Hampshire, Ohio, thence over Ohio Highway 385 to Roundhead, Ohio, thence over Ohio Highway 117 to junction Ohio Highway 273, thence over Ohio Highway 273 to Belle Center, Ohio, thence over Ohio Highway 638 to junction Ohio Highway 274, thence over Ohio Highway 274 to Jackson Center, Ohio, thence over Ohio Highway 65 to Uniopolis, Ohio, thence over Ohio Highway 67 to Wapakoneta, Ohio, thence over Ohio Highway 198 to junction Ohio Highway 197, thence over Ohio Highway 197 to Kossuth, 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;

(18) Between Mansfield, Ohio, and Sharonville, Ohio; from Mansfield, Ohio, over Ohio Highway 39 to Shelby, Ohio, thence over Ohio Highway 61 to Plymouth, Ohio, thence over Ohio Highway 603 to Mifflin, Ohio (or, from Mansfield, Ohio, over Ohio Highway 430 to Mifflin, Ohio), thence over Ohio Highway 603 to junction Ohio Highway 95; thence over Ohio Highway 95 to Marion, Ohio, thence over Ohio Highway 423 to junction U.S. Highway 23, thence over U.S. Highway 23 to Norton, Ohio, thence over Ohio Highway 229 to Mount Vernon, Ohio, thence over U.S. Highway 36 to Millwood, Ohio, thence over U.S. Highway 62 to Columbus, Ohio, thence over U.S. Highway 40 to West Jefferson, Ohio, thence over Ohio Highway 142 to London, Ohio, thence over Ohio Highway 38 to Washington Court House, Ohio, thence over Ohio Highway 41 to Troy, Ohio, thence over Ohio Highway 55 to Laura, Ohio, thence over Ohio Highway 721 to junction Ohio Highway 49, thence over Ohio Highway 49 to junction County road (north of Germantown, Ohio), thence over county road to Germantown, Ohio, thence over Ohio Highway 123 to junction Ohio Highway 4, thence over Ohio Highway 4 to junction Ohio Highway 747, thence over Ohio Highway 747 to junction Interstate Highway 275, thence over Interstate

Highway 275 to Sharonville, 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 (Cleveland-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)) to Massillon, Ohio, thence over U.S. 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 14 to Streetsboro, 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 Riceland, 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 Ohio Highway 5, thence over Ohio Highway 5 to Warren, Ohio, thence over Ohio Highway 45 to North Jackson, Ohio, thence over Ohio Highway 18 and Interstate Highway 80S to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Ohio Highway 45, thence over Ohio Highway 45 to Warren, Ohio, thence over U.S. Highway 422 to Youngstown, Ohio and return over the same route serving all intermediate points and the off-route points of Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Medina, Portage, Stark, Summit, Trumbull, and Wayne Counties, Ohio;

(20) Between Akron, Ohio, and Boardman, Ohio: From Akron, Ohio, over Interstate Highway 77 to Canton, Ohio, thence over Ohio Highway 153 to junction Ohio Highway 44, thence over Ohio Highway 44 to Rootstown, Ohio, thence over Interstate Highway 80S to junction Ohio Highway 43, thence over Ohio Highway 43 to Canton, Ohio, thence over U.S. Highway 62 to Wilmot, Ohio, thence over U.S. Highway 250 to Mount Eaton, Ohio, thence over Ohio Highway 241 to Millersburg, Ohio, thence over Ohio Highway 76 to Avon Lake, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 58 to Ashland, Ohio, thence over U.S. Highway 250 to junction Ohio Highway 301, thence over Ohio Highway 301 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 322 to junction Ohio Highway 193, thence over Ohio Highway 193 to Cherry Valley, Ohio, thence over U.S. Highway 6 to Andover, Ohio, thence over Ohio Highway 7 to Williamsfield, Ohio (or, from junction Ohio Highway 193 over U.S. Highway 322 to Williamsfield, Ohio), thence over Ohio Highway 7 to Boardman, Ohio and return over the

same route, serving all intermediate points and the off-route points of Ashland, Ashtabula, Cuyahoga, Geauga, Holmes, Lorain, Mahoning, Medina, Stark, Summit, Trumbull, and Wayne Counties, Ohio; (21) between Toledo, Ohio, and Chesterville, Ohio; from Toledo, Ohio over Interstate Highway 475 to junction old U.S. Highway 25, thence over Old U.S. Highway 25 to Bowling Green, Ohio, thence over Ohio Highway 105 to junction Old Highway 590, thence over Ohio Highway 590 to Bettsville, Ohio, thence over Ohio Highway 12 to junction Ohio Highway 635, thence over Ohio Highway 635 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Old Highway 231, thence over Ohio Highway 231 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Upper Sandusky, Ohio, thence over Ohio Highway 67 to Republic, Ohio, thence over Ohio Highway 19 to Gallon, Ohio, thence over Ohio Highway 97 to junction Ohio Highway 3, thence over Ohio Highway 3 to Loudonville, Ohio, thence over Ohio Highway 60 to Ashland, Ohio, thence over Ohio Highway 96 to Shelby, Ohio, thence over Ohio Highway 314 to Chesterville, 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 Perrysville, Ohio; from Cleveland, Ohio, over Interstate Highway 71 to junction Interstate Highway 271 (near Medina, Ohio), thence over Interstate Highway 271 to junction Cleveland-Massillon Road, thence over Cleveland-Massillon Road to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Miller Road, thence over Miller Road to junction Interstate Highway 77, thence over Interstate Highway 77 to Akron, Ohio, thence over Ohio Highway 241 to Mount Eaton, Ohio, thence over U.S. Highway 250 to junction county road (near Apple Creek, Ohio), thence over county road through Fredericksburg, Ohio, to Holmesville, Ohio, thence west over county road to junction Ohio Highway 754, thence over Ohio Highway 754 to junction Ohio Highway 39, thence over Ohio Highway 39 to Nashville, Ohio, thence over Ohio Highway 514 to Shreve, Ohio, thence over Ohio Highway 226 to junction Ohio Highway 3, thence over Ohio Highway 3 to junction Ohio Highway 95, thence over Ohio Highway 95 to Perrysville, Ohio and return over the same route serving all intermediate points and the off-route points of Ashland, 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 320 and 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 127 to Celina, Ohio (or, from Coldwater, Ohio, over Ohio Highway 118 to junction Ohio Highway 29, thence over Ohio Highway 29 to Celina, Ohio), thence over Ohio Highway 29 to Urbana, Ohio, thence over U.S. Highway 68 to junction Ohio Highway 55, thence over Ohio Highway 55 to Troy, Ohio, thence over Ohio Highway 41 to junction Interstate Highway 75, thence over Interstate Highway 75 to Eldean, Ohio, thence over old U.S. Highway 25 to Piqua, Ohio, thence over Ohio Highway 66 to Fort Loramie, Ohio, thence over Ohio Highway 705 to junction Ohio Highway 49, thence over Ohio Highway 49 to Fort Recovery, Ohio, thence over Ohio Highway 119 to junction Ohio Highway 65, thence over Ohio Highway 65 to Jackson Center, Ohio, thence over Ohio Highway 274 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Ohio Highway 127 to junction Ohio Highway 219, thence over Ohio Highway 219 and Old U.S. Highway 25 to Botkins, Ohio, thence over Interstate Highway 75 to junction Ohio Highway 67, thence over Ohio Highway 67 to Kenton, Ohio, thence over Ohio Highway 53 to Upper Sandusky, 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 96, thence over Ohio Highway 96 to junction Ohio Highway 39, thence over Ohio Highway 39 to junction Ohio Highway 103, thence over Ohio Highway 103 to junction U.S. Highway 224, thence over U.S. Highway 224 to New Haven, Ohio, thence over Ohio Highway 61 to Norwalk, Ohio, and return over the same route, serving all intermediate points and the off-route points of Crawford, Huron, Richland, and Seneca 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 Cincinnati, Ohio, and Eaton, Ohio; from Cincinnati, Ohio, over U.S. Highway 27 to Oxford, Ohio, thence over Ohio Highway 73 to junction Ohio Highway 177, thence over Ohio Highway 177 to Hamilton, Ohio (or, from junction Ohio Highway 177 over Ohio 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 Highway 63, thence over Ohio Highway 63 to Lebanon, Ohio, thence over Ohio Highway 123 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 73, thence over Ohio Highway 73 to Franklin, Ohio, thence over Ohio Highway 123 to Germantown, Ohio, thence over Ohio Highway 725 to Gratis, Ohio, thence over Ohio Highway 122 to Eaton, Ohio, and return over the same route, serving all intermediate points and the off-route points of Butler, Clinton, Hamilton, Preble, Montgomery, and Warren Counties, Ohio;

