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Part I

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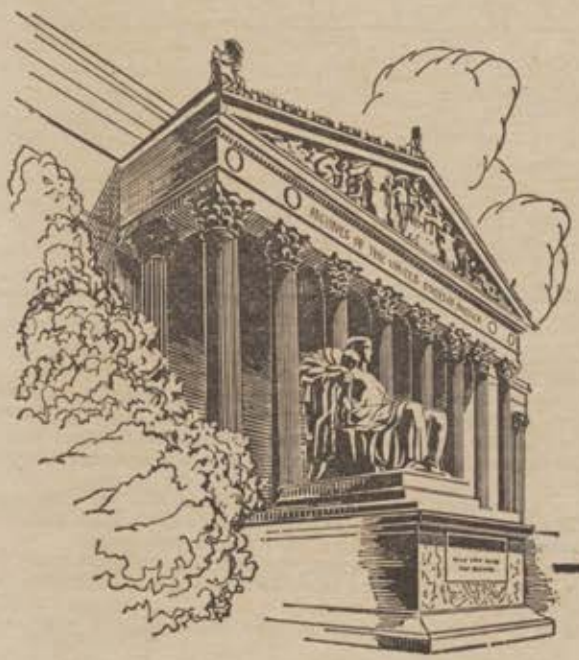

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Title 3—THE PRESIDENT

Proclamation 3989

RANDOM SELECTION FOR MILITARY SERVICE FOR REGISTRANTS WHO ATTAIN THE AGE OF NINETEEN DURING THE CURRENT YEAR

By the President of the United States of America

A Proclamation

WHEREAS section 5(a)(1) of the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 455(a)(1)), provides that the selection of persons for training and service under that Act shall be made in an impartial manner without discrimination on account of race or color, under such rules and regulations as the President may prescribe; and

WHEREAS, by Executive Order 11497 and Proclamation 3945 of November 26, 1969, I directed the establishment of a random selection sequence for all registrants who, prior to January 1, 1970, attained their nineteenth year of age but not their twenty-sixth:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the following:

That a random selection sequence will be established by a drawing to be conducted in Washington, D.C., on July 1, 1970, and shall be applied nationwide. The random selection method shall use 365 days to represent the birthdays (month and day only) of all registrants who, prior to January 1, 1971, shall have attained their nineteenth but not their twentieth year of age. The drawing, commencing with the first day selected and continuing until all 365 days are drawn, shall be accomplished impartially. The random selection sequence thus obtained shall, in accordance with the Selective Service Regulations, determine the order of selection of such registrants. The random sequence number thus determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection. Selection among registrants who have the same random sequence number, whether determined by the drawing of December 1, 1969, or that of July 1, 1970, shall be based upon the supplemental drawing conducted December 1, 1969, which determined alphabetically a random selection sequence by name.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of June, in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America, the one hundred and ninety-fourth.

Richard Nixon

[F.R. Doc. 70-7769; Filed, June 16, 1970; 3:27 p.m.]

Executive Order 11537

AMENDING THE SELECTIVE SERVICE REGULATIONS CONCERNING THE ORDERING OF REGISTRANTS FOR INDUCTION

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended) I hereby prescribe the following amendment of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10202 of January 12, 1951, No. 10659 of February 15, 1956, No. 10735 of October 17, 1957, No. 10984 of January 5, 1962, No. 11098 of March 14, 1963, No. 11119 of September 10, 1963, No. 11241 of August 26, 1965, No. 11360 of June 30, 1967, No. 11497 of November 26, 1969, and constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations:

Section 1631.7, *Action by Local Board Upon Receipt of Notice of Call*, of Part 1631, *Quotas and Calls*, is amended by inserting immediately after the word "*Provided*" where it first appears in subsection (a) of that section the word "*further*" and by inserting immediately before such word "*Provided*" the following:

"*Provided*, That notwithstanding Part 1628 or any other provision of these regulations, when a registrant classified in Class I–A or Class I–A–O has refused or otherwise failed to comply with an order of his local board to report for and submit to an armed forces physical examination, he may be selected and ordered to report for induction even though he has not been found acceptable for service in the Armed Forces and a Statement of Acceptability (DD Form 62) has not been mailed to him, and in such a case the armed forces physical examination shall be performed after he has reported for induction as ordered and he shall not be inducted until his acceptability has been satisfactorily determined:"

Richard Nixon

THE WHITE HOUSE,
June 16, 1970.

[F.R. Doc. 70-7770; Filed, June 16, 1970; 3:27 p.m.]

Rules and Regulations

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

* * * * * * *

§ 1914.4 List of designated areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska	Kenai Peninsula Borough.	Kenai to Soldotna.	E 02 130 0000 01	Local Affairs Agency, Office of the Governor, State of Alaska, Juneau, Alaska 99801. Director of Insurance, State of Alaska, Pouch D, Juneau, Alaska 99801.	Kenai Peninsula Borough Planning Department, Borough Bldg., Soldotna, Alaska 99669.	June 19, 1970.
California	Los Angeles	Los Angeles	E 06 037 1980 01 through E 06 037 1980 04	Department of Water Resources, Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Storm Drain Design Division, Bureau of Engineering, Department of Public Works, 111 East First St., Room 600, Los Angeles, Calif. 90012.	Do.
Do	Sonoma	Guerneville and Vicinity.	E 06 097 0000 01 E 06 097 0000 02	do	Sonoma County Water Agency, Sonoma County Administration Bldg., 2555 Mendocino Ave., Santa Rosa, Calif. 95401.	Do.
Connecticut	Hartford	West Hartford	E 09 003 0823 01 E 09 003 0823 02	Connecticut Water Resources Commission, Capitol Ave., Hartford, Conn. 06115. Connecticut Insurance Department, State Office Bldg., Hartford, Conn. 06115.	Office of the Town Clerk, Town Hall, West Hartford, Conn. 06107.	Do.
Florida	Okaloosa	Fort Walton Beach.	E 12 091 1091 01, et seq.	Department of Community Affairs, 225 West Jefferson St., Tallahassee, Fla. 32303. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, Fla. 32303.	City Hall, 107 Miracle Strip Parkway SW., Fort Walton Beach, Fla. 32548.	Do.
Do	do	Valparaiso	E 12 091 3040 01 through E 12 091 3040 04	do	Valparaiso City Hall, 44 Southview Ave., Valparaiso, Fla. 32580.	Do.
Do	Palm Beach		E 12 099 0000 01 through E 12 099 0000 06	do	Board of County Commissioners, Palm Beach County, 301 North Olive Ave., West Palm Beach, Fla. 33401.	Do.
Do	Pinellas		E 12 103 0000 01 E 12 103 0000 02 E 12 103 0000 03	do	Pinellas County Department of Planning, 315 Haven St., Clearwater, Fla. 33516.	Do.
Do	do	St. Petersburg	E 12 103 2730 01 through E 12 103 2730 04	do	Department of Bldg., City of St. Petersburg, 650 16th St., North, St. Petersburg, Fla. 33713.	Do.
Do	do	South Pasadena	E 12 103 2873 01	do	Town Hall, Town of South Pasadena, South Pasadena, Fla. 33707.	Do.
Georgia	De Kalb	Decatur	E 13 089 1610 01 et seq.	State Planning and Programing Bureau, 270 Washington St. SW., Atlanta, Ga. 30334. State of Georgia Insurance Commission, State Capitol, Room 238, Atlanta, Ga. 30334.	Office of the City Clerk, City of Decatur, Post Office Box 220, Decatur, Ga. 30030.	Do.
Do	Muscogee	Columbus	E 13 215 1280 01 et seq.	do	Office of the Building Official, City of Columbus, Post Office Box 1340, Columbus, Ga. 31902.	Do.
Iowa	Webster	Fort Dodge	E 19 187 3020 01 through E 19 187 3020 06	Iowa Natural Resources Council, Grimes Bldg., Des Moines, Iowa 50319. Commissioner of Insurance, State of Iowa, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Clerk's Office, Municipal Building, Fort Dodge, Iowa 50501.	Do.
Massachusetts	Norfolk	Quincy	E 25 021 1060 01 through E 25 021 1060 09	Division of Water Resources, Massachusetts Water Resources Commission, State Office Bldg., Government Center, 100 Cambridge St., Boston, Mass. 02202. Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Department of Planning, Programing, and Development, City of Quincy, 55 Sea St., Quincy, Mass. 02169.	Do.
Minnesota	Winona	Winona	E 27 169 7660 01, et seq.	Minnesota Department of Conservation, 345 Centennial Bldg., St. Paul, Minn. 55101. Commissioner of Insurance, State of Minnesota, State Office Bldg., Room 210, St. Paul, Minn. 55101.	Office of the Planning Director, Room 8, Municipal Bldg., Winona, Minn. 55987.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Mississippi	Harrison	Long Beach	E 28 047 1380 01	State of Mississippi, Governor's Emergency Council, 429 Mississippi St., Room 409, Jackson, Miss. 39205. Mississippi Research and Development Center, Information Services Division, Post Office Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	Office of the City Clerk, City Hall, Long Beach, Miss. 39560.	Do.
New Jersey	Cape May	Sea Isle City	E 34 009 3000 01, E 34 009 3000 02	Department of Environmental Protection, Division of Water Policy and Supply, Post Office Box 1390, Trenton, N.J. 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the City Clerk, City Hall, 4416 Landis Ave., Sea Isle City, N.J. 08243.	Do.
Do	Ocean	Beach Haven Borough.	E 34 029 0200 01	do	Office of the Borough Clerk, Municipal Bldg., Bay and Engleside Ave., Beach Haven, N.J. 08008.	Do.
Do	Union	Cranford	E 34 039 0705 01	do	Office of the Township Engineer, Cranford Municipal Bldg., 8 Springfield Ave., Cranford, N.J. 07016.	Do.
Do	do	Plainfield	E 34 039 2630 01, E 34 039 2630 02	do	Office of the Director of Public Works and Urban Development, City Hall, 515 Watchung Ave., Plainfield, N.J. 07061.	Do.
Rhode Island	Kent	Warwick	E 44 003 0230 01 through E 44 003 0230 06.	Rhode Island Statewide Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, R.I. 02903.	Department of City Planning, 3275 Post Road, Warwick, R.I. 02886.	Do.
Do	Newport	Newport	E 44 005 0150 01, E 44 005 0150 02	do	Engineer's Office, City Hall, Newport, R.I. 02840.	Do.
Texas	Aransas		E 48 007 0000 01, E 48 007 0000 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto Austin, Tex. 78701.	County Clerk's Office, Aransas County Courthouse, Rockport, Tex. 78382.	Do.
Do	do	Rockport	E 48 007 5890 01, E 48 007 5890 02, E 48 007 5890 03	do	City Hall, City of Rockport, Broadway St., Rockport, Tex. 78382.	Do.
Do	Brazoria		E 48 039 0000 01 through E 48 039 0000 06.	do	Office of the County Engineers, Brazoria County Courthouse, Angleton, Tex. 77515.	Do.
Do	do	Freeport	E 48 039 2490 01, E 48 039 2490 02	do	Office of the City Manager, City of Freeport, 128 East Fourth St., Freeport, Tex. 77541.	Do.
Do	Calhoun		E 48 057 0000 01, E 48 057 0000 02, E 48 057 0000 03	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto Austin, Tex. 78701.	County Clerk of Calhoun County, Clahoun County, Courthouse, 211 South Ann St., Port Lavaca, Tex. 77979.	Do.
Do	Dallas	Irving	E 48 113 3420 01	do	Office of the City Secretary, City Hall, 835 West Irving Blvd., Irving, Tex. 75060.	Do.
Do	Galveston		E 48 167 0000 01, E 48 167 0000 02	do	Office of the County Clerk, Galveston County Courthouse, Galveston, Tex. 77550.	Do.
Do	do	Hitchcock	E 48 167 3220 01, et seq.	do	City Hall, City of Hitchcock, 6915 Second St., Hitchcock, Tex. 77563.	Do.
Do	Jefferson	Beaumont	E 48 245 0490 01 through E 48 245 0490 04	do	City Hall, 700 Pearl St., Beaumont, Tex. 77704.	Do.
Do	Matagorda		E 48 321 0000 01 through E 48 321 0000 04	do	Office of the County Judge, Matagorda County Courthouse, Bay City, Tex. 77414.	Do.
Do	Nueces		E 48 355 0000 01, E 48 355 0000 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of the County Engineer, Nueces County Courthouse, Corpus Christi, Tex. 78401.	Do.
Do	do	Agua Dulce	E 48 355 0040 01	do	Office of the City Secretary, Nueces County Bldg., 1514 Second St., Agua Dulce, Tex. 78330.	Do.
Do	do	Aransas Pass	E 48 355 0240 01, et seq.	do	City Offices, City of Aransas Pass, Aransas Pass, Tex.	Do.
Do	do	Corpus Christi	E 48 355 1150 01 through E 48 355 1150 04	do	Planning Department, City Hall, 302 South Shoreline Dr., Corpus Christi, Tex. 78401.	Do.
Do	do	Port Aransas	E 48 355 5420 01, et seq.	do	City of Port Aransas, Post Office Box 397, Port Aransas, Tex. 78373.	Do.
Do	do	Robstown	E 48 355 5850 01	do	Office of the City Secretary, City Hall, 330 East Main St., Robstown, Tex. 78380.	Do.
Do	San Patricio		E 48 409 0000 01, E 48 409 0000 02	Texas Water Development Board, 301 West Second St., Austin, Tex. 78711. State Board of Insurance, 11th and San Jacinto, Austin, Tex. 78701.	Office of the County Clerk, San Patricio County Courthouse, Sinton, Tex. 78387.	Do.
Do	do	Ingleside	E 48 409 3380 01, E 48 409 3380 02	do	City Hall, 116 Humble St., Ingleside, Tex. 78362.	Do.
Do	do	Sinton	E 48 409 6400 01, et seq.	do	City Hall, 301 East Market St., Sinton, Tex. 78387.	Do.
Do	Taylor	Abilene	E 48 441 0030 01 through E 48 441 0030 06	do	Office of the City Engineer, City Hall, 555 Walnut St., Abilene, Tex. 79604.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Virginia	Fairfax		E 51 059 0000 01 E 51 059 0000 02	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton, Bldg., Richmond, Va. 23209.	Office of the Director of Public Works, Fairfax County, 4100 Chain Bridge Rd., Fairfax, Va. 22030.	Do.
Do.	Wise	Big Stone Gap	E 51 195 0170 01 E 51 195 0170 02	do.	Office of the Town Manager, Town of Big Stone Gap, Big Stone Gap, Va. 24219.	Do.
Do.	do.	St. Paul	E 51 195 2160 01	do.	Clerk's Office, Town Hall, St. Paul, Va. 24283.	Do.
Do.	City of Waynesboro.		E 51 820 2610 01 through E 51 820 2610 08	do.	Office of the City Engineer, City Hall, 250 South Wayne Ave., Waynesboro, Va. 22980.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: June 16, 1970.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 70-7482; Filed, June 17, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Charges and Fees

Pursuant to the authority contained in section 7 of the U.S. Grain Standards Act, as amended (7 U.S.C. 79), the Department of Agriculture is amending §§ 26.71(a) and 26.72 of the regulations (7 CFR 26.71(a) and 26.72) under the Act in connection with the Federal inspection services of grain in the Canadian ports and appeal inspection services of grain in the United States.

Statement of considerations. The U.S. Grain Standards Act provides that employees of the Department of Agriculture are authorized to conduct appeal or initial inspection of grain in Canadian ports. Section 7 of the Act provides that the Secretary of Agriculture may prescribe, charge, and collect reasonable fees to cover the Department's estimated total cost of performing these official inspection services. Section 7 of the Act further provides that such fees shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to the performance of appeal and Canadian port inspection services.

Section 26.71 of the regulations, which covers Federal inspection services in Canadian ports, now provides for a rate of $20 per man-hour. A recent cost study by the Department of Agriculture reveals the need for the rate to be increased to $22 per man-hour with corresponding changes in the other fees and charges. These increases are necessitated, in part, by the general salary increase to Federal employees (Public Law 91–231 and Executive Order 11524) and increased per diem rates.

Section 26.71 now provides a rate of $20 (per lot) for reinspection and appeal lot inspections based on an original or new sample. Reinspections of U.S. grain in Canadian ports are performed by official grain inspectors in Canada. For reinspections, the $20 fee includes inspection costs plus transportation costs of another official grain inspector to perform the reinspection. Appeal inspections of U.S. grain in Canadian ports are performed by the Board of Appeals and Review, Beltsville, Md. For appeal inspections, the $20 fee includes inspection costs plus the cost of airmailing the composite sample to the Board of Appeals and Review.

The Department of Agriculture requires that for bulk grain in ships, the inspection and grading results shown on certificates be based on weighted averages of the analysis of the sublots. Cost data by the Department of Agriculture shows that the total approximate cost for performing reinspections and appeal inspections is $22 per sublot sample. Therefore, in order to, as nearly as practicable, recover the Department's costs, it is necessary to charge $22 per sublot rather than $22 per lot for reinspections and appeal inspections.

The cost study also reveals that the fees and charges for the appeal inspection services in the United States under § 26.72 of the regulations must be increased to cover the general salary increases. The cost study further reveals that the fees for bulk or sacked grain in shiplots (barge, or other waterborne carriers) should be increased at a higher rate than the other fees.

1. Section 26.71(a) is amended to read as follows:

§ 26.71 Federal inspection services in Canadian ports.

(a) *General.* The fees and charges for inspection services performed by official inspection personnel on U.S. grain in Canadian ports shall be as follows:

Service	*Fee or charge*
(1) For original inspections:	
(i) Lot inspection: For sampling and inspection for grade, factor analysis, or other criteria, whether performed singly or concurrently (per man-hour)	$22.00
(ii) Checkloading and other special services [1] prescribed in § 26.6 (g), (h), (i), and (j), and standby time (per man-hour)	22.00
(iii) Minimum fee	22.00
(iv) Submitted sample inspection (per sample)	22.00
(2) For reinspections and appeal inspections: [2]	
(i) Lot inspections:	
Basis original sample (per sublot)	22.00
Basis new sample (per sublot)	[3] 22.00
(ii) Submitted sample inspection (per sample)	22.00
(3) For extra copies of certificates (per copy)	1.00

* * * * *

[1] Only one fee will be charged for these services whether performed singly or concurrently. (But see minimum fee requirement.)

[2] If it is found that there was a material error in the inspection from which a reinspection or an appeal is taken, no reinspection or appeal inspection fee shall be assessed.

[3] Plus applicable sampling charge.

2. Section 26.72 is amended to read as follows:

§ 26.72 Appeal inspection services in the United States.

(a) *General.* The fees and charges for appeal inspection services performed by official inspection personnel of the Grain Division (other than Board appeals) on grain in the United States shall be as follows: [3] [4]

[3] Fees shown in subparagraphs (1) through (5) of this paragraph (a) shall include inspections for grade, or for factor analysis, whether performed singly or concurrently; or inspections for one or more other criteria, whether performed singly or concurrently.

[4] If it is found that there was a material error in the inspection from which an appeal is taken, no appeal inspection fee shall be assessed, but see § 26.73(a).

Service	Fee or charge: Inspections for grade or factor analysis; or inspections for one or more other criteria	Fee or charge: Inspections for grade or factor analysis; and inspections for one or more other criteria
(1) For bulk or sacked grain in carlots:		
(i) Covered hopper cars and other cars with a marked capacity of 130,000 or more pounds (per carlot or part-carlot)	$15.00	$20.50
or		
Basis official file sample	[1] 6.00	[1] 11.50
(ii) All other cars (per carlot or part-carlot)	10.00	15.50
or		
Basis official file sample	[1] 6.00	[1] 11.50
(2) For bulk or sacked grain in truck and trailer lots (per truck or trailer lot or part-truck or part-trailer lot)	9.00	14.50
or		
Basis official file sample	[1] 6.00	[1] 11.50
(3) For bulk or sacked grain in shiplots (barge, or other waterborne carrier) (per thousand bushels or fraction thereof)	2.25	3.00
or		
Basis official file sample per sublot	[1] 6.00	[1] 11.50
Minimum fee per lot (except basis official file sample)	9.00	14.50
(4) For submitted sample, or package of grain (per sample or package)	[1] 6.00	[1] 11.50
(5) For all lots of grain other than those referred to in subparagraphs (1), (2), (3), and (4) of this paragraph (a) (per thousand bushels or fraction thereof)	2.25	3.00
or		
Basis official file sample	[1] 6.00	[1] 11.50
Minimum fee per lot (except basis official file sample)	9.00	14.50
	Fee or charge	
(6) Checkloading and other special services [2] prescribed in § 26.6 (g), (h), (i), and (j), and standby time (per man-hour)	$8.80	
Minimum fee per inspection	9.00	
(7) Quality information inspection (available only in connection with an appeal inspection on a shiplot) (per lot)	[3] 9.00	
(8) For extra copies of an appeal inspection certificate (per copy)	1.00	

(The original and one copy of each appeal inspection certificate or divided-original certificate shall be issued to the applicant of record or to his order, and one copy shall be issued to each respondent of record or to his order. Additional copies furnished to the applicant and to each respondent or to their order shall be considered extra copies.)

(9) Charges for holiday, night, or overtime work performed by employees of the Department of Agriculture on account of an appeal, and for travel time on account of an appeal for which employees receive overtime compensation, shall be determined at the rate of $12 per man-hour per employee and shall include the following:

(i) A minimum charge of 2 hours shall be made for any unscheduled overtime work performed by an employee in any of the following circumstances: (a) On a day when no work was scheduled for him; or (b) which is performed by an employee on his regular work day beginning either at least 1 hour before his regular tour of duty or which has necessitated his recall to perform work after he has completed his regular tour of duty and has left his place of employment; or (c) when the employee is ordered, before he leaves his place of employment, to perform such unscheduled overtime work and at least 2 hours elapse between the end of his duty tour, whether regular or overtime, and his return to duty to perform the overtime work.

(ii) The charges for holiday, night, or overtime work and for travel time for which employees receive overtime compensation shall be in addition to the fees described in subparagraphs (1) to (8) of this paragraph (a) in all cases, whether there was or was not a material error in the inspection from which the appeal was taken.

[1] The fee for an appeal inspection on the basis of an official file sample retained by an official inspection agency, includes a surcharge of $0.50 which is forwarded to the official inspection agency as reimbursement for locating and furnishing the samples.

[2] Only one fee will be charged for these services, whether performed singly or concurrently.

[3] Fee shall be in addition to the applicable fee shown in subparagraph (3) of this paragraph (a) of this section.

(b) *Board appeals.* The fees and charges for appeal inspection services performed by the Board of Appeals and Review on grain in the United States shall be as follows:

(1) For services identified in subparagraphs (1) through (5) of paragraph (a) of this section, a fee of $12 per lot, sublot, or sample: *Provided*, That if it is found that there was a material error in the inspection from which an appeal is taken by the Board of Appeals and Review, no fee shall be assessed.

(2) For extra copies of an appeal inspection certificate, $1 per copy.

(c) *Costs included in fees.* The fees and charges specified in this section shall, except as provided in paragraph (a)(9) of this section, include the cost of travel and transportation to perform the service requested, and the original and one or more copies of an appeal inspection certificate as specified in paragraph (a)(8) of this section.

(Sec. 7, 82 Stat. 764, 7 U.S.C. 79, 29 F.R. 16210, as amended 33 F.R. 10750)

The establishment of the above fees and charges depends upon facts within the knowledge of the Consumer and Marketing Service. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Therefore, pursuant to the provisions of 5 U.S.C. section 553, it is found upon good cause that notice and other public procedures on the amendment are impracticable and unnecessary.

This amendment shall become effective August 1, 1970.

Done at Washington, D.C., this 15th day of June 1970.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 70-7717; Filed, June 17, 1970; 8:53 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 31]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

DRY BEANS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 4(a) of the dry bean endorsement shown in § 401.127 is amended to read as follows:

4. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after threshing of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 3 of this endorsement. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7718; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 32]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

SUGARCANE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 6(a) of the sugarcane endorsement shown in § 401.135 is amended to read as follows:

6. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 3 of this endorsement. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7719; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 33]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

SUGAR BEETS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 5(a) of the sugar beet endorsement shown in § 401.140 is amended to read as follows:

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the applicable calendar date for the end of the insurance period shown in section 4 of this endorsement. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7720; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 34]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

CANNING AND FREEZING PEAS; MINNESOTA AND WISCONSIN

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 6(a) of the canning and freezing pea endorsement shown in § 401.146 is amended to read as follows:

6. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 4 of this endorsement. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7721; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 1]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

RAISINS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(f) of the application and policy shown in § 402.6 is amended to read as follows:

(f) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the production, weight, and handling of the raisins insured and the manner and extent of loss. If production from two or more units is commingled, or insurable and uninsurable tonnage is commingled, and satisfactory records are not made available to establish the facts, the Corporation reserves the right to deny liability or to allocate the production in such manner as it deems appropriate for the purposes of computing any indemnity involved. Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not more than 30 days after total destruction in the field or after the records required herein are available to the insured but not later than the April 30 immediately following the normal harvesting period. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7722; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 3]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

PEACHES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 13(a) of the application and policy shown in § 403.45 is amended to read as follows:

13. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7723; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 2]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPLES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(a) of the application and policy shown in § 404.52 of this chapter is amended to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7724; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 4]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

ORANGES; CALIFORNIA

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(a) of the Application and Policy shown in § 406.6 is amended to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than the applicable date set forth below of the calendar year following the calendar year in which insurance attached:

Navel Oranges	July 31
Valencia Oranges	November 30

The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Sec. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7725; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 5]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

NORTH CAROLINA APPLES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 13(a) of the Application and Policy shown in § 408.6 is amended to read as follows:

13. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7726; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 2]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

ARIZONA-DESERT VALLEY CITRUS CROPS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(a) of the application and policy shown in § 409.25 is amended to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation within 60 days after harvesting of the insured crop is completed on the unit but not later than the applicable date set forth below of the calendar year following the calendar year in which insurance attached:

Type of Citrus:	*Date*
I and II	April 30
III, IV, and VI	September 30
V	May 31

The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7727; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 1]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

FLORIDA CITRUS CROPS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(a) of the application and policy shown in § 410.6 is amended to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the applicable calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7728; Filed, June 17, 1970; 8:54 a.m.]

[Amdt. 3]

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

GRAPES

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(a) of the application and policy shown in § 411.6 is amended to read as follows:

14. *Claim for loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the end of the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7729; Filed, June 17, 1970; 8:55 a.m.]

[Amdt. 2]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

TEXAS CITRUS CROPS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1971 crop year in the following respect:

Subsection 14(a) of the application and policy shown in § 413.25 is amended to read as follows:

14. *Amount of loss and proof of loss.* (a) Any claim for loss on any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after harvesting of the insured crop is completed on the unit but not later than 60 days after the calendar date for the insurance period shown in section 6. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on June 11, 1970.

[SEAL] NELSON V. LITTLE,
Secretary, Federal Crop Insurance Corporation.

Approved: June 15, 1970.

CLARENCE D. PALMBY,
Assistant Secretary.

[F.R. Doc. 70-7730; Filed, June 17, 1970; 8:55 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1967 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of these amendments is to (1) announce the rate of penalty applicable to excess rice produced in the 1970 crop year, and (2) expand the provisions of § 730.44(a) to permit application of the erroneous notice of allotment prior to planting under specified conditions.

Since rice will shortly be harvested in some parts of the rice producing areas and the rate of penalty is essential in computing the amount of penalty on any excess rice production, and since the erroneous notice of allotment provisions are clarified, it is important that these amendments be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and these amendments shall become effective as provided herein.

The Subpart—Rice marketing quota regulations for 1967 and subsequent crop years (32 F.R. 8666, 9148, 33 F.R. 3052, 3213, 9331, 34 F.R. 1435, 9417, 35 F.R. 5995) is amended as follows:

1. Section 730.22 is amended by adding at the end thereof a new sentence to read as follows:

§ 730.22 Rate of penalty.

* * * The rate of penalty applicable to the 1970 crop of rice shall be 4.84 cents per pound. This is 65 per centum of the parity price as of June 15, 1970, which is determined to be 7.45 cents per pound.

2. Section 730.44 is amended by revising the first sentence of paragraph (a) thereof to read as follows:

§ 730.44 Erroneous notices.

(a) *Erroneous notice of allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice allotment for a crop year which was larger than the finally approved allotment and the county committee and the State executive director find that the producer, acting solely on the information contained in the erroneous notice, has materially changed his position to enable him to produce the allotment crop (for example, obligated expenditure of funds for land preparation, additional equipment and labor, etc.) or has planted an acreage to rice in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment unless he overplanted the allotment shown on the erroneous notice. * * *

* * * * *

(Secs. 353, 356, 375, 52 Stat. 61, as amended, 62, as amended, 66, as amended; 7 U.S.C. 1353, 1356, 1375)

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

Signed at Washington, D.C., on June 12, 1970.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-7716; Filed, June 17, 1970; 8:53 a.m.]

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

[Valencia Orange Reg. 318]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.618 Valencia Orange Regulation 318.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information

concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 16, 1970.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 19, 1970, through June 25, 1970, are hereby fixed as follows:

(i) District 1: 170,000 cartons;

(ii) District 2: 210,000 cartons;

(iii) District 3: 120,000 cartons.

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

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

Dated: June 17, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-7800; Filed, June 17, 1970; 11:12 a.m.]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On June 3, 1970, notice of rule making was published in the FEDERAL REGISTER (35 F.R. 8572) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1970, and ending February 28, 1971, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.209 Expenses, rates of assessment, and carryover of unexpended funds.

(a) Expenses: Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1970, through February 28, 1971, will amount to $298,440.

(b) Rate of assessment: The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed as follows:

(1) Eight-tenths of a cent ($0.008) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Three and one-half cents ($0.035) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) One-half cent ($0.005) per California fruit box of peaches, or its equivalent in other containers or in bulk.

(c) Reserve: Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 28, 1970, shall be carried as a reserve in accordance with the applicable provisions of § 917.38 of said marketing agreement and order.

(d) Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (2) the fiscal period began March 1, 1970, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

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

Dated: June 12, 1970.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-7641; Filed, June 17, 1970; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Statement with respect to the tobacco price support program formulated by Commodity Credit Corporation and Agricultural Stabilization and Conservation Service (hereinafter referred to respectively as "CCC" and "ASCS"). Due to certain operational changes in the tobacco loan program, and the Puerto Rican Tobacco Purchase Program, this part is hereby revised.

Subpart A—Tobacco Loan Program

Sec.
1464.1 Administration.
1464.2 Availability of price support.
1464.3 Level of price support.
1464.4 Deductions from advances.
1464.5 Interest rate and general provisions.
1464.6 Maturity date.
1464.7 Eligible producer.
1464.8 Eligible tobacco.
1464.9 Auction warehouse certification of Flue-cured tobacco.

Subpart B—Puerto Rican Tobacco Purchase Program

1464.51 General statement.
1464.52 Administration.
1464.53 Definitions.
1464.54 Offer to sell tobacco to Commodity Credit Corporation.
1464.55 Acceptance of offer—title and risk of loss.
1464.56 Delivery and temporary storage.
1464.57 Purchase price for tobacco.
1464.58 Payment for tobacco.
1464.59 Dealer settlement with producers.
1464.60 Records and books.

AUTHORITY: The provisions of this Part 1464 issued under sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c.

Subpart A—Tobacco Loan Program

§ 1464.1 Administration.

(a) This program will be administered by the Tobacco Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. To the extent provided in the loan agreement, an association shall meet the eligibility requirements for price support prescribed in Cooperative Marketing Associations Eligibility Requirements for Price Support (Part 1425 of this chapter), as amended. CCC reserves the right to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also amounts to cover costs of receiving, processing, storing, and selling tobacco pledged as security for the loan, including that part of overhead costs not borne by the association pursuant to § 1464.4. Associations will be authorized to enter the contracts for these services through the usual trade channels.

§ 1464.2 Availability of price support.

(a) Subject to the provisions of paragraphs (c) and (d) of this section, price support will be available for any crop of each of the following kinds of tobacco,

if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee Fire-cured tobacco, types 22 and 23.
Virginia Fire-cured tobacco, type 21.
Virginia Sun-cured tobacco, type 37.
Dark Air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available for any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) No price support will be available for tobacco on which pesticides containing DDT and TDE, as defined in Parts 724 and 725 of Chapter VII of this title, have been used in the field or after harvest, unless such use was prior to March 9, 1970.

(d) No price support will be available on Flue-cured tobacco which exceeds 110 percent of the effective farm marketing quota for the year in which marketed.

(e) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Through auction warehouses.* (i) Price support will be available for tobacco offered for auction sale at auction warehouses which have contracted with an association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association's contracts with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available on each basket of tobacco in the auction when the final bid is less than one bid above the advance rate, and to make price support advances available to eligible producers on eligible tobacco. For Flue-cured tobacco the association's contracts with auction warehouses will also require the auction warehouse to mark any tobacco sale bill "No Price Support" if the marketing of the pounds of tobacco covered by that bill will result in the producer marketing in excess of 110 percent of his effective farm marketing quota. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will, in turn, be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Consumer and Marketing Service, USDA. Inspection and price support services may be extended to new markets or to additional sales on established markets in accordance with this part and Subpart A of Part 29 of this title which provides for formal public hearing prior to extension of additional services.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, or other evidence, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) *Upon direct delivery to the association.* Eligible producers in nonauction market areas may deliver eligible tobacco to central receiving points designated by the appropriate association. Eligible producers in auction market areas who have eligible tobacco which is security for a farm storage loan obtained pursuant to Part 1421 of this chapter, may, after the close of all auction markets for such kind of tobacco, including cleanup sales, deliver the tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by USDA inspectors, the producer will receive the price support advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided. For the purpose of this subpart, the normal marketing season for Flue-cured tobacco delivered directly to the association will include the date on which the producer is directed, pursuant to Part 1421 of this chapter, to so deliver the tobacco. Such date will be soon after the close of all Flue-cured markets, including cleanup sales.

§ 1464.3 Level of price support.

The level of price support to eligible producers shall be as required by statute. For each crop of any kind of tobacco the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level for each kind of tobacco will be announced soon after the beginning of each calendar year. Schedules of loan rates, by types and grades for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, Coker 316, Reams 64, and Dixie Bright 244, or a mixture or strain of such seed varieties or any breeding line of Flue-cured tobacco seed varieties, including, but not limited to, 187 Golden Wilt (also designated by such names as No-Name, XYZ, Mortgage Lifter, Super XYZ), having the quality and chemical characteristics of the seed varieties designated as Coker 139, Coker 140, Coker 316, Reams 64, or Dixie Bright 244 will be supported at one-half the support rate, plus 12½ cents, for comparable grades of acceptable varieties.

§ 1464.4 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 25 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. In the nonauction market areas, the fee will be established at a rate commensurate with the services performed by the associations. Such fees and charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with auction warehousemen under which they will collect such charges and remit to the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the Claim Control Record, Form ASCS–604, the Government will effect collection of the amount of the indebtedness by setoff from the amount of price support advance due the producer in the following manner: Any marketing card covering tobacco eligible for price support issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas (Parts 724 and 725 of this title) will bear a notation showing the indebtedness, the name of the debtor and the amount of the indebtedness. The acceptance and use of a marketing card bearing a notation of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

(c) If any producer of 1970 and subsequent crops of Flue-cured tobacco is indebted to the United States for a farm storage loan obtained pursuant to Part 1421 of this chapter, the principal amount of such loan will be deducted from the price support advance paid the producer by the association and will be applied to repayment of the farm storage loan.

§ 1464.5 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud or failure to carry out the loan agreement. In instances where the loan to the association is made on a quantity of tobacco on which a farm storage loan had been made, any unpaid interest applicable to the farm storage loan on such quantity of tobacco will not be collected from the producer who obtained the farm storage loan but will be added to the accrued interest of the loan made to the association. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged as security for the loan. Associations will sell the loan tobacco as provided in the loan agreements for each crop, and the net proceeds of sales of the loan collateral of each crop will be applied to the loan account for such crop until the loan is repaid in full. If the proceeds from the sale of the loan collateral of any crop exceed (a) the amount of the loan plus all fees, handling charges, operating costs and interest; and (b) any amount due CCC under a barter transfer agreement entered into between CCC and the association, such excess shall constitute "net gains" and shall be distributed in cash by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 1464.6 Maturity date.

Loans made under the program will mature on demand.

§ 1464.7 Eligible producer.

(a) All producers of Puerto Rican tobacco are eligible producers, since Puerto Rican tobacco is not under U.S. marketing quotas. All producers of 1970 crop Cigar binder, types 51 and 52 tobacco, are eligible producers since marketing quotas on the 1970 crop of those types of tobacco have been terminated. Any producer of another kind of tobacco is an eligible producer if, under the applicable regulations of the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year, a marketing card has been issued for his farm which does not bear the words, "No Price Support," and which, if for other than Flue-Cured or Burley tobacco, is either designated a "Within Quota" marketing card or has the words "Eligible for Price Support" printed or stamped on each Memorandum of Sale contained in the marketing card. In general, the marketing quota regulations provide for the issuance of marketing cards which do not bear the words "No Price Support" and which, if for other than Flue-Cured or Burley tobacco, are designated "Within Quota" marketing cards or have the words "Eligible For Price Support" printed or stamped on each Memorandum of Sale where (1) the tobacco acreage harvested for each kind of tobacco produced on the farm is not, except for any applicable tolerances prescribed in the marketing quota regulations, in excess of the applicable acreage allotment established under the marketing quota for the farm, and (2) pesticides containing DDT and TDE have not been used on the tobacco in the field or after being harvested. However, a marketing card is marked "No Price Support" or the marketing card issued is not designated a "Within Quota" marketing card or does not have the words "Eligible For Price Support" printed or stamped on each Memorandum of Sale if the farm operator fails to comply with the provisions of Part 718 of Chapter VII of this title with respect to disposition of excess acreage, or certification of acreage, or if the tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

(b) Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1933, as amended, when utilized for the purpose of obtaining price support under this subpart, are submitted, and the data in support thereon is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as CCC deems necessary or desirable for the conduct of the price support program.

§ 1464.8 Eligible tobacco.

Eligible tobacco shall be United States and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) is of a kind and crop for which price support is available; (b) if marketing quotas are in effect, has been properly identified in accordance with the applicable tobacco marketing quota regulations by (1) a marketing card which does not bear the words "No Price Support," and (2) if other than Flue-cured or Burley tobacco, a marketing card which is either designated a Within Quota Marketing Card or has the words "Eligible For Price Support" printed or stamped on each Memorandum of Sale contained therein; (c) if Puerto Rican tobacco, or 1970 crop Cigar binder, type 51 or type 52 tobacco, is tobacco for which the association has received a certification by the producer that pesticides containing DDT and TDE, as defined in Parts 724 and 725 of Chapter VII of this title, were not used on the tobacco in the field or after harvest; (d) if Flue-cured tobacco, (1) is offered for marketing on a tobacco sale bill which is not marked "No Price Support," and is for a number of pounds which, when added to the pounds of Flue-cured tobacco previously marketed on that year's marketing card, does not exceed 110 percent of the effective farm marketing quota for that year; or (2) is delivered to the association and is a quantity which, when added to the previous marketings on such card, does not exceed 110 percent of the effective farm marketing quota for that year; (e) has been delivered to the association by the producer, either directly or through an auction warehouse, prior to sale to any other person; (f) has been delivered to the association by the producer, either directly or through an auction warehouse, in lots identified by not more than one marketing card for each lot; (g) is in sound and merchantable condition; (h) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco; and (i) has been graded by USDA official tobacco inspectors in a grade for which price support is available.

§ 1464.9 Auction warehouse certification of Flue-cured tobacco.

Auction warehouses through which price support is made available to producers of Flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. In the case of producer tobacco, the warehouseman shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the tobacco sale bill, and shall use certified basket tickets on the tobacco only if the marketing card presented does not bear the words "Discount Variety." In the case of resale tobacco (tobacco which has previously been sold by the producer), the tobacco Marketing Quota Regulations provide that, when the State Executive Director, ASCS, determines there is a significant amount of discount variety tobacco available for marketing in any marketing year, he may require tobacco which is eligible for full price support to be covered by a Form MQ 79–1, Dealer's Certification-Resale Tobacco, unless its eligibility for full price support is determined by the State Executive Director or his representative. When notified by the State Executive Director that this requirement is in effect, the warehouseman shall not use a certified basket ticket for resale tobacco unless he has obtained Form MQ 79–1, properly executed by the seller, or unless the State Executive Director has determined that the tobacco is eligible to be so identified. The Form MQ 79–1 Dealer's Certification-Resale Tobacco contains a certification by the seller to the USDA and the warehouse that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a marketing card not bearing the words "Discount Variety" or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification-Resale Tobacco shall be furnished to the USDA representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the State Executive Director notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's

Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the State Executive Director. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

Subpart B—Puerto Rican Tobacco Purchase Program

§ 1464.51 General statement.

This subpart sets forth the terms and conditions of a price support program under which Commodity Credit Corporation (referred to in this subpart as CCC) will purchase eligible Puerto Rican tobacco from eligible dealers.

§ 1464.52 Administration.

This program will be administered by the Tobacco Division, ASCS, under the general direction and supervision of the Executive Vice President, CCC.

§ 1464.53 Definitions.

(a) The term "Puerto Rican regulation" refers to the regulation issued by the Commonwealth of Puerto Rico Department of Agriculture entitled "Regulation To Govern Commercial Relations Between Tobacco Growers and Dealers".

(b) The term "loan program regulation" refers to the price support regulation issued by Commodity Credit Corporation, U.S. Department of Agriculture, entitled "Tobacco Loan Program" (Subpart A of this part).

(c) The term "eligible tobacco" means type 46 tobacco, of the crop current at the time of the offer to sell, of which not less than 85 percent is of grades for which price support is available under the loan program regulations and which is held by an eligible dealer, pursuant to the Puerto Rican regulation, for and on behalf of producers who have certified on Form MQ-38, "Certification of DDT or TDE Used on Tobacco," that pesticides containing DDT and TDE, as defined in Parts 724 and 725 of Chapter VII of this title, were not used on the tobacco in the field or after harvest.

(d) The term "eligible dealer" means a dealer who is licensed under, and who is in compliance with, the Puerto Rican regulation.

§ 1464.54 Offer to sell tobacco to Commodity Credit Corporation.

Each year, upon being informed by the Commonwealth of Puerto Rico Department of Agriculture of an eligible dealer who, after July 1, has eligible tobacco which he is unable to sell commercially at acceptable prices, CCC shall mail to such dealer Form No. PR-1 "Offer and Acceptance for Sale and Purchase of Puerto Rican Tobacco". If the dealer decides to offer tobacco to CCC, he shall arrange to have the tobacco graded and weighed by inspectors of the Tobacco Division, C&MS, U.S. Department of Agriculture. The dealer shall furnish all labor and equipment necessary to facilitate the grading and weighing, and the charges for inspectors will be paid by CCC. The dealer shall then complete the offer portion of the form, including the weight of each grade offered, shall execute that portion of the form in triplicate and shall airmail the executed copies of the form to the Director, Tobacco Division, U.S. Department of Agriculture, Washington, D.C. 20250. A copy of the Grade and Weight Certificate, Form PR-2, signed by the inspector, shall accompany each offer. The dealer may submit more than one offer to sell, but no offer postmarked later than September 30 of the year in which executed will be accepted unless, for reasons beyond the control of the dealer, the grade and weight certificate could not be obtained by that date. The tobacco covered by each offer shall constitute a "lot".

§ 1464.55 Acceptance of offer—title and risk of loss.

CCC shall promptly accept each properly executed offer on Form No. PR-1 by filling out and executing the acceptance portion of the form, and shall promptly airmail a copy to the dealer. Upon the execution of the acceptance form by CCC, the offer and acceptance shall constitute a valid and binding contract and title and risk of loss or damage to the tobacco shall pass to CCC.

§ 1464.56 Delivery and temporary storage.

The dealer shall deliver all tobacco sold to CCC f.o.b. trucks at dealer's warehouse when and as directed by CCC. Pending delivery, the dealer shall furnish free storage for a period up to 45 days from the date of acceptance.

§ 1464.57 Purchase price for tobacco.

The purchase price for each lot of tobacco offered by the dealer shall be the sum of (a) the grade purchase rate designated in the Offer and Acceptance form for each grade multiplied by the number of pounds in each grade as shown on the acceptance form and on the applicable grade and weight certificate, totaled for all grades (hereinafter called the lot settlement value), and (b) a handling charge at the rate of $11 per hundredweight of tobacco purchased. The grade purchase rate designated in the Offer and Acceptance form for each grade shall be the grade loan rate for the then current crop as announced by CCC for Puerto Rican tobacco pursuant to the loan program regulation, less 1 cent per pound, converted to a sweated-weight basis by multiplying by the factor 1.19. For Scrap and No Grade tobacco for which there is no grade loan rate under the loan program regulation, the grade purchase rate will be the grade loan rate for N grade, less 3 cents per pound, converted to a sweated-weight basis by multiplying by the factor 1.19.

§ 1464.58 Payment for tobacco.

CCC shall pay the dealer for tobacco purchased, promptly following acceptance of an offer.

§ 1464.59 Dealer settlement with producers.

Within 30 days from the date the dealer receives payment from CCC for any lot of tobacco, he shall pay or credit to the account of all producers from whom he received tobacco an amount which, except for any minor difference resulting from the computation of each producer's share, is equal to the lot settlement value of the tobacco sold to CCC. Each producer's share of such payment shall be determined on the basis of all tobacco delivered to the dealer by all producers, including both any tobacco sold commercially and the tobacco sold to CCC, in accordance with the following computation: The total loan value of all grades of tobacco received from all producers shall be determined on the basis of the announced CCC grade loan rates, or, in the case of Scrap and No Grade tobacco, for which there are no announced grade loan rates, on the basis of the grade loan rate for N grade, less 2 cents per pound. The lot settlement value of the tobacco sold to CCC shall be divided by the total loan value of all tobacco received. Each grade loan rate shall be multiplied by this factor to determine a grade settlement rate for each grade of tobacco received from producers. Each producer from whom the dealer received tobacco during the year shall be paid or credited for each pound of tobacco of each grade he delivered at the grade settlement rate for that grade. Within 35 days from the date of receiving payment from CCC, the dealer shall execute and transmit to CCC, Form PR 3, "Certification of Payments to Producers".

§ 1464.60 Records and books.

The dealer shall keep complete and accurate records with respect to all his transactions relating to the tobacco of any crop year during which tobacco is sold to CCC. Such records shall, at all

times, show the name and address of each producer from whom tobacco was received, the number of pounds of each U.S. Government grade of tobacco received from each producer, the date and place received, the amounts advanced to each producer in money, material, or services, the date of such advances and description of services or materials charged as advances, quantities of tobacco sold, name and address of purchaser, grades and prices of tobacco sold, and amount paid to each producer or credited to each producer's account in settlement for the tobacco delivered. The dealer shall keep such records for a period of 3 years after delivery of tobacco to CCC and shall make them available upon request to representatives of CCC or the General Accounting Office for examination and audit.

Effective date. Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on June 12, 1970.

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

[F.R. Doc. 70-7713; Filed, June 17, 1970; 8:53 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, paragraph (e)(19) relating to the State of North Carolina is amended to read:

(19) *North Carolina.* (i) That portion of Gates County bounded by a line beginning at the junction of the Seaboard Coast Line Railroad and the North Carolina-Virginia State line; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a southeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in an easterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northeasterly direction to Secondary Road 1320; thence, following Secondary Road 1320 in a generally southeasterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1326; thence, following Secondary Road 1326 in a northwesterly direction to Secondary Road 1328; thence, following Secondary Road 1328 in a northwesterly direction to Secondary Road 1318; thence, following Secondary Road 1318 in a northerly direction to the North Carolina-Virginia State line; thence, following the North Carolina-Virginia State line in a westerly direction to its junction with the Seaboard Coast Line Railroad.

(ii) The adjacent portions of Perquimans and Chowan Counties bounded by a line beginning at the junction of Secondary Roads 1204 and 1205; thence, following Secondary Road 1204 in a southerly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a generally southerly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1216; thence, following Secondary Road 1216 in a southwesterly direction to Secondary Road 1215; thence, following Secondary Road 1215 in a southeasterly direction to Secondary Road 1120; thence, following Secondary Road 1120 in a generally southeasterly direction to the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a southwesterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a northwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a northwesterly direction to Secondary Road 1113; thence, following Secondary Road 1113 in a generally southwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a northwesterly direction to Secondary Road 1312; thence, following Secondary Road 1312 in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a westerly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a northwesterly direction to the Chowan-Gates County line; thence, following the Chowan-Gates County line in a generally northeasterly direction to Secondary Road 1301; in a southeasterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a northerly direction to Secondary Road 1206; thence, following Secondary Road 1206 in a southeasterly direction to Secondary Road 1202; thence, following Secondary Road 1202 in a southerly direction to Secondary Road 1205; thence, following Secondary Road 1205 in a northeasterly direction to its junction with Secondary Road 1204.

2. In § 76.2, in paragraph (e)(8) relating to the State of Mississippi, subdivision (i) relating to Prentiss, Tippah, Tishomingo, and Warren Counties is amended to read:

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

3. In § 76.2, in paragraph (e)(17) relating to the State of Virginia, subdivision (xiii) relating to York County is deleted.

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

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

The amendments quarantine portions of Perquimans and Chowan Counties in North Carolina and all of Yazoo 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 counties.

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

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 12th day of June 1970.

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

[F.R. Doc. 70-7714; Filed, June 17, 1970; 8:53 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76,

Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (17) relating to the State of Virginia, subdivision (i) relating to Appomattox County is deleted, and a new subdivision (xvi) relating to Henrico County is added to read:

(17) *Virginia.* * * *

(xvi) That portion of Henrico County bounded by a line at the junction of Greenwood Road and the Henrico-Hanover County line (also the Chickahominy River); thence, following the Henrico-Hanover County line in a generally southwesterly direction to Shady Grove Road; thence, following Shady Grove Road in a southwesterly direction to Primary Highway 271; thence, following Primary Highway 271 in a southeasterly direction to U.S. Highway 250; thence, following U.S. Highway 250 in a southeasterly direction to Hungary Spring Road; thence, following Hungary Spring Road in a northeasterly direction to Hungary Road; thence, following Hungary Road in a southeasterly direction to Purcell Road; thence, following Purcell Road in a northerly direction to Mountain Road; thence, following Mountain Road in an easterly direction to Old Washington Highway; thence, following Old Washington Highway in a generally northerly direction to Greenwood Road; thence, following Greenwood Road in a northwesterly direction to its junction with the Henrico-Hanover County line (also the Chickahominy River).

2. In § 76.2, in paragraph (e) (8) relating to the State of Mississippi, subdivision (viii) relating to Lauderdale County is deleted, and subdivision (i) relating to Prentiss, Tippah, Tishomingo, Warren, and Yazoo Counties is amended to read:

(8) *Mississippi.* * * *

(i) Lauderdale, Prentiss, Tippah, Tishomingo, Warren, and Yazoo Counties.

3. In § 76.2, in paragraph (e) (1) relating to the State of Alabama, a new subdivision (iv) relating to Greene County is added to read:

(1) *Alabama.* * * *

(iv) That portion of Greene County bounded by a line beginning in the town of Lewiston at the junction of the Lewiston-St. Pauls Church Road and the Lewiston-Pleasant Hill Church Road; thence, following the Lewiston-Pleasant Hill Church Road in a southeasterly direction to the division line between T. 22 N. and T. 23 N.; thence, following the division line between T. 22 N. and T. 23 N. in an easterly direction to Minters Creek; thence, following the east bank of Minters Creek in a generally southeasterly direction to the Warrior River; thence, following the west bank of the Warrior River in a generally northeasterly direction to Sims Creek; thence, following the west bank of Sims Creek in a northwesterly direction to U.S. Highway 11, 43; thence, following U.S. Highway 11, 43 in a southwesterly direction to the division line between R. 2 E. and R. 3 E.; thence, following the division line between R. 2 E. and R. 3 E. to the Snoddy-Mantua-White Oak Church Road; thence, following the Snoddy-Mantua-White Oak Church Road in a generally westerly direction to the Lewiston-St. Pauls Church Road; thence, following the Lewiston-St. Pauls Church Road in a southwesterly direction to its junction with the Lewiston-Pleasant Hill Church Road in the town of Lewiston.

(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 a portion of Henrico County, Va., a portion of Greene County, Ala., and the remaining portion of Lauderdale 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 counties.

The amendments also exclude a portion of Appomattox County, Va., from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the area 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 12th day of June 1970.

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

[F.R. Doc. 70-7715; Filed, June 17, 1970; 8:53 a.m.]

Title 25—INDIANS

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

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 108—DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

Living Allowance for Survivors

JUNE 9, 1970.

This notice is published in the exercise of rule-making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

The following revision is made to § 108.28 of Title 25 of the Code of Federal Regulations to remove the restriction on the amount for the living expenses of the surviving spouse and dependent children of a deceased Osage Indian and to permit the Superintendent to exercise his judgment in this matter. Since this revision relieves a restriction, advance notice and public procedure thereon have been deemed unnecessary. Accordingly, this revision will become effective upon publication in the FEDERAL REGISTER.

Paragraphs (e) and (f) of § 108.28 are hereby amended to read as follows:

§ 108.28 Payment of claims against estates.

* * * * *

(e) Allowance for reasonable living expenses each month for 12 months to a surviving spouse who is entitled to participate in the distribution of the estate and who is in need of such support.

(f) Allowance for reasonable living expenses each month for 12 months for each child of the decedent under 21 years of age who is entitled to participate in the distribution of the estate and who is in need of such support.

* * * * *

HAROLD D. COX,
Acting Commissioner.

[F.R. Doc. 70-7635; Filed, June 17, 1970; 8:47 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Procedure After Failure of Conciliation

Section 1601.25b is added to read as set forth below.

Because the amendment herein adopted is procedural in nature, the provisions of section 4 of the Administrative

Procedure Act, 5 U.S.C. 554, for public notice and delay in effective date are inapplicable. Therefore, this amendment is effective upon publication in the FEDERAL REGISTER.

§ 1601.25b Issuance of notice in cases involving Commissioner Charges.

(a) Section 706(e) of the Civil Rights Act of 1964, provides that in cases involving Commissioner Charges when the Commission has been unable to secure voluntary compliance with the Act, the Commission shall notify any person whom the charge alleges was aggrieved by the alleged unlawful employment practices of his right to sue in a Federal District Court. To come within the purview of this section an individual may either be specifically designated by name or be among the class of persons aggrieved by the practices complained of in the charge. Accordingly, in cases involving Commissioner Charges, the Commission will follow the procedures outlined in paragraphs (b), (c), (d), and (e) of this section.

(b) The Commission shall not issue any Notice-of-Right-to-Sue prior to a determination on the merits, except as provided in paragraph (d) of this section. Furthermore, where the Commission has found reasonable cause, the Commission shall not issue such notice prior to failure of the Commission's conciliation efforts, except as provided in paragraph (d) of this section.

(c) Where the Commission has found reasonable cause but has been unable to obtain voluntary compliance with title VII, the Commission shall so notify the respondent and all identifiable members of the class aggrieved by the practices complained of in the charge. Notification to aggrieved members of the class shall include the following:

(1) A copy of the charge;

(2) A copy of the Commission decision;

(3) Advice concerning his right to proceed in court under section 706(e) of title VII.

(d) At any time after 60 days have expired since the charge was filed, any member of the class aggrieved by the practices alleged in the charge, or any respondent named in the charge, may demand in writing that a Notice-of-Right-to-Sue issue, and the Commission shall promptly issue such Notice-of-Right-to-Sue, pursuant to paragraph (c) of this section.

(e) Issuance of a notice pursuant to paragraph (d) of this section does not terminate the Commission's jurisdiction of the proceeding and the case shall continue to be processed.

(Sec. 713, 78 Stat. 265, 42 U.S.C., sec. 2000e–12)

WILLIAM H. BROWN III,
Chairman, Equal Employment Opportunity Commission.

JUNE 9, 1970.

[F.R. Doc. 70–7672; Filed, June 17, 1970; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 721—STANDARDS OF CONDUCT

Fitness Reports; Statement of Employment and Financial Interest

The table of contents for Part 721 is revised to read as follows:

Sec.
721.1 Purpose.
721.2 Definition.
721.3 Policy—general.
721.4 Statements of employment and financial interests.
721.5 Action.
721.6 Availability of forms.

Paragraphs (f) through (o) of § 721.5 are revised to read as follows:

§ 721.5 Action.

* * * * *

(f) In connection with each Fitness Report or Performance Rating with respect to officers or civilian employees described in § 40.735–14(a) (3) and (4) of this title, the appropriate supervisor shall review the billet or position as required by § 40.735–14(b) of this title, and shall determine whether the duties and responsibilities of the position are such as to require the individual to file a statement of employment and financial interests. He shall cause his determination to be recorded in the individual's billet or position description and in the individual's local personnel record. Such determinations will be reviewed at least annually. An officer or employee who is transferred from one position to another within the Department of the Navy shall be responsible for furnishing a current statement to his new appropriate supervisor if he is required to file such a statement in that position. Any individual who believes that his position has been improperly included in category (3) or (4) may request a review of the decision requiring him to file a statement through the established grievance or complaint procedure of the Department.

(g) For the purpose of § 40.735–14(a) (4) (i) of this title entitled "Contracting or Procurement," reports will be required only from persons who sign contracts or those, at higher levels, who have overall responsibility for the entire transaction. This includes but is not limited to heads of procuring activities, directors of contracting divisions, personnel engaged in business clearance of contracts, and others performing comparable functions.

(h) Each officer and employee who previously filed a statement of employment and financial interest and who, pursuant to Parts 40 and 721 of this title, is still required so to do, shall file an annual supplementary statement prior to January 31, 1968, reporting, as of September 30, 1967, the information referred to in § 40.735–14(1) of this title. Similarly, personnel required for the first time to file statements of employment and financial interest shall do so prior to January 31, 1968, as of September 30, 1967. Thereafter, changes or additions will be reported in a supplementary statement to be filed on June 30 of each year.

(i) In clarification of the instructions on the reverse side of the Confidential Statement of Employment and Financial Interests (DD Forms 1555 and 1555–1) concerning the reporting of financial interests, each reporting officer or employee must include information with respect to employment of his spouse, minor children, or blood relations who are full-time residents of his household. He is not required to report ownership of personal savings or checking accounts in financial institutions or life or property insurance policies even though they provide for dividends or cash value.

(j) With respect to the disqualification procedure set forth in § 40.735–15(a)(4) of this title, the official in the Department of the Navy authorized to make a determination pursuant to title 18, United States Code, section 208(b), shall be the head of the command, bureau, office, or activity to which the officer or employee concerned is assigned for duty. The same official is designated as the official to whom reports concerning acceptance of gratuities shall be made pursuant to § 40.735–5(b)(4) of this title.

(k) The Comptroller of the Navy shall advise all Regular Navy retired officer personnel of the continuing requirement for submitting a Statement of Employment and provide DD Form 1357 for that purpose. The Commandant of the Marine Corps shall provide similar assistance to Regular Marine Corps retired officer personnel.

(l) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, shall provide all Regular officer personnel retiring hereafter with instructions for filing DD Form 1357 within 30 days after retiring and as their employment status changes.

(m) The Comptroller of the Navy or the Commandant of the Marine Corps, as appropriate, is responsible for review of all Statements of Employment filed by retired officers of the Regular Navy and Marine Corps to insure compliance with applicable laws and regulations.

(n) The Director, Civilian Manpower Management, shall incorporate the provisons of Part 40 of this title concerning civilian employees in appropriate Navy Civilian Personnel Instructions.

(o) All chiefs and heads of commands, bureaus, and offices, and all commanding officers, shall disseminate this part within their organizations or commands, shall insure that naval personnel within their organizations or commands are familiar with its provisions, and shall arrange for informing new personnel of its provisions. Periodically, they shall utilize the opportunity afforded by staff meetings to direct attention to the policies set forth in this part, and they shall bring these

policies to the attention of all personnel at least semiannually.

(p) The Chief of Naval Material is responsible for bringing the contents of this part to the attention of the principal officer of each contractor doing significant business with the Navy. Chiefs and heads of commands, bureaus, and offices, commanding officers, and other senior officials shall periodically utilize the opportunity afforded by conferences with representatives of industry to direct attention to the policies set forth in this part.

(q) Corrective measures, including disciplinary action when appropriate, shall be taken whenever it is determined that there has been a violation of this part.

Paragraph (p) of § 721.5 is redesignated as § 721.6 and reads as follows:

§ 721.6 Availability of forms.

Supplies of DD Form 1555 and DD Form 1555–1 are available in Forms and Publications Segment of the Navy Supply System under Stock Nos. 0101–895–5000 and 0101–895–5100, respectively. Naval personnel required to submit statements should obtain copies of the requisite reporting form from within their local commands or organizations.

[SEAL] D. D. CHAPMAN,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JUNE 9, 1970.

[F.R. Doc. 70-7670; Filed, June 17, 1970; 8:50 a.m.]

SUBCHAPTER D—PROCUREMENT, PROPERTY, PATENTS, AND CONTRACTS

PART 736—DISPOSITION OF PROPERTY

Miscellaneous Amendments

Paragraph (c) of § 736.1 is revised to read as follows:

§ 736.1 General.

* * * * *

(c) The Department of Defense Disposal Manual and directives issued by the Department of the Navy cover the disposition of all property of the Department, including disposition under the Federal Property Act. The Naval Supply Systems Command Manual (or, when issued, the Navy Personal Property Disposal Manual) and the Marine Corps Supply Manual contain information and operating instructions for the guidance of field personnel in disposing of personal property at Navy and Marine Corps installations, respectively. The Material Inspection Service Administration Manual (or, when issued, section XXIV of Navy Procurement Directives) contains similar information applicable to the disposition of contractor inventory. These publications are available for inspection at the Naval Material Command Headquarters, Washington, D.C.; at the offices of the Commandants of the several Naval Districts and River Commands; or at the several Navy and Marine Corps installations.