(27) Between Akron, Ohio, and North Canton, Ohio, from Akron, Ohio, over Ohio Highway 93 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Ohio Highway 183, thence over Ohio Highway 183 to junction Ohio Highway 619 (near Alliance, Ohio), thence over Ohio Highway 619 to Barberton, Ohio, thence over U.S. Highway 224 to junction U.S. Highway 21, thence over U.S. Highway 21 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 commodities in bulk). (II) Irregular routes: Between Ada, Akron, Delphos, Forest, and 5 miles thereof, Cincinnati, Cleveland, Columbus, Dayton, Latty, Lima, Logan County, Mansfield, Mount Orab, South Charleston, Springfield, St. Marys, Toledo, Van Wert, and Waynesfield, Ohio, on the one hand, and on the other, points in Adams, Athens, Belmont, Carroll, Columbiana, Coshocton, Fairfield, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, and Washington Counties, Ohio. Note: Applicant states that the purpose of the instant application is to convert its certificate of registration into a certificate of public convenience and necessity. This application is a matter directly related to No. MC-F-10827 published in the FEDERAL REGISTER, May 13, 1970. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121306 (Sub-No. 2), filed April 23, 1970. Applicant: SUPERIOR MOTOR EXPRESS, INC., Post Office Box 98, Gold Hill, N.C. 28071. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring special equipment) between points in Alamance, Gaston, Iredell, Mecklenburg, Forsyth, Davis, Rowan, Cabarrus, Guilford, Orange, Durham, Wake, Johnston, Wilson, Wayne, Pitt, Lenoir, Craven, Anson, Richmond, Moore, Lee, Scotland, Hoke, Harnett, Cumberland, Robeson, Sampson, Bladen,

Columbus, Duplin, Brunswick, New Hanover, Pender, Onslow, Martin, Montgomery, Cleveland, and Rutherford Counties, N.C. Note: Applicant states it presently holds a Certificate of Registration in MC 121306 Sub-1 covering the above-described operations, and requests authority to convert the said certificate of registration to a certificate of public convenience and necessity simultaneously upon receiving authority to acquire the operating rights and properties of Vendor in MC-F 10816. The instant application is a matter directly related to MC-F 10816 published in the FEDERAL REGISTER issue of May 6, 1970. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 124839 (Sub-No. 5), filed May 1, 1970. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H Street, NW, 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 asbestos form board* 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 installation of roof slabs, from the plant site of Concrete Products, Inc., Brunswick, Ga. to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, 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 supplies 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, under contracts with National Gypsum Co., GAF-Ruberoid Co., Certaineed 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., Certaineed Products Corp., Flintkote Co., Georgia-Pacific Corp., Johns-Manville Sales Corp.;

(5) *Gypsum and gypsum products and building materials*, from points in Chatham County, Ga., to points in North Carolina, South Carolina, and Tennessee, and returned shipments of the above-described commodities, from points in

North Carolina, South Carolina, and Tennessee, to points in Chatham County, Ga., under contracts with National Gypsum Co., GAF-Ruberoid Co., Certainite Products Corp., Flintkote Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp. The operations sought in (5) above are to be restricted against the transportation of liquid commodities in bulk and of cement except in mixed loads with the other commodities sought above, (6) *building materials*, from Savannah, Ga., to points in Alabama, under contracts with National Gypsum Co., GAF-Ruberoid Co., Certainite Products Corp., Flintkote Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp., (7) *lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Florida, Georgia, North Carolina, and South Carolina, under contract with U.S. Champion Corp., and (8) *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-Ruberoid Co., Certainite Products Corp., Flintkote Co., Georgia-Pacific Corp., and Johns-Manville Sales Corp. NOTE: Common control and dual operations may be involved. This application is directly related to MC-F 10819, published in the FEDERAL REGISTER issue of May 6, 1970. If 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 of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-10759. (Amendment) (RINGSBY-PACIFIC LTD.—Purchase (Portion) — CONTINENTAL VAN LINES, INC.), published in the February 26, 1970, issue of the FEDERAL REGISTER, on page 3785. By amendment filed May 18, 1970, applicants seek to include the following authority sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Reno, Nev., and Sparks, Nev., serving all intermediate points.

No. MC-F-10813. (Correction), EASTERN EXPRESSES, INC.—Control—R. C. MOTOR LINES, INC. This correction to include ALBERT E. RISING, JR., 26 Broadway, New York, N.Y., as an additional party in control of R. C. MOTOR LINES, INC., through the acquisition by EASTERN EXPRESS, INC. Under *general commodities*, excepting among others, dangerous explosives, household

goods and commodities in bulk over regular routes; between Walterboro, S.C., and Blackville, S.C., should be deleted and notice should read, between Walterboro, S.C., and Columbia, S.C., in lieu thereof; after the route between New York, N.Y. and Philadelphia, Pa., notice should read, between New York, N.Y., and Philadelphia, Pa., *servicing 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 *House* in Boston as intermediate and off-route points.

No. MC-F-10818 (Correction). FOSS LAUNCH & TUG CO.—Purchase—ALASKA STEAMSHIP CO., published in the May 6, 1970, issue of the FEDERAL REGISTER. This correction to show FOSS L&T CO., in lieu of FOSS LAUNCH & TUG CO., seeks to purchase the operating rights and certain property of ALASKA STEAMSHIP COMPANY. FOSS L&T CO., is a wholly owned subsidiary of the FOSS LAUNCH & TUG CO.

No. MC-F-10836. Authority sought for purchase by LILE MOVING & STORAGE COMPANY, 7021 Northeast Halsey Street, Portland, Ore. 97213, of the operating rights of A & P VAN LINES, INC., c/o John L. Crossen, Receiver, 512 Washington Building, Tacoma, Wash. 98402, and for acquisition by LILE INC., and in turn by WENDELL B. LILE, GERALD R. LARSEN, all of 3602 South Pine, Tacoma, Wash., and JAMES B. LARSEN, also of Portland, Ore., of control of such rights through the purchase. Applicants' attorneys: George H. Hart and Jack R. Davis, both of 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between points within 3 miles of Seattle, Wash., including Seattle, between points in the above specified territory, on the one hand, and, on the other, points in Oregon west of the Cascade Range and on and north of a line beginning at the Cascade Range and extending along U.S. Highway 126 westward to Eugene, Ore., thence along U.S. Highway 99 to junction of Oregon Highway 36, and thence along Oregon Highway 36 westward to the Pacific Ocean. Vendee has been granted authority to operate as a common carrier in Oregon and Washington, upon compliance with the Report and Order in No. MC-24106 Sub-1, by Review Board No. 1, dated Apr. 30, 1970. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10837. Authority sought for purchase by CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Trafficway, Post Office Box 807, Springfield, Mo. 65801, of the operating rights and property of ATLAS TRUCK LINES, INC., 2619 South Fifth, Milwaukee Wis. 53207, and for acquisition by FRANK G. CAMPBELL, also of Springfield, Mo., of control of such rights and property through the purchase. Applicants' attorney: Phineas Stevens, Post Office

Box 22567, Jackson, Miss. 39205. Operating rights sought to be transferred: *General commodities*, excepting, among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Milwaukee, Wis., and Chicago, Ill., serving the off-route point of Waukesha, Wis., for delivery of pistons for internal combustion engines only; *wire screen cloth*, between DeKalb, Ill., and St. Louis, Mo.; *flooring tile, empty battery containers, empty cartons, rubber, asphalt compound, empty beer containers, tile, cement, and gaskets*, between Waukegan, Ill., and St. Louis, Mo.; *wire fence and fence materials*, between North Chicago, Ill., and St. Louis, Mo.; serving no intermediate points on the above-specified routes; *general commodities*, in collection and delivery service, over irregular routes, between points in the Chicago Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673; *pulpboard boxes, corrugated boxes, noncorrugated boxes, and wood pulpboard*, from Milwaukee, Wis., to points in Indiana; *wooden and iron cores, wooden skids, and wastepaper*, from points in Indiana to Milwaukee, Wis.; *canned goods*, from points in Indiana to Milwaukee, Wis., from Astico, Oakfield, and Sussex, Wis., to points in Indiana. Vendee is authorized to operate as a *common carrier* in Georgia, Kansas, Alabama, Arkansas, Mississippi, Tennessee, Missouri, Texas, Oklahoma, Illinois, and Louisiana. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10838. Authority sought for control by LOFTIN'S TRANSFER & STORAGE CO., INC., Post Office Drawer 1568, Dothan, Ala. 36301, of AMERICAN MOVING & STORAGE CO., INC., 7020 Franklin Avenue, Post Office Box 8188, New Orleans, La. 70122, and for acquisition by GRADY C. LOFTIN, 718 Dusy Street, Dothan, Ala., JEFF D. LOFTIN, 207 Whately Drive, Dothan, Ala., and C. LAMONT BRANTLEY, JR., 1503 Seminole Street, Dothan, Ala., of control of AMERICAN MOVING & STORAGE CO., INC., through the acquisition by LOFTIN'S TRANSFER & STORAGE CO., INC. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC-99526 Sub-1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Louisiana. (NOTE: This authority is being leased from NORTON GLUEK, pursuant to MC-FC-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.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-6558; Filed, May 26, 1970; 8:49 a.m.]

[Notice 83]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 11) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 42000 (Sub-No. 3 TA), filed May 19, 1970. Applicant: BATES TRUCK LINE, INC., 802 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: *Petroleum wax*, in packages, from Kilgore, Tex., to Houston, Tex., also including commercial zone, for 180 days. NOTE: Applicant states it does not intend to tack with existing authority. Supporting shipper: Petrolite Corp., Bareco Division (Stanley Lowder), 6910 East 14th Street, Post Office Drawer K, Tulsa, Okla. 74115. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 76025 (Sub-No. 18 TA), filed May 19, 1970. Applicant: OVERLAND EXPRESS INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, and *foodstuffs*, from Austin, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for the account of Geo. A. Hormel & Co., Austin, Minn., for 180 days. Supporting shipper: Geo. A. Hormel & Co., Chicago, Ill. Send

protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 103494 (Sub-No. 20 TA), filed May 19, 1970. Applicant: EASLEY HAULING SERVICE, INC., 902 North First Avenue, Yakima, Wash. 98902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from points in Yakima County, Wash., to Post Falls, Idaho, for 180 days. Supporting shipper: National Can Corp., 1657 Rollins Road, Post Office Box 1669, Burlingame, Calif. 94010. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.

No. MC 106760 (Sub-No. 130 TA), filed May 19, 1970. Applicant: WHITEHOUSE TRUCKING, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pipes, ducts, fittings and couplings* used in heating, cooling, and air handling systems and *materials, supplies, and accessories* used in the installation of such systems, from the plantsite of United Sheet Metal at Rockford, Ill., 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, Traffic Manager, 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 Third, Oklahoma City, Okla. 73102.

No. MC 110420 (Sub-No. 614 TA) filed May 19, 1970. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Thorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate and confectioner's coating and compounds*, in bulk, from Lititz, Pa., to points in Walworth County, Wis., for 180 days. Supporting shipper: Wilbur Chocolate Co., Lititz, Pa. 17543; (John E. Davidson, traffic manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 807, 1359 West Wells Street, Milwaukee, Wis. 53202.

No. MC 116063 (Sub-No. 119 TA), filed May 19, 1970. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, syrups, and blends thereof*, in bulk, in tank vehicles, from Kansas City, Kans.-Mo., to points in Arkansas, Iowa, Nebraska, and Oklahoma, for 180 days.

Supporting shipper: Holly Sugar Corp., 100 Chase Stone Center, Colorado Springs, Colo. 80901. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 118989 (Sub-No. 46 TA) filed May 19, 1970. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, from the plantsite of Continental Can Corp. in Chicago, Ill., to Fremont, Nebr., for 150 days. Supporting shipper: Continental Can Corp., 135 South La Salle Street, Chicago, Ill. 60603. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129553 (Sub-No. 4 TA), filed May 19, 1970. Applicant: THEODORE TAMMARO, Box 209, Iron, Minn. 55751. Applicant's representative: A. R. Fowler, 2288 University Avenue; St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Two Harbors, Minn., and from La Crosse and Milwaukee, Wis., to Hibbing, Minn., for 180 days. Supporting shippers: Robert H. Quigley, distributor, Two Harbors, Minn.; Zbacnik Distributors, Hibbing, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 13534 (Sub-No. 1 TA), filed May 19, 1970. Applicant: LOUIS BASTERRECHEA, doing business as BASTERRECHEA DISTRIBUTING, 1213 Nev. Gooding, Idaho 8330. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packing-house products*, from points in Gooding County, Idaho, to points in Oregon and Washington, for 150 days. Supporting shipper: Magic Valley Packing Co., Post Office Box 89, Gooding, Idaho 83330. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-6559; Filed, May 26, 1970;
8:50 a.m.]

[Notice 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 782 TA), filed May 19, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Minneapolis, Minn., to Moorhead, Minn., for 180 days. Supporting shipper: Glidden-Durkee, Division of SCM Corp., 900 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109708 (Sub-No. 48 TA), filed May 19, 1970. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT INC., Post Office Box 1749, Fort Pierce, Fla. 33450. Applicant's representative: R. William Becker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular 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 Miami, Daytona Beach, and Winter Park, Fla., for 180 days. Supporting shipper: Speas Co., Lester J. Dinneen, Vice President, Lyndonville, N.Y. Send protests to: District Supervisor Joseph B. Telchert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 112539 (Sub-No. 7 TA), filed May 19, 1970. Applicant: PERCHAK TRUCKING, INC., Hazle Village, Post Office Box 811, Hazleton, Pa. 18201. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*: (a) from points in Warren, Bur-

lington, Hunterdon, Union, Bergen, Essex, Morris, Passaic, Middlesex, Monmouth, and Somerset Counties, N.J., to Williamsport, Pa.; (b) from Williamsport, Pa., to points in Burlington County, N.J., and points in Steuben County, N.Y.; (c) from points in Cortland County, N.Y.; Warren, Burlington, Hunterdon, Union, Bergen, Essex, Morris, Passaic, Middlesex, Monmouth, and Somerset Counties, N.J., to points in Bradford, Chester, Luzerne, Lackawanna, Schuylkill, Clinton, Centre, Lycoming, Dauphin, Northumberland and Philadelphia Counties, Pa.; (d) from points in Cortland County, N.Y.; Bradford, Chester, Luzerne, Lackawanna, Schuylkill, Clinton, Centre, Lycoming, Dauphin, Northumberland, and Philadelphia Counties, Pa., to points in Burlington County, N.J.; (e) from Avis, Pa., to points in Carroll County, Md., and Greene County, N.Y., for 180 days. Supporting shippers: Stalman Brothers, 201 Hepburn Street, Williamsport, Pa. 17701; Jersey Shore Steel Co., Jersey Shore, Pa. 17740; Luria Brothers & Co., Inc., 130 Presidential Boulevard North, Bala Cynwyd, Pa. 19004. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. 119315 (Sub-No. 12 TA), filed May 19, 1970. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul Berry, Suite 1650, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass tubs and fiberglass shower stalls*, from the plantsite of the 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 Dakota, Tennessee, 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. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 120098 (Sub-No. 16 TA), filed May 19, 1970. Applicant: UNITAH FREIGHTWAYS, 1030 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment); (1) between Vernal, Utah, and Craig, Colo., serving the off-route points of Rangely and Meeker, Colo., from Vernal, Utah, over U.S. Highway 40 to Craig, and return over the same

route; (2) between Bonanza, Utah, and Craig, Colo., from Bonanza, Utah, over unnumbered Utah and Colorado Highway to Rangely, Colo.; thence over Colorado Highway 64 to Artesia (Dinosaur), Colo.; thence U.S. Highway 40 to Craig, Colo., and return over same route, for 180 days. NOTE: Applicant requests authority to tack the authority here applied for to its present authority under MC 120098 Sub 2 and to interline with other carriers. Supporting shippers: There are approximately 42 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 123067 (Sub-No. 104 TA), filed May 19, 1970. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from Charlotte, N.C., to points in Virginia, for 180 days. Supporting shipper: American Mineral Spirits Co., Division of Union Oil Co. of California, 17 Executive Park Drive, NE., Atlanta, Ga. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 124309 (Sub-No. 3 TA), filed May 19, 1970. Applicant: ALPHEY F. BOUSLEY, Route 3, Box 60, Armstrong Creek, Wis. 54103. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Lumber, including veneer*, from Goodman, Wis.; (b) *lumber*, from Mohawk, Mich.; and (c) *veneer*, from Mellen, Wis., to points in Alabama, Arkansas, Florida, Idaho, Kansas, Louisiana, Missouri, Mississippi, Montana, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming; and (2) *returned shipments and material, equipment and supplies* used in the processing and distribution of the products named in parts (1) (a), (b), and (c) from the above-described destination points, and from points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, and Ohio to Goodman and Mellen, Wis., and Mohawk, Mich., for 180 days. Supporting shipper: Universal Oil Products Co., Goodman Division, Escanaba, Mich. 49829 (J. M. Criel—Lumber Sales Manager). Send protests to: Lyle D. Hlefer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126822 (Sub-No. 36 TA), filed May 19, 1970. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts, and pieces thereof*, from the Kansas City, Mo.-Kans., commercial zone and St. Joseph, Mo., to Middlesboro, Ky.; Grand Haven and Whitehall, Mich.; Coudersprot, Elkland, and Westfield, Pa.; Luray and Salem, Va., and Parsons, W. Va., for 180 days. Supporting shipper: Bert Lyon & Co., 1000 West 12th Street, Kansas City, Mo. 64101. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 126869 (Sub-No. 2 TA) (Correction), filed April 22, 1970, published in the FEDERAL REGISTER issue of May 12, 1970, and republished as corrected, this issue. Applicant: M & W TRUCKING, INC., Post Office Box 58, Bowdon, Ga. 30108. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Solid and semipneumatic tires, plastic or rubber handle bar grips, pedals, and mud flaps, plastic streamers and wheels, steel wheels, and wheels mounted with solid or semipneumatic tires, and rubber and plastic tile and floor products, and wall facing strips*, from Bowdon, Ga., to points in Delaware, Florida, Iowa, Maryland, Massachusetts, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, 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 product products, and wall facing strips*, from Bowdon, Ga., and Tusculumbia, Ala., to points in Alabama, Arkansas, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, 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 Tusculumbia, Ala. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Textile Rubber Co., Inc., of Bowdon, Ga., for 180 days. Note: The purpose of this republication is to (1) omit "and wheels", an error in the commodity description under (1) in previous publication; (2)