Paragraphs (a), (b)(1), and (c) of § 736.3 are revised to read as follows:

§ 736.3 Sale of personal property.

(a) The sale of personal property determined to be surplus or foreign excess or for exchange purposes is authorized by the Federal Property Act and regulations of the Administrator of General Services (see § 736.1(a)). Certain vessels stricken from the Naval Vessel Register may be sold under the act of August 10, 1956 (70A Stat. 451, 10 U.S.C. 7305). Sales generally will be under competitive bid procedures, but in exceptional circumtances, negotiated and other special-type sales are authorized. Only those activities designated by the Department of Defense, the Office of Naval Material or delegated authority may conduct sales of surplus personal property. Such designated activities will effect the orderly and expeditious disposal by sale of Department of Defense surplus property within assigned geographical areas or for an assigned specialized category of surplus personal property. In the United States except Alaska and Hawaii, surplus personal property other than contractor inventory of the Department of Defense is now sold through Defense Surplus Sales Offices (DSSO's). The following is a list of the DSSO's and authorized naval selling activities:

DSSO's SERVING GEOGRAPHICAL AREAS

Defense Surplus Sales Office, Defense Personal Support Center, 2800 South 20th Street, Building M5–E, Philadelphia, Pa.
Defense Surplus Sales Office, Building 115, Naval Base, Gate 51, Portsmouth, R.I.
Defense Surplus Sales Office, Atlanta Army Depot, Building 906, Forest Park, Ga.
Defense Surplus Sales Office, Building 450, Naval Air Station, Jacksonville, Fla.
Defense Surplus Sales Office, Building SDA–224, South Annex, Norfolk International Terminal 7737 Hampton Boulevard, Norfolk, Va.
Defense Surplus Sales Office, Building 27, Section 6, Defense Construction Supply Center, Columbus, Ohio.
Defense Surplus Sales Office, Building 23, Fort Worth Federal Center, Forth Worth, Tex.
Defense Surplus Sales Office, Building 2A, Defense Depot Ogden, Ogden, Utah.
Defense Surplus Sales Office, Building 502, Naval Supply Center, Oakland, Calif.
Defense Surplus Sales Office, 937 North Harbor Drive, San Diego, Calif.

NAVAL SELLING ACTIVITIES

U.S. Naval Station, Kodiak, Alaska.
U.S. Naval Station, Argentia, Newfoundland.
U.S. Naval Station, San Juan, P.R.
U.S. Naval Supply Depot, Guam, Mariana Islands.
U.S. Naval Supply Center, Pearl Harbor, Hawaii.
U.S. Naval Support Activity, Naples, Italy.
U.S. Naval Station, Keflavik, Iceland.
U.S. Naval Training Command, Port Lyautey, Kenitra, Morocco.
U.S. Naval Supply Depot, Sangley Point, Luzon, Republic of the Philippines.

NAVAL ACTIVITIES AUTHORIZED TO SELL CONTRACTOR INVENTORY AT PRIVATE PLANTS

Naval Plant Representative, Naval Plant Representative Office, Aerojet-General Corp., 1100 West Hollyvale Avenue, Azusa, Calif. 91702.
Naval Plant Representative, Naval Plant Representative Office, Bendix Missile Systems Division, 400 South Beiger Street, Mishawaka, Ind. 46544.
Naval Plant Representative, Naval Plant Representative Office, General Electric Co., Ordnance Department, 100 Plastic Avenue, Pittsfield, Mass. 01201.
Naval Plant Representative, Naval Plant Representative Office, 1675 West Fifth Avenue, Post Office Box 1011, Pomona, Calif. 91766.
Naval Plant Representative, Naval Plant Representative Office, Johns Hopkins University, Applied Physics Laboratory, 8621 Georgia Avenue, Silver Spring, Md. 20910.
Naval Plant Representative, Naval Plant Representative Office, Lockheed Missile & Space Co., Post Office Box 504, Sunnyvale, Calif. 94088.
Naval Plant Representative, Naval Plant Representative Office, Goodyear Aerospace Corp., Akron, Ohio 44305.
Naval Plant Representative, Naval Plant Representative Office, Westinghouse Electric Corp., Post Office Box 746, Baltimore, Md. 21203.
Naval Plant Representative, Naval Plant Representative Office, Grumman Aircraft Engineering Corp., Bethpage, Long Island, N.Y. 11714.
Naval Plant Representative, Naval Plant Representative Office, Lockheed Aircraft Corp., Burbank, Calif. 91503.
Naval Plant Representative, Naval Plant Representative Office, Intercontinental Engine Services, RGV International Airport, Brownsville, Tex. 78520.
Naval Plant Representative, Naval Plant Representative Office, North American Rockwell Corp., 4300 East Fifth Avenue, Columbus, Ohio 43216.
Naval Plant Representative, Naval Plant Representative Office, LTV Aerospace Corp., Vought Aeronautics Division, Post Office Box 5907, Dallas, Tex. 75222.
Naval Plant Representative, Naval Plant Representative Office, Sperry Gyroscope Co., Great Neck, Long Island, N.Y. 11020.
Naval Plant Representative, Naval Plant Representative Office, Hayes International Corp., Dothan, Ala. 36301.
Naval Plant Representative, Naval Plant Representative Office, United Aircraft Corp., Pratt & Whitney Aircraft Division, East Hartford, Conn. 06108.
Naval Plant Representative, Naval Plant Representative Office, McDonnel Douglas Corp., Douglas Aircraft Co., Aircraft Division, Long Beach, Calif. 90801.
Naval Plant Representative, Naval Plant Representative Office, The Boeing Co., Vertol Division, Post Office Box 16895, Morton, Pa. 19142.
Naval Plant Representative, Naval Plant Representative Office, McDonnel Douglas Corp., Post Office Box 516, St. Louis, Mo. 63166.
Naval Plant Representative, Naval Plant Representative Office, United Aircraft Corp., Sikorsky Aircraft Division, Stratford, Conn. 06497.
Naval Plant Representative, Naval Plant Representative Office, Pratt & Whitney Aircraft, Florida Research and Development Center, West Palm Beach, Fla. 33401.
Supervisor of Shipbuilding, Conversion and Repair, USN, General Dynamics Corp., Groton, Conn. 06340.

(b) * * *

(1) The Department of Defense has a contact point for any person interested in purchasing surplus property from military installations within the United States except Alaska and Hawaii. The contact point is the Defense Surplus Bidders Control Office, Defense Logistics Services Center, Federal Center Building, Battle Creek, Mich. This office maintains a single bidders list for all military departments. The list is arranged to show each person's buying interests, both geographically and with respect to categories of property. The

categories of property (together with an application blank) are listed in a pamphlet "How To Buy Surplus Personal Property From The Department Of Defense," prepared by the Defense Logistics Services Center, Defense Supply Agency, Battle Creek, Mich.

* * * * *

(c) In foreign areas, property is sold as indicated in paragraphs (a) and (b) of this section; but such sales must conform to the foreign policy of the United States and also have no adverse effect on the economic conditions of the country in which the property is located. In addition, property in foreign areas is sold with the stipulation that it cannot be imported into the United States unless the Secretary of Agriculture (in the case of agricultural commodities, food, or cotton or woolen goods), or the Secretary of Commerce (in the case of any other property) has determined that the importation of such property would relieve domestic purchases or otherwise be beneficial to the economy of the United States. The major overseas commander may authorize the disposal of foreign excess property without competitive bids where such negotiated sale is most practicable and most advantageous to the Government because of the nature of the property, its location, and the potential market, or for other reasons.

Section 736.4 is revised to read as follows:

§ 736.4 Disposition of real property.

(a) Real property, including related personal property, determined to be excess to the needs of the Department of Defense is subject to disposition under the Federal Property Act. In the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands, Department of the Navy real property determined to be excess to the Department of Defense and not required for the needs and the discharge of the responsibilities of all Federal agencies, is generally disposed of by the General Services Administration as surplus property. Exceptions, however, are property worth less than $1,000; certain leases, permits, licenses, easements or similar interests; certain fixtures, structures, and improvements; and other special classes of property which, when determined to be surplus, are disposed of by the Commander, Naval Facilities Engineering Command, Field Division Directors, and District or Area Public Works Officers under authority delegated in Title II, Regulations of the General Services Administration, or under special delegations from the Administrator of General Services.

(b) Outside the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands, Department of the Navy real property determined to be excess to the Department of Defense is disposed of directly by the Commander, Naval Facilities Engineering Command, Field Division Directors, and District or Area Public Works Officers.

Paragraphs (d), (e), and (f)(2) of § 736.5 are revised to read as follows:

§ 736.5 Disposition of real and personal property under special statutory authority.

* * * * *

(d) *Disposition of vessels.* Vessels stricken from the Naval Vessel Register may be sold by the Department of the Navy under the authority and subject to the limitations of the Federal Property Act (section 203(i), 63 Stat. 386, 40 U.S.C. 484(i)) and the act of August 10, 1956 (70A Stat. 451; 10 U.S.C. 7304, 7305, 7307) and Executive Order 10885 (25 F.R. 8471). However, pursuant to section 203(i) of the Federal Property Act (40 U.S.C. 484(i)), the U.S. Maritime Commission disposes of vessels, other than warships, if over 1,500 gross tons and determined by the Maritime Commission to be merchant vessels or capable of conversion to merchant use. Vessels may be sold for scrapping or for use under such authority or, if such sale is not feasible, the Naval Ship Systems Command may arrange for the demolition of a vessel and sale of the resulting materials by an authorized selling activity as set forth in § 736.3.

(e) *Exchange or sale of property for replacement purposes.* Under the authority of section 201(c) of the Federal Property Act (40 U.S.C. 481(c)) and regulations of the General Services Administration, the Department of the Navy is authorized in the procurement of new equipment, to exchange or sell similar items which are not excess to its needs, and apply the exchange allowance or proceeds of sale in whole or part payment for the items procured.

(f) * * *

(2) Applications other than those to be filed with the field representative of the Department of Health, Education, and Welfare shall be filed with the Department of the Navy and referred to the cognizant Command or Headquarters for action except that applications for vessels and district craft shall be referred to the Chief of Naval Operations, applications for boats to the Naval Ship Systems Command, and applications for barges, floating drydocks, and other floating construction equipment to the Naval Facilities Engineering Command. Detailed instructions with respect to such applications are set forth in the Defense Disposal Manual.

* * * * *

[SEAL] D. D. CHAPMAN,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JUNE 9, 1970.

[F.R. Doc. 70-7671; Filed, June 17, 1970; 8:50 a.m.]

SUBCHAPTER F—ISLANDS UNDER NAVY JURISDICTION

PART 761—NAVAL DEFENSIVE SEA AREAS; NAVAL AIRSPACE RESERVATIONS, AREAS UNDER NAVY ADMINISTRATION, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Miscellaneous Amendments

Part 761 of Chapter VI of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 761.1 is amended by deleting paragraph (a)(4) and amending paragraph (b) to read as follows:

§ 761.1 Scope.

(a) This part provides regulations governing the entry of persons, ships, and aircraft into:

* * * * *

(4) [Deleted]

(b) The entry authorizations issued under the authority of this part do not supersede or eliminate the need for visas or other clearances or permits required by other law or regulation.

2. Section 761.2 is amended by revising paragraph (a) to read as follows:

§ 761.2 Background and general policy.

(a) Certain areas, due to their strategic nature or for purposes of defense, have been subjected to restrictions regarding the free entry of persons, ships, and aircraft. Free entry into the areas listed and defined in this part, and military installations contiguous to or within the boundaries of defense areas, is subject to control as provided for by Executive order or other regulation. The object of controls over entry into naval defensive sea areas, naval airspace reservations, administrative areas, and the Trust Territory of the Pacific Islands, is to provide for the protection of military installations as well as other facilities, including the personnel, property, and equipment assigned to or located therein. Persons, ships, and aircraft are excluded unless and until they qualify for admission under the applicable Executive order or regulation.

* * * * *

3. Section 761.3 is amended as follows: Paragraphs (a) and (c) are amended as follows and paragraph (d) is deleted:

§ 761.3 Authority.

(a) *Naval Defensive Sea Areas and Naval Airspace Reservations.* * * *

(2) *Pacific areas.* * * *

(x) Unalaska Island Naval Defensive Sea Area, Unalaska Island Naval Airspace Reservation: Executive Order 8680 of February 14, 1941 (6 F.R. 1014; 3 CFR, 1943 Cum. Supp., p. 892) as amended by Executive Order 8729 of April 2, 1941 (6 F.R. 1791; 3 CFR, 1943 Cum. Supp., p. 919). See § 761.4(d) for

delineation of areas where entry controls are suspended.

* * * * *

(c) *Trust Territory of the Pacific Islands.* The Trust Territory of the Pacific Islands is a strategic area administered by the United States under the provisions of a Trusteeship Agreement with the United Nations. By Executive Order 11021 of May 7, 1962 (27 F.R. 4409; 3 CFR, 1959–1963 Comp., p. 600), the Secretary of the Interior has been charged with the administrative responsibility for all of the Trust Territory of the Pacific Islands. Under an agreement between the Department of the Navy and the Department of the Interior effective July 1, 1963, the entry of individuals, ships, and aircraft into the Trust Territory is subject to control. Entry into the Trust Territory of the Pacific Islands (other than areas under military control of the Department of the Army (Kwajalein Atoll) and the Department of the Air Force (Bikini Atoll and Eniwetok Atoll) (see § 761.4)) shall be exercised by the High Commissioner of the Trust Territory and the Department of the Navy as follows:

(1) Entry of U.S. citizens and nationals and citizens of the Trust Territory, into areas of the Trust Territory other than those areas under military control of the Department of the Army and the Department of the Air Force as outlined shall be controlled by the High Commissioner.

* * * * *

(d) [Deleted]

* * * * *

4. In § 761.4 paragraph (a) is deleted and reserved.

§ 761.4 **Special provisions.**

(a) [Reserved]

* * * * *

5. Section 761.5 is amended by amending paragraphs (a) and (d) to read as follows:

§ 761.5 **Definitions.**

(a) *Defense area.* A naval defensive sea area, naval airspace reservation, or naval administrative area established by Executive order of the President.

* * * * *

(d) *Entry Control Commander.* A commander empowered to issue entry authorizations for one or more defense areas (see § 761.9).

* * * * *

6. Section 761.9 is amended by amending paragraph (h) to read as follows:

§ 761.9 **Entry Control Commanders.**

* * * * *

(h) *Commander U.S. Naval Forces Marianas.* Authorization for military areas in that portion of the Trust Territory west of 160° east longitude, and in conjunction with the High Commissioner for non-U.S. citizens and ships or aircraft documented under laws other than those of the United States or the Trust Territory to enter those portions of the Trust Territory not under military jurisdiction or control.

* * * * *

§ 761.19 [Reserved]

7. Subpart D—Additional Instructions, is amended by deleting § 761.19.

D. D. CHAPMAN,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JUNE 9, 1970.

[F.R. Doc. 70-7669; Filed, June 17, 1970; 8:50 a.m.]

Chapter XVI—Selective Service System

[Amdt. 117]

PART 1600—MAINTENANCE OF HIGH ETHICAL AND MORAL STANDARDS OF CONDUCT BY OFFICERS AND EMPLOYEES OF THE SELECTIVE SERVICE SYSTEM

Employees Required To Submit Statements

Pursuant to the regulations of the Civil Service Commission on Employee Responsibility and Conduct implementing Executive Order No. 11222, prescribing standards of Ethical Conduct for Government Officers and Employees, the following amendment and addition to the Selective Service Regulations is hereby prescribed to read as follows:

§ 1600.735–62 **Employees required to submit statements.**

Except as provided in § 1600.735–63, the Director of Selective Service shall require statements of employment and financial interests from the following:

(a) The Deputy Director of Selective Service.

(b) The Chief, Office of Public Information.

(c) The General Counsel.

(d) The Chief, Office of Legislation and Liaison.

(e) The Assistant Deputy Director for Operations.

(f) The Assistant Deputy Director for Administration.

(g) Each State Director of Selective Service.

(h) Employees paid at a level of the Executive Schedule in Subchapter II of chapter 53 of title 5, United States Code.

Other positions may be designated from time to time by the Director of Selective Service.

(Sec. 10, 62 Stat. 618, as amended, 50 U.S.C. App. 460; EO 9979, July 20, 1948, 13 F.R. 4177, 3 CFR 1943–48 Comp. 713)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register.

[SEAL] CURTIS W. TARR,
Director of Selective Service.

JUNE 12, 1970.

[F.R. Doc. 70-7731; Filed, June 17, 1970; 8:55 a.m.]

PART 1631—QUOTAS AND CALLS

Ordering of Registrants for Induction

CROSS REFERENCE: For a document amending the Selective Service Regulations concerning the ordering of registrants for induction, see Title 3, Executive Order 11537, F.R. Doc. 70-7770, *supra*.

Title 43—PUBLIC LANDS: INTERIOR

[Circular 2273]

Subtitle A—Office of the Secretary of the Interior

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

APPEALS IN PUBLIC LAND CASES

These amendments are adopted to conform the regulations governing appeals in public land cases to the reorganization of the appellate structure in the Department handling such cases.

PART 23—SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS

1. Section 23.12 is amended to read as follows:

§ 23.12 **Appeals.**

(a) A person adversely affected by a decision or order of a district manager or of a mining supervisor made pursuant to the provisions of this part shall have a right of appeal to the Board of Land Appeals, Office of the Secretary, whenever the decision appealed from was rendered by a district manager, or to the Director of the Geological Survey if the decision or order appealed from was rendered by a mining supervisor, and the further right to appeal to the Secretary of the Interior from an adverse decision of the Director of the Geological Survey unless such decision was approved by the Secretary prior to promulgation.

(b) Appeals to the Board of Land Appeals shall be made pursuant to Part 1840 of this title. Appeals to the Director of the Geological Survey and appeals from his decisions to the Secretary of the Interior shall be made in the manner provided in 30 CFR 221.66.

(c) In any case involving a permit, lease, or contract for lands under the jurisdiction of an agency other than the Department of the Interior, or a bureau of the Department of the Interior other than the Bureau of Land Management, the officer rendering a decision or order shall designate the authorized officer of such agency as an adverse party on whom a copy of any notice of appeal and any statement of reasons, written arguments, or briefs must be served.

(d) Hearings to present evidence on an issue of fact before a hearing examiner may be ordered by the Board of Land Appeals or the Director of the Geological Survey, as the case may be, in accordance with the procedure set forth in § 1843.5 and Part 1850 of this title.

PART 1840—APPEALS PROCEDURES

2. Section 1840.0–3 is amended to read as follows:

§ 1840.0–3 Authority.

Sections 1840.0–3 to 1843.7 are issued under the authority of R.S. 2478, as amended; 43 U.S.C. 1201.

3. Paragraphs (b) and (d) of § 1840.0–5 are repealed, paragraph (c) is renumbered as paragraph (b), and new paragraphs (c) and (d) are added to read as follows:

§ 1840.0–5 Definitions.

* * * * *

(c) "Board" means the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary. The terms "office" or "officer" as used in this part include "Board" where the context requires.

(d) "Examiner" means a hearing examiner in the Office of Hearings and Appeals, Office of the Secretary, appointed under section 3105 of title 5 of the United States Code.

4. The portion of §1840.0–7 preceding paragraph (a) is amended to read as follows:

§ 1840.0–7 Summary dismissal.

An appeal to the Board will be subject to summary dismissal by the Board for any of the following causes:

* * * * *

§ 1840.0–8 [Amended]

5. Paragraph (a) of § 1840.0–8 is revoked and the designation "(b)" preceding present paragraph (b) is deleted.

6. Paragraph (a) and (b) of § 1840.0–9 are amended to read as follows:

§ 1840.0–9 General provisions.

(a) *Effect of decision pending appeal.* Normally a decision will not be effective during the time in which a person adversely affected may file a notice of appeal, and the timely filing of a notice of appeal will suspend the effect of the decision appealed from pending the decision on appeal. However, when the public interest requires, the Board may provide that a decision or any part of it shall be in full force and effect immediately.

(b) *Exhaustion of administrative remedies.* No decision which at the time of its rendition is subject to appeal to the Board under the regulations of this part shall be considered final so as to be agency action subject to judicial review under 5 U.S.C., section 704, unless it has been made effective pending a decision on appeal in the manner provided in paragraph (a) of this section.

* * * * *

7. The heading of Subpart 1842 is amended to read as follows:

Subpart 1842—Appeals to the Board of Land Appeals

8. Section 1842.2 is amended to read as follows:

§ 1842.2 Who may appeal.

Except as otherwise provided in group 2400 of this chapter, any party to a case who is adversely affected by a decision of an officer of the Bureau of Land Management or of an examiner, except a decision which has been approved by the Secretary, shall have a right to appeal to the Board.

9. Section 1842.4 is amended to read as follows:

§ 1842.4 Appeal; how taken, mandatory time limit.

(a) A person who wishes to appeal to the Board must file in the office of the officer who made the decision (not the Board) a notice that he wishes to appeal. The notice of appeal must give the serial number or other identification of the case and must be transmitted in time to be filed in the office where it is required to be filed within 30 days after the person taking the appeal is served with the decision from which he is appealing. The notice of appeal may include a statement of the reasons for the appeal and any arguments the appellant wishes to make. This paragraph does not apply to grazing appeals filed pursuant to § 1853.-7(a) of this chapter.

(b) No extension of time will be granted for filing the notice of appeal. If a notice of appeal is filed after the grace period provided in § 1840.0–6 (a) and (b), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the notice of appeal is filed during the grace period provided in § 1840.0–6 (a) and (b) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

10. Section 1842.5–1 is amended to read as follows:

§ 1842.5–1 Statement of reasons, written arguments, briefs.

If the notice of appeal did not include a statement of the reasons for the appeal, such a statement must be filed with the Board (address: Board of Land Appeals, Department of the Interior, Washington, D.C. 20240) within 30 days after the notice of appeal was filed. Failure to file the statement of reasons within the time required will subject the appeal to summary dismissal as provided in § 1840.0–7, unless the delay in filing is waived as provided in § 1840.0–6 (a) and (b). In any case the appellant will be permitted to file with the Board additional statements of reasons and written arguments or briefs within the 30-day period after he filed the notice of appeal.

11. Section 1842.5–2 is amended to read as follows:

§ 1842.5–2 Service of notice of appeal and of other documents.

The appellant must serve a copy of the notice of appeal and of any statement of reasons, written arguments, or briefs on each adverse party named in the decision appealed from, in the manner prescribed in § 1840.0–6(e), not later than 15 days after filing the document. Failure to serve within the time required will subject the appeal to summary dismissal as provided in § 1840.0–7. Proof of such service as required by § 1840.0–6(e) must be filed with the Board (address: Board of Land Appeals, Department of the Interior, Washington, D.C. 20240) within 15 days after service unless filed with the notice of appeal.

12. Section 1842.5–3 is amended to read as follows:

§ 1842.5–3 Answers.

If any party served with a notice of appeal wishes to participate in the proceedings on appeal, he must file an answer within 30 days after service on him of the notice of appeal or statement of reasons where such statement was not included in the notice of appeal. If additional reasons, written arguments, or briefs are filed by the appellant, the adverse party shall have 30 days after service thereof on him within which to answer them. The answer must state the reasons why the answerer thinks the appeal should not be sustained. Answers must be filed with the Board (address: Board of Land Appeals, Department of the Interior, Washington, D.C. 20240) and must be served on the appellant, in the manner prescribed in § 1840.0–6(e), not later than 15 days thereafter. Proof of such service as required by § 1840.0–6(e), must be filed with the Board (see address above) within 15 days after service. Failure to answer will not result in a default. If an answer is not filed and served within the time required, it may be disregarded in deciding the appeal, unless the delay in filing is waived as provided in § 1840.0–6 (a) and (b).

13. The heading of Subpart 1843 is amended to read as follows:

Subpart 1843—Actions by Board of Land Appeals

14. Section 1843.5 is amended to read as follows:

§ 1843.5 Request for hearings on appeals involving questions of fact.

Either an appellant or an adverse party may, if he desires a hearing to present evidence on an issue of fact, request that the case be assigned to an examiner for such a hearing. Such a request must be made in writing and filed with the Board within 30 days after answer is due and a copy of the request should be served on the opposing party in the case. The allowance of a request for hearing is within the discretion of the Board, and the Board may, on its own motion, refer any case to an examiner for a hearing on an issue of fact. If a hearing is ordered, the Board will specify the issues upon which the hearing is to be held and the hearing will be held in accordance with Subpart 1851.

15. Section 1843.6 is amended to read as follows:

§ 1843.6 Request for oral argument.

The Board may, in its discretion, grant an opportunity for oral argument before it.

16. Section 1843.7 is amended to read as follows:

§ 1843.7 Decision by Board.

The Board will render a written decision in each case appealed to it. Such decisions will be served on all parties and shall not be subject to any further appeal in the Department.

§ 1843.9 [Revoked]

17. Section 1843.9 is revoked.

§§ 1844.1–1844.9 [Revoked]

18. Subpart 1844 is revoked.

PART 1850—HEARINGS PROCEDURES

19. Paragraph (d) of § 1850.0–5 is amended and a new paragraph (e) is added to the section to read as follows:

§ 1850.0–5 Definitions.

* * * * *

(d) "Board" means the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary. The terms "office" or "officer" as used in this part include "Board" where the context requires.

(e) "Examiner" means a hearing examiner in the Office of Hearings and Appeals, Office of the Secretary, appointed under section 3105 of title 5 of the United States Code.

20. Paragraphs (a) and (b) of § 1850.0–7 are amended to read as follows:

§ 1850.0–7 Subpoena power and witness provisions.

(a) *Compulsory attendance of witnesses.* The examiner is authorized to issue subpoenas directing the attendance of witnesses at hearings to be held before him or at the taking of depositions to be held before himself or other officers. The issuance of subpoenas, service, attendance fees, and similar matters shall be governed by the act of January 31, 1903 (43 U.S.C. 102–106), and 28 U.S.C. 1821.

(b) *Application for subpoena.* An application for a subpoena may be filed in the office of the examiner before whom the hearing is to be held, in the office of the officer who made the decision appealed from, or in the office of the manager in which a complaint was filed, in which case the officer or manager will forward the application to the examiner.

* * * * *

21. Subparagraph (2) of paragraph (a) of § 1850.0–8 is amended to read as follows:

§ 1850.0–8 Basis of decision.

(a) * * *

(2) If a hearing has been held on an appeal pursuant to instructions of the Board, this record shall be the sole basis for decision insofar as the referred issues of fact are involved except to the extent that official notice may be taken of a fact as provided in paragraph (b) of this section.

* * * * *

22. Section 1851.1 is amended to read as follows:

§ 1851.1 Prehearing conferences.

(a) The examiner may, in his discretion, on his own motion or motion of one of the parties or of the Bureau direct the parties or their representatives to appear at a specified time and place for a prehearing conference to consider: (1) The possibility of obtaining stipulations, admissions of facts and agreements to the introduction of documents, (2) the limitation of the number of expert witnesses, and (3) any other matters which may aid in the disposition of the proceedings.

(b) The examiner shall issue an order which recites the action taken at the conference and the agreements made as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding before the examiner unless modified for good cause, by subsequent order.

23. Section 1851.2 is amended to read as follows:

§ 1851.2 Fixing of place and date for hearing; notice.

The examiner shall fix a place and date for the hearing and notify all parties and the Bureau.

§ 1851.2–1 [Amended]

24. Paragraphs (a) and (b) of § 1851.2–1 are amended by changing "Field Commissioner" to "examiner".

§ 1851.3 [Amended]

25. Section 1851.3 is amended by changing "Field Commissioner" to "examiner" and by changing "Director" to "Board".

§ 1851.4 [Amended]

26. Section 1851.4 is amended by changing "Field Commissioner" to "examiner".

27. Section 1851.5 is amended to read as follows:

§ 1851.5 Evidence.

(a) All oral testimony shall be under oath and witnesses shall be subject to cross-examination. The examiner may question any witnesses. Documentary evidence may be received if pertinent to any issue. The examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial.

(b) Objections to evidence will be ruled upon by the examiner. Such rulings will be considered, but need not be separately ruled upon, by the Board in connection with its decision. Where a ruling of an examiner sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence and the objecting party may then make an offer of proof in rebuttal.

28. Section 1851.8 is amended to read as follows:

§ 1851.8 Summary of evidence.

The parties and the Bureau may, with the consent of the examiner, agree that a summary of the evidence approved by the examiner may be filed in the case in lieu of a transcript. In such case the examiner will prepare the summary or have it prepared and upon agreement of the parties make it a part of the case record.

29. Section 1851.9 is amended to read as follows:

§ 1851.9 Action by Examiner.

Upon completion of the hearing and the incorporation of the summary or transcript in the record, the examiner will send the record and proposed findings of fact on the issues presented at the hearing to the Board. The proposed findings of fact will not be served upon the parties; however, the parties and the Bureau may, within 15 days after the completion of the transcript or the summary of the evidence, file with the Board such briefs or statements as they may wish respecting the facts developed at the hearing.

§ 1852.1–4 [Amended]

30. Paragraph (b) of § 1852.1–4 is amended by inserting ", Board" after "Director."

31. Paragraph (b) of § 1852.3–6 is amended to read as follows:

§ 1852.3–6 Evidence.

* * * * *

(b) Objections to evidence will be ruled upon by the examiner. Such rulings will be considered, but need not be separately ruled upon, by the Board in connection with its decision. Where a ruling of an examiner sustains an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence, and the objecting party may then make an offer of proof in rebuttal.

§ 1852.3–8 [Amended]

32. The heading of § 1852.3–8 and paragraph (c) are amended by changing "Director" to "Board".

33. Section 1852.3–9 is amended to read as follows:

§ 1852.3–9 Appeal to Board.

Any party, including the Government, adversely affected by the decision of the examiner may appeal to the Board as provided in Part 1840 of this chapter. No further hearing will be allowed in connection with the appeal to the Board but the Board, after considering the evidence, may remand any case for further hearing if it considers such action necessary to develop the facts.

(R.S. 2478, as amended; 43 U.S.C. 1201)

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

34. Paragraphs (c) and (d) of § 4121.–3–3 are amended to read as follows:

§ 4121.3–3 Decreases.

* * * * *

(c) The Authorized Officer will notify each affected lessee by certified mail of his decision to make an adjustment in authorized use to reach the proper stocking rate of any leased area. The notice will state the manner in which the adjustment is to be made and will inform the lessee of his right of appeal in accordance with Part 1840 of this chapter. If no appeal is filed within the time allowed, the adjustment will be made in accordance with the decision and no further appeal will be allowed. If a timely appeal is filed, the adjustment under consideration will be deferred pending a final decision on such appeal. Any adjustment provided by the final decision will be applied to its full extent for the grazing season immediately following the effective date of the decision.

(d) Public lands under a grazing lease issued pursuant to this part are subject to classification, withdrawal, or other disposal under the Taylor Grazing Act, the O&C Act, or other applicable public land laws. Reasonable notice of a pending or proposed classification, withdrawal or disposal which might result in a diminution of the area of the leased land will be given to the lessee.

35. Paragraphs (e) and (h) of § 4125.1–1 are amended to read as follows:

§ 4125.1–1 Leasing procedures; requirements and conditions.

* * * * *

(e) *Protests and appeals*—(1) *Protests.* A protest against the approval of an application for a lease should be filed in the same office where the application for a grazing lease was filed; it should describe the lands involved, contain a complete disclosure of all facts upon which the protest is based, and be accompanied by evidence of service on the applicant of a copy of the protest. The Authorized Officer will consider the protest, and will serve a copy of his decision on the affected parties in person or by certified mail, and will advise the protestant and other parties of their right to appeal.

(2) *Appeal by applicant.* The lease will be executed by the Authorized Officer and transmitted to the lessee only after final action is taken on any protest or appeal which may have been filed. The applicant's signature to the lease shall constitute his acceptance of the lease as executed by the Authorized Officer. Nonacceptance of the lease does not prejudice the applicant's right to appeal.

* * * * *

(h) *Cancellation or reduction of leases; show cause.* Leases are subject to cancellation or reduction for the lessee's failure to comply with the terms of the lease or the provisions of this part of the regulations, or in any case that a lease confers use in excess of that properly allowable. In any such case the Authorized Officer will notify the lessee that the lease is being held for cancellation or reduction in whole or in part, and will allow the lessee fifteen (15) days from receipt of the notice within which to show cause why such action should not be taken. The notice will fully set forth the reasons for the proposed action, specifically referring to the pertinent provisions of the regulations, and will be served on the lessee personally or by certified mail. The Authorized Officer will consider any cause shown and, if not satisfied as to its sufficiency, or if no cause is shown, he will notify the lessee personally or by certified mail that the lease has been cancelled or reduced as the case may be. Such decision is subject to appeal.

* * * * *

§ 4125.1–3 [Revoked]

36. Section 4125.1–3 is revoked.

37. Subparagraph (3) of paragraph (a) of § 4125.1–4 is amended to read as follows:

§ 4125.1–4 Range improvements and contributions.

(a) * * *

(3) *Appeals.* The Authorized Officer will act on the application and such action shall be final unless the applicant appeals.

* * * * *

(Sec. 2, 48 Stat. 1270, 43 U.S.C. 315a; R.S. 2478, as amended, 43 U.S.C. 1201)

PART 4130—GRAZING ADMINISTRATION (ALASKA)

§ 4131.5–2 [Amended]

38. Section 4131.5–2 is amended by deleting "; appeals" from the section heading and "(a)" from the beginning of the first paragraph, and by revoking paragraph (b).

§ 4132.3 [Amended]

39. Section 4132.3 is amended by deleting "and appeals" from the section heading and "(a)" from the beginning of the first paragraph, and by revoking paragraph (b).

(Sec. 15, 44 Stat. 1455, as amended; R.S. 2478, as amended, 43 U.S.C. 1201)

PART 5490—ACTS SPECIFIC TO ALASKA

40. Section 5490.1–6 is revoked.

PART 5510—FREE USE OF TIMBER

41. Section 5511.2–6 is revoked.

(Sec. 11, 30 Stat. 414, sec. 1, 61 Stat. 681, as amended, 69 Stat. 367, R.S. 2478, as amended; 30 U.S.C. 601, 43 U.S.C. 1201)

Effective date; supervisory authority of Secretary. (a) These amendments shall become effective as to all appeals taken from decisions of officers of the Bureau of Land Management and from decisions of hearing examiners which are issued on or after July 1, 1970.

(b) Effective July 1, 1970, in the exercise of the supervisory authority of the Secretary, appeals taken to the Director of the Bureau of Land Management in the following categories of cases shall be transferred to and finally decided by the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary, without a further right of appeal in the Department:

(1) Appeals to the Director taken from decisions arising from the administration of grazing districts whether such decisions are issued on, prior to, or after July 1, 1970 (see §§ 1853.7, 1853.8, 4110.0–5(r), 4111.4–3(f), 4115.2–3, 4115.2–5(a)(7)(ii)(b), 9239.3–2(h)).

(2) Appeals to the Director taken in other cases from decisions issued prior to July 1, 1970, which appeals are pending before the Director on July 1, 1970, or are received thereafter.

WALTER J. HICKEL,
Secretary of the Interior.

JUNE 12, 1970.

[F.R. Doc. 70-7684; Filed: June 17, 1970; 8:51 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4841]

[New Mexico 0559467]

NEW MEXICO

Withdrawal for National Forest Recreation Area

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

1. Subject to valid existing rights, the following national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Mallette Canyon Campground

T. 29 N., R. 14 E.,
Sec. 25, E½E½SE¼NE¼SW¼NW¼, E½E½SE¼SW¼NW¼, E½W½SE¼SE¼SW¼NW¼, NE¼NE¼NW¼SW¼, E½SE¼NW¼NE¼NW¼SW¼, E½NE¼SW¼NE¼NW¼SW¼, N½SE¼NE¼NW¼SW¼, W½SE¼SE¼NE¼NW¼SW¼, SW¼SE¼NE¼NW¼SW¼, SE¼SW¼NE¼NW¼SW¼, E½W½SE¼NW¼SW¼, NW¼NE¼SE¼NW¼SW¼, W½SW¼NE¼SE¼NW¼SW¼, W½SE¼SE¼NW¼SW¼, E½NW¼SW¼SE¼NW¼SW¼, E½SE¼SE¼SW¼NW¼SW¼, SW¼SW¼SE¼NW¼SW¼, W½NE¼NW¼NE¼SW¼SW¼, E½NW¼NE¼SW¼SW¼, E½NE¼NW¼SW¼SW¼, E½NW¼NE¼NW¼SW¼SW¼, SW¼NE¼NW¼SW¼SW¼, NE¼SW¼NW¼SW¼SW¼, S½SW¼NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, W½NW¼SW¼NE¼SW¼SW¼, NW¼NE¼SW¼SW¼, NW¼SW¼SW¼SW¼, NW¼SW¼SW¼SW¼SW¼, W½SW¼SW¼SW¼SW¼;
Sec. 26, E½NE¼SE¼SE¼SE¼, SW¼NE¼SE¼SE¼SE¼, SE¼SE¼SE¼SE¼, E½SW¼SE¼SE¼SE¼, SW¼SW¼SE¼SE¼SE¼, S½SE¼SE¼SW¼SE¼SE¼;
Sec. 35, N½N½NE¼NE¼NE¼, N½SE¼NW¼NE¼NE¼NE¼, SW¼NW¼NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, N½N½SE¼NW¼NE¼NE¼ (less patented land), E½E½NW¼NW¼NE¼NE¼ (less patented land) excepting area in conflict with M.S. 954.

The areas described aggregate 40.94 acres more or less in Taos County.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 5, 1970.

[F.R. Doc. 70-7701; Filed, June 17, 1970; 8:52 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Subpart A—General Administration

REASONABLE CHARGES

Final regulations to implement section 1902(a)(30) of title XIX of the Social Security Act, with respect to reasonable charges for medical services in the medical assistance program, were published in the FEDERAL REGISTER on January 25, 1969 (34 F.R. 1244).

Comments were received protesting the treatment of reimbursement for skilled nursing home services in the Federal policy as compared with provisions of the preceding issuance. A clarification is made with a prospective effective date which provides for determination by the State whether upper limits are to be applied on a facility by facility basis or on the basis of averages.

Section 250.30(b)(3)(ii) is revised to read as follows:

§ 250.30 Reasonable charges.

* * * * *

(b) * * *

(3) * * *

(ii) *Skilled nursing home services, outpatient hospital services, and clinic services.* Customary charges which are reasonable. Schedules of payments established by the State agency shall not exceed the combined payments received by providers (for furnishing comparable services under comparable circumstances) from the intermediaries or carriers under title XVIII and beneficiaries under title XVIII of the Social Security Act. Schedules will be acceptable if within the upper limits either on a facility by facility basis or on the basis of average payments according to a reasonable classification of facilities based on levels of care. (In case of providers which are not participating under title XVIII, a financial audit of the facilities to apply the title XVIII-A reimbursement principles is not required but the State shall establish schedules of charges which are consistent with the intent that upper limits do not exceed amounts paid under title XVIII-A for similar services.)

* * * * *

(Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302)

Effective date. This revision shall become effective July 1, 1970.

Dated: May 1, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: June 10, 1970.

JOHN G. VENEMAN,
Acting Secretary.

[F.R. Doc. 70-7420; Filed, June 17, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18550; FCC 70-617]

PART 87—AVIATION SERVICES

Developmental Programs for Aeronautical and Maritime Purposes

In the matter of amendment of Parts 2, 81, 83 and 87 of the Commission's rules and regulations to suballocate, provisionally, the frequency band 1535–1660 MHz in the interest of fostering developmental programs for aeronautical and maritime purposes and a petition for amendment of Parts 2 and 87 of the Commission's rules and regulations to provide for the use and development of an airborne collision avoidance system, RM 1201.

Memorandum opinion and order. 1. On February 13, 1970, the Commission released a report and order in the above captioned proceeding which was published in the FEDERAL REGISTER on February 19, 1970 (FCC 70-163; 35 F.R. 3167). In so doing, the Commission adopted, with minor modifications, certain rule amendments proposed in the notice of proposed rule making in this proceeding on May 19, 1969, and published in the FEDERAL REGISTER on May 23, 1969 (FCC 69-512; 34 F.R. 8122). In summary, those rule amendments did the following:

(a) Reserved the bands 1535–1557.5 and 1637.5–1660 MHz for space techniques by the Maritime and Aeronautical Mobile (R) Services;

(b) Provided accommodation for glide slope operation in the 1557.5–1567.5 MHz band:

(c) Provided an opportunity to develop an airborne collision avoidance system in the 1592.5–1622.5 MHz band. In so doing it was necessary to reaccommodate radar altimeters from the 1540–1660 MHz band, where they have been operating to the 4200–4400 MHz band. This reaccommodation would take place over an extended but unspecified period of time, primarily because of the time uncertainty within which the CAS would become employed on a large scale. While no new radar altimeters would be authorized to operate in the 1540–1660 MHz band after January 1, 1971, those devices already authorized could continue to operate indefinitely, noting that a termination date may be imposed in the future; and

(d) Clarified and/or modified footnotes 352A, 352B, US39 and US47, and added footnotes 352E, 352F and US39A in the list of footnotes following the table of frequency allocations, section 2.106 of the Commission's rules and regulations.

2. On March 16, 1970, In-Flight Devices Corp. (In-Flight) filed a petition for reconsideration of the Commission's order to permit authorization of radar altimeters in the 1535–1660 MHz band to and including July 1, 1971, a 6-month extension over the cutoff date prescribed by the report and order. Opposition to the petition for reconsideration was received from McDonnell-Douglass Corp. (MDC) and from Aeronautical Radio, Inc. and the Air Transport Association (ARINC/ATA). No comments in support of In-Flight were received; however, In-Flight filed comments in reply to the opposition on April 21, 1970.

3. In petitioning for modification of the Commission's report and order, In-Flight offers the following in support of its position:

(a) The Commission's decision to refuse to license radar altimeters in the 1535–1660 MHz band after January 1, 1971, would, due to the lead time involved in the production, distribution to distributors and to retailers, require an almost immediate shutdown of production thereby causing "* * * severe and probably fatal economic injury * * * in terms not only of loss of revenue but of components on hand and on order, idle production facilities, and financial inability to retain its current staff of 35 professional, technical, production and administrative personnel * * *." In-Flight cities that, in bankruptcy, they would be unable to develop, produce and market altimeters in the newly available 4200–4400 MHx band; there would be no replacement radar altimeters developed (In-Flight alleges that Bonzer, Inc., its competitor, has no plans to undertake development of an altimeter for use in the new band); and no warranty service for existing devices;

(b) The 6-month extension would provide the minimum time In-Freight requires to design and produce a marketable radar altimeter in the new band as well as permit an orderly phasing-out of current production thereby alleviating the economic burden previously cited;

(c) Extension of the transition period to July 1, 1971, would not interfere with the planned implementation of operational collision avoidance systems in 1972, particularly since the international use of the spectrum is subject to consideration at the 1971 ITU Space Conference and review thereafter; and

(d) Tests were arranged between In-Flight and MDC to determine interference potential between the Radar Altimeter and MDC's collision avoidance system equipment and were conducted on February 20, 1970. These tests, In-Flight submits, suggest that "* * * the possibility of actual instances of potential interference are so remote as to be, for practical purposes, non-existent."

4. In its opposition comments, ARINC/ATA refers to the tests conducted by MDC and concludes that the results prove that an "In-Flight radar altimeter and a CAS cannot both be successfully operated in the same aircraft. The tests also show that the devices cannot even be operated in different aircraft flying near to each other without causing mutual interference." ARINC/ATA agrees that no interference would occur prior to 1972 when the CAS will begin to be installed in quantities; however, the sale of some 600 altimeters over the additional 6-month period would substantially increase the probability of interference between the two systems, thereby increasing the hazard to public safety. Further, ARINC/ATA believes it would be unfair to the public to purchase equipment in 1971 which could be outlawed a year later. ARINC/ATA also indicates that, contrary to In-Flight's belief, Bonzer, Inc., does, in fact, intend to develop and offer for sale radar altimeters operating in the 4200–4400 MHz band.

5. MDC, in opposing In-Flight's petition, also cited the additional number of units which could be operating if the cutoff date were extended and submitted a summation of the test results referred to above. These results indicate that, with the CAS signal at an input of −71 dbm, radar altimeter malfunction could be expected at a range of 20 miles. Consequently, MDC concludes that the result would be not only unsatisfactory usage of the In-Flight radar altimeter, but a great danger to air safety.

6. In its reply to the oppositions, In-Flight stated that it "* * * seeks six additional months (from January 1, 1971) in order to permit development, testing, and type acceptance by the Commission of a radar altimeter in the 4200–4400 MHz band"; thus, "MDC and ARINC/ATA appear to have misunderstood the purpose of the relief requested." In-Flight states that it was unaware of the proposed reallocation either through filing of the ARINC/ATA petition in September 1967, or the notice of proposed rule making in May 1969. In-Flight further stated that, "(u)nder these circumstances, coupled with the fact that the 4200–4400 MHz band was not made available prior to release of the Commission's Report and Order (February, 1970), In-Flight must also concede that it does not know in what different manner it could have or should have conducted itself or its business during the past period." Finally, In-Flight objected to conclusions drawn from the test results previously cited, in that MDC opposition was based on "worst case results" and that a system "hard-wired" as opposed to bench-tests would perform differently in the real world environment. Calculations alleged to demonstrate the remoteness of the interference probability between the CAS and the radar altimeter systems in the 1600 MHz region were also submitted.

7. The Commission has examined the filings, as well as other related information, closely, particularly the results of the tests of potential interference between the two devices which were arranged by In-Flight Devices and conducted by MDC on February 20, 1970. From the test results, MDC concludes that the two equipments are incompatible when mounted on the same airframe and that compatible CAS operation is vulnerable at separations of approximately one-quarter mile between aircraft if one ignores antenna coupling and at three quarters of a mile assuming a 10 db coupling factor. These results are not incompatible with the results of a general study of electromagnetic compatibility problems of navigation aids conducted by the Illinois Institute of Technology Research Institute for the Electromagnetic Compatibility Analysis Center, Annapolis, Md., in 1968.[1]

8. It is apparent from these results that, contrary to In-Flight's opinion, the possibility of potential interference, particularly to the CAS devices, is not remote or nonexistent, but is, in fact, quite possible—particularly if the devices were located on the same airframe. Because electromagnetic interference is becoming increasingly severe in our society and ample evidence exists that it will continue to increase in the future, its control is of prime importance to those charged with spectrum management. Due to the special hazards inherent in aviation safety therefore, the views of government agencies charged with the safety of aviation were accorded significant weight in considering this matter.

9. The Commission agrees that, because implementation of the CAS will not become substantial until 1972, or even somewhat beyond, a 6-month extension of the authorization period for radar altimeters operating in the 1600–1660 MHz band would appear to have little or no consequence on the interference potential created by the devices in the interim. The problem, however, is one of accommodating increasing numbers of a device which, according to theoretical studies and laboratory tests, is incompatible with increasing numbers of another device. The Commission, in weighing the impact of frequency reallocations, normally tries to follow a lenient policy of providing for a lengthy transition period for industry to convert to new standards and for operators of outmoded equipment to amortize the product.

10. Insofar as the transition period for industry to convert to new standards is concerned, In-Flight's contentions of insufficient notice are without merit. Industry and the public were put on notice in October 1961, when in the second memorandum opinion and order in Docket 13928 (FCC 61–1235), footnote US39 to the Table of Frequency Allocations (§ 2.106 of the Commission's rules and regulations) made it clear that radar altimeters would be allowed to operate in the 1600–1660 MHz band only until other radionavigation systems required their discontinuance in that band. In-Flight was also warned informally of the forthcoming reallocation by both the Commission and the FAA prior to type acceptance of its device in late 1968. With respect to a replacement band for radar altimeters, the second memorandum opinion and order, Docket 13928, also provided for the operation of radar altimeters in the 4200–4400 MHz band. Consequently, the pleas of In-Flight regarding insufficient notice are rejected.

11. The Commission has been apprised, however, that, although no additional Government contracts are being let for either radar altimeters in the band 1600–1660 MHz or for the accommodation of such altimeters in new aircraft, the shift of radar altimeters from the band 1600–1660 MHz to the 4200–4400 MHz band by the Government is not practicable in the immediate future. Redesign and retrofit of Government aircraft installations operating in the lower band, to permit transfer to the higher band, would be a costly undertaking. Further, the Government is of the opinion that the need for immediate reaccommodation has not been adequately demonstrated to date. In view of this and since the number of Government aircraft involved is significantly higher than the number of radar altimeters proposed to be produced by In-Flight during the 6-month extension desired, the Commission is disposed to grant the In-Flight request. It is hoped that the 6-month extension will afford adequate opportunity for industry to develop, type approve and to market a viable radar altimeter operating in the 4200–4400 MHz band.

12. In approving the request, however, the Commission and the Executive Branch Agencies, through the Interdepartment Radio Advisory Committee, recognize and endorse the need for deletion of the availability of the 1600–1660 MHz band for radar altimeters. Accordingly, In-Flight and the general aviation community, in general, are specifically cautioned that, because of the apparent incompatibility between the CAS devices and radar altimeters operating in the 1600–1660 MHz band, it may become necessary to impose, on short notice, a final cutoff date after which altimeters in the 1600–1660 MHz band would not be permitted to continue in operation. Therefore every effort should be made to develop and to implement radar altimeters operating in the 4200–4400 MHz band during the period ending July 1, 1971.

13. Accordingly, in view of the foregoing: *It is ordered*, That the Petition for Reconsideration of the Commission's decision in Docket 18550 is granted and that the date after which no further radar altimeters operating in the 1600–1660 MHz band would be licensed is amended to read July 1, 1971, in lieu of January 1, 1971, as set forth below.

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

Adopted: June 10, 1970.

Released: June 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[1] "NAVAIDS Systems Compatibility Analysis for the 1540–1660 MHz Band", Technical Report No. ESD–TR–68–105, May 1968.

[2] Chairman Burch absent; Commissioner H. Rex Lee dissenting.

1. In § 87.183, footnote 2 to paragraph (p) is amended to read as follows:

§ 87.183 Frequencies available.

* * * * *

[2] Radio altimeters authorized to operate in the frequency band 1600–1660 MHz as of July 1, 1971, may continue to be so authorized, but no new authorizations will be granted after that date. Further, after Apr. 1, 1970, applications for type acceptance of new altimeters to operate within this range will not be accepted.

2. In § 87.501, footnote 2 to paragraph (h) is amended to read as follows:

§ 87.501 Frequencies available.

* * * * *

[2] Radio altimeters authorized to operate in the frequency band 1600–1660 MHz as of July 1, 1971, may continue to be so authorized, but no new authorizations will be granted after that date. Further, after Apr. 1, 1970, applications for type acceptance of new altimeters to operate within this range will not be accepted.

[F.R. Doc. 70-7683; Filed, June 17, 1970; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Target Rock National Wildlife Refuge, N.Y.

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

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

NEW YORK

TARGET ROCK NATIONAL WILDLIFE REFUGE

Entrance on the refuge is permitted for the purpose of photography, nature study, and hiking on roads, trails, and the beach from 9 a.m. to 6 p.m. Pets are permitted in the parking area only. Motor vehicles are limited to the designated parking area.

The refuge, comprising 80 acres, is delineated on a map available from the Refuge Manager, Box 395, West Neck Road, Huntington, Long Island, N.Y. 11743 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28 and are effective through December 31, 1970.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 10, 1970.

[F.R. Doc. 70-7634; Filed, June 17, 1970; 8:47 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, N. Mex., is permitted from December 12 through December 13, 1970, inclusive, only on the area designated by signs as open to hunting. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State, Federal, and military regulations, subject to the following special conditions.

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada road. The check station will be open to allow hunters to start checking in during the afternoon of December 11, 1970. Time of entry to the hunting area will be at the discretion of the officers in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m. December 13, 1970.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs road. Hunters will not be permitted to enter the hunting area from the east side of the San Andres Range except at the discretion of officers in charge.

(3) The officers in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas where their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1970.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

JUNE 5, 1970.

[F.R. Doc. 70-7687; Filed, June 17, 1970; 8:51 a.m.]

PART 32—HUNTING

San Andres National Wildlife Refuge, N. Mex.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of desert bighorn sheep on the San Andres National Wildlife Refuge, N. Mex., is permitted from October 31 through November 8, 1970, inclusive. This area, comprising 57,215 acres, is delineated on maps available at refuge headquarters, Las Cruces, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of desert bighorn sheep.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 8, 1970.

JOHN H. KIGER,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, N. Mex.

JUNE 5, 1970.

[F.R. Doc. 70-7688; Filed, June 17, 1970; 8:51 a.m.]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.; Correction

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

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Okla., authorized in F.R. Doc. 69-13773, appearing on page 18467 of the issue for Thursday, November 20, 1969 (§ 33.5), subparagraph (1) under special conditions is amended to read as follows:

(1) Fishing will be with closely attended pole and line only, including rod and reel. Trotlines, throw lines, and multiple set lines are not permitted.

Since the removal of rough fish found in Elmer Thomas Lake will not adversely affect the sport fishery, but will utilize the presently little harvested nongame fish, the above regulation is amended by adding: For the taking of nongame fish from the Wichita Mountains Wildlife Refuge portion of Elmer Thomas Lake only, the use of gigs, spears, and other similar devices (but not including bow and arrow), containing not more than three (3) points, with no more than two (2) barbs on each point, will be permitted except in those portions of the lake designated by buoys for swimming purposes.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

JUNE 4, 1970.

[F.R. Doc. 70-7689; Filed, June 17, 1970; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 31, 301]

WITHHOLDING ALLOWANCES BASED ON ITEMIZED DEDUCTIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below 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 the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 15 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 Commissioner within the 15-day period. In such 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.

In order to conform the Employment Tax Regulations (26 CFR Part 31) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 3402, 6682, and 7205 of the Internal Revenue Code of 1954 to section 101 (e) and (f) of the Tax Adjustment Act of 1966 (80 Stat. 59, 62) and sections 101(j)(55) and 805(e) of the Tax Reform Act of 1969 (83 Stat. 532, 706), such regulations are amended as follows:

Employment tax regulations (26 CFR Part 31):

PARAGRAPH 1. Section 31.3402(f)(1) is amended by revising subparagraphs (D) and (E) of section 3402(f)(1), by adding a new subparagraph (F) immediately after such paragraph (E), and by revising the historical note. These amended and added provisions read as follows:

§ 31.3402(f)(1) Statutory provisions; income tax collected at source; withholding exemptions.

SEC. 3402. *Income tax collected at source.* * * * (f) *Withholding exemptions*—(1) *In general.* * * *

(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption;

(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151(e) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit; and

(F) Any allowance to which he is entitled under subsection (m), but only if his spouse does not have in effect a withholding exemption certificate claiming such allowance.

[Sec. 3402(f)(1) as amended by sec. 101(e)(1), Tax Adjustment Act 1966 (80 Stat. 59)]

PAR. 2. Section 31.3402(f)(1)-1 is amended by revising paragraphs (a)(2) and (b) to read as follows:

§ 31.3402(f)(1)-1 Withholding exemptions.

(a) *In general.* * * *

(2) The number of exemptions to which an employee is entitled on any day depends upon his status as single or married, upon his status as to old age and blindness, upon the number of his dependents, upon the number of exemptions claimed by his spouse (if he is married), and upon the number of withholding allowances based on itemized deductions to which he is entitled under section 3402(m).

(b) *Withholding exemptions to which an employee is entitled in respect of himself.* An employee is entitled to one withholding exemption for himself. An employee shall on any day be entitled to an additional withholding exemption for himself if he will have attained the age of 65 before the close of his taxable year which begins in, or with, the calendar year in which such day falls. If the employee is blind, he may claim an additional withholding exemption for blindness. For purposes of claiming a withholding exemption for blindness, an individual shall be considered blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. For definition of the term "blindness", see section 151(d)(3). An employee may also be entitled under section 3402(m) to withholding exemptions with respect to withholding allowances for itemized deductions (see § 31.3402(m)-1).

* * * * *

PAR. 3. Section 31.3402(f)(2)-1 is amended by revising the heading of paragraph (b) and adding new subdivisions (iv) and (v) to paragraph (b)(1), and by revising the heading of paragraph (c), revising so much of paragraph (c)(1) as precedes subdivision (i), and adding new (c) to subdivision (i) of paragraph (c)(1). The amended and added provisions read as follows:

§ 31.3402(f)(2)-1 Withholding exemption certificates.

* * * * *

(b) *Change in status which affects calendar year.* (1) * * *

(iv) It becomes unreasonable for the employee to believe that his wages for an estimation year will not be more, or that his itemized deductions for an estimation year will not be less, than the corresponding figure used in connection with a claim by him under section 3402(m) of a withholding allowance for itemized deductions to such an extent that the employee would no longer be entitled to such withholding allowance.

(v) It becomes unreasonable for an employee who has in effect a withholding exemption certificate on which he claims a withholding allowance for itemized deductions under section 3402(m), computed on the basis of the preceding taxable year, to believe that his wages and itemized deductions in such preceding taxable year or in his present taxable year will entitle him to such withholding allowance in the present taxable year.

* * * * *

(c) *Change in status which affects next calendar year.* (1) If, on any day during the calendar year, the number of exemptions to which the employee will be, or may reasonably be expected to be, entitled under sections 151 and 3402(m) for his taxable year which begins in, or with, the next calendar year is different from the number to which the employee is entitled on such day, the following rules shall be applicable:

(i) * * *

(c) It becomes unreasonable for an employee who has in effect a withholding exemption certificate on which he claims a withholding allowance for itemized deductions under section 3402(m) to believe that his wages and itemized deductions for his taxable year which begins in, or with, the next calendar year will entitle him to such withholding allowance for such taxable year.

* * * * *

PAR. 4. Section 31.3402(f)(3) is amended by revising subparagraph (B) of section 3402(f)(3) and adding a historical note to read as follows:

§ 31.3402(f)(3) Statutory provisions; income tax collected at source; withholding exemptions; when exemption certificate takes effect.

SEC. 3402. *Income tax collected at source.* * * *

(f) *Withholding exemptions.* * * *

(3) *When certificate takes effect.* * * *

(B) *Furnished to take place of existing certificate.* A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2)(C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For purposes of this subparagraph the term "status determination date" means January 1, May 1, July 1, and October 1 of each year.

[Sec. 3402(f)(3) as amended by sec. 10(e)(3), Tax Adjustment Act 1966 (80 Stat. 61)]

PAR. 5. Section 31.3402(f)(3)-1 is amended by revising paragraph (d) and by adding at the end thereof a new paragraph (e) to read as follows:

§ 31.3402(f)(3)-1 When withholding exemption certificate takes effect.

* * * * *

(d) For purposes of this section, the term "status determination date" means January 1, May 1, July 1, and October 1 of each year. However, with respect to dates before March 15, 1966, the term "status determination date" means January 1 and July 1 of each year.

(e) Notwithstanding paragraph (b) of this section, a withholding exemption certificate furnished the employer after March 15, 1966, and before May 1, 1966, shall take effect with respect to the first payment of wages made on or after May 1, 1966, or the 10th day after the date on which such certificate is furnished to the employer, whichever is later, and at the election of the employer, such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is furnished.

PAR. 6. Section 31.3402(f)(4)-1 is amended to read as follows:

§ 31.3402(f)(4)-1 Period during which withholding exemption certificate remains in effect.

(a) [Reserved]

(b) *Withholding allowances under section 3402(m) for itemized deductions.* In no case shall the portion of a withholding exemption certificate relating to withholding allowances under section 3402(m) for itemized deductions be effective with respect to any payment of wages made to an employee—

(1) In the case of an employee whose liability for tax under subtitle A of the Code is determined on a calendar-year basis, after April 30 of the calendar year immediately following the calendar year which was his estimation year for purposes of determining the withholding allowance or allowances claimed on such exemption certificate, or

(2) In the case of an employee to whom subparagraph (1) of this paragraph does not apply, after the last day of the fourth month immediately following his taxable year which was his estimation year for purposes of determining the withholding allowance or allowances claimed on such exemption certificate.

PAR. 7. Section 31.3402(i)-1 is amended by revising paragraph (a) to read as follows:

§ 31.3402(i)-1 Additional withholding.

(a) In addition to the tax required to be deducted and withheld in accordance with the provisions of section 3402, the employer and employee may agree that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon. However, unless the agreement provides for an earlier termination, either the employer or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect to the first payment of wages made on or after the first "status determination date" (see paragraph (d) of § 31.3402(f)(3)-1) which occurs at least 30 days after the date on which such notice is furnished.

* * * * *

PAR. 8. The following new sections are added immediately after § 31.3402(k)-1:

§ 31.3402(m) Statutory provisions; income tax collected at source; withholding allowances based on itemized deductions.

SEC. 3402. *Income tax collected at source.* * * *

(m) *Withholding allowances based on itemized deductions*—(1) *General rule.* An employee shall be entitled to withholding allowances under this subsection with respect to a payment of wages in a number equal to the number determined by dividing by $750 the excess of—

(A) His estimated itemized deductions, over

(B) An amount equal to 15 percent of his estimated wages.

For purposes of this subsection, a fractional number shall not be taken into account unless it amounts to one-half or more, in which case it shall be increased to 1.