Include the territorial description "From the destination States in (1) above to Bowdon, Ga." and (3) Include certain States in (3) which were omitted from previous publication, Delaware, Florida, Illinois, Indiana, Iowa, and Kentucky. Applicant intends to tack with MC 126869 Sub 1. Supporting shipper: Textile Rubber Co., Inc., Bowdon, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133967 (Sub-No. 4 TA), filed May 19, 1970. Applicant: JOHN R. McCORMICK, doing business as McCormick Trucking, Route 1, Catawba, Wis. 54515. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. 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 of *materials and supplies used in the manufacture of cabinets, vanities, and cases*, from points in Connecticut, New Jersey, and New York, to Ladysmith, Wis. Restricted to service to be performed under contract with Mica-Wood Corp. Ladysmith, Wis., for 180 days. Supporting shipper: Mica-Wood Corp. Ladysmith, Wis. 54848. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 134494 TA (Correction), filed April 13, 1970, published in the FEDERAL REGISTER issue of April 22, 1970, and republished as corrected, this issue. Applicant: A & B EXPRESS COMPANY, a corporation, 6314 Dewey Avenue, West New York, N.J. 07093. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquors* (except in bulk), for the account of Monsieur Henri Wine, Ltd., from Brooklyn, N.Y., to Albany, Buffalo, Rochester, Syracuse, and points in Nassau, Suffolk, Orange, Rockland, Westchester Counties, N.Y., for 150 days. Note: The purpose of this republication is to insert "to" before the destination points. Supporting shipper: Monsieur Henri Wines, Ltd., 131 Morgan Avenue, Brooklyn, N.Y. 11237. Send protests to: District Supervisor W. J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 134552 (Sub-No. 1 TA), filed May 19, 1970. Applicant: TRANSAMERICAN CARRIER CO., Post Office Box 772, Fremont, Nebr. 68025. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry and liquid acids and chemicals, and fertilizer compounds, including anhydrous ammonia, aqua ammonia, nitrogen solutions*, in bulk, in tank or hopper type vehicles, from Port Neal Industrial Complex, Big

Soo Terminal, and the plantsite and facilities of Terra Chemicals International, Inc., located in Woodbury County, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 150 days. Supporting shipper: Henry R. Strater, Terra Chemicals International, Inc., 507 Sixth Street, Sloux City, Iowa 51101. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6580; Filed, May 26, 1970;
8:50 a.m.]

[Notice 540]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 22, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71334. By application filed May 21, 1970, DIRECT AIRPORT SERVICE, INC., 44 Coldwell Street, Huntington Station, N.Y. 11746, seeks 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 operating rights of WALTER G. ELSEBOUGH, doing business as PORT JEFFERSON MOTOR TRANSPORTATION CO., is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-6561; Filed, May 26, 1970;
8:50 a.m.]

[Rev. S.O. 1002; Car Distribution Direction
No. 86]

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

Car Distribution

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce 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.

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 seven 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 Sunday 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.

Issued at Washington, D.C., May 21, 1970.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 70-6562; Filed, May 26, 1970;
8:50 a.m.]

[Rev. S.O. 1002; Car Distribution Direction
No. 87]

SOUTHERN RAILWAY CO. AND
MISSOURI-KANSAS-TEXAS RAIL-
ROAD CO.

Car Distribution

Pursuant to section 1 (15) and (17)
of the Interstate Commerce Act and

authority vested in me by Interstate Commerce 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 Southern Railway Co. shall deliver to the Missouri-Kansas-Texas Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

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 Sunday 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.

Issued at Washington, D.C., May 21, 1970.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[P.R. Doc. 70-6563; Filed, May 26, 1970;
8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-72]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 24, 1970, to March 26, 1970 (List No. 7-70). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction and materials are set forth in 46 CFR, Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS AND SUPPLIED-AIR RESPI- RATORS, FOR MERCHANT VESSELS

Approval No. 160.011/9/1, Davis Type BLS fresh air hose mask assembly with positive pressure blower, Davis Unit Nos. 4402, 4403, 4408, or 4409 with a maximum length of hose not exceeding 150 feet, Bureau of Mines Approval No. BM-1904 when assembled with BM-1902 face piece and BM-1902 or 1902A harness and hose, 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 supersedes Approval No. 160.011/9/1, dated May 26, 1966 to show change of name and address of manufacturer.)

Approval No. 160.011/11/1, Ammonia gas mask No. BM-1452, Bureau of Mines Approval No. BM-1452 consisting of Canister BM-1452, Face Piece BM-1408F, Canister Harness BM-1408, for use

against ammonia vapors only, manufactured by Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corp. of America, 225 Erie Street, Lancaster, N.Y. 14086, effective Mar. 18, 1970. (It supersedes Approval No. 160.011/11/1, dated May 31, 1967 to show change of name and address of manufacturer.)

Approval No. 160.011/25/1, Davis Type N Gas Mask, Bureau of Mines Approval No. BM-1448A, consisting of BM-1448A canister, 81229 check valve, BM-1448 canister harness, and BM-1408F face-piece, 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 supersedes Approval No. 160.011/25/1, dated Jan. 16, 1968 to show change of name and address of manufacturer.)

LIFE BOATS FOR MERCHANT VESSELS

Approval No. 160.035/410/6, 30.0' x 10.0' x 4.33' fibrous glass reinforced plastic (FRP), hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. P-30-1H, revision M dated February 4, 1970, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 24, 1970. (It supersedes Approval No. 160.035/410/5, dated Mar. 25, 1969, to show change in construction.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/357/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49802, effective March 23, 1970. (It is an extension of Approval No. 160.047/357/0, dated June 11, 1965.)

Approval No. 160.047/358/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy, Mich. 49802, effective March 23, 1970. (It is an extension of Approval No. 160.047/358/0 dated June 11, 1965.)

Approval No. 160.047/359/0, Type I, Model CKS-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Billy Boy Products, Inc., Quincy Mich. 49802, effective March 23, 1970. (It is an extension of Approval No. 160.047/359/0, dated June 11, 1965.)

Approval No. 160.047/390/0, Type I, Model AK-1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective March 16, 1970. (It is an extension of Approval No. 160.047/390/0, dated June 7, 1965.)

Approval No. 160.047/391/0, Type I, Model CKM-1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective March 16, 1970. (It is an extension of Approval No. 160.047/391/0, dated June 7, 1965.)

Approval No. 160.047/392/0, Type Model CKS-1, child kapok buoyant vest U.S.C.G. Specification Subpart 160.047, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn, N.Y. 11205, effective March 16, 1970. (It is an extension of Approval No. 160.047/392/0, dated June 7, 1965.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/2/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective March 23, 1970. (It is an extension of Approval No. 160.048/2/0, dated June 7, 1965.)

Approval No. 160.048/7/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, effective March 23, 1970. (It is an extension of Approval No. 160.048/7/0, dated June 9, 1965.)

Approval No. 160.048/8/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, for Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, Iowa 50303, effective March 23, 1970. (It is an extension of Approval No. 160.048/8/0 dated June 9, 1965.)

Approval No. 160.048/10/0, Special approval for 13½" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 23-oz. kapok, Iowa Fibre Products, Inc., dwg. No. 1 dated April 5, 1955, manufactured by Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, Iowa 50317, for Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, Iowa 50303, effective March 23, 1970. (It is an extension of Approval No. 160.048/10/0, dated June 9, 1965.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/3/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c) (1), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N.Y. 11201, effective March 23, 1970. (It is an extension of Approval No. 160.049/3/0 dated June 17, 1965.)

Approval No. 160.049/3/0 dated June 17, 1965.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/99/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Post Office Box 329, Caldwell, Ohio 43724, effective March 26, 1970. (It is an extension of Approval No. 160.052/98/0, dated June 10, 1965.)

Approval No. 160.052/99/0, Type I, Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Post Office Box 329, Caldwell, Ohio 43724, effective March 26, 1970. (It is an extension of Approval No. 160.052/99/0, dated June 10, 1965.)

Approval No. 160.052/100/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by Noble Products Co., Post Office Box 329, Caldwell, Ohio 43724, effective March 26, 1970. (It is an extension of Approval No. 160.052/100/0 dated June 10, 1965.)

FLOATING ELECTRIC WATER LIGHT

Approval No. 161.010/1/0, ACR Model SM-1 Illumination Marker (with mounting bracket); Illumination Marker Assembly dwg. No. P1-02-0033, Rev. O, dated May 19, 1969; Bracket Assembly dwg. No. A3-01-0073C, Rev. A, dated March 11, 1969; manufactured by ACR Electronics, Division of Chromalloy American Corp., 112 Voice Road, Carle Place, N.Y. 11514, effective March 3, 1970.

Dated: May 21, 1970.

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

[F.R. Doc. 70-6547; Filed, May 26, 1970;
8:49 a.m.]

[CGFR 70-67]

AMERICAN METAL CLIMAX, INC.