(2) *Definitions.* For purposes of this subsection—

(A) *Estimated itemized deductions.* The term "estimated itemized deductions" means the aggregate amount which he reasonably expects will be allowable as deductions under chapter 1 (other than the deductions referred to in sections 141 and 151 and other than the deductions required to be taken into account in determining adjusted gross income under section 62) for the estimation year. In no case shall such aggregate amount be greater than the sum of (i) the amount of such deductions (or the amount of the standard deduction) reflected in his return of tax under subtitle A for the taxable year preceding the estimation year, and (ii) the amount of his determinable additional deductions for the estimation year.

(B) *Estimated wages.* The term "estimated wages" means the aggregate amount which he reasonably expects will constitute wages for the estimation year.

(C) *Determinable additional deductions.* The term "determinable additional deductions" means those estimated itemized deductions which (i) are in excess of the deductions referred to in subparagraph (A) (or the standard deduction) reflected on his return of tax under subtitle A for the taxable year preceding the estimation year, and (ii) are demonstrably attributable to an identifiable event during the estimation year or the preceding taxable year which can reasonably be expected to cause an increase in the amount of such deductions on the return of tax under subtitle A for the estimation year.

(D) *Estimation year.* In the case of an employee who files his return on the basis of a calendar year, the term "estimation year" means—

(i) With respect to payments of wages after April 30 and on or before December 31 of any calendar year, such calendar year, and

(ii) With respect to payments of wages on or after January 1 and before May 1 of any calendar year, the preceding calendar year (except that with respect to an exemption certificate furnished by an employee after he has filed his return for the preceding calendar year, such term means that current calendar year).

In the case of an employee who files his return on a basis other than the calendar year, his estimation year, and the amounts deducted and withheld to be governed by such estimation year, shall be determined under regulations prescribed by the Secretary or his delegate.

(3) *Special rules*—(A) *Married individuals.* The number of withholding allowances to which a husband and wife are entitled under this subsection shall be determined on the basis of their combined wages and deductions. This subparagraph shall not apply to a husband and wife who filed separate returns for the taxable year preceding the estimation year and who reasonably expect to file separate returns for the estimation year.

(B) *Only one certificate to be in effect.* In the case of any employee, withholding allowances under this subsection may not be claimed with more than one employer at any one time.

(C) *Termination of effectiveness.* In the case of an employee who files his return on the basis of a calendar year, that portion of a withholding exemption certificate which relates to allowances under this subsection shall not be effective with respect to payments of wages after the first April 30 following the close of the estimation year on which it is based.

(D) *Limitation.* In the case of employees whose estimated wages are at levels at which the amounts deducted and withheld under this chapter generally are insufficient (taking into account a reasonable allowance for deductions and exemptions) to offset the liability for tax under chapter 1 with respect to the wages from which such amounts are deducted and withheld, the Secretary or his delegate may by regulation reduce the withholding allowances to which such employees would, but for this subparagraph, be entitled under this subsection.

(E) *Treatment of allowances.* For purposes of this title, any withholding allowance under this subsection shall be treated

as if it were denominated a withholding exemption.

(4) *Authority to prescribe tables.* The Secretary or his delegate may prescribe tables pursuant to which employees shall determine the number of withholding allowances to which they are entitled under this subsection (in lieu of making such determination under paragraphs (1) and (3)). Such tables shall be consistent with the provisions of paragraphs (1) and (3), except that such tables—

(A) Shall provide for entitlement to withholding allowances based on reasonable wage and itemized deduction brackets, and

(B) May increase or decrease the number of withholding allowances to which employees in the various wage and itemized deduction brackets would, but for this subparagraph, be entitled to the end that, to the extent practicable, amounts deducted and withheld under this chapter (i) generally do not exceed the liability for tax under chapter 1 with respect to the wages from which such amounts are deducted and withheld, and (ii) generally are sufficient to offset such liability for tax.

[Sec. 3402(m) as added by sec. 101(e)(2), Tax Adjustment Act 1966 (80 Stat. 59) and amended by sec. 805(e), Tax Reform Act 1969 (83 Stat. 706)]

§ 31.3402(m)–1 Withholding allowances for itemized deductions.

(a) *General rule*—(1) *In general.* An employee shall be entitled to claim, with respect to wages paid after December 31, 1966, a number of withholding allowances determined in accordance with the tables set forth in subparagraph (2) of this paragraph. The tables show the number of withholding allowances which an employee may claim with respect to various amounts of estimated itemized deductions and estimated wages. Such determination must be based on an estimation year beginning after December 31, 1966. In order to receive the benefits of such allowances, the employee must have in effect with his employer a withholding exemption certificate claiming such allowances.

(2) *Tables for determining number of withholding allowances.*

TABLE 1—WAGES PAID AFTER DECEMBER 31, 1969

If the expected wages are—		The number of additional withholding allowances shall be—						
		0	1	2	3	4	5	6
		And the employee's estimated itemized deductions are—						
At least—	But less than—	Under	At least / But less than	At least / But less than	At least / But less than	At least / But less than	At least / But less than	At least / But less than
ALL EMPLOYEES WITH WAGES UNDER $16,000								
0	$6,000	$1,375	$1,375–$2,125	$2,125–$2,875	$2,875–$3,625	$3,625–$4,375	$4,375–$5,125	$5,125–$5,875
$6,000	$8,000	1,425	1,425– 2,175	2,175– 2,925	2,925– 3,675	3,675– 4,425	4,425– 5,175	5,175– 5,925
$8,000	$10,000	1,725	1,725– 2,475	2,475– 3,225	3,225– 3,975	3,975– 4,725	4,725– 5,475	5,475– 6,225
$10,000	$12,000	2,025	2,025– 2,775	2,775– 3,525	3,525– 4,275	4,275– 5,025	5,025– 5,775	5,775– 6,525
$12,000	$14,000	2,325	2,325– 3,075	3,075– 3,825	3,825– 4,575	4,575– 5,325	5,325– 6,075	6,075– 6,825
$14,000	$16,000	2,625	2,625– 3,375	3,375– 4,125	4,125– 4,875	4,875– 5,625	5,625– 6,375	6,375– 7,125
SINGLE EMPLOYEES WITH WAGES $16,000–$50,000								
$16,000	$18,000	$2,995	$2,995–$3,745	$3,745–$4,495	$4,495–$5,245	$5,245–$5,995	$5,995–$6,745	$6,745–$7,495
$18,000	$20,000	3,490	3,490– 4,240	4,240– 4,990	4,990– 5,740	5,740– 6,490	6,490– 7,240	7,240– 7,990
$20,000	$22,000	4,060	4,060– 4,810	4,810– 5,560	5,560– 6,310	6,310– 7,060	7,060– 7,810	7,810– 8,560
$22,000	$24,000	4,705	4,705– 5,455	5,455– 6,205	6,205– 6,955	6,955– 7,705	7,705– 8,455	8,455– 9,205
$24,000	$26,000	5,425	5,425– 6,175	6,175– 6,925	6,925– 7,675	7,675– 8,425	8,425– 9,175	9,175– 9,925
$26,000	$28,000	6,170	6,170– 6,920	6,920– 7,670	7,670– 8,420	8,420– 9,170	9,170– 9,920	9,920–10,670
$28,000	$30,000	6,960	6,960– 7,710	7,710– 8,460	8,460– 9,210	9,210– 9,960	9,960–10,710	10,710–11,460
$30,000	$35,000	8,430	8,430– 9,180	9,180– 9,930	9,930–10,680	10,680–11,430	11,430–12,180	12,180–12,930
$35,000	$40,000	10,620	10,620–11,370	11,370–12,120	12,120–12,870	12,870–13,620	13,620–14,370	14,370–15,120
$40,000	$45,000	13,065	13,065–13,815	13,815–14,565	14,565–15,315	15,315–16,065	16,065–16,815	16,815–17,565
$45,000	$50,000	15,510	15,510–16,260	16,260–17,010	17,010–17,760	17,760–18,510	18,510–19,260	19,260–20,010
MARRIED EMPLOYEES WITH WAGES $16,000–$50,000								
$16,000	$18,000	$2,925	$2,925–$3,675	$3,675–$4,425	$4,425–$5,175	$5,175–$5,925	$5,925–$6,675	$6,675–$7,425
$18,000	$20,000	3,225	3,225– 3,975	3,975– 4,725	4,725– 5,475	5,475– 6,225	6,225– 6,975	6,975– 7,725
$20,000	$22,000	3,525	3,525– 4,275	4,275– 5,025	5,025– 5,775	5,775– 6,525	6,525– 7,275	7,275– 8,025
$22,000	$24,000	3,825	3,825– 4,575	4,575– 5,325	5,325– 6,075	6,075– 6,825	6,825– 7,575	7,575– 8,325
$24,000	$26,000	4,125	4,125– 4,875	4,875– 5,625	5,625– 6,375	6,375– 7,125	7,125– 7,875	7,875– 8,625
$26,000	$28,000	4,425	4,425– 5,175	5,175– 5,925	5,925– 6,675	6,675– 7,425	7,425– 8,175	8,175– 8,925
$28,000	$30,000	4,725	4,725– 5,475	5,475– 6,225	6,225– 6,975	6,975– 7,725	7,725– 8,475	8,475– 9,225
$30,000	$35,000	5,290	5,290– 6,040	6,040– 6,790	6,790– 7,540	7,540– 8,290	8,290– 9,040	9,040– 9,790
$35,000	$40,000	6,570	6,570– 7,320	7,320– 8,070	8,070– 8,820	8,820– 9,570	9,570–10,320	10,320–11,070
$40,000	$45,000	8,105	8,105– 8,855	8,855– 9,605	9,605–10,355	10,355–11,105	11,105–11,855	11,855–12,605
$45,000	$50,000	9,875	9,875–10,625	10,625–11,375	11,375–12,125	12,125–12,875	12,875–13,625	13,625–14,375

TABLE 2—WAGES PAID AFTER DECEMBER 31, 1966, AND BEFORE JANUARY 1, 1970.
The number of additional withholding allowances shall be—

If the expected wages are—		0	1	2	3	4	5	6
		And the employee's estimated itemized deductions are—						
At least—	But less than—	Under	At least But less than	At least But less than	At least But less than	At least But less than	At least But less than	At least But less than
ALL EMPLOYEES WITH WAGES UNDER $22,000								
0	$2,000	$800	$800–$1,500	$1,500 or more				
$2,000	$4,000	1,000	1,000–1,700	1,700–2,400	$2,400–$3,100	$3,100–$3,800	$3,800 or more	
$4,000	$6,000	1,200	1,200–1,900	1,900–2,600	2,600–3,300	3,300–4,000	4,000–$4,700	$4,700–$5,400
$6,000	$8,000	1,400	1,400–2,100	2,100–2,800	2,800–3,500	3,500–4,200	4,200–4,900	4,900–5,600
$8,000	$10,000	1,705	1,705–2,405	2,405–3,105	3,105–3,805	3,805–4,505	4,505–5,205	5,205–5,905
$10,000	$12,000	2,045	2,045–2,745	2,745–3,445	3,445–4,145	4,145–4,845	4,845–5,545	5,545–6,245
$12,000	$14,000	2,385	2,385–3,085	3,085–3,785	3,785–4,485	4,485–5,185	5,185–5,885	5,885–6,585
$14,000	$16,000	2,725	2,725–3,425	3,425–4,125	4,125–4,825	4,825–5,525	5,525–6,225	6,225–6,925
$16,000	$18,000	3,065	3,065–3,765	3,765–4,465	4,464–5,165	5,165–5,865	5,865–6,565	6,565–7,265
$18,000	$20,000	3,405	3,405–4,105	4,105–4,805	4,805–5,505	5,505–6,205	6,205–6,905	6,905–7,605
$20,000	$22,000	3,745	3,745–4,445	4,445–5,145	5,145–5,845	5,845–6,545	6,545–7,245	7,245–7,945
SINGLE EMPLOYEES WITH WAGES $22,000–$50,000								
$22,000	$24,000	$4,345	$4,345–$5,045	$5,045–$5,745	$5,745–$6,445	$6,445–$7,145	$7,145–$7,845	$7,845–$8,545
$24,000	$26,000	5,020	5,020–5,720	5,720–6,420	6,420–7,120	7,120–7,820	7,820–8,520	8,520–9,220
$26,000	$28,000	5,770	5,770–6,470	6,470–7,170	7,170–7,870	7,870–8,570	8,570–9,270	9,270–9,970
$28,000	$30,000	6,540	6,540–7,240	7,240–7,940	7,940–8,640	8,640–9,340	9,340–10,040	10,040–10,740
$30,000	$35,000	7,940	7,940–8,640	8,640–9,340	9,340–10,040	10,040–10,740	10,740–11,440	11,440–12,140
$35,000	$40,000	10,635	10,635–10,735	10,735–11,435	11,435–12,135	12,135–12,835	12,835–13,535	13,535–14,235
$40,000	$45,000	12,205	12,205–12,905	12,905–13,605	13,605–14,305	14,305–15,005	15,005–15,705	15,705–16,405
$45,000	$50,000	14,420	14,420–15,120	15,120–15,820	15,820–16,520	16,520–17,220	17,220–17,920	17,920–18,620
MARRIED EMPLOYEES WITH WAGES $22,000–$50,000								
$22,000	$24,000	$4,085	$4,085–$4,785	$4,785–$5,485	$5,485–$6,185	$6,185–$6,885	$6,885–$7,585	$7,585–$8,285
$24,000	$26,000	4,425	4,425–5,125	5,125–5,825	5,825–6,525	6,525–7,225	7,225–7,925	7,925–8,625
$26,000	$28,000	4,765	4,765–5,465	5,465–6,165	6,165–6,865	6,865–7,565	7,565–8,265	8,265–8,965
$28,000	$30,000	5,105	5,105–5,805	5,805–6,505	6,505–7,205	7,205–7,905	7,905–8,605	8,605–9,305
$30,000	$35,000	5,700	5,700–6,400	6,400–7,100	7,100–7,800	7,800–8,500	8,500–9,200	9,200–9,900
$35,000	$40,000	6,550	6,550–7,250	7,250–7,950	7,950–8,650	8,650–9,350	9,350–10,050	10,050–10,750
$40,000	$45,000	7,400	7,400–8,100	8,100–8,800	8,800–9,500	9,500–10,200	10,200–10,900	10,900–11,600
$45,000	$50,000	8,260	8,260–8,960	8,960–9,660	9,660–10,360	10,360–11,060	11,060–11,760	11,760–12,460

(3) *Marital status.* In determining the number of withhholding allowances to which an employee is entitled on any day, the employee's status as a single person or a married person shall be determined as of such day under section 3402(i). For special rules applicable to married individuals filing separate returns, see paragraph (c)(1)(ii) of this section.

(4) *More than six allowances.* For purposes of applying the tables set forth in subparagraph (2) of this paragraph, the following rule shall be applied if an employee's estimated itemized deductions exceed the maximum amount of estimated itemized deductions which would permit six allowances. The number of allowances permitted shall be the sum of—

(i) Six allowances, plus

(ii) The number arrived at by dividing by $750 ($700 in the case of wages paid before Jan. 1, 1970) the amount of estimated itemized deductions in excess of the maximum amount of estimated itemized deductions which would permit six allowances.

For purposes of subdivision (ii) of this subparagraph, any fractional number shall be increased to the next whole number.

(5) *Employees with wages over $50,000.* For purposes of applying the tables set forth in subparagraph (2) of this paragraph, the following rule shall be applied if an employee's wages exceed $50,000. Increase the minimum and maximum amounts of estimated itemized deductions shown for the $45,000–$50,000 bracket by an amount equal to—

(i) If the employee is single, 50 percent of the amount by which the employee's wages exceed $50,000, or

(ii) If the employee is married, 45 percent (40 percent in the case of wages paid before Jan. 1, 1970) of the amount by which the employee's wages exceed $50,000.

(6) *Examples.* The provisions of subparagraphs (4) and (5) of this paragraph may be illustrated by the following examples:

Example (1). A, an unmarried calendar-year individual, has for 1970 estimated wages of $25,000 and estimated itemized deductions of $12,300. Under the provisions of subparagraph (4) of this paragraph, A may claim 10 additional withholding allowances. Pursuant to subdivision (i) of such subparagraph, A is allowed six allowances. Pursuant to subdivision (ii) of such subparagraph, A is allowed four more allowances computed as follows:

Amount of estimated itemized deductions	$12,300	
Less: Maximum amount of estimated itemized deductions which would permit A to claim six allowances (see Table 1 of this paragraph)	$9,925	
		$2,375
Divided by $750		3 1/19
Increased to next whole number		4

Example (2). B, an unmarried calendar-year individual, has for 1970 estimated wages of $53,000 and estimated itemized deductions of $18,000. Under the provisions of subparagraph (5) of this paragraph, the number of additional allowances which may be claimed is determined by increasing the minimum and maximum amounts of estimated itemized deductions for each allowance shown in the $45,000–$50,000 bracket on Table 1. In B's case these amounts are increased by $1,500 (50 percent of the amount by which his estimated wages exceeds $50,000). After this increase, the minimum and maximum amounts for two allowances in the $45,000–$50,000 bracket for a single taxpayer are $17,760 and $18,510. Accordingly, B may claim two additional withholding allowances.

Example (3). C, an unmarried calendar-year individual, has for 1970 estimated wages of $68,000 and estimated itemized deductions of $33,000. The number of additional allowances which may be claimed is determined by first increasing, under subparagraph (5) of this paragraph, the minimum and maximum amounts of estimated itemized deductions for each allowance shown in the $45,000–$50,000 bracket on Table 1. In C's case these amounts are increased by $9,000 (50 percent of the amount by which his estimated wages exceeds $50,000). After this increase, the maximum amount of estimated itemized deductions which would permit C to claim six allowances is $29,010. Under the provisions of subparagraph (4) of this paragraph C may claim 12 additional withholding allowances. Pursuant to subdivision (i) of such subparagraph (4), C is allowed six allowances. Pursuant to subdivision (ii) of such subparagraph, C is allowed six more allowances computed as follows:

Amount of estimated itemized deductions	$33,000	
Less: Maximum amount of estimated itemized deductions which would permit C to claim six allowances (as adjusted)	$29,010	
		$3,990
Divided by $750		5 3/15
Increased to next whole number		6

(b) *Definitions.* For purposes of section 3402(m) and this section—

(1) *Estimated itemized deductions.* (i) Except as provided in subdivisions (ii) and (iii) of this subparagraph, the term "estimated itemized deductions" means with respect to an employee the aggregate amount of deductions which he reasonably expects will be allowable to him for the estimation year under chapter 1 of the Code other than the deductions referred to in sections 141 (relating to the standard deduction) and 151 (relating to the deductions for personal exemptions), and other than the deductions required to be taken into account by him in determining his adjusted gross income under section 62 (see § 1.62-1 of this chapter (Income Tax Regulations)).

(ii) In the case of wages paid after December 31, 1969, the amount of the estimated itemized deductions shall not exceed the sum of—

(*a*) The amount shown on the income tax return which the employee has filed for the taxable year preceding the estimation year of the deductions which are of the kind permitted to be taken into account in making the computation in the preceding subdivision (or if no such deductions were shown, the amount determined under section 141 (b) or (c) of the Code), and

(*b*) The amount of his determinable additional deductions for the estimation year, as defined in subparagraph (3) of this paragraph.

(iii) In the case of wages paid before January 1, 1970, the amount of the estimated itemized deductions shall not exceed—

(*a*) The amount shown on the income tax return which the employee has filed for the taxable year preceding the estimation year of the deductions which are of the kind permitted to be taken into account in making the computation in subdivision (i) of this subparagraph, or

(*b*) In the case of an employee who did not show such deductions on his income tax return for the taxable year preceding the estimation year, an amount equal to the lesser of $1,000 or 10 percent of the amount of wages shown on the employee's income tax return for such preceding taxable year.

(2) *Estimated wages.* The term "estimated wages" means with respect to an employee the aggregate amount which he reasonably expects will constitute wages for the estimation year. However, in the case of wages paid before January 1, 1970, such amount shall not be less than the amount of wages shown on his income tax return for the taxable year preceding the estimation year.

(3) *Determinable additional deductions.* (i) The term "determinable additional deductions" means with respect to an employee those estimated itemized deductions—

(*a*) Which are demonstrably attributable to identifiable events during the estimation year or the preceding taxable year, but only to the extent that they can reasonably be expected to cause an increase in the amount of itemized deductions on the employee's income tax return for the estimation year over the amount of corresponding deductions for the employee's taxable year preceding the estimation year, and

(*b*) Which, when added to the employee's other estimated itemized deductions for the estimation year, are in excess of the amount described in subparagraph (1)(ii)(*a*) of this paragraph.

(ii) Estimated itemized deductions are demonstrably attributable to an identifiable event if they relate—

(*a*) To payments already made (or items otherwise already deductible) during the estimation year,

(*b*) To binding obligations to make payments during the estimation year,

(*c*) To taxes deductible under section 164 for the estimation year (see subdivision (v) of this subparagraph), or

(*d*) To other transactions or occurrences, the implementation of which has begun and is verifiable at the time the employee files a withholding exemption certificate claiming withholding allowances for itemized deductions relating thereto.

(iii) For purposes of section 3402(m) and this section, where an itemized deduction is expected to result from a payment to be made by the employee, an identifiable event with respect to the deduction shall be deemed to occur in the taxable year in which the payment becomes due or is reasonably expected to be made, whichever is later, as well as in the taxable year in which the occurrence giving rise to the payment took place. See the treatment of alimony payments in example (1) in paragraph (d) of this section.

(iv) Subdivision (ii) (*b*) and (*d*) of this subparagraph shall apply to estimated itemized deductions under section 170 only if at the time the employee files a withholding exemption certificate claiming withholding allowances for itemized deductions relating thereto he has made a written pledge to the donee with respect thereto.

(v) For purposes of subdivision (ii) of this subparagraph, no increase in the amount of taxes deductible under section 164 for the estimation year over the amount of such deductions for the employee's taxable year preceding the estimation year, which is based upon the imposition of a new tax, an increase in tax rates, or other change due to the official action of a governmental authority, shall be taken into account until such official action has been completed.

(4) *Estimation year.* The term "estimation year" means—

(i) In the case of an employee who files his income tax return on a calendar year basis—

(*a*) With respect to payments of wages after April 30 and on or before December 31 of any calendar year, such calendar year, and

(*b*) With respect to payments of wages on or after January 1 and before May 1 of a calendar year, the preceding calendar year, except that with respect to an exemption certificate furnished by an employee after he has filed his return for the preceding calendar year, it means the current calendar year.

(ii) In the case of an employee who files his return on a basis other than the calendar year—

(*a*) With respect to payments of wages after the last day of the fourth month of the employee's taxable year and on or before the last day of the taxable year, such taxable year, or

(*b*) With respect to payments of wages on or after the first day of the employee's taxable year and before the first day of the fifth month of the employee's taxable year, the preceding taxable year, except that with respect to an exemption certificate furnished by an employee after he has filed his return for the preceding taxable year, it means the current taxable year.

(c) *Special rules*—(1) *Married individuals.* (i) Except as provided in subdivision (ii) of this subparagraph, a husband and wife shall determine the number of withholding allowances to which they are entitled under section 3402(m) on the basis of their combined wages and deductions. The withholding allowances to which a husband and wife are entitled may be claimed by the husband, by the wife, or they may be allocated between them. However, they may not both have withholding exemption certificates in effect claiming the same withholding allowance.

(ii) If a husband and wife filed separate income tax returns for the taxable year preceding the estimation year and reasonably expect to file separate returns for the estimation year, the husband and wife shall determine the number of withholding exemptions to which they are entitled under section 3402(m) on the basis of their individual wages and deductions. For purposes of applying the tables in paragraph (a)(2) of this section, the husband and wife shall be considered as single.

(2) *Only one certificate to be in effect.* An employee who is entitled to one or more withholding allowances under section 3402(m) and who has, at the same time, two or more employers, may claim such withholding allowance or allowances with only one of his employers.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Employee A, an unmarried calendar-year taxpayer, filed his income tax return for 1969 on March 20, 1970. A's estimation year with respect to withholding allowances claimed after the filing of his 1969 return is calendar-year 1970. He reasonably expects to be paid $21,000 in wages during 1970. The itemized deductions reflected on A's 1969 income tax return, and the items which he reasonably expects will be allowable as itemized deductions on his 1970 return, are as follows:

	1969	1970
Alimony payments pursuant to terms of 1964 divorce decree	$2,000	$3,000
Taxes	1,000	1,500
Charitable contributions	500	500
Deductible medical expenses	0	1,500
	3,500	6,500

The increase in deductible taxes expected for 1970 results from A's purchase of real estate. Approximately $1,000 of the $1,500

estimated deductible medical expenses for 1970 is reasonably expected by A to result from orthodontic services being received by his dependent daughter. She has had a diagnostic session with an orthodontist and arrangements have been made for treatments although there is no legal obligation to continue. The other $500 in deductible medical expenses expected for 1970 is not yet related to identifiable events. It is expected to arise in connection with minor cosmetic surgery which A, although he has not yet consulted a physician with respect thereto, contemplates undergoing in late 1970. Only $2,500 of A's estimated itemized deductions for 1970 qualifies as determinable additional deductions, i.e., estimated itemized deductions, in excess of his 1969 deductions which are demonstrably attributable to identifiable events occurring during 1969 or 1970, and reasonably expected to cause an increase in itemized deductions for 1970 over those for 1969. These items consist of: (a) The $1,000 in alimony payments which will be made by A during 1970 over the amount of such payments made during 1969 (an identifiable event with respect to each alimony payment occurs in the taxable year in which such payment becomes due or is made (if later)); (b) the $500 excess of deductible tax payments (over the amount deductible therefor in 1969) which A reasonably expects to pay during 1970 due to the purchase of real estate; and (c) the $1,000 expected to be deductible as a result of the orthodontic services. A's estimated itemized deductions for his 1970 estimation year are $6,000 ($3,500 plus $2,500). From Table 1 in paragraph (a)(2) of this section it is determined that A is entitled to three withholding allowances. A may file a withholding exemption certificate claiming the three withholding allowances.

Example (2). Assume the same facts as in example (1) except that the years in question were 1968 and 1969 rather than 1969 and 1970. In this case, with respect to wages paid during 1969, A's estimated itemized deductions for the estimation year would be limited to $3,500 (the amount of itemized deductions claimed for the preceding taxable year).

Example (3). Employee B, who is married and files a joint return based on a calendar year, has in effect with his employer, X Co., a withholding exemption certificate filed on May 1, 1970, on which he claimed one withholding allowance under section 3402(m) and this section. B's wife is employed but does not claim any withholding allowance. B had, on May 1, 1970, determines that based on his and his wife's combined estimated wages and estimated itemized deductions for the estimation year 1970 they were entitled to two withholding allowances under section 3402(m) and this section. On January 15, 1971, B, who is still employed by X Co. and has not yet filed his income tax return for 1970, begins work for Y Co. Even if B is still entitled to claim the two withholding allowances, he may not claim one or both such withholding allowances on the withholding exemption certificate filed with Y Co. unless he first files a new withholding exemption certificate with X Co. on which he claims no withholding allowances. In any event, under paragraph (b)(1) of § 31.3402(f)(4)–1 unless B files a new withholding exemption certificate, his claim for the withholding allowance expires and must be disregarded in determining the amount of tax to be withheld upon wages paid to B on or after May 1, 1971.

PAR. 9. The following sections are added immediately following § 31.6674–1:

§ 31.6682 Statutory provisions: false information with respect to withholding allowances based on itemized deductions.

SEC. 6682. *False information with respect to withholding allowances based on itemized deductions*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, if any individual in claiming a withholding allowance under section 3402(f)(1)(F) states (1) as the amount of the wages (within the meaning of chapter 24) shown on his return for any taxable year an amount less than such wages actually shown, or (2) as the amount of the itemized deductions referred to in section 3402(m) shown on the return for any taxable year an amount greater than such deductions actually shown, he shall pay a penalty of $50 for such statement, unless (1) such statement did not result in a decrease in the amounts deducted and withheld under chapter 24, or (2) the taxes imposed with respect to the individual under subtitle A for the succeeding taxable year do not exceed the sum of (A) the credits against such taxes allowed by part IV of subchapter A of chapter 1, and (B) the payments of estimated tax which are considered payments on account of such taxes.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, and gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6682 as added by sec. 101(e)(4), Tax Adjustment Act 1966 (80 Stat. 61); and as amended by sec. 101(j)(55), Tax Reform Act 1969 (83 Stat. 532)]

§ 31.6682–1 False information with respect to withholding allowances based on itemized deductions.

(a) *Civil penalty.* (1) Except as provided in subparagraph (2) of this paragraph, if any individual claiming a withholding allowance under section 3402(f)(1)(F) (see § 31.3402(f)(1)–1) states on his withholding exemption certificate—

(i) As the amount of wages (within the meaning of section 3401(a) and the regulations thereunder) shown on his return for any taxable year an amount less than such wages actually shown, or

(ii) As the amount of itemized deductions to be taken into account in determining withholding allowances under section 3402(m) shown on the return for any taxable year an amount greater than such deductions actually shown, or both,

he shall pay a penalty of $50. This penalty shall be in addition to any criminal penalty provided by law.

(2) The penalty provided in subparagraph (1) of this paragraph shall not apply if—

(i) The amount of tax deducted and withheld under chapter 24 of the Code and the regulations thereunder during the period that the withholding exemption certificate referred to in subparagraph (1) of this paragraph is in effect is not less than the amount of tax that would have been deducted and withheld if the amount of wages or itemized deductions referred to in subparagraph (1) had been correctly stated, or

(ii) The income taxes imposed upon the individual under subtitle A of the Code for the taxable year following the taxable year referred to in subparagraph (1) of this paragraph do not exceed the sum of—

(*a*) The credits against such taxes allowed by part IV of subchapter A of chapter 1 of the Code, and

(*b*) Any payments of estimated tax which are considered payments on accounts of such taxes.

(b) *Deficiency procedures not to apply.* The penalty imposed by section 6682 may be assessed and collected without regard to the deficiency procedures provided by subchapter B of chapter 63 of the Code.

Regulations on procedure and administration (26 CFR Part 301):

PAR. 10. The following sections are added immediately following § 301.6679–1:

§ 301.6682 Statutory provisions: false information with respect to withholding allowances based on itemized deductions.

SEC. 6682. *False information with respect to withholding allowances based on itemized deductions*—(a) *Civil penalty.* In addition to any criminal penalty provided by law, if any individual in claiming a withholding allowance under section 3402(f)(1)(F) states (1) as the amount of the wages (within the meaning of chapter 24) shown on his return for any taxable year on amount less than such wages actually shown, or (2) as the amount of the itemized deductions referred to in section 3402(m) shown on the return for any taxable year an amount greater than such deductions actually shown, he shall pay a penalty of $50 for such statement, unless (1) such statement did not result in a decrease in the amounts deducted and withheld under chapter 24, or (2) the taxes imposed with respect to the individual under subtitle A for the succeeding taxable year do not exceed the sum of (A) the credits against such taxes allowed by part IV of subchapter A of chapter 1, and (B) the payments of estimated tax which are considered payments on account of such taxes.

(b) *Deficiency procedures not to apply.* Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, and gift, and chapter 42 taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).