Notice of Qualification as a Citizen of the United States

1. This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), American Metal Climax, Inc., 1270 Avenue of the Americas, New York, N.Y., incorporated under the laws of the State of New York, did on April 17, 1970, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

2. The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home

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).

Dated: May 20, 1970.

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. BP-18864;
FCC 70-510]

BENSON POLYTECHNIC SCHOOL

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In regard application of BENSON POLYTECHNIC SCHOOL (KBPS) Portland, Oreg., 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 overlap of the 25 mv./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.¹ 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 316 of the act. The latest KVAN renewal application was due to be filed in early November 1968 but was not received by the Commission until February 3, 1969, following the expiration of the KVAN license on February 1, 1969. Inasmuch as the renewal application was not timely, it was accepted as an application for a broadcast license and designated for hearing on September 24, 1969. Cathryn C. Murphy, 19 FCC 2d 858. KVAN is now operating under a special temporary authorization and extensions thereof. Under these circumstances, KBPS urges, the holdover provisions of section 9(b) of the Administrative Procedure Act, 5 U.S.C., section 1008(b), do not apply.² Thus, KBPS contends that KVAN has no license the modification of which requires a hearing under section 316 of the Communications Act.

4. KBPS also cites precedent, e.g., *The Goodwill Stations, Inc. v. Federal Communications Commission*, 177 U.S. App. D.C. 64, 325 F. 2d 637, 1 RR 2d 2040 (1963), recognizing the principle that a broadcast licensee which accepts a renewal of its license following the adoption of amendments to the Commission's rules takes such renewal subject to the provisions of the rules as amended.

5. On the question of whether KVAN has a license within the meaning of section 316 of the Communications Act which is subject to modification, it is true that KVAN is not, at present, a regularly licensed station. However, the Commission has issued a special temporary authorization to operate KVAN, and KVAN is now a party-applicant in a proceeding instituted to determine whether, at the conclusion of the hearing, KVAN will return to regularly licensed status.

¹ By public notice of November 26, 1969, Jan. 5, 1970, was fixed as the date for filing of petitions to deny the application pursuant to § 1.580 of the rules. The KVAN petition for reconsideration was filed Feb. 11, 1970.

² Section 9(b) of the Administrative Procedure Act provides, in pertinent part: In any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency.

Under these circumstances, the Commission does not find it appropriate to deny KVAN's right to a hearing notwithstanding the fact that its right was belatedly asserted.

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.

7. KBPS admits the penetration of the proposed KBPS 25 mv./m. contour for a maximum distance of 0.17 mile into the KVAN 25 mv./m. contour. However, it has not been firmly established that KBPS's prediction is accurate or that there will be any 25 mv./m. overlap at all. For example, KBPS assumes an antenna efficiency of 197 mv./m./kw. Whether this efficiency will be achieved in practice 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 placed across the roofs of adjacent buildings. Therefore, the Commission finds that a more satisfactory resolution of the question may be reached in a hearing.

8. Except as indicated by the issues specified below, the applicant is qualified to construct and operate KBPS as proposed, but that, on the question of compliance with section 73.37 of the Commission's rules, the application must be designated for hearing on the issues set forth below.

9. Accordingly, it is ordered, That the petition for reconsideration filed by Cathryn C. Murphy is granted; and that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed 25 mv./m. contour of KBPS would overlap the 25 mv./m. contour of KVAN, and if so, whether circumstances exist which would warrant a waiver of said section.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience and necessity.

10. It is further ordered, That Cathryn C. Murphy, licensee of station KVAN, is made a party to the proceeding.

11. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues herein shall be upon the applicant.

12. It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall accept any interference that may result in the event existing 250 watt Class IV stations are authorized a daytime power increase to 1 kilowatt.

Permittee shall accept any interference for license, antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

14. *It is further ordered*, That the applicant shall, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: May 13, 1970.

Released: May 20, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6536; Filed, May 26, 1970;
8:48 a.m.]

[Dockets Nos. 16965, 16966; FCC 70-492]

DUPAGE COUNTY BROADCASTING,
INC.

Memorandum Opinion and Order
Clarifying Issues

In regard applications of DuPage County Broadcasting, Inc., Elmhurst, Ill., Docket No. 16965, File No. BP-16292; Howard L. Enstrom and Stanley G. Enstrom doing business as Central DuPage County Broadcasting Co., Wheaton, Ill., Docket No. 16966, File No. BP-16465; for construction permit.

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, Ill., respectively. In a memorandum opinion and order, 21 FCC 2d 395, 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 51-percent stockholder of DuPage, is the President, Director, and 26.7-percent stockholder of Canyon Broadcasters, Inc., 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 station WCKD at Ishpeming, Mich., under the management of Frank Blotter, with particular respect to operation later than the hours specified in the station license and with excessive presunrise power during the months of November and December 1967, and January, November, and December, 1968.

(b) To determine in the light of the facts developed under issue (a) whether DuPage County Broadcasting, Inc., of which Mr. Blotter is the principal stockholder, may reasonably be expected to exercise diligently that degree of licensee 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.¹ In its petition, DuPage requests that the Commission vacate its remand order 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 than 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 307(b) mandate will thereby be thwarted for an indefinite period.

3. DuPage also contends that the Commission can obtain reasonable assurances that DuPage 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 his 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 insure 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, Miss Lois 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. Du-

Page asserts that the Commission did not mention the confusion caused by the inconsistency between the sign off times stated in WCKD's license and the local Ishpeming time. Further, DuPage continues, the remand opinion failed to note that in the summer of 1968 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 confusion over time in the Michigan Upper Peninsula intensified after October 1968,² 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 conclusory only, and so was limited to evidence adduced 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 events 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 newspaper 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 of the remand order, which is interlocutory in nature, may not be entertained under § 1.106(a) of the rules and

² During 1968 there evidently was some controversy concerning whether the Michigan Upper Peninsula should be deemed in the Central or Eastern time zone. Attached to the petition for reconsideration are numerous copies of newspaper articles detailing the controversy. While the articles disclose that a controversy existed, they do not indicate any confusion as to which time zone was then applicable.

¹ Commissioner Cox dissenting and dissenting statement of Commissioner Robert T. Bartley filed as part of the original document.

¹ The petition was filed on Mar. 16, 1970. Oppositions to the petition were filed by the Broadcast Bureau on Mar. 27, 1970, and by Central on Mar. 30, 1970. DuPage filed a reply to the oppositions on Apr. 9, 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 directed to 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 petition, the Bureau argues 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 responsibly operate the proposed station are insufficient to enable the Commission to resolve the issues designated for hearing and no new facts have 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 language of the issue itself makes clear that it is conclusory only. Nor is clarification of the issues necessary, the Bureau urges, since the Commission's statement that "no decisional significance" is attached to the 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 intended to be explored 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 affidavits of persons with personal knowledge that Central instigated the newspaper articles upon which DuPage relies 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 assertions of DuPage, did consider and reject the explanation that the illegal operation of WCKD was caused by confusion over time zones. Referring to DuPage's request for clarification of the issues, Central contends that the revision of the issues sought by DuPage would "represent an invitation for the broadest possible hearing" and would be inconsistent both with the Commission's desire for expedition and with its approach to hearing proceedings. As to DuPage's request to add an issue inquiring into Central's investigative procedures, Central maintains that DuPage's pleadings fail to reveal any improper conduct by Central. DuPage's motion for an issue to determine whether Central has attempted improperly to influence the Commission must be denied, Central argues, since the newspaper articles relied upon by DuPage are factual, not unfair, and cover a matter of concern to the newspaper's readers. Further, Central points out that the articles were printed several months ago, and that DuPage has not explained why it is only now bringing them to the Commission's attention.

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 307(b). DuPage contends that these two facts plus 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, irrespective of whether the procedural challenges raised in the opposition have validity. The contentions advanced in support of the request that the Commission vacate its remand order and reinstate the Review Board's 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 and relevant facts are ascertained through the hearing process. 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 exercise diligently that degree of licensee responsibility required of a broadcast licensee. Relevant to a resolution of this issue would be evidence concerning the steps proposed to be taken by DuPage to insure future compliance with Commission rules. Therefore, DuPage should be allowed to introduce such evidence, as well as evidence showing that the violations in the operation of WCKD were purely accidental or unavoidable, or that other mitigating circumstances were present. If it appears from all the relevant facts

and circumstances that 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 by DuPage before the Review Board does not mean that the Commission failed to consider those facts not mentioned. All of the material factual allegations and the contentions of DuPage based thereon were considered, but 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.

Adopted: May 13, 1970.

Released: May 15, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²
BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6537; Filed, May 26, 1970;
8:48 a.m.]

[Docket No. 18559 etc.; FCC 70R-185]

UNITED TELEVISION CO., INC.
ET AL.

Memorandum Opinion and Order
Enlarging Issues

In regard applications of United Television Co., Inc. (WFAN-TV), Washington, D.C., Docket No. 18559, File No. BRCT-585; for renewal of license Washington Community Broadcasting Co., Washington, D.C., Docket No. 18560, File No. BPCT-3849; for construction permit for new television broadcast station,

² 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. 18561, File No. BPCT-3917; for construction permit United Broadcasting Co., Inc. (WOOK), Washington, D.C., Docket No. 18562, File No. BR-1104; for renewal of license, Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BP-17416; for construction permit for new standard broadcast station.