[Sec. 6682 as added by sec. 101(e)(4), Tax Adjustment Act 1966 (80 Stat. 61); and as amended by sec. 101(j)(55), Tax Reform Act 1969 (83 Stat. 532)]

§ 301.6682–1 False information with respect to withholding allowances based on itemized deductions.

For regulations under section 6682, see § 31.6682–1 of this chapter (Employment Tax Regulations).

PAR. 11. Section 301.7205 is amended and a historical note is added to read as follows:

§ 301.7205 Statutory provisions: fraudulent withholding exemption certificate or failure to supply information.

SEC. 7205. *Fraudulent withholding exemption certificate or failure to supply information.* Any individual required to supply information to his employer under section

3402 who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 3402, shall, in lieu of any other penalty provided by law (except the penalty provided by section 6682), upon conviction thereof, be fined not more than $500, or imprisoned not more than 1 year, or both.

[Sec. 7205 as amended by sec. 101(e)(5), Tax Adjustment Act 1966 (80 Stat. 62)]

[F.R. Doc. 70-7533; Filed, June 17, 1970; 8:45 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 133]

CONTROLLED CIRCULATION PUBLICATIONS

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of amendments to §§ 133.2, 133.3, and 133.6 of Title 39, Code of Federal Regulations. It is proposed to amend § 133.2(b) to require that copies submitted with an application for a controlled circulation permit be marked to show the nonadvertising content as required in § 133.4. In addition it is proposed to amend § 133.3(d) to require that the address of a publisher of a controlled publication include the street number where there is carrier delivery service. It is also proposed to amend § 133.6 for purposes of clarification.

Interested persons who may wish to submit written data, views, and arguments concerning the proposals may submit such comments to the Director, Office of Mail Classification, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed to amend the Department's regulations as follows:

1. In § 133.2 *Permits*, amend paragraph (b) to read as follows:

§ 133.2 Permits.

* * * * *

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, the name of the publisher, and whether the publication is circulated free or mainly free. Submit two copies of the issue published nearest to the date of application marked to show the nonadvertising content as required in § 133.4. The postmaster will submit the application and one copy of the publication to the Office of Mail Classification, Bureau of Finance and Administration. Notice of authorization or disapproval will be furnished by the Director, Office of Mail Classification.

* * * * *

NOTE: The corresponding Postal Manual section is 133.22.

2. In § 133.3 *Identification statements*, amend paragraph (d) to read as follows:

§ 133.3 Identification statements.

* * * * *

(d) Address of publisher, including street and number when there is carrier delivery service, and the ZIP Code.

* * * * *

NOTE: The corresponding Postal Manual section is 133.3d.

3. Section 133.6 *Addressing, preparation for mailing and collection of postage* is amended to read as follows:

§ 133.6 Addressing, preparation for mailing, weighing, and collection of postage.

See § 123.7 of this chapter for applicable addressing requirements; §§ 126.1 through 126.3(c) of this chapter for applicable preparation requirements; and § 126.8 of this chapter for weighing and collection of postage procedures.

NOTE: The corresponding Postal Manual section is 133.6.

(5 U.S.C. 301, 39 U.S.C. 501, 4421)

DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70-7638; Filed, June 17, 1970; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130]

MILK IN SOUTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Market	Docket No.
1121	South Texas	AO-364-A3.
1126	North Texas	AO-231-A35.
1127	San Antonio	AO-232-A21.
1128	Central West Texas	AO-238-A24.
1129	Austin-Waco	AO-256-A17.
1130	Corpus Christi	AO-259-A21.
1120	Lubbock Plainview	AO-328-A11.

Notice is hereby given of a public hearing to be held at the Holiday Inn, Love Field, 7800 Lemmon Avenue, Dallas, Tex., beginning at 10 a.m., local time, on June 23, 1970, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid specified marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas with relation to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to any of the proposals.

In view of the several proposals to modify location differentials to handlers pursuant to the North Texas and South Texas orders, consideration will be given to appropriate adjustment of the North Texas order and South Texas order Class I prices and location differentials at any point as may be necessary to coordinate the pricing at various locations pursuant to the two orders.

Since the Class I prices in San Antonio, Central West Texas, Austin-Waco, Corpus Christi, and Lubbock-Plainview orders are based on the North Texas Class I price, consideration also will be given to whether any change in the North Texas Class I price based on this hearing should cause a similar change in the Class I prices in such orders.

The proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSALS TO AMEND THE SOUTH TEXAS AND NORTH TEXAS FEDERAL MILK ORDERS

Proposed by Southland Corporation:

Proposal No. 1. Amend the introductory part of § 1121.10 *Pool plant* as follows:

§ 1121.10 Pool plant.

"Pool plant" means (subject to the proviso in § 1121.11(a)):

* * * * *

Proposal No. 2. Amend paragraph (a) in § 1121.11 *Nonpool plant* as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act: *Provided*, That, notwithstanding § 1121.10, a plant qualifying as a pool supply plant in this order which also qualifies as a pool plant with other plants of the same handler in an other order shall be regulated on the basis of the quantity of route sales in each order.

Proposal No. 3. Amend paragraph (a) in § 1121.51 *Class prices* as follows:

(a) *Class I price.* The Class I milk price applicable to Zone I plants shall be the basic formula price for the preceding month plus $2.38, and plus 20 cents.

Proposal No. 4. Add a proviso to § 1121.53(a) as follows: "*Provided*, That the adjustment applicable to a plant located in the North Texas marketing area shall not exceed 26 cents:"

Proposed by Schepps Dairy:

Proposal No. 5. Amend § 1121.53 *Location differentials to handlers* in order that the provision for a location differential will be changed to provide for an adjustment of at least 36 cents per hundredweight for a plant located in Dallas (1.5 cents per hundredweight for every 10 miles) and make such other appropriate adjustments at other points as may be required.

Proposed by Carnation Co.:

Proposal No. 6. Adjust the North Texas order Class I price and the South Texas order Class I price in such amounts as to accomplish the following:

1. To the extent that South Texas continues to be dependent on North Texas milk production, to recognize that the center of the North Texas milk supply area has so moved as to bring about less of a difference in the hauling cost of milk to Dallas (North Texas) and to Houston (South Texas), these being the principal markets of the two orders.

2. To bring about a closer alignment of prices between Dallas and Houston milk handlers.

3. To assure the same overall returns to North Texas and South Texas milk producers.

Proposed by Associated Milk Producers, Inc.:

Proposal No. 7. Amend §§ 1121.31, 1121.80, 1121.83, 1121.84, 1121.85, and 1121.87 to provide that each handler shall pay to the market administrator on or before the 13th day after the end of the month and the 23d day of each month the amounts computed pursuant to § 1121.80(b) and § 1121.70 less the advance payment pursuant to § 1121.80(b). The market administrator shall then make payments to producers or to a cooperative association, which so requests, in accordance with the time and method of payment set forth in § 1121.80.

Proposal No. 8. Amend § 1121.86(b) to read as follows:

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to § 1121.70, § 1121.84, § 1121.85, § 1121.87, § 1121.88, or paragraph (a) (1) and (2) of this section shall be increased 1 percent on the fifth day following the due date of such obligation and, on the same calendar day of each month thereafter until such obligation is paid.

Proposed by Southland Corporation:

Proposal No. 9. Amend § 1126.10 *Pool plant*, by adding a new paragraph as follows:

(d) Any plant located in the marketing area operated as part of a plant system involving other pool distributing plant(s) of the same handler which has been approved by any duly constituted health authority at which milk is received and processed, and from which distribution is made in the form of fluid milk products on routes in the marketing area.

Proposed by Mid-America Dairymen, Inc.:

Proposal No. 10. Amend § 1126.13(a) (2) to price diverted milk at the location to which diverted.

Proposed by Southland Corporation:

Proposal No. 11. Amend § 1126.13 *Producer*, as follows:

§ 1126.13 **Producer.**

(a) "Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or Municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account to the pool plant of another handler or to a pool plant of the same handler; or

(3) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1126.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in the reports of receipts and utilization filed with their respective market administrator; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

Proposal No. 12. Amend § 1126.14 *Producer milk*, as follows:

§ 1126.14 **Producer milk.**

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers or diverted pursuant to § 1126.13 (a)(2);

(2) Received from a cooperative association handler pursuant to § 1126.12 (c) and (d); and

(3) Diverted by the operator of such pool plant to a nonpool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1126.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler; and

(3) For the purpose of location adjustments pursuant to §§ 1126.53 and 1126.91, diverted milk shall be priced at the location of the nonpool plant to which diverted.

Proposal No. 13. Amend § 1126.44 *Transfers*, as follows:

a. Revise the introductory language of § 1126.44(a) to read as follows:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred (or diverted pursuant to § 1126.13(a) (2) or (3)) in the form of fluid milk products from a pool plant (including transfers made by a cooperative association pursuant to § 1126.12 (c) and (d) to the pool plant of another handler, other than a producer-handler, subject to the following conditions:

b. Delete § 1126.44(c) in its entirety.

(c) Revise the introductory language of § 1126.44(d) to read as follows:

(d) As Class I milk, if transferred or diverted in the form of milk or skim milk or cream in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

d. Delete § 1126.44(f) in its entirety.

e. Renumber the remaining paragraphs accordingly.

Proposal No. 14. Amend § 1126.42(b) (2) to read as follows:

(1) Remaining receipts of other source milk in the form of fluid milk products plus other source nonfluid milk products accounted for under § 1126.41 (a)(1) and (b)(7).

Proposal No. 15. Delete § 1126.55 in its entirety.

Proposal No. 16. Amend § 1126.53 *Location differentials to handlers* paragraph (a) as follows:

(a) For that milk which is received from producers at a pool plant outside the marketing area and 60 miles or more from the nearer of the city halls in Dallas, Tex., Tyler, Tex., or Marshall, Tex., which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or otherwise classified as Class I milk and for other source milk for which Class I location adjustment credit is applicable, the price specified in § 1126.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that

such plant is located from the nearer of the city halls in Dallas, Tex., Tyler, Tex., or Marshall, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator; and

Proposed by Associated Milk Producers, Inc.:

Proposal No. 17. Amend § 1126.51(b)(2) to read as follows:

(2) The price per hundredweight, rounded to the nearest one-tenth cent, computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary Markets ("Barrels" f.o.b. Wisconsin assembling points, carload lots) as reported by the Department for the month.

Proposal No. 18. Amend §§ 1126.31, 1126.90, 1126.92, 1126.93, 1126.94, and 1126.96 to provide that each handler shall pay to the market administrator on or before the 13th day after the end of the month and the 23d day of each month the amounts computed pursuant to §§ 1126.90(b) and 1126.70 less the advance payment pursuant to § 1126.90(b). The market administrator shall then make payments to producers or to a cooperative association, which so requests, in accordance with the time and method of payment set forth in § 1126.90.

Proposal No. 19. Amend § 1126.95(b) to read as follows:

(b) Any unpaid obligation of a handler or of the market administrator pursuant to § 1126.62, § 1126.90, § 1126.93, § 1126.94, § 1126.96, § 1126.97, or paragraph (a) of this section shall be increased 1 percent on the fifth day following the due date of such obligation and, on the same calendar day of each month thereafter until such obligation is paid.

PROPOSALS TO AMEND SOUTH TEXAS, NORTH TEXAS, SAN ANTONIO, CENTRAL WEST TEXAS, AUSTIN-WACO, LUBBOCK-PLAINVIEW, AND CORPUS CHRISTI ORDERS

Proposed by Carnation Co.:

Proposal No. 20. In § 1127.41(b) of the San Antonio, order add a provision that fluid milk products dumped after prior notice and opportunity for verification as may be required will be Class II milk.

Proposed by Associated Milk Producers, Inc.:

Proposal No. 21. Amend § 1127.52(b) in the San Antonio order to read as follows:

(b) The minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary Markets ("Barrels" f.o.b. Wisconsin assembling points, carload lots) as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis by subtracting five times the butterfat differential computed pursuant to § 1127.53(b), and rounding to the nearest full cent.

Proposal No. 22. Amend § 1128.51(b) in the Central West Texas order to read as follows:

(b) *Class II–A milk.* Subject to the provisions of § 1128.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II–A milk shall be computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary Markets ("Barrels" f.o.b. Wisconsin assembling points, carload lots) as reported by the Department for the month involved, and subtracting five times the butterfat differential computed pursuant to § 1128.52(b).

Proposal No. 23. Amend § 1129.51(b) in the Austin-Waco order to read as follows:

(b) The price per hundredweight computed by multiplying by 8.4 the average of the daily prices paid per pound of cheese at Wisconsin Primary Markets ("Barrels" f.o.b. Wisconsin assembling points, carload lots) as reported by the Department for the month, and subtracting five times the butterfat differential computed pursuant to § 1129.52(b).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 24. Consider the adoption of an appropriate limit to the amount that the Class I price may be reduced by the application of location adjustments at nonpool plants pursuant to §§ 1120.62(b)(5) and 1120.70(e) of the Lubbock-Plainview order, §§ 1121.61(b)(5) and 1121.70(e) of the South Texas order, §§ 1126.62(b)(5) and 1126.70(e) of the North Texas order, §§ 1127.61(b)(5) and 1127.70(d) of the San Antonio order, §§ 1128.62(b)(5) and 1128.70(e) of the Central West Texas order and §§ 1130.61(b)(5) and 1130.70(e) of the Corpus Christi order.

Proposal No. 25. Consider the appropriate application of the South Texas order No. 121, the North Texas order No. 126, the San Antonio order No. 127, the Central West Texas order No. 128, the Lubbock-Plainview order No. 120, and the Corpus Christi order No. 130, in a circumstance where Class I milk is moved from a pool plant or an other order plant to a nonpool plant that in turn is an unregulated supply plant source of Class I milk at a pool plant.

Proposal No. 26. Consider the appropriate criterion for including a handler's milk in the computation of the uniform price pursuant to § 1120.71(a) of the Lubbock-Plainview order, § 1121.71(a) of the South Texas order, § 1126.71(a) of the North Texas order, § 1127.71(a) of the San Antonio order, § 1128.71(a) of the Central West Texas order, and § 1130.71(a) of the Corpus Christi order.

Proposal No. 27. Consider revision of § 1120.50(a) of the Lubbock-Plainview order, § 1127.51 of the San Antonio order, § 1128.50 of the Central West Texas order, § 1129.50 of the Austin-Waco order and § 1130.51(a) of the Corpus Christi order to specify the Class I price in relation to the basic formula rather than in relation to the North Texas price.

Proposal No. 28. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrators: C. E. Dunham, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235; M. C. Jenkins, Post Office Box 10738, Houston, Tex. 77018; Richard E. Arnold, Post Office Box 45563, Tulsa, Okla. 74145; or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on June 12, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-7643; Filed, June 17, 1970; 8:47 a.m.]

[7 CFR Part 1134]

[Docket No. AO-301-A10]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Western Colorado marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. 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 above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Grand Junction, Colo., on December 16–17, 1969, pursuant to notices thereof which were issued October 15, 1969 (34 F.R. 17070), and October 23, 1969 (34 F.R. 17446).

The material issues considered on the record of the hearing relate to:

1. Application of the order to producer-handler operations.
2. The Class I price.
3. The Class I butterfat differential.
4. Interest payments on overdue accounts.
5. Pool plant qualifications.
6. Classification changes.
7. Modification of net pool obligation computation applicable to a handler's inventory of packaged fluid milk products.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Producer-handler.* The quantities of fluid milk products that a producer-handler may receive from pool plants should not be changed. He may now receive from such plants the lesser of 5,000 pounds or 5 percent of his Class I sales during the month.

The producer-handler definition should, however, be rewritten to insure that producer-handler status is accorded only to a person who operates the farm(s) on which his "own-herd production" is produced at his sole risk and under his complete and exclusive management and control, who operates a plant at which the milk produced on his farm(s) is processed and packaged, and whose disposition of fluid milk products on his routes and at his stores includes only the milk produced on his farm(s) and allowable purchases from pool plants.

To effectuate the above, a producer-handler should be defined as follows:

Producer-handler means any person who is an individual, partnership or corporation and who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the conditions set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is his sole risk and under his complete and exclusive management and control;

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control; and

(3) Each individual (except, in the case of a sole proprietorship or partnership operation, an individual who is a member of his immediate family) working on such farm(s) is his employee, and such individual does not own, fully or partially, either the cows producing the milk on the farm or the farm on which it is produced;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and is disposed of during the month in the marketing area on routes: *Provided*, That:

(1) No fluid milk products are received at such plant or by him at any other location except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) From pool plants in an amount that is not in excess of the lesser of 5,000 pounds or 5 percent of his Class I sales during the month;

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive or otherwise handle fluid milk products for any other person; and

(3) For the purpose of this section, all fluid milk products disposed of on routes or at stores operated by him or by any person (including the operator of a plant, or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store dispositions; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

The proposal to revise the qualifications for obtaining producer-handler status was made by Western Colorado Milk Producers Association, the principal cooperative in the market. As proposed by the cooperative, the maximum purchases from pool plants allowed a producer-handler would be limited to a daily average of 100 pounds of packaged fluid milk products, about 3,000 pounds monthly. As indicated above, a producer-handler may now receive from pool plants bulk or packaged fluid milk products in a quantity that is not more than the lesser of 5,000 pounds or 5 percent of his Class I sales.

The cooperative's proposal would consider as one operation, for the purpose of determining producer-handler status, all processing and distribution operations maintained under the control of the same person. Also, the cooperative's proposal would limit a producer-handler's distribution to retail sales at his farm, deliveries to grocery stores and restaurants, and sales to any other outlet at which the fluid milk products purchased from the producer-handler are not offered for resale.

The cooperative's proposal to revise the standards whereby a handler may qualify for producer-handler status was opposed by the two producer-handlers in the market and by a handler with own-herd production who does not now qualify as a producer-handler.

The purpose of this proposal is to provide exemption from the pricing and pooling provisions of the order only to those handlers who rely basically on their own farm production and on limited purchases of fluid milk products from pool plants. The extensive record testimony was concerned primarily with incorporating in the order a producer-handler definition that would be suitable under current conditions in the Western Colorado market. It is particularly emphasized that such definition should be spelled out with greater specificity than the present definition.

One producer-handler, whose plant is in Grand Junction, produces on his farm about 550,000 pounds of milk monthly and distributes almost all of it as Class I milk. His Class I sales are about 17 percent of the total Class I sales in the market.

The above producer-handler is a corporation with three principal stockholders. Two of the stockholders also own a controlling interest in another corporation, an ice cream plant in the marketing area, at Montrose, Colo. No fluid milk products for Class I use are processed or packaged at the ice cream plant.

In addition to the fluid milk products handled in the producer-handler's plant, the principal owners of both corporations control the disposition of substantial quantities of other fluid milk products on routes in the marketing area. A trailer truck operated by the ice cream plant, and partially owned by the producer-handler corporation, picks up packaged milk regularly at a pool plant in Grand Junction. These fluid milk products, which are packaged at the pool plant in cartons identical to those used by the producer-handler, are trucked to a parking lot at Montrose, where they are transferred to delivery trucks owned by the ice cream plant for delivery to retail and wholesale customers.

The total Class I disposition from the two plants (the producer-handler plant and the ice cream plant), which are controlled by the same persons, includes a quantity of fluid milk products received from pool plants that is substantially greater than the maximum allowable quantity that a handler may receive from pool plants to qualify for producer-handler status. In fact, a spokesman for the producer-handler operation testified that this was a means of maintaining the proportion of Class I that he had in the market previously as a regulated handler, while at the same time obtaining exemption from the order as a producer-handler on his own farm production.

The interlocking ownership of the producer-handler operation and the Class I disposition from the ice cream plant result in a market situation not covered by the present producer-handler provisions.

In providing the present limit on a producer-handler's receipts from pool plants (the lesser of 5,000 pounds or 5 percent of his Class I sales) it was not contemplated that a producer-handler, usually a family type operation, would obtain, as in this case, substantial quantities of fluid milk products for Class I purposes from sources other than his own farm production. The cooperative contended that according exemption as a producer-handler to a person who must depend on receipts from pool plants for a substantial quantity of fluid milk products for his Class I needs is not warranted under conditions in the Western Colorado market.

The spokesman for the persons controlling the producer-handler and ice cream plant operations proposed that a producer-handler be permitted unlimited purchases from pool plants. He did not explain, however, why such a provision would be appropriate in the Western Colorado order. If a producer-handler could rely on unlimited pool supplies to supplement his own production, he could utilize all his own production for Class I purposes without bearing any responsibility for the cost of maintaining his reserve supplies. In such circumstances, the producers regularly supplying the market would bear the burden of carrying the reserve supply for his needs and

also the reserves not needed for Class I purposes by handlers fully regulated.

The present limit on the quantity of fluid milk products (the lesser of 5,000 pounds or 5 percent of the Class I sales) that a producer-handler may receive from pool plants during the month is reasonable under current conditions in the Western Colorado market. Although the producers proposed a relatively small reduction in the quantities of fluid milk products that a producer-handler be permitted to receive from pool plants, they presented no testimony to justify such a reduction. Also, there was no significant opposition to permitting a producer-handler to purchase some fluid milk products from pool plants.

Continuing to allow a producer-handler to receive from pool plants the lesser of 5,000 pounds or 5 percent of his monthly Class I sales will enable any distributor who relies basically on his own farm production for his Class I needs to qualify for exemption from the order as a producer-handler. Such a person may, of course, depend on pool plants as a regular source of various fluid milk products (e.g., buttermilk, cream) that are not processed or packaged in his own plant. Also, such an operation may occasionally, particularly in emergency situations, depend on pool plants for supplemental supplies. Under the conditions in the Western Colorado market, it may reasonably be concluded that enabling a handler with own-herd production to obtain limited quantities of fluid milk products from pool plants, as herein proposed, would not significantly affect the competitive position of handlers or producers.

In proposing greater specificity in spelling out the conditions which a handler must meet to qualify for producer-handler status, producers contended that the present order provisions make it possible for a person to obtain producer-handler status even though, in effect, he may not meet the basic requirements for such exempt status. Clarification of the order's producer-handler provisions is necessary to remove any uncertainty as to the conditions which must be met by a handler to qualify as a producer-handler. Providing the standards adopted herein, by giving more specific meaning to the producer-handler definition in the order, will contribute substantially to orderly marketing in the Western Colorado area.

Thus, a producer-handler should be required to furnish proof, satisfactory to the market administrator, that the full maintenance of the milk-producing cows on his farm is his sole risk and under his complete and exclusive management and control. Further, each farm where his milk cows are maintained must be owned or operated by him, at his sole risk, and under his complete and exclusive management and control.

As a further safeguard, the definition should specify that (except for an individual who is a member of the producer-handler's immediate family) each individual working on a farm of a producer-handler (who is an individual or partnership) is his employee, and does not own fully or partially either the cows producing the milk on the farm or the farm on which it is produced.

The total operation of a handler with own-farm production, whether conducted as one or more business units, should be taken into consideration in determining whether he qualifies as a producer-handler. Also, the fluid milk products handled at all stores operated by him, directly or indirectly, or by any vendor who controls or is controlled by him, should be considered as a receipt and a disposition by the handler in determining his producer-handler status. Otherwise, a handler with own-farm production whose purchases of fluid milk products from pool plants exceeded the maximum allowable to qualify as a producer-handler could unwarrantedly obtain producer-handler status by having such purchases made by a plant under his control established as a separate business unit, a store operated by him, or by a vendor controlled by him.

Thus, in determining whether a person qualifies as a producer-handler, all fluid milk products disposed of on routes or at stores operated by him or by any person (including the operator of a plant or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he has a financial interest should be considered as having been received at his plant; and utilization for such plant would include all such route and store dispositions. Without such a provision the meaningfulness of the basic standards herein provided, and deemed appropriate, to qualify a person for producer-handler status in the Western Colorado market would be seriously diminished.

A hearing completed at Memphis, Tenn., on May 24, 1968, considered whether a producer-handler handling reconstituted skim milk should lose his exempt status. Amendments were made in 62 orders, including the Western Colorado order, effective January 1, 1970, on the basis of that record.

The findings in the October 13, 1969, decision (34 F.R. 16881) resulting from that hearing provide that the producer-handler definition of each order should preclude the use of reconstituted skim milk or unregulated milk in fluid milk products. The decision also finds that, since he is not subject to the pricing and pooling provisions of an order, a producer-handler using reconstituted skim milk or unregulated milk in any fluid milk product disposition thereby would disqualify himself from his exempt status as a producer-handler.

The findings in the aforesaid decision relative to precluding a producer-handler's using reconstituted skim milk in any fluid milk product are appropriate under current conditions in the Western Colorado market and are reaffirmed and adopted in this decision. Accordingly, under the order modifications hereinafter set forth a producer-handler may no longer reconstitute any fluid milk products.

The addition of nonfat dry milk and similar products in fortified fluid milk products is a common practice among handlers. No purpose would be served by restricting producer-handlers in this regard, and they should be permitted to use nonfat milk solids in the fortification of fluid milk products without limit.

2. *Class I price.* The Class I price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the preceding month plus $2.

For 1969, the Western Colorado price averaged $6.55. For the same period the price herein proposed would have averaged $6.41. The Western Colorado Class I price is now determined by subtracting five cents from the Eastern Colorado order Class I price for the same month. Under the Eastern Colorado order, the Class I price is the basic formula price for the preceding month plus $2.30, and plus or minus a supply-demand adjustment. In 1969 when the supply-demand adjustment averaged minus 11 cents, the Eastern Colorado Class I price averaged $6.60, 19 cents above the $6.41 price that would have resulted from the Class I price formula for Western Colorado proposed by this decision.

The Class I price herein provided, the basic formula plus $2, was proposed by Western Colorado Milk Producers Association, a cooperative representing all but one of the approximately 75 producers on the market. The association contends that the present Class I price formula is not suitable under current conditions in the market, particularly since it is determined solely by the Eastern Colorado Class I price. The Western Colorado Class I price, the cooperative claims, should take into account more directly the supply and demand conditions of the Western Colorado market, while giving consideration to an appropriate alignment with Class I prices in all other markets in the region. Otherwise, it was claimed, handlers regulated by the Western Colorado order would be at a disadvantage in competing for sales with handlers regulated by these other orders.

The Western Colorado cooperative supplies, on a regular basis, not only Western Colorado handlers but also handlers under the Eastern Colorado order. In addition, the production of three of its members is shipped regularly to an unregulated bottling plant in northwestern Colorado. Milk not needed by its regular buyers is sold to plants under the Rio Grande and Central Arizona orders and to nonpool manufacturing plants at distant locations from the market.

In the 12 months through October 1969, when 38 million pounds of milk were pooled under the Western Colorado order, the cooperative marketed 57 million pounds of milk for its members. Of that amount, 34 million pounds were pooled under the Western Colorado order, 15 million pounds were sold to Eastern Colorado handlers and the remainder was shipped to plants in the Rio Grande and Central Arizona orders and to unregulated plants.

The 57 million pounds of milk marketed by the cooperative in the 12 months through October 1969 is approximately the same as the quantity it marketed in the corresponding period a year earlier. The total quantity of milk pooled under

the Western Colorado order was 38 million pounds in the 12 months through October 1969, and 42 million pounds a year earlier. Class I utilization in the Western Colorado order pool was 24 million pounds in the year ending October 1969, and 29 million pounds for the prior year.

The decline in the quantities of milk pooled and classified in Class I under the Western Colorado order is due primarily to the change in status of a handler from pool plant operator to a producer-handler in July 1968. The development of own-herd production by the handler has displaced substantial quantities of producer milk previously purchased. The consequent loss of Class I sales to the pool has caused the Western Colorado cooperative to market a relatively large proportion of its members' production for manufacturing purposes as surplus. Because of the long distances that milk must be moved to manufacturing plants in this area, the net return realized by producers for such milk has been substantally less than its Class III price value under the order.

Grand Junction, the principal city in the Western Colorado marketing area, is approximately 270 miles from Denver, 390 miles from Albuquerque, 300 miles from Salt Lake City, and 600 miles from Phoenix, the principal cities in the marketing areas of Eastern Colorado, Rio Grande, Great Basin, and Central Arizona orders, respectively.

The Class I differential of $2 proposed by the cooperative, and provided by this decision, compares with Class I differentials in the Eastern Colorado, Rio Grande, Great Basin, and Central Arizona orders of $2.30, $2.35, $2.25, and $2.52, respectively. Of these, only the Class I price under the Eastern Colorado order is subject to a supply-demand adjustment. In the other orders, the Class I price is computed by adding the Class I differential to the basic formula price for the preceding month, as is herein proposed for the Western Colorado order.

The present Western Colorado Class I price formula (Eastern Colorado Class I price minus 5 cents) is tending to attract substantially more milk for the market than can be marketed as Class I milk, and the cost of marketing the excess production has become economically burdensome to Western Colorado producers. Except for limited sales to an ice cream manufacturer, there are no ready outlets in the market for surplus producer milk.

It is not expected that the reduction in the Class I price proposed by this decision will achieve immediately a substantial drop in production for the market relative to its Class I needs. It should tend, however, to bring about a satisfactory balance between supply and sales within a reasonable period of time. In view of this, the level of the Class I price proposed by producers, and as proposed by this decision is, under current conditions, an appropriate basis for pricing Class I milk under the Western Colorado order. Also, it should be helpful in maintaining orderly marketing in the area by enabling Western Colorado handlers to compete on improved terms for Class I sales with handlers from other order markets, both inside and outside the marketing area.

A spokesman for a major cooperative in the Great Basin market which operates regulated plants under the Great Basin and Rio Grande orders, opposed reducing the Western Colorado Class I price. He claimed that it would disadvantage his cooperative in competing for fluid milk sales with Western Colorado handlers.

Salt Lake City and Albuquerque, the principal cities in the Great Basin and Rio Grande markets, are about 300 miles and 390 miles, respectively, from Grand Junction. Except for some sparsely populated places in southern Utah and southwestern Colorado, there is no overlapping of the sales areas of Western Colorado handlers and those of handlers regulated by the Great Basin and Rio Grande orders. Moreover, the rather limited areas where the Western Colorado handlers compete with milk under the Great Basin and Rio Grande orders are at great distance from the main centers of population under the respective orders and involve only small proportions of the milk regulated under each order. In any event the Western Colorado price has developed a substantial proportion of milk in the market which has no Class I outlet at this time.

It cannot be concluded, on the basis of the testimony presented, that the reduction in the Western Colorado Class I price herein proposed would provide any significant advantage to Western Colorado handlers in competing with Great Basin and Rio Grande order handlers.

3. *Class I butterfat differential.* The butterfat differential applicable to Class I milk should be 12 percent of the Chicago butter price for the preceding month (instead of 13 percent as now provided in the order).

In proposing a lower Class I butterfat differential, producers contended that the values now assigned to butterfat and skim milk in Class I products were first included in the order a number of years ago and do not reflect the current values.

In recent years the proportion of solids not fat in the fluid milk products in Class I has increased, and the proportion of butterfat has decreased. This has been evidenced by the increasing sales of skim milk items (plain, fortified and flavored skim and part skim milk, buttermilk, etc.) while sales of whole milk and cream have been declining. The change in the butterfat differential gives recognition to the changing value of butterfat in fluid milk products in Class I.

In the 12 months through October 1969, when the actual butter fat differential averaged 8.8 cents, the proposed differential would have averaged 8.1 cents. In the same 12-month period, when the Class I price averaged $6.52, the value of 3.5 pounds of butterfat in a hundred pounds of milk was $3.08 (35 times 8.8 cents). The skim milk portion of such hundred pounds of milk was valued at $3.50.

The proposed butterfat differential of 12 percent of the butter price would have valued the butterfat in a hundred pounds of milk in the 12 months through October 1969 at $2.835 (35 times 8.1 cents). This is 23.5 cents less than the value of 3.5 pounds of butterfat in a hundred pounds of milk under the Western Colorado order in the same period. Had such a differential been in effect, however, the value of the skim milk portion of the milk would have been increased by 23.5 cents.

4. *Interest payments on overdue accounts.* The unpaid obligation of a handler to the market administrator should be increased one percent for each month or portion thereof beginning with the third day following the date by which such obligation is payable.

A cooperative proposed that handlers be required to pay interest on overdue accounts.

Prompt payment of monies due the market administrator, whether to the producer-settlement fund, for expense of administration or for marketing services, is essential to the operation of the order.

As herein provided, interest on unpaid obligations would be charged at the rate of 1 percent for each month or portion thereof beginning with the third day following the due date of an obligation and would be applied until the obligation is paid. The 3-day interval between the due date of an obligation and the time from which interest would be computed is a reasonable period of time to use as a basis for the payment of interest on overdue accounts.

The current scarcity of money and the relatively high rates of interest on commercial loans could provide an incentive for handlers to delay payments to the market administrator in lieu of borrowing needed money from other sources. Commercial loans in the area are available only at about 12 percent per annum on a secured loan. The rate adopted is reasonable in consideration of today's financial markets.

The interest payable on overdue accounts should be computed monthly on the unpaid balance, including any accrued interest. A handler who has not made payment when due to the market administrator has use of such money for the time beyond which it was due.

Some handlers may have unpaid obligations due the market administrator when the provision herein proposed would become effective. In consideration of the main purpose of the interest provisions, i.e., to obtain prompt payments for producers, there is no basis for differentiating between unpaid obligations resulting from milk handled in preceding months or in a future month. It is intended that the unpaid obligation of a handler at the time the interest payment provision herein proposed would become effective will be treated in the same manner as any unpaid obligation subsequently incurred by the handler.

If a handler refuses or fails to file a report from which his obligation is computed, interest should be charged on any payments due the market administrator as though the report was filed when due. Otherwise, handlers would be provided

an incentive to be delinquent in filing their reports.

It was suggested that the market administrator be required to pay interest on any unpaid obligation to a handler. The order sets forth clearly the dates by which the market administrator must pay handlers any amount due them from the producer-settlement fund. He has no authority to delay such payments, the due dates of which are set forth in the order. There is no indication that the market administrator has at any time failed to make payments as required pursuant to the order and there would be no reason for him to make late payments if all handlers comply with order terms. Moreover, any such interest payments could come only from monies paid by other handlers for administrative purposes. The proposal is denied.

The order should not provide that a handler pay interest to producers or cooperatives on unpaid obligations for producer milk or that a handler's report be excluded from the market administrator's uniform price computation in any month because he is delinquent in making payment for producer milk. Except for the own-herd production of a pool plant operator, all producer milk in the pool is marketed by the Western Colorado Milk Producers Association, which collects from handlers for its members' deliveries.

The order is specific in prescribing the dates by which handlers must pay the cooperative for producer milk. Moreover, handlers apparently have not been delinquent in paying for producer milk by the dates specified in the order. Hence, there is no justification, under current conditions in the Western Colorado market, for specifying in the order that a handler must pay interest on unpaid obligations to producers or cooperatives or that a handler's report must be excluded from the uniform price computation because he is delinquent in making payment for producer milk.

5. *Pool plant qualifications.* The requirements for a plant to qualify as a distributing pool plant should not be changed.

A distributing pool plant is any plant in which fluid milk products are processed or packaged during the month and from which (1) at least 50 percent of its total receipts of Grade A milk (except receipts from a distributing pool plant) is disposed of as fluid milk products (except filled milk) on routes; and (2) at least 10 percent of its total receipts of Grade A milk or 2,000 pounds per day, whichever is less, is disposed of as fluid milk products (except filled milk) on routes in the marketing area.

As proposed by the principal cooperative in the market, a plant would be pooled if at least 50 percent of "any" receipts of Grade A milk (except receipts from a distributing pool plant) is disposed of as fluid milk products from "said plant or premises" on routes and at least 10 percent of its Grade A "disposition" or 2,000 pounds per day, whichever is less, is disposed of on routes in the marketing area during the month.

The cooperative's proposal could result in designating a plant used exclusively for manufacturing purposes (e.g., an ice cream manufacturing plant) as a distributing pool plant. As proposed, all fluid milk products received by the operator of a plant at any location for disposition to retail or wholesale outlets would be considered as a receipt at his plant; and the transfer to the vehicle of a plant operator at any location, or the delivery to the storage box or storage trailer of a handler at any location of fluid milk products for disposition to retail or wholesale outlets would be considered a receipt at, and a disposition from, his plant.

The proposal was made by the cooperative primarily to preclude the circumvention of the producer-handler provisions of the order. A handler who now qualifies as a producer-handler receives packaged fluid milk products from another handler at a parking lot near a manufacturing plant controlled by him. These fluid milk products are distributed to retail and wholesale outlets by delivery trucks owned by the manufacturing plant. Presently, the fluid milk products thus handled are not considered as a receipt of or a disposition by the producer-handler. Elsewhere in this decision provision is made to implement the producer-handler definition so that the total receipts of and the total disposition by a handler with own farm production at his plant and at all other locations will be considered in determining whether he qualifies for producer-handler status.

No purpose would be served by pooling a manufacturing plant based on distribution in the marketing area by the operator of that plant of fluid milk products which originated at another plant and were not received at the manufacturing plant. Such disposition must be accounted for under the order as a disposition on a route from the plant at which such fluid milk products were processed or packaged. The operator of that plant would be the responsible handler under the order for accounting for that disposition. Such plant could be a pool plant, an other order plant, a partially regulated distributing plant, or a producer-handler plant.

A vendor (a person who does not operate a plant but purchases fluid milk products from a plant and resells them via his own delivery vehicle to retail and wholesale customers) is essentially the same as the operator of a manufacturing plant with respect to the distribution in the marketing area of packaged fluid milk products which originated at another plant and which were not handled in the manufacturing plant. The fluid milk products distributed by a vendor are considered as a disposition on a route from the plant at which they were processed or packaged.

Designating a vendor as a handler would enable the market administrator to obtain reports from him. Such a provision is necessary in order that the market administrator can determine that all fluid milk products distributed in the marketing area during the month from all plants and by distributors who do not operate plants are accounted for and to carry out the other terms of the order.

6. *Classification changes.* (a) No action should be taken at this time on the producers' proposal relating to the classification of "sterilized products in hermetically sealed containers."

As proposed by producers, the term "sterilized products in hermetically sealed containers," as used in the order to exclude products so designated from the Class I classification, would be changed to "sterile products in hermetically sealed containers." The purpose of the proposal is to clarify the present terminology so that only fluid milk products in containers that can assure sterility could be classified other than as Class I.

Producers indicated that they expect to join in a request for a hearing on a national or regional basis to consider a uniform classification plan under orders. Also, that such contemplated hearing on orders generally would provide a more appropriate basis for considering the classification of sterilized products in hermetically sealed containers than the limited testimony presented on the record of this hearing.

(b) Western Colorado handlers manufacture no yogurt in their plants. Some yogurt is distributed in the marketing area from plants outside the market.

The order does not include yogurt in the Class I classification. Neither does it explicitly state that the skim milk and butterfat used to produce yogurt shall be Class III. Producers proposed that the order should specify a Class III classification for yogurt until a hearing is held to consider the classification of yogurt in a uniform classification plan under orders. There was no opposition to the producers' proposal and no testimony was presented for classifying yogurt in a classification other than Class III. Accordingly, it is concluded that the order should, for the present, specify a Class III classification for yogurt.

7. *Inventory adjustment computation.* The net pool obligation computation adjustment applicable to a handler's inventory of packaged fluid milk products should be discontinued.

A handler's net pool obligation is now increased by the amount that the Class I price value for the current month of packaged fluid milk products in inventory at the end of the preceding month exceeds their Class I price value for the preceding month. When the current month's Class I price is less than that for the preceding month, the handler's net pool obligation on inventory of packaged fluid milk products is decreased.

Producers proposed that the above provision be deleted from the order. They claim that the elimination of this provision would simplify administration of the order. The effect of the provision has been insignificant. Since its inclusion in the order in May 1968, it has had little benefit for either producers or handlers. There was no opposition at the hearing to deleting the provision from the order.

Official notice is taken of the market administrator's monthly statistical summaries and uniform price announcements for May 1968–October 1969. In this 18-month period, the rate of adjustment on Class I packaged inventory was a plus amount in 7 months, a minus amount in 5 months, and zero in 6 months. The adjustment for the 18-month period increased the value of Class I milk in the pool an average of $7 per month. The value of Class I milk pooled averaged $137,000 per month during this period. The average net monthly adjustment of $7 affected the value of Class I milk pooled by 5/1000 of 1 percent. Discontinuing this provision will tend to simplify order administration without adverse effect.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Western Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1134.11 is revised as follows:

§ 1134.11 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(d) A cooperative association with respect to milk of its member-producers which is delivered from the farm to the pool plant of another handler in a truck owned and operated by the association or by a hauler under contract to the association;

(e) A producer-handler or any person who operates an other order plant described in § 1134.61; or

(f) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a), (b), or (e) of this section.

2. Section 1134.13 is revised as follows:

§ 1134.13 Producer-handler.

"Producer-handler" means any person who is an individual partnership or corporation and who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the conditions set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is his sole risk and under his complete and exclusive management and control;

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control; and

(3) Each individual (except, in the case of a sole proprietorship or partnership operation, an individual who is a member of his immediate family) working on such farm(s) is his employee, and such individual does not own, fully or partially, either the cows producing the milk on the farm or the farm on which it is produced;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and is disposed of during the month in the marketing area on routes: *Provided*, That:

(1) No fluid milk products are received at such plant or by him at any other location except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) By direct transfer from pool plants in an amount that is not in excess of the lesser of 5,000 pounds or 5 percent of his Class I sales during the month;

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive or otherwise handle fluid milk products for any other person; and

(3) For the purpose of this section, all fluid milk products disposed of on routes or at stores operated by him or by any person (including the operator of a plant, or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder) or in which he has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store dispositions; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

3. Section 1134.16 is revised as follows:

§ 1134.16 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, filled milk, reconstituted milk or skim milk, fortified milk or skim milk (including "diet" foods), cream (sweet or sour), half and half, or any mixture in fluid form of milk or skim milk and cream (except ice cream mix, frozen dessert mixes, frozen cream, a product which contains 6 percent or more nonmilk fat or oil, aerated cream, eggnog, yogurt, cultured sour mixtures to which cheese or any food substance other than a milk product has been added in an amount not less than 3 percent by weight of the finished product), which are neither sterilized nor in hermetically sealed containers.

4. Section 1134.32 is revised as follows:

§ 1134.32 Other reports.

Each producer-handler, each handler pursuant to § 1134.11(f), each handler required to report under § 1134.61, and each handler making payments under § 1134.62(b) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

5. Section 1134.51(a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I milk price shall be the basic formula price for the preceding month plus $1.80 and plus 20 cents;

* * * * *

6. Section 1134.53(a) is revised as follows:

§ 1134.53 Butterfat differentials to handlers.

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120.

* * * * *

7. Section 1134.70(c) is revised as follows:

§ 1134.70 Computation of net pool obligation of each pool handler.

* * * * *

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I under § 1134.46(a)(6) and the corresponding step of § 1134.46(b), for the current month; and

(2) Multiply the difference between the appropriate Class III price for the preceding month and the appropriate Class II price for the current month by the hundredweight of skim milk and butterfat subtracted from Class II milk under § 1134.46(a)(6) and the corresponding step of § 1134.46(b);

* * * * *

8. Section 1134.71(a) is revised as follows:

§ 1134.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed under § 1134.70 for all handlers who filed the reports prescribed by § 1134.30 for the month and who made the payments under § 1134.84 for the preceding month;

* * * * *

9. A new § 1134.88a is added as follows:

§ 1134.88a Interest payments.

The unpaid obligation of a handler pursuant to §§ 1134.84, 1134.86, 1134.87, and 1134.88 shall be increased 1 percent for each month or portion thereof beginning with the third day following the date by which such obligation was payable: *Provided*, That:

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously made pursuant to this section; and

(b) For the purpose of this section, any obligation that was determined at a date later than that prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Signed at Washington, D.C., on June 12, 1970.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-7644; Filed, June 17, 1970; 8:48 a.m.]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Open Season

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to revise §§ 890.301(d)(2) and 890.306(c) of the Code of Federal Regulations, to provide for a special 2-week open season to enroll employees and annuitants for the Columbia Medical Plan of Columbia, Md. Carriers, and other interested persons, may submit written comments, objections, or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. The proposed amendment is set out below:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* * * *

(2) During the period November 16 to November 30, 1970, an enrolled employee or annuitant living in the enrollment area of the Columbia Medical Plan may change his enrollment from the plan in which he is already enrolled to the Columbia Medical Plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment unless a change of type is otherwise authorized by this part.

* * * * *

§ 890.306 Effective dates.

* * * * *

(c) *Open season.* (1) The effective date of a change in enrollment under § 890.301(d)(2) is the first day of the first pay period beginning on or after January 1, 1971.

* * * * *

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

[F.R. Doc. 70-7655; Filed, June 17, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 91, 95]

[Docket No. 18733; FCC 70-603]

CLASS C STATIONS IN CITIZENS RADIO SERVICE

Further Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 91, and 95 to permit use of 72–76 Mc/s band by Class C stations in Citizens Radio Service for radio control of models, RM-1424.

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

2. On November 7, 1969, the Commission adopted a notice of proposed rule making in this proceeding which was published in the FEDERAL REGISTER on November 15, 1969 (34 F.R. 18313). It was proposed to permit the frequencies in the 72–76 MHz band now available to Class C stations in the Citizens Radio Service for the control of model aircraft only, also to be available for use for the radio control of models of any type. The period for filing comments has expired and all the comments filed have been reviewed.

3. As might be expected, the operators of model boats and cars supported the proposal as a means of getting away from the interference caused by Class D stations on the 27 MHz band. However, strong opposition was expressed by the aircraft modelers, including the Academy of Model Aeronautics. This opposition is predicated primarily on two factors; (a) the greater susceptibility of model aircraft to interference because of their elevation, and (b) the greater potential for damage if interference should occur, i.e., injury to bystanders and total loss of expensive models.

4. Although not necessarily concurring with the aircraft modelers' estimates as to the possible extent of the interference that would be caused through the shared use of these frequencies by other types of modelers, the Commission has reviewed the situation in an effort to find an equitable solution which with cooperation from both groups would minimize interference possibilities. The instant further notice of proposed rule making reflects that effort.

5. It is now proposed to amend Parts 2, 91, and 95 of the Commission's rules so that three of the five 72–76 MHz frequencies currently reserved for model aircraft control would remain available only to aircraft modelers; to frequencies would be shared by all types of modelers; and two new frequencies in the 72–76 MHz band would be made available for the control of models other than aircraft. Thus, the frequencies 72.08, 72.24, and 75.64 MHz would be available for the radio control of model aircraft only; 72.40

and 72.96 MHz would be available for the radio control of models of any type; and 72.16 and 72.32 MHz would be available for the radio control of any type of model other than model aircraft.

6. Authority for the proposed rule amendments set forth below is contained in sections 4(i) and 303 of the Communications Act.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 21, 1970, and reply comments on or before September 10, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 10, 1970.

Released: June 12, 1970.

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

* * * * *

I. Amend Part 2, § 2.106, as indicated below: Existing footnote NG56 is amended to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

NG56 The frequencies 72.08, 72.16, 72.24, 72.32, 72.40, 72.96, and 75.64 MHz may be authorized for low powered (1 watt input) mobile operations in the Citizens Radio Service for radio control of models subject to the condition that interference will not be caused to remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television stations operating on Channels 4 or 5. TV interference shall be considered to occur whenever reception of regularly used television signals is impaired or destroyed, regardless of the strength of the television signals or the distance to the television station.

* * * * *

II. Proposed amendment to Part 91, Industrial Radio Services.

The table in § 91.730(a) of the Commission's rules is amended to include "13" in the list of limitations after the frequencies 72.16 and 72.32 MHz and § 91.730(b)(13) is amended as follows:

§ 91.730 Frequencies available.

* * * * *

(b) * * *

(13) This frequency is shared with Class C station in the Citizens Radio Service which are used solely for the radio control of models.

* * * * *

III. Proposed amendments to Part 95, Citizens Radio Service.

1. In § 95.3(b), the definition of Class C station is amended to read as follows:

§ 95.3 Definitions.

* * * * *

(b) * * *

Class C station. A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 26.96–27.23 Mc/s band, or on the frequency 27.255 Mc/s for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72–76 Mc/s band for the radio control of models used for hobby purposes only.

* * * * *

2. Section 95.41(c)(2) is amended to read as follows:

§ 95.41 Frequencies available.

* * * * *

(c) * * *

(2) Subject to the conditions that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on Channels 4 or 5; and that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies in the band, the following frequencies are available solely for the radio remote control of models used for hobby purposes:

(i) For the radio remote control of aircraft models only:

72.08 Mc/s 72.24 Mc/s 75.64 Mc/s

(ii) For the radio remote control of non-aircraft models only:

72.16 Mc/s 72.32 Mc/s

(iii) For the radio remote control of aircraft and non-aircraft models:

72.40 Mc/s 72.96 Mc/s

* * * * *

[F.R. Doc. 70-7681; Filed, June 17, 1970; 8:51 a.m.]

[47 CFR Part 73]

[Docket No. 18877; FCC 70-615]

INCLUSION OF CODED INFORMATION IN TRANSMISSIONS OF RADIO AND TV STATIONS

Notice of Proposed Rule Making

In the matter of amendment of Part 73 of the Commission's rules and regulations to permit the inclusion of coded information in the aural transmissions of radio and TV stations for the purpose of program identification, RM-1589.

1. This notice is issued in response to a petition filed on March 31, 1970, by Audicom Corp., which requests amendment of Part 73 of the Commission's rules and regulations for standard broadcast stations, FM and noncommercial FM broadcast stations, and television broadcast stations to permit the transmission, simultaneously with aural program material, of brief, allegedly inaudible signals of specified characteristics carrying program identification information in coded form, intended for interception and use at monitoring stations in the provision of an independent, largely automatic electronic program and commercial identification service.

2. In particular, the "Submerged Signalling" technique advocated by Audicom involves the transmission of program identification information by a frequency-shift keyed signal in a "window" approximately 60 c/s wide, obtained by filtering out program material over this narrow band of frequencies at some point in the aural spectrum above 2500 c/s. The transmission occurs at a level "50 db or more below program content." The "window" is cut in the program material for an interval of time only long enough to permit the transmission of signals to activate and deactivate the recording mechanism and to transmit the identification code—a total time of about 2 seconds for each transmission.

3. It is alleged that the momentary loss of a portion of the program content is minor in effect—that the average loudspeaker has sharp fluctuations in response over its frequency range which are of more significance. The transmission characteristics and low level of the identification signal itself are expected to make it inaudible to the broadcast audience.

4. This technique can be employed in any broadcast service, either on a standard broadcast station, an FM station, or in the aural channel of a television station. The petitioner states that the coded signals would be imposed on a tape or tape cartridge of a commercial or program distributed for broadcast use, or in the aural channel of a video tape or the sound track of motion picture film used by television broadcast stations.[1]

5. The transmitted coded identification information would be intercepted by monitors strategically located to pick up signals of stations in each area.[2] The information received by each monitor would be stored and periodically transmitted by telephone lines to a central location, where information would be assembled and analyzed by computer, and printouts provided for entities needing the information.

6. In the report and order in Docket 18605 (FCC 70-386) adopted April 15, 1970, we amended our rules to permit the inclusion of signals in television picture transmissions for the purpose of providing a means for electronically identifying television programs and spot announcements. In that document, we found that the service made possible by the rule amendment would be of great value to a number of entities deeply involved in the production of the program fare utilized by television broadcast stations, and even

[1] Chairman Burch absent.

[1] In addition, it is stated, the system may be applied to the coding of phonograph records, and if need arises, any uncoded recorded or live program material may be coded at the time of broadcast by an announcer with the use of a 10 key manual coding mechanism.

[2] For television monitoring, other equipment not requiring the transmission of special signals would verify that a picture was being simultaneously broadcast, and whether it was in monochrome or color.

though the transmissions involved were of a nonbroadcast nature, the economy, convenience and efficiency of broadcasting would be enhanced by authorization of the service, and the public interest served.

7. The basic purpose of the nonbroadcast transmissions proposed by Audicom is the same as that which is served by the visual identification system which was the subject of the above-mentioned proceeding. Therefore, we need not again review the question of whether the transmission of coded program identification information on broadcast frequencies, per se, is in the public interest. We have found that it is.

8. On the other hand, the fact that this may be so does not require that we authorize a multiplicity of otherwise technically acceptable systems to accomplish the same end. Since an effective program identification system requires the incorporation of the identification code in the program material, and the transmission of the code, together with the program material, the basic broadcast service is, to some degree, affected. For a particular system, the effect may be found to be de minimis. Nevertheless, the unlimited proliferation of various kinds of identification systems, each, in itself, causing minimal program degradation is, in the aggregate, undesirable.

9. In the instant case, however, we believe the Audicom system, as an alternative to the visual system which we have authorized, deserves serious consideration since it is adaptable to all methods of broadcasting, and appears relatively simple and inexpensive in application.

10. The petitioner does not indicate that the system has been field tested, nor has it submitted any other evidence that the system can, in fact, be employed without adverse effect on the broadcast service, a requirement which we consider essential. Audicom, however, has indicated its intention to engage in on-the-air tests and to provide the Commission with information to substantiate its claims on this point.[3]

11. Such tests should also demonstrate that the system can, in actual application, effectively and reliably perform its intended function. While our principal concern is that it be proven the system will function without resulting program degradation, we do not lightly authorize the transmission of nonbroadcast signals on broadcast frequencies, and we intend to limit the employment of such signals to those uses clearly and effectively serving the public interest.

12. Accordingly, before this proceeding is concluded we expect the petitioner, and invite others who may be interested, pursuant to Commission authorization to conduct on-the-air tests of the system, and to file in this proceeding reports of the results of such tests. Interested parties will be afforded an opportunity to comment on the proposal in the light of the information contained in these reports.

13. The petitioner has not stated its intentions should the proposed transmissions be authorized—whether it plans to establish a monitoring service employing the system, is interested in the manufacture and sale of equipment, and/or intends to license others to manufacture it under patents it may hold or for which it has applied. Our interest in these matters is, of course, that we wish to make certain that the use of the system will not be controlled by one entity to a degree contrary to the public interest. We invite comments by the petitioner on these points.

14. Audicom has proposed the text for rule amendments which would authorize the transmission of the aural identification signals for insertion at appropriate locations in the standard broadcast, FM broadcast and television broadcast rules, which read as follows:

> The modulation of the [aural] carrier may contain coded signals in a channel no more than 60 Hz in width, located at a frequency above 2500 Hz, at a db level at least 50 db below program content, for the transmission of frequency-shift telegraphy of coded signals for the electronic identification of program material (the bracketed material is contained only in the proposed rule amendment for television broadcast stations).[4]

15. We believe that certain modifications in the proposed amendments are desirable, and offer the following substitute:

> The [aural] carrier may be frequency modulated by a signal with an occupied bandwidth no greater than 60 c/s, a center frequency of 3000 c/s, and a level not exceeding minus 50 decibels with respect to the level for 100 percent modulation, for the transmission of coded information necessary for the electronic identification of programs and spot announcements. No single transmission of the coded information shall exceed 2 seconds in duration. Such transmission shall not cause significant degradation of broadcast transmission.

16. The changes in substance we propose are aimed toward:

(a) Defining more specifically the relationship of the identification signal to the aural program spectrum in which it is inserted.

(b) Retaining the maximum degree of flexibility in the technical characteristics of the identification signal, subject to the restraints imposed by limitations on the type of modulation, bandwith and level.

(c) Limiting the duration of each coded transmission to that necessary to convey the necessary identification information.

(d) Imposing an overriding requirement that the transmission of the identification signal not cause program degradation.

17. We think it desirable that the location of the identification signal in the audio spectrum be fixed. Not only should this be helpful in standardizing the identification system, but it should contribute to more reliable operation of the system. It should be noted that the national networks employ various frequencies in the audio spectrum for internal signaling. While, because of its low level, the idenwe have proposed a frequency of 3000 c/s fere with such network signals, the reverse may not be true—a network signal falling in the "window" provided for the identification signal might induce false indications at the monitor. While we have proposed a frequency of 300 c/s for the center frequency, it has been selected on no other basis than that it is above 2500 c/s, and is well below cutoff for the lowest grade network lines commonly employed. We invite comments as to the specific frequency which should be employed.

18. The bandwidth restriction placed on the identification signal is such as to limit the rate at which information can be transmitted approximately to that which can be transmitted at 60 words per minute by a teletypewriter operating in a frequency shift mode. However, it seems unnecessary to restrict the method of information transmission to "frequency shift telegraphy" when other digital methods not falling strictly within the definition of this term may be employed. Accordingly, we do not use the term in our version of the proposed amendment.

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

20. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 21, 1970, and reply comments on, or before October 1, 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.

21. 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: June 10, 1970.

Released: June 12, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[5]

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

[F.R. Doc. 70-7682; Filed, June 17, 1970; 8:51 a.m.]

[3] In connection with the proceeding in Docket 18605, a public demonstration of the "Submerged Signaling" technique was given at the Commission's offices on Jan. 20, 1970. (See public notice of Dec. 31, 1969 [42558].) This was a "bench test", utilizing a tape input, rather than an off-the-air signal.

[4] The petitioner has also proposed specific locations of this amendment in the various subparts of Part 74. We do not necessarily accept its proposal in this respect. However, this is a minor problem, which should not affect the course of this proceeding.

[5] Chairman Burch absent.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

THURE W. ABRAHAMSON

Notice of Granting of Relief

Notice is hereby given that Thure W. Abrahamson, 1815 East 10th Street, Duluth, Minn., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 26, 1933, in the St. Louis County Court, Duluth, Minn., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thure W. Abrahamson because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Thure W. Abrahamson to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thure W. Abrahamson's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Thure W. Abrahamson be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of June 1970.

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

[F.R. Doc. 70-7645; Filed, June 17, 1970; 8:48 a.m.]

JAMES LUTHER BOONE

Notice of Granting of Relief

Notice is hereby given that James Luther Boone, 1024 Blandy Avenue, Richmond, Va. 23225, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on December 12, 1963, in the Hustings Court, Richmond, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Luther Boone because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for James Luther Boone to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Luther Boone's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James Luther Boone be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

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

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

[F.R. Doc. 70-7646; Filed, June 17, 1970; 8:48 a.m.]

JAMES EDWARD CANNON

Notice of Granting of Relief

Notice is hereby given that James Edward Cannon, 804 16th Street SE., Cedar Rapids, Iowa 52403, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 19, 1961, by an Air Force General Court Martial, and his conviction on February 23, 1968, in the Iowa State District Court, Cedar Rapids, Iowa, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James Edward Cannon because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Mr. Cannon to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James Edward Cannon's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That James Edward Cannon be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 11th day of June 1970.

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

[F.R. Doc. 70-7647; Filed, June 17, 1970; 8:48 a.m.]

DOSSIE LATIMORE

Notice of Granting of Relief

Notice is hereby given that Dossie Latimore, 258 Elmhurst Street, Highland Park, Mich. 48203, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 2, 1943, in the Superior Court, Muscogee County, Ga., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dossie Latimore because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dossie Latimore to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dossie Latimore's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Dossie Latimore be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of June 1970.

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

[F.R. Doc. 70-7648; Filed, June 17, 1970; 8:48 a.m.]

ZELLA INEZ STEELE

Notice of Granting of Relief

Notice is hereby given that Zella Inez Steele, Route 1, Box 1110, Prairie, Miss. 39756, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of her conviction on September 23, 1960 in the U.S. District Court for the Northern District of Mississippi, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Zella Inez Steele because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and she would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Zella Inez Steele to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mrs. Steele's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Zella Inez Steele be, and she hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

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

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

[F.R. Doc. 70-7649; Filed, June 17, 1970; 8:48 a.m.]

RICHARD MARTIN WELLER

Notice of Granting of Relief

Notice is hereby given that Richard Martin Weller, 27 Earl Lane, Rothsville, Pa., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on March 16, 1960, in the Lancaster County Court, Lancaster, Pa., and on February 13, 1962, in York County Court, York, Pa., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard Martin Weller, because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 United States Code, Appendix) because of such convictions it would be unlawful for Mr. Weller, to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Richard Martin Weller's application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Richard Martin Weller from disabilities incurred by reason of his convictions, would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Richard Martin Weller be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

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

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

[F.R. Doc. 70-7650; Filed, June 17, 1970; 8:48 a.m.]

JOSEPH ZEPPA

Notice of Granting of Relief

Notice is hereby given that Joseph Zeppa, 7360 Katherine Street, Taylor, Mich. 48180, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on September 21, 1932 and December 1, 1933, in the Circuit Court of Mount Clemens, Mich., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Joseph Zeppa because of such convictions, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of

1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Mr. Zeppa to receive, possess, or transport in commerce or affecting commerce any firearm.

Notice is hereby given that I have considered Joseph Zeppa's application and:

(1) I have found that the convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Joseph Zeppa be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

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

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

[F.R. Doc. 70-7651; Filed, June 17, 1970; 8:48 a.m.]

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF INADEQUATE EXCESS PROFITS CREDIT

Allowance During Fiscal Year Ended June 30, 1970

As required by section 6105 of the 1954 Internal Revenue Code the following list, containing one case in which relief under section 722 of the 1939 Code has been allowed, shows the name and address of the corporation to which relief has been allowed, business engaged in, taxable years involved, excess profits credit allowed, decrease in excess profits tax, and increase in income tax. The allowance pursuant to a decision entered by the U.S. Tax Court has been made in the docketed case shown below with appropriate notations.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

A table of lists containing cases in which relief has been allowed for prior fiscal years is shown at 31 F.R. 214, November 3, 1966.