1. 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 facilities.¹ These mutually exclusive applications were designated for hearing by 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 2, 1970,² which requests the addition of 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 disclosed by official notice of violation 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 evidences 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.

2. 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 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, 1970,³ has ef-

fectively left fourteen rule violations or departures from license authorization still outstanding. Examples of these allegedly outstanding violations include: failure to provide data concerning equipment performance measurements as required by § 73.47(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. 15795,⁴ 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 essential to permit an inquiry into 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 licensee.

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 instant petition is procedurally improper. 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 an inspection cannot 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

its 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 individuals assertedly involved in the citations, the retention of a new chief engineer with instructions to reinstate the station's system of automatic power changes and automatic logging, and certain security measures.

⁴ 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 operational irregularities at Station WOOK, i.e., power change failures, warranted the imposition of a \$7,500 forfeiture.

Field Engineering Bureau.⁵ After noting those provisions of the discovery rules which provide that the Hearing Examiner has control over the extent of discovery in a proceeding and which require that notice of discovery concerning interrogatories and the inspection of documents and premises be given to the parties and the Examiner, United asserts that the matters involved here are beyond the scope of the existing issues and that neither the FEB nor the Broadcast Bureau has authority to inquire into these matters as a prelude to an enlargement request. It is the licensee's position that the Bureau had no authority to deprive United of its right to object to such discovery or to oust the Examiner of his jurisdiction in the conduct of this proceeding; United also offers the opinion that any Bureau request for discovery into these matters would have been denied as an unauthorized "fishing expedition." United stresses that to allow such procedures here would result in subjecting litigants, who are licensees, to discovery for purposes of enlargement of issues, a practice which is prohibited by the Commission (citing the report and order in Docket No. 16473, 11 FCC 2d 185, 11 RR 2d 1691, released Jan. 11 1968) and which may not be employed against a nonlicensee party. For these reasons, United concludes that the results of the FEB inspection of Station WOOK cannot be used in this proceeding and that the petition based on those results should be denied.

4. The second aspect of United's opposition concerns its allegation that the instant petition is procedurally improper. Since no independent allegations of fact are alleged by the Bureau other than the official notice of violation and United's response thereto, the licensee reasons that the petition should be denied since it would result in the circumvention of the Commission's procedures for the treatment of citations and since such matters are outside the Board's delegation of authority. According to United, official notices are treated under their own procedures, and the FEB and the Broadcast Bureau have no authority to breach the confidentiality of these documents. If this is allowed to occur, United asserts, it would effectively deprive the Commission of its jurisdiction over official notices and would, by engaging Board consideration, short-cut the procedural steps which require further review by the Field Offices Division of the FEB. The licensee also points out that the facts are "altogether different" than the bare allegations of the Bureau and contends that its unimpeached response to the citation has effectively countered

⁵ Since the petition is not supported by the affidavit of an individual with personal knowledge of the facts, United contends that the request rests exclusively on its answers to the FEB's citation. The licensee argues further that even if an appropriate affidavit had been supplied pursuant to the requirements of § 1.229 of the rules, the petition would still be based on the fruits of unauthorized discovery.

¹ The Hearing Examiner recently granted a petition by Washington Community Broadcasting Co. and dismissed its television application (BRCT-3849). See order, FCC 70M-622, released Apr. 28, 1970.

² Other related pleadings before the Review Board for consideration are: (a) opposition, filed Feb. 24, 1970, by United; and (b) reply, filed Mar. 4, 1970, by the Broadcast Bureau.

³ United's written response and supplement are also attached to the Bureau's petition. United responds to each item specified in the official notice of violation; in regard to certain violations, the licensee submits affidavits of several of its employees and of

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 a short-cut procedure 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 lesser sanctions than disqualification 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 power and in failing to reduce power at local sunset and where there has been no allegation of willfulness or irresponsibility. Finally, United concludes that since no continuation of official notice 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.

5. In reply, the Broadcast Bureau states that the discovery rules do not apply to the inspection of broadcast stations by the FEB, to the issuance of an official notice of violation or to the required response of the licensee. The Bureau points out that Station WOOK, as an operating AM station, is required to comply with applicable Commission regulations 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 by Commission 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 completely the Commission's regulations—if nothing can be done about violations revealed by an inspection, no deterrent would exist to insure licensee compliance. In response to an implication in United's opposition, the Bureau stresses the fact that although it does possess the power to request an inspection of a station in hearing status, it did not request an inspection of Station WOOK. The Bureau explains that a public complaint received in August of 1969 instigated the investigation of Station WOOK's operation by the Washington District Office of the FEB and that the Bureau was advised of the issuance of the official notice and of the earlier inspection on October 16, 1969. At that point, the Bureau states, its counsel notified United's counsel that the Bureau possessed a copy of the official notice, but that no determination would be made as to whether an enlargement request would be filed until after the licensee 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, but rather it is the function of the Broadcast Bureau itself to recommend to the Commission whether a hearing should be held on matters brought to its attention by the FEB or whether some lesser sanction would be more appropriate. Consistent with this procedure, the Bureau states that when it determines 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 an alternative sanction should the Board grant the instant request. In conclusion, the Bureau agrees with United that the Review Board does not have authority to issue a Notice of Apparent Liability, but, the Bureau urges, that fact should not deter the Board from exercising its authority to determine whether the issues should be enlarged.

6. 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 injected into 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. Initially, we note that inspection of broadcast facilities by the Commission pursuant to the statutory provision of section 303(n) of the Communications Act is a separate and distinct procedure from the discovery process, and it cannot be seriously argued that it would be in the public interest to prohibit the Commission from utilizing the information uncovered in an inspection in a license renewal proceeding concerning the station inspected. We can see no unfairness to a renewal applicant resulting from this procedure, and, indeed, assuming that the activities uncovered during an inspection reflected adversely upon the licensee's stewardship, we would be derelict in our duty in not permitting such information to be introduced in the renewal proceeding. There is no indication that the investigation here was conducted for the purpose of discovery; rather, it appears that it was performed to fulfill an important function of the Commission, i.e., to determine whether or not a licensee is operating in accordance with prescribed rules and regulations and pursuant to its station author-

ization. Since each broadcast station is under a continuing duty to comply with operating procedures, failure to conform to these procedures is certainly relevant in determining whether a licensee is qualified to receive a renewal of its station authorization.

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 consideration of a lesser sanction, e.g., forfeiture, if the Board adds the requested issues. However, in this regard, we note that the Commission itself has seen fit to designate, in a renewal proceeding, issues related to rule violations without designating the availability of a forfeiture provision as an alternative sanction. *Trans America Broadcasting Corp.*, FCC 69-839, 34 FR 12847 (published Aug. 7, 1969). Moreover, this contention has been effectively countered in *The Court House Broadcasting Company*, 21 FCC 2d 792, 18 RR 2d 616 (1970), where the Commission specifically held that the imposition of a forfeiture penalty does not bar a subsequent determination that the occurrence of violations leading to such forfeiture may adversely affect the Commission's ability to find that a license renewal serves the public interest. Thus, since the imposition of forfeiture does not deprive the Commission from considering the disqualifying aspects of the violations in question, the Board may specify issues based upon the report of those violations.* To argue, as does United, that the Commission is being preempted from its jurisdiction over these matters has little merit, for our determination here and any unfavorable decision based upon these potentially disqualifying issues can be appealed directly to the Commission; in addition, the licensee is not precluded from seeking the addition of a forfeiture provision to this proceeding. See *Trans America Broadcasting Corporation*, 20 FCC 2d 568, 17 RR 833 (1969); public notice of May 7, 1970 (Report No. 5976). To wait for a determination on the official notice might result in substantial delays in this renewal proceeding, a result which is clearly inconsistent with the expeditious dispatch of Commission business. To insist further, as does United, that the confidentiality of the report of violations proscribes its use here is to hamper the Commission in its ultimate public interest determination. We are not proscribing United's right to oppose the claimed violations by the addition of these issues; we are simply fulfilling our function of enabling the Hearing Examiner to assess 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 claimed violations, the fact still remains that the licensee has conceded

* Since no notice of apparent liability has been issued against United on the basis of the claimed operational violations, this procedure is not inconsistent with section 504(c) of the Communications Act of 1934, as amended.

that several operational violations did occur. It has been recognized by the Commission 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 recent official notice, 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,¹ 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.²

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

9. It is 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 at Washington, D.C., under 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 responses thereto and related documents.

(b) To determine whether, in light of the evidence adduced pursuant to Issue (a) above, United Broadcasting Co., Inc., in 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.

¹ As already indicated herein, the designation order included a deceptive advertising issue against United arising out of announcements made by Station WOOK. In addition, the Board, in a memorandum opinion and order, 20 FCC 2d 278, 17 RR 2d 738 (1969), expanded the scope of the deceptive advertising issue and specified another issue to determine whether Station WOOK broadcast lottery announcements or information in violation of Federal statute and Commission rules.

² Contrary to United's assertion, the Board, in taking this action, is not attempting to assume the Commission's responsibility for the review and disposition of official notices of violation, but, rather, we are expanding the scope of this renewal proceeding to include a consideration of the activities underlying the October 1969, notice as they reflect on United's management of Station WOOK and as they are relevant to a determination of whether United's renewal application should be granted. Both the Court House case and the Trans America proceeding, cited supra, clearly indicate that a licensee's supervision of a broadcast facility is of concern to the Commission in the qualifications sense. United's further claim that forfeiture would be a more appropriate sanction here is not dispositive since we have concluded that the issues raised by the Bureau are relevant to this renewal proceeding and since United may pursue an appeal to the Commission. In any event, the claim is somewhat diminished by the fact that the licensee has already incurred a \$7,500 forfeiture after hearing for essentially similar violations.

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether United Broadcasting Co., Inc., possesses the requisite and/or comparative qualifications to remain a Commission licensee, and

10. It is further ordered, That the burden of proceeding with the introduction of evidence on Issues (a) and (b) will be on the Broadcast Bureau, and the burden of proof on said issues will be on United Broadcasting Co., Inc.

Adopted: May 18, 1970.

Released: May 19, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6538; Filed, May 26, 1970;
8:48 a.m.]

[Docket No. 18856 etc.; FCC 70-501]

GEORGE E. WORSTELL ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of George E. Worstell, Circleville, Ohio, requests: 1540 kc., 1 kw., DA, Day, Docket No. 18856, File No. BP-17648; Scioto Broadcasting Company, Circleville, Ohio, Requests: 1540 kc., 250 w., DA, Day, Docket No. 18857, File No. BP-17716; Circleville Broadcasting Company, Circleville, Ohio, requests: 1540 kc., 1 kw., DA, Day, Docket No. 18858, File No. BP-17868; For construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. In its Public Notice on Broadcast Applicant's Ascertainment of Community Needs, FCC 68-847, released August 22, 1968, 13 RR 2d 1903, in City of Camden, et al., 18 FCC 2d 412, 16 RR 2d 555, and more recently in its Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, released December 19, 1969, the Commission stated that applicants were expected to provide full information as to their awareness of local community needs and interests. In his application George E. Worstell claims to have interviewed a number of community leaders. However, neither the names of those leaders nor their suggestions as to community problems were listed. Scioto Broadcasting Co., on the other hand, did not even allege that it interviewed community leaders and in fact did not even file the proper program form with its proposal. Accordingly, a Suburban⁴ issue will be specified as to these applicants.

3. The site photograph contained in the application of Circleville Broadcasting Co. is of insufficient clarity to enable the Commission to determine whether conditions exist which might tend to distort the proposed directional antenna radiation pattern. Thus, an appropriate issue will be included.

4. Since both George E. Worstell and Scioto Broadcasting Co. have failed to

³ Board Member Pincock not participating.

⁴ Suburban Broadcasters, 30 FCC 1020, 20 RR 951 (1961).

keep the financial portion of their application current, it will be necessary for them to establish their financial qualifications in hearing.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

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

2. To determine the efforts 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 their proposed stations.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

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 § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

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 § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 13, 1970.

Released: May 22, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-6539; Filed, May 26, 1970;
8:48 a.m.]

⁵ Commissioner Robert 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.

3 CFR	Page	7 CFR—Continued	Page	12 CFR	Page
PROCLAMATIONS:		PROPOSED RULES—Continued		1.....	7549
3982.....	6999	51.....	7804	207.....	6959, 7376
3983.....	7105	58.....	7739	212.....	7726
3984.....	7169	81.....	7805	220.....	7249, 7376
3985.....	7855	724.....	7738	221.....	6959, 7250, 7377
EXECUTIVE ORDERS:		725.....	7075	226.....	7550
May 24, 1879 (revoked in part by PLO 4832).....	8233	Ch. IX.....	7077	265.....	7782
July 2, 1910 (revoked in part by PLO 4814).....	7255	909.....	7806	54.....	7377, 7693
March 28, 1924 (revoked by PLO 4812).....	7254	911.....	7977	561.....	7377
April 17, 1926 (revoked in part by PLO 4813).....	7255	914.....	7183	563.....	7377, 7693
1373 (revoked in part by PLO 4823).....	7973	915.....	7977	571.....	8208
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EX- ECUTIVE ORDERS:		947.....	8286	608.....	7005
Reorganization Plan No. 2 of 1970.....	7959	953.....	8290	PROPOSED RULES:	
5 CFR		981.....	7428	545.....	7130, 7981
213.....	6957,	1003.....	724	563.....	7131
7123, 7124, 7171, 7283, 7426, 7493, 7559, 7777, 7962.....	7171	1004.....	7924	13 CFR	
7 CFR		1005.....	6965	121.....	7726
19.....	7493	1006.....	7023	14 CFR	
51.....	6957, 7249, 7777	1007.....	7566	1.....	7782
53.....	7064	1012.....	7023	21.....	7292
201.....	7411	1013.....	7023	25.....	7108
215.....	8203	1016.....	7924	29.....	7293
225.....	7777	1032.....	7082	37.....	6914, 7641
301.....	7001, 7002, 7361	1033.....	6965	39.....	6916,
354.....	7689	1034.....	6965	6917, 7006, 7051, 7293, 7294, 7378, 7551, 7552, 7857, 8210, 8211.....	7378,
404.....	7361	1035.....	6965	43.....	7641
411.....	7361	1041.....	6965	61.....	7007
724.....	7361	1050.....	7082	71.....	6917,
775.....	6958, 7495, 8273	1094.....	8235	7051, 7108, 7109, 7175-7177, 7237, 7294, 7378, 7379, 7412, 7552, 7553, 7694, 7782, 7784-7786, 7857, 7858, 8211, 8212.....	7237,
798.....	7172	1103.....	8235	73.....	6917, 7051, 7295, 7553, 7786, 7858
811.....	7777	8 CFR		75.....	7051, 7109, 7553
877.....	7064	100.....	7249	91.....	7108, 7293, 7782
905.....	7411	103.....	7284	95.....	7858
907.....	7172, 7503, 7779	204.....	7284	97.....	6918, 7052, 7237, 7506, 7860, 7962
908.....	7173, 7504, 7637, 7779	205.....	7285	101.....	8212
910.....	7003, 7283, 7362, 7637, 7691, 7961, 8273	212.....	7637	121.....	7108, 7293, 7641
916.....	7961	213.....	7637	127.....	7293
917.....	7064, 7779	238.....	7285, 7638	157.....	8273
918.....	7362, 7723	242.....	7638	202.....	7109
944.....	7504	PROPOSED RULES:		203.....	7110
953.....	8203	103.....	7018	235.....	7110
959.....	7065, 7780	214.....	7018	207.....	7295
966.....	7003	9 CFR		208.....	7295, 7694
980.....	8204	71.....	7249	212.....	7297
1041.....	7173	76.....	6958,	214.....	7298
1097.....	7283	7004, 7066, 7107, 7175, 7285, 7370, 7376, 7412, 7505, 7638, 7723, 7724, 7781, 8207, 8208, 8273.....	7370, 7724,	221.....	7298
1102.....	7283	78.....	7692	241.....	8213
1108.....	7283	97.....	7781	287.....	7110
1201.....	7066	327.....	7724	295.....	7298
1421.....	7363, 7504, 7781, 8204	PROPOSED RULES:		298.....	7695
1481.....	7880	71.....	7976	302.....	7111
1485.....	7505	109.....	7652	376.....	7111
1600.....	7505	113.....	7652	PROPOSED RULES:	
PROPOSED RULES:		114.....	7652	39.....	6967, 7185, 7435, 7436, 7655, 7813
26.....	7739	121.....	7652	71.....	6968, 6969, 7186, 7303-7305, 7384, 7436, 7584-7586, 7656-7658, 7703, 7814- 7818, 7902, 8240.....
29.....	7427	201.....	7811	73.....	6969
10 CFR		10 CFR		75.....	7020, 7305
1.....	7285	1.....	7285	91.....	7020
2.....	7639, 7640	2.....	7640	121.....	7021, 7083
50.....	7640	50.....	7818	127.....	7083
70.....	7640	PROPOSED RULES:			
150.....	7640, 7725	50.....	7818		
PROPOSED RULES:					

14 CFR—Continued		Page	21 CFR—Continued		Page	31 CFR—Continued		Page
PROPOSED RULES—Continued			53-----			PROPOSED RULES:		
207-----		7587	120-----		7178	10-----		7565
208-----		7587		7179, 7300, 7553, 7554, 7696, 7792, 8223	7178,			
212-----		7587	121-----		7068,			
214-----		7587		7180, 7414, 7646, 7697, 7734, 7735, 7792, 8224, 8276	7735,			
221-----		7513	130-----		7250			
249-----		7587	135b-----		7253			
295-----		7587	135c-----	7181, 7380, 7597				
399-----		7587	135e-----	7306, 7734				
15 CFR			135g-----	7181, 7300, 7734				
371-----		7379	141-----		8276			
1000-----	7220, 7228		145-----		8276			
PROPOSED RULES:			146-----		7250			
1000-----		7183	147-----	7735, 8276				
16 CFR			148e-----		7647			
13-----	7007-7009, 7298, 7507-7511, 7786, 7787		148k-----		7415			
PROPOSED RULES:			148m-----		7647			
24-----		7822	149u-----		8276			
52-----		7822	191-----		7415			
90-----		6969	32c-----		7069			
425-----		7437	PROPOSED RULES:					
426-----		7744	1-----		7811			
500-----		7903	19-----		7568			
502-----		7705	27-----		7654			
503-----		7903	120-----		7569			
17 CFR			125-----		7569			
240-----	7643, 7644		144-----		7569			
249-----		7068	191-----		7303			
274-----		7788	22 CFR					
PROPOSED RULES:			41-----		7554, 8275			
270-----		7132, 7985	24 CFR					
18 CFR			200-----		7381			
2-----	7511, 7963		201-----		7649			
157-----		7789	1665-----		7697			
250-----		7010	1914-----	7012, 7560, 7801, 8224				
260-----	6960, 7412		1915-----	7013, 7561, 7802, 8225				
620-----		7379	PROPOSED RULES:					
PROPOSED RULES:			7-----		8240			
2-----	7385, 7985		1905-----		7655			
4-----		7985	26 CFR					
101-----		7985	13-----	7011, 7300				
104-----		7985	31-----		7070			
105-----		7985	143-----	6962, 7727				
141-----		7985	147-----		7555			
157-----	7262, 7385		601-----		7111			
201-----	7262, 7985		PROPOSED RULES:					
204-----	7262, 7985		31-----		7125			
205-----		7985	270-----		8283			
260-----	7262, 7985		285-----		8283			
19 CFR			28 CFR					
4-----	7299, 7645, 8222		9-----		7013			
5-----		8214	29 CFR					
10-----		8222	8-----		7016			
12-----		7890	526-----		7727			
16-----		7891	670-----		6963			
18-----		8222	675-----		7793			
23-----	7645, 8222		678-----		6963			
24-----		8222	790-----		7382			
53-----		8275	870-----		8226			
123-----		8215	PROPOSED RULES:					
20 CFR			60-----		8291			
422-----		7891	30 CFR					
21 CFR			301-----		7181, 7182			
2-----	7068, 7299		31 CFR					
3-----		7696	306-----		8228			
19-----		7791	500-----		6963, 7728			
27-----		7645	32 CFR					
22 CFR			51c-----		7253			
23 CFR			809b-----		8228			
24 CFR			882-----		8275			
25 CFR			888c-----		7562			
26 CFR			1001-----		8230			
27 CFR			1007-----		8230			
28 CFR			1009-----		8230			
29 CFR			32A CFR					
30 CFR			BDSA (Ch. VI):					
31 CFR			M-11A-----				7648	
32 CFR			M-11A, Dir. 1-----				7648	
33 CFR			M-11A, Dir. 2-----				7648	
34 CFR			PROPOSED RULES:					
35 CFR			Ch. X-----				7305, 7804	
36 CFR			1-----				8279	
37 CFR			117-----			7182, 7891, 8279,	8280	
38 CFR			126-----				7556	
39 CFR			204-----				7649	
40 CFR			207-----				7512	
41 CFR			209-----				8280	
42 CFR			PROPOSED RULES:					
43 CFR			110-----			7019, 7902		
44 CFR			117-----				7513	
45 CFR			401-----				7169	
46 CFR			7-----			7556, 7793		
47 CFR			251-----				8230	
48 CFR			PROPOSED RULES:					
49 CFR			50-----				7439	
50 CFR			37 CFR					
51 CFR			PROPOSED RULES:					
52 CFR			5-----				8290	
53 CFR			38 CFR					
54 CFR			17-----			7380, 8230		
55 CFR			36-----				7728	
56 CFR			39 CFR					
57 CFR			Ch. I-----				7416	
58 CFR			142-----				7382	
59 CFR			PROPOSED RULES:					
60 CFR			135-----				7018	
61 CFR			138-----				7427	
62 CFR			41 CFR					
63 CFR			1-16-----				7070	
64 CFR			5A-1-----			7254, 8231		
65 CFR			5A-2-----			7416, 8231		
66 CFR			5A-3-----			7416, 7728		
67 CFR			5A-72-----				8231	
68 CFR			5A-73-----			7649, 7729		
69 CFR			5A-74-----				8231	
70 CFR			5A-76-----			7729, 8231		
71 CFR			5B-2-----				8231	
72 CFR			5B-12-----				8232	
73 CFR			5B-16-----			7892, 8232		
74 CFR			7-1-----				7964	
75 CFR			7-3-----				7964	
76 CFR			7-13-----				7964	
77 CFR			7-16-----				7969	
78 CFR			101-26-----			7182, 7301,	7650	
79 CFR			101-28-----				7650	
80 CFR			101-32-----				7557	

42 CFR	Page
78	7699
PROPOSED RULES:	
78	7901
81	7082, 7740, 7812, 7813
90	7260

43 CFR	Page
1840	8232
3130	7416

PUBLIC LAND ORDERS:	
1230 (revoked in part by PLO 4815)	7255
1767 (revoked in part by PLO 4818)	7256
2058 (revoked by PLO 4830)	7974
4254 (revoked by PLO 4827)	7973
4371 (see PLO 4821)	7971
4481 (amended and corrected by PLO 4831)	7974
4582 (see PLO 4827)	7973
4810	7117
4811	7117
4812	7254
4813	7255
4814	7255
4815	7255
4816	7255
4817	7256
4818	7256
4819	7256
4820	7256
4821	7971
4822	7972
4823	7973
4824	7973
4825	7973
4826	7973
4827	7973
4828	7974
4829	7974
4830	7974

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
4831	7974
4832	8233
4833	8233
4834	8233
4835	8233

PROPOSED RULES:	
3400	7737

45 CFR	Page
102	7334
107	7892
155	7256
233	7331
1026	7893
1069	7788

PROPOSED RULES:	
250	7654

46 CFR	Page
66	7651
284	7894

PROPOSED RULES:	
137	8291

47 CFR	Page
0	8280
1	7117
2	7894, 8281
63	7259
64	7259
73	6913, 7118, 7259, 7417, 7558, 7730-7732, 7899
74	7118
81	7793, 7795
83	6913, 7795
97	7259

47 CFR—Continued	Page
PROPOSED RULES:	
31	7903
33	7903
64	7609
73	7262, 7820, 7982, 8292
83	7743
97	7903

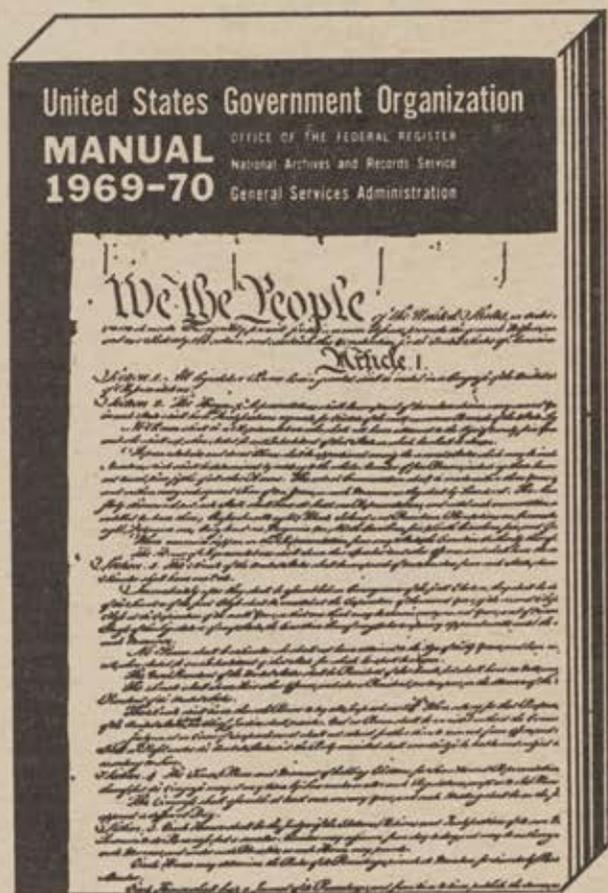
49 CFR	Page
71	7733
173	7120, 7121, 7700
391	7799
392	7799
571	7900
1001	7512
1033	7016, 8282
1034	7017
1036	7121
1048	7701
1056	7123
1112	7651
1134	7559
1307	8282

PROPOSED RULES:	
173	7127
192	7127
567	6969
571	7187, 7536
1061	7703

50 CFR	Page
28	7975
33	7123, 7382, 7734, 7801
80	7017
210	7070
241	7801

PROPOSED RULES:	
10	8285
273	7737
280	7438

United States Government Organization MANUAL 1969-70



*know
your
government*



Presents 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

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

United States

Department of the Interior

Geological Survey

Washington, D. C.

1910

Water Resources

Division of Hydrology

Report No. 1

1910

1910