Name and address of taxpayer: Southern Natural Gas Co., Watts Building, Birmingham, Ala.; Business in which engaged: Operation of natural gas pipeline system and sale of gas; taxable year ended: December 31, 1940; excess profits credit before allowance of relief: $1,643,599.85; increase in the amount of excess profits credit claimed by taxpayer: $758,950.05; increase in the amount of excess profits credit allowed: $59,181.16; gross reduction in the excess profits (subchapter E) tax resulting from the operation of section 722: $17,918.23; gross increase in the income (chapter 1) tax resulting from the operation of section 722: None.

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

[F.R. Doc. 70-7652; Filed, June 17, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Board of Mine Operations Appeals

[Docket No. H 70-417]

CARBON FUEL CO.

Petition for Modification of Safety Standard

Notice is hereby given that the Board has before it the above-captioned petition for modification of section 317(f)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173) filed by the Carbon Fuel Co.

Petitioner, The Carbon Fuel Co., under the authority of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173) and Subpart D, Part 301 of the regulations (35 F.R. 5256) requests modification of section 317(f)(4) of the Act as it relates to the longwall mining system employed in its No. 20 Mine at Carbon, W. Va.

Section 317(f)(4) of the Act states: "In the case of all coal mines opened on or after the operative date of this title, and in the case of all new working sections opened on or after such date in mines opened prior to such date, the escapeway required by this section to be ventilated with intake air shall be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section, except that the Secretary or his authorized representative may permit such separation to be extended for a greater or lesser distance so long as such extension does not pose a hazard to the miners."

Petitioner, describing his present mining system, states that: "This mine produces coal in part by the longwall system of mining and in part by conventional and continuous mining systems. The former utilizes a longwall planer. The latter utilizes mobile cutting machines, loading machines, shuttle cars, coal drills, and roof drills. The mine is ventilated by a negative pressure or exhaust system. In the longwall mining, three entries are maintained, one of which is used for a continuous belt for the transportation of coal, one of which is used for an electric trolley and a track upon which cars are operated for haulage of supplies and transportation of men and which is used for an escapeway, and the third of which entries is used for return air and for a second escapeway. Ventilation air enters the mine through the belt entry through the track entry and comes out of the mine through the third or return entry. This system of ventilating the portion of the mine in which longwall mining is carried on is the best, the safest and the only feasable [sic] system of ventilating such portion of the mine."

Petitioner contends that application of the requirements of section 317(f)(4) of the Act would prevent the use of a preplanned three-entry system of long wall mining (one for belt, one for track and one for return air), and would therefore result in diminution of safety to the miners.

In support of its contention petitioner argues: "Experience with longwall mining at the No. 20 Mine since 1963 has demonstrated that a carefully predetermined number and size of pillars for the retreat system of longwall mining is essential to maintain open tail entry for safe travel and an adequate airway. Leaving additional pillars, increasing pillar size, and increasing the span or breadth of entry development for the retreat longwall system has resulted in deterioration of tail entry during retreat to the extent that the passage of air has been curtailed and the travelway destroyed. This condition is the direct result of the abutment load of the pressure arch formed from a point of support in the subsided or caved area to the solid unmined block of coal. Stratigraphic study of the material above the coal bed shows a lamination of shale, coal and thin layers of sandstone up to 60 feet thick and above this two massive bands of sandstone. As the progressively increasing abutment load exerts pressure on the pillars adjacent to the caved area, the weak, laminated immediate roof 'squeezes out' from over the pillars into the open entries, causing a blockage. To resolve this problem, a reduction in number and size of pillars was necessary to the extent that the pillars adjacent to the caved area would crush or yield thereby shifting the main resistance or support of the abutment load to the solid unmined block of coal. Extensive study and experimentation following a series of tail entry failures have led to the entry development plan now being employed. The increas. in number of entries required to comply with section 317(f)(4) would ultimately result in destruction of a reliable ventilation system and secondary escapeway for the longwall mining section."

Therefore, pursuant to the provisions of section 301(c) of the Act, the § 301.31 of the regulations, opportunity is hereby given to interested parties to present information relating to the modification herein proposed by filing comments regarding such proposal with the Board of Mine Operations Appeals, Office of Hearings and Appeals, Washington, D.C. 20240, within twenty (20) days from the

date of publication of this notice in the FEDERAL REGISTER. Reply comments may be filed within ten (10) days thereafter. The original and two (2) copies of comments and reply comments shall be filed. Parties filing comments and/or reply comments must set forth the nature of their interest which will assist the Board in a determination of the issues presented by the petition. All comments and replies must be verified. At any time within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER any interested party may request a public hearing on this petition. A copy of the petition is available for inspection by interested parties in the offices of the Board of Mine Operations Appeals, Washington, D.C.

BOARD OF MINE OPERATIONS APPEALS,
C. E. ROGERS, Jr.,
Chairman.

JUNE 9, 1970.

[F.R. Doc. 70-7636; Filed, June 17, 1970; 8:47 a.m.]

Bureau of Land Management

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 39

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 15 S., R. 45½ E.,
Sec. 13.
T. 16 S., R. 45½ E.,
Secs. 24, 25, and 36.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 5 N., R. 1 W.,
Sec. 3, NW¼ and S½;
Secs. 4 to 10, inclusive;
Sec. 16, N½ and SW¼;
Secs. 17 to 20, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70-7600; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

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CALIFORNIA PROTRACTION DIAGRAM NO. 59

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 16 S., R. 37 E.,
Secs. 1 to 3, inclusive;
Sec. 4, E½ and E½NW¼, excluding mineral surveys;
Sec. 10, N½ and SE¼, excluding mineral surveys;
Sec. 11, excluding mineral surveys;
Secs. 12 and 13;
Sec. 14, N½ and SE¼, excluding mineral surveys;
Sec. 24, N½ and SE¼, excluding mineral surveys.
T. 16 S., R. 38 E.,
Sec. 1;
Sec. 2, excluding mineral surveys;
Secs. 3 to 12, inclusive;
Sec. 13, excluding mineral surveys;
Sec. 14, excluding mineral surveys;
Secs. 15 to 18, inclusive;
Sec. 19, excluding mineral surveys;
Secs. 20 to 22, inclusive;
Sec. 23, excluding mineral surveys;
Sec. 24, excluding mineral surveys;
Secs. 25 to 29, inclusive;
Sec. 32, E½ and E½NW¼;
Secs. 33 to 36, inclusive.
T. 17 S., R. 38 E.,
Secs. 1 to 3, inclusive;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 18 S., R. 38 E.,
Secs. 1 and 2;
Sec. 3, NE¼ and S½;
Secs. 10 to 15, inclusive;
Sec. 21, NE¼ and S½;
Secs. 22 to 28, inclusive;
Secs. 33 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70-7601; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 64

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 16 S., R. 40 E.,
Secs. 1 to 36, inclusive.
T. 16 S., R. 41 E.,
Secs. 1 to 36, inclusive.
T. 16 S., R. 42 E.,
Secs. 1 to 36, inclusive.
T. 17 S., R. 41 E.,
Secs. 1 to 35, inclusive.
T. 17 S., R. 42 E.,
Secs. 1 to 5, inclusive;
Sec. 6, N½;
Sec. 8, N½;
Sec. 9, N½ and SE¼;
Secs. 10 to 14, inclusive;
Sec. 15, N½ and SE¼;
Secs. 23, 24, and 25;
Sec. 26, N½ and SE¼;
Sec. 35, E½;
Sec. 36.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70-7602; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 65

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 13 S., R. 42 E.,
Secs. 1 to 36, inclusive.
T. 13 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 42 E.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 15 S., R. 42 E.,
Secs. 1 to 36, inclusive.
T. 15 S., R. 43 E.,
Secs. 1 to 36, inclusive

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7603; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 66

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 16 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 16 S., R. 44 E.,
Secs. 1 to 36, inclusive.
T. 16½ S., R. 44 E.,
Secs. 25 to 36, inclusive.
T. 17 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 17 S., R. 44 E.,
Secs. 1 to 22, inclusive;
Sec. 23, excluding mineral surveys;
Secs. 24, 25, and 26, excluding mineral surveys;
Secs. 27 to 36, inclusive.
T. 18 S., R. 43 E.,
Secs. 1 to 36, inclusive.
T. 18 S., R. 44 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant,
Land Office Manager.

[F.R. Doc. 70-7604; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 67

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 19 S., R. 43 E.,
Secs. 1 to 3, inclusive;
Sec. 4, NE¼NE¼;
Sec. 10, N½ and SE¼;
Secs. 11 to 13, inclusive;
Sec. 14, N½ and SE¼;
Sec. 15, NE¼;
Sec. 23, NE¼;
Sec. 24, N½ and SE¼.
T. 19 S., R. 44 E.,
Secs. 1 to 12, inclusive;
Sec. 13, excluding mineral survey;
Secs. 14 to 23, inclusive;
Sec. 24, excluding mineral survey;
Secs. 25 to 34, inclusive;
Sec. 35, excluding mineral survey;
Sec. 36, excluding mineral surveys.
T. 20 S., R. 44 E.,
Secs. 1 to 6, inclusive;
Sec. 7, N½ and SE¼;
Secs. 8 to 16, inclusive;
Sec. 17, N½ and SE¼;
Sec. 21, N½ and SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Secs. 35 and 36.
T. 21 S., R. 43 E.,
Sec. 7, SW¼NW¼ and W½SW¼;
Sec. 18, W½W½;
Sec. 19, NW¼NW¼;
Sec. 31, W½.
T. 21 S., R. 44 E.,
Secs. 1 and 2;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, NE¼;
Secs. 23, 24, and 25;
Sec. 26, N½ and SE¼;
Sec. 35, E½;
Sec. 36.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7605; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 70

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 S., R. 35 E.,
Secs. 1 to 36, inclusive.
T. 10 S., R. 36 E.,
Sec 20, NE¼ and S½;
Sec. 21;
Sec. 22, NW¼ and S½;
Sec. 26, W½ and SE¼;
Secs. 27 to 35, inclusive;
Sec. 36, W½ and SE¼.
T. 11 S., R. 36 E.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 35 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Sec. 16, N½ and SE¼;
Sec. 21, E½;
Secs. 22 to 24, inclusive.
T. 12 S., R. 36 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land
Office Manager.

[F.R. Doc. 70-7606; Filed, June 17, 1970; 8:45 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 77

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 28 N., R. 2 E.,
Secs. 1 and 2;
Sec. 3, NW¼ and S½;
Sec. 4, NE¼ and S½;
Sec. 5, S½;
Sec. 7, E½;
Secs. 8 to 12, inclusive;
Sec. 13, N½ and SW¼;
Sec. 14, N½ and SE¼;
Secs. 15 and 16;
Sec. 17, N½ and SE¼;
Sec. 18, NE¼;
Sec. 20, NE¼ and S½;
Secs. 21 to 23, inclusive;
Sec. 24, NW¼ and S½;
Secs. 25 to 29, inclusive;
Sec. 30, E½;

Sec. 31, E½;
Sec. 32;
Sec. 33, N½ and SW¼;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½.
T. 28 N., R. 3 E.,
Sec. 4, W½SE¼, excluding mineral surveys;
Secs. 5 to 7, inclusive;
Sec. 8, excluding mineral surveys;
Secs. 9, 10, and 14;
Secs. 15 to 23, inclusive;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½.
T. 29 N., R. 1 E.,
Sec. 1;
Secs. 2 and 3, excluding mineral surveys;
Secs. 4 and 5;
Sec. 6, N½ and SE¼, excluding mineral survey;
Sec. 12, N½ and SE¼.
T. 29 N., R. 2 E.,
Sec. 5, W½;
Secs. 6 and 7;
Sec. 8, W½ and SE¼;
Sec. 9, SW¼;
Secs. 13 and 14;
Sec. 16, W½ and SE¼;
Sec. 17;
Sec. 18, N½ and SE¼;
Sec. 20, N½ and SE¼;
Sec. 21;
Sec. 22, W½;
Secs. 23 to 26, inclusive;
Sec. 27, NW¼ and S½;
Sec. 28;
Sec. 29, NE¼ and S½;
Sec. 31, E½;
Sec. 32, N½ and SW¼;
Sec. 33, N½;
Sec. 34, N½;
Secs. 35 and 36.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70–7607; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved March 16, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 78
SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 27 N., R. 2 E.,
Secs. 1 to 3, inclusive;
Sec. 4, NE¼, S½;
Sec. 9, N½ and SE¼;
Secs. 10 to 14, inclusive;
Sec. 23, N½ and SE¼;
Sec. 24, excluding mineral surveys.
T. 27 N., R. 3 E.,
Sec. 2, W½;
Secs. 3 to 10, inclusive;
Sec. 11, W½ and SE¼;
Sec. 13, W½ and SE¼;
Secs. 14 to 28, inclusive;
Sec. 29, N½ and SE¼;
Sec. 35, N½, excluding mineral surveys;
Sec. 36, N½.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70–7608; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 84
MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 19 S., R. 47½ E.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 20 S., R. 46 E.,
Secs. 1 to 36, inclusive.
T. 20 S., R. 47½ E.,
Sec. 6, 7, 18, 19, 30, and 31.
T. 21 S., R. 47 E.,
Secs. 5 to 8, inclusive;
Sec. 17, N½, SW¼, W½SE¼, W½E½SE¼;
Sec. 18;
Sec. 87;
Secs. 38 and 39.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70–7609; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTECTION DIAGRAM NO. 90
MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 S., R. 35 E.,
Sec. 1;
Sec. 12;
Sec. 13, N½ and SE¼;
Sec. 35, NE¼ and S½;
Sec. 36.
T. 17 S., R. 36 E.,
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 34, inclusive;
Sec. 35, NW¼ and S½.
T. 18 S., R. 35 E.,
Secs. 1 and 2;
Sec. 3, E½;
Sec. 10, E½;
Secs. 11 to 15, inclusive;
Sec. 16, NE¼ and S½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½ and SE¼;
Sec. 24;
Sec. 25, N½ and SW¼;
Sec. 26, E½.
T. 18 S., R. 36 E.,
Secs. 2 to 11, inclusive;
Sec. 13, W½;
Secs. 14 to 23, inclusive;
Sec. 24, W½;
Secs. 26 to 35, inclusive.
T. 19 S., R. 35 E.,
Sec. 12, NE¼ and S½;
Sec. 13;
Sec. 23, NE¼ and S½;
Secs. 24 to 26, inclusive;
Sec. 35, N½ and SE¼;
Sec. 36.
T. 19 S., R. 36 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 33, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant Land Office Manager.

[F.R. Doc. 70–7610; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 91

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 15 S., R. 33 E.,
Secs. 1 to 36, inclusive.
T. 15 S., R. 34 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 36, inclusive.
T. 15 S., R. 35 E.,
Sec. 31.
T. 16 S., R. 33 E.,
Secs. 1 to 36, inclusive.
T. 16 S., R. 34 E.,
Secs. 1 to 36, inclusive.
T. 16 S., R. 35 E.,
Secs. 5 to 9, inclusive;
Secs. 15 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 16½ S., R., 33 E.,
Secs. 31 to 36, inclusive.
T. 16½ S., R. 34 E.,
Secs. 31 to 36, inclusive.
T. 16½ S., R. 35 E.,
Secs. 31 to 35, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7611; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved February 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 92

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 S., R. 33 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½;
Sec. 11, N½;
Sec. 12, N½;
Sec. 28, E½SW¼ and SE¼;
Sec. 33, E½NW¼ and NE¼.
T. 17 S., R. 34 E.,
Sec. 6, NW¼ and S½;
Secs. 7 and 18;
Sec. 19, N½ and SW¼.
T. 19 S., R. 33 E.,
Sec. 21, S½;
Sec. 28, N½.
T. 19 S., R. 34 E.,
Sec. 3, NW¼ and S½;
Secs. 4 to 9, inclusive;
Sec. 10, N½ and SW¼;
Sec. 14, S½;
Sec. 15, NW¼ and S½;
Secs. 16 to 23, inclusive;
Secs. 26 to 34, inclusive;
Sec. 35, N½ and SW¼.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7612; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved January 27, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 93

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 S., R. 33 E.,
Secs. 2 to 36, iclusive.
T. 12 S., R. 34 E.,
Secs. 7, 18, 19, 30, and 31.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7613; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Filing of State Protraction Diagram

JUNE 12, 1970.

Notice is hereby given that effective August 3, 1970, the following protraction diagram, approved April 24, 1970, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 95

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 9 S., R. 30 E.,
Sec. 1, N½N½, S½NE¼;
Sec. 2, N½NE¼;
Sec. 3, NW¼;
Sec. 4, NE¼.
T. 9 S., R. 31 E.,
Secs. 1 to 36, inclusive.
T. 9½ S., R. 31 E.,
Secs. 31 to 36, inclusive.
T. 10 S., R. 31 E.,
Secs. 1 to 36, inclusive.
T. 10 S., R. 31½ E.,
Secs. 1, 12, 13, 24, 25, and 36.
T. 10 S., R. 32 E.,
Secs. 1 to 36, inclusive.

Copies of this diagram are for sale at $2 each by the Cadastral Engineering Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room F-2820, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

RICHARD F. CHUMLEY,
Acting Assistant
Land Office Manager.

[F.R. Doc. 70-7614; Filed, June 17, 1970; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 11, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S 3721 for the withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry and patenting under the U.S. mining laws only (30 U.S.C., Ch 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for the Bootleg, Twin Creeks, and Silver Creek campgrounds as public recreation sites along California State Highways Nos. 4 and 395 in Mono and Alpine Counties.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior,

Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TOIYABE NATIONAL FOREST

Bootleg Campground

T. 7 N., R. 23 E.,
Sec. 28, N½SE¼ and SE¼SE¼.

Twin Creeks Campground

T. 9 N., R. 20 E.,
Sec. 28, lot 3, SE¼NE¼SW¼, NE¼SE¼SW¼, and NW¼SW¼SE¼.

Silver Creek Campground

T. 9 N., R. 20 E.,
A tract of land described by metes and bounds as: Beginning at a point at the southwest corner of the Raymond Meadow bridge on California State Highway 4 in the SW¼ of Sec. 28, T. 9 N., R. 20 E.; thence due west 9 chains; thence due south 19.43 chains; thence due east 10 chains; thence north 16° east 20.12 chains; thence due west 6.50 chains to the southwest corner of the Raymond Meadows bridge, the place of beginning; unsurveyed but what probably will be, when surveyed, as shown by approved California Protraction Diagram No. 125, Zone III, of May 29, 1969, within the S½SE¼SW¼ Sec. 28, and within the NE¼NW¼ Sec. 33, containing approximately 24.80 acres.

The areas described aggregate approximately 214.18 acres in Mono and Alpine Counties.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 70-7631; Filed, June 17, 1970; 8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 11, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S 3734 for the withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry, and patenting under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for the Convict Flat Recreation Site within the Tahoe National Forest in order to insure full public use of the existing recreation improvements and the proposed facilities to be constructed and maintained by the Forest Service.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

Convict Flat Recreation Site

T. 19 N., R. 9 E.,
Sec. 10, SE¼NE¼SW¼, N½NE¼SE¼SW¼, SW¼NW¼SE¼, and N½NW¼SW¼SE¼.

The area described contains approximately 30 acres in Sierra County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 70-7702; Filed, June 17, 1970; 8:52 a.m.]

[Montana 11512]

MONTANA

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

JUNE 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for transfer out of Federal ownership. As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. One comment was received in response to the notice of proposed classification published in the FEDERAL REGISTER (34 F.R. 189) dated September 26, 1969. This comment, from the Chief Field Agent, State of Montana, Department of State Lands and Investments, requested that certain additional lands be considered for transfer out of Federal ownership through state selection (43 U.S.C. 851, 852). The additional lands in this request that were proposed for classification for transfer out of Federal ownership through public sale under section 2455 of the revised statute (43 U.S.C. 1171) are considered suitable for transfer through state selection. The additional lands in the State's request that were proposed for classification for transfer out of Federal ownership through exchange under authority of section 8 of the Taylor Grazing Act (43 U.S.C. 315g) will not be changed because of previous exchange commitments consistent with an on-going Federal program.

3. Information obtained from field data, discussions with the public and other sources indicate that the lands described in paragraph 6 meet the criteria of 43 CFR 2410.1-3(c)(3) authorizing classification for sale under the Recreation and Public Purposes Act (43 U.S.C. 869); that the lands described in paragraph 7 meet the criteria of 43 CFR 2410.1-3(c)(2) which authorizes classification for transfer to a State in satisfaction of a State land grant (R.S. 2275, 2276); that the lands described in paragraph 8 meet the criteria of 43 CFR 2410.1-3(e) which authorizes classification for sale under the Public Sale Act (R.S. 2455) (43 U.S.C. 1171); and that the lands described in paragraph 9 meet the criteria of 43 CFR 2410.1-3(c)(4) which authorizes classification for disposal by exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

4. Publication of this notice has the effect of segregating the public lands from all forms of disposal under the public land laws, including the mining laws, except the 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 mineral and vegetative resources, other than under the mining laws.

5. The public lands affected by this classification are shown on maps on file and available for inspection in the Dillon District Office, 228 North Idaho Street, Dillon, Mont., and in the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont.

6. The public lands described in this paragraph are classified for transfer out of Federal ownership under provisions of the Recreation and Public Purposes Act (43 U.S.C. 869).

PRINCIPAL MERIDIAN, MONTANA

T. 1 N., R. 1 W.,
Sec. 24, SW¼NE¼ (that portion in Gallatin County).
T. 2 N., R. 1 E.,
Sec. 26, lot 1.
T. 2 S., R. 2 E.,
Sec. 6, lots 2, 3, 7, 10, and 13.

The land described aggregates 192.75 acres.

7. The public lands described in this paragraph are classified for transfer out of Federal ownership through State Selection (43 U.S.C. 851, 852).

PRINCIPAL MERIDIAN, MONTANA

T. 3 N., R. 3 E.,
Sec. 26, N½NE¼, E½SE¼, SW¼SE¼, N½NW¼, and SW¼NW¼;
Sec. 34, SE¼SW¼.
T. 4 N., R. 3 E.,
Sec. 12, E½ and E½W½;
Sec. 26, SW¼SE¼.
T. 3 N., R. 4 E.,
Sec. 6, N½, SW¼, S½SE¼, and NW¼SE¼;
Sec. 8, E½.
T. 4 N., R. 4 E.,
Sec. 6, W½SE¼ and SE¼SE¼;
Sec. 8, SE¼ and E½NE¼;
Sec. 10, W½;
Sec. 18, lots 1 to 4, inclusive, E½W½, W½E½, and SE¼SE¼;
Sec. 20, N½ and SW¼;
Sec. 29, lot 1, NW¼NE¼, and NE¼NW¼;
Sec. 30, lots 1 to 4, inclusive, NE¼, NE¼SE¼, SE¼SW¼, and E½NW¼.
T. 1 S., R. 2 E.,
Sec. 33, E½SW¼ and SE¼SE¼.
T. 2 S., R. 2 E.,
Sec. 18, NE¼SE¼;
Sec. 22, NE¼SE¼.
T. 5 N., R. 5 E.,
Sec. 34, N½NE¼NE¼, N½S½NE¼NE¼, N½NW¼NE¼, N½S½NW¼NE¼, E½NE¼NE¼NW¼, NE¼SE¼NE¼NW¼, W½NW¼NE¼NW¼, NW¼SW¼NE¼NW¼, N½NW¼NW¼, N½S½NW¼NW¼, S½NW¼SW¼, and SW¼SW¼.

The land described aggregates 4,449.40 acres.

8. The public lands described in this paragraph are classified for transfer out of Federal ownership through public sales under Section 2455 of the Revised Statute (43 U.S.C. 1171).

PRINCIPAL MERIDIAN, MONTANA

T. 1 N., R. 1 W.,
Sec. 34, S½S½.
T. 1 S., R. 1 W.,
Sec. 2, lots 1 and 2, S½NE¼;
Sec. 4, lot 1 and W½SE¼;
Sec. 9, NW¼NE¼.
T. 1 S., R. 1 E.,
Sec. 14, NW¼NE¼;
Sec. 22, SW¼SW¼.
T. 1 N., R. 2 E.,
Sec. 14, W½W½.
T. 2 N., R. 2 E.,
Sec. 12, N½.
T. 2 S., R. 2 E.,
Sec. 3, NE¼SW¼.
T. 2 N., R. 3 E.,
Sec. 8, SE¼NE¼;
Sec. 20, NW¼, W½SW¼, and E½SE¼.
T. 4 N., R. 5 E.,
Sec. 4, lots 1 and 2.
T. 5 N., R. 5 E.,
Sec. 26, NW¼SW¼.
T. 4 N., R. 6 E.,
Sec. 6, lots 3 and 4;
Sec. 30, NE¼NE¼.
T. 3 N., R. 7 E.,
Sec. 30, E½NE¼.
T. 2 S., R. 7 E.,
Sec. 20, NE¼NE¼.

The land described aggregates 1,709.51 acres.

9. The public lands described in this paragraph are classified for transfer out of Federal ownership through exchange under authority of section 8 of the Taylor Grazing Act (43 U.S.C. 315g).

PRINCIPAL MERIDIAN, MONTANA

T. 4 N., R. 7 E.
Sec. 4, lots 1 to 11, inclusive, lots 15, 16, NW¼SW¼, and S½SE¼;
Sec. 6, lots 1 to 7, inclusive, and lots 10 to 15 inclusive, lot 17, NE¼SW¼, and NW¼SE¼;
Sec. 8, N½NE¼, and W½NW¼;
Sec. 10, W½;
Sec. 14, SW¼SE¼.
T. 5 N., R. 7 E.,
Sec. 32, E½E½.

The land described aggregates 2,009.88 acres.

Total lands described in this notice aggregate 8,361.54 acres.

10. Applications for exchange will not be accepted until such time as prospective exchange proponents have been furnished a statement that proposals are feasible in accordance with 43 CFR 2244.1-2(b)(1).

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

EDWIN ZAIDLICZ,
State Director.

[F.R. Doc. 70-7685; Filed, June 17, 1970; 8:51 a.m.]

[Serial No. N-2474]

NEVADA

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

JUNE 12, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, 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 only under the agricultural land laws (34 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing or material sale laws, with the exception contained in paragraph 3. As used herein, "public lands" mean any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The public lands located within the following described area are shown on maps designated N-2474 on file in the Battle Mountain District Office, Bureau of Land Management, Post Office Box 194, Battle Mountain, Nev. 89820, or the Nevada Land Office, Bureau of Land Management, Room 3104, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The overall description of the area is as follows:

MOUNT DIABLO MERIDIAN, NEVADA

EUREKA COUNTY

The public lands proposed to be classified are wholly located within Eureka County, Nev.

The area described aggregates approximately 1,980,000 acres of public land.

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

MOUNT DIABLO MERIDIAN, NEVADA

ROBERTS CREEK RECREATION SITE

T. 22 N., R. 50 E. (Unsurveyed), Sec. 2, N½NE¼NE¼ (20 acres).
T. 23 N., R. 50 E. (Unsurveyed), Sec. 35, S½SE¼SE¼ (20 acres).

The area described above aggregates approximately 40 acres of public land.

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 194, Battle Mountain, Nev. 89820.

5. A public hearing on the proposed classification will be held on Monday, July 20, 1970, at 1:30 p.m., in the Eureka County Courthouse, Eureka, Nev.

For the State Director.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 70-7686; Filed, June 17, 1970; 8:51 a.m.]

[OR 6108]

OREGON

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

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–1418) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify the public lands described below for multiple-use management. 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. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C., sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and leasing laws.

3. The lands proposed to be classified are shown on maps designated "OR 6108" on file in the Baker District Office, Bureau of Land Management, Baker, Oreg. 97814, and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208.

The description of the areas is as follows:

WILLAMETTE MERIDIAN

UNION COUNTY

T. 2 S., R. 35 E.,
Sec. 1, SW¼NE¼.
T. 3 S., R. 35 E.,
Sec. 23, SW¼NE¼, N½SE¼;
Sec. 24, NW¼NW¼;
Sec. 25, SE¼SW¼.
T. 4 S., R. 35 E.,
Sec. 17, SE¼SE¼;
Sec. 23, SW¼NE¼.
T. 6 S., R. 35, E.,
Sec. 1, E½SW¼.
T. 2 S., R. 36 E.,
Sec. 4, S½NW¼;
Sec. 5, SW¼SW¼, W½SE¼;
Sec. 18, SE¼SW¼;
Sec. 19, W½NE¼, NE¼NW¼;
Sec. 24, NW¼SW¼.
T. 2 S., R. 37 E.,
Sec. 27, SE¼NW¼;
Sec. 35, SW¼SW¼.
T. 3 S., R. 37 E.,
Sec. 7, SW¼NE¼, N½SE¼;
Sec. 8, NW¼SW¼.
T. 1 N., R. 38 E.,
Sec. 32, S½NW¼, SW¼.
T. 5 S., R. 38 E.,
Sec. 2, NW¼SW¼;
Sec. 3, W½SW¼, E½SE¼;
Sec. 10, W½W½;
Sec. 11, S½NW¼, SW¼, SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 14, SW¼SW¼;
Sec. 15, S½N½, NW¼SW¼, E½SE¼;
Sec. 31, lots 3, 4, E½SW¼.
T. 6 S., R. 38 E.,
Sec. 18, NE¼NW¼.
T. 2 N., R. 39 E.,
Sec. 6, NE¼NW¼.
T. 1 S., R. 39 E.,
Sec. 25, SE¼NW¼, E½SW¼;
Sec. 26, S½NE¼, SW¼SW¼, NW¼SE¼;
Sec. 35, NW¼NW¼, NE¼SW¼, NW¼SE¼.
T. 2 S., R. 39 E.,
Sec. 2, lot 2.
T. 2 N., R. 40 E.,
Sec. 2, SE¼NW¼, NW¼SE¼;
Sec. 13, NE¼NW¼, N½SE¼;
Sec. 24, NW¼NE¼.
T. 1 S., R. 40 E.,
Sec. 15, NE¼SW¼;
Sec. 25, E½SW¼, NW¼SE¼, S½SE¼;
Sec. 26, S½NE¼, N½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, NW¼NE¼, S½S½;
Sec. 34, NW¼NW¼.
T. 3 S., R. 40 E.,
Sec. 25, W½SW¼;
Sec. 35, NE¼SE¼.
T. 4 S., R. 40 E.,
Sec. 1, lot 3.
T. 1 N., R. 41 E.,
Sec. 19, SE¼SE¼;
Sec. 30, NE¼SE¼.
T. 3 S., R. 41 E.,
Sec. 31, NE¼NE¼;
Sec. 32, SW¼.
T. 4 S., R. 41 E.,
Sec. 5, lots 1, 2, 3;
Sec. 9, E½NW¼;
Sec. 33, SW¼SE¼.
T. 5 S., R. 41 E.,
Sec. 10, NW¼NE¼;
Sec. 15, SW¼NE¼;
Sec. 26, NW¼NE¼;
Sec. 30, SE¼SW¼;
Sec. 32, S½SE¼;
Sec. 33, NE¼SW¼.
T. 6 S., R. 41 E.,
Sec. 5, lot 3.
T. 5 S., R. 42 E.,
Sec. 19, lot 1;
Sec. 30, lot 2.

UMATILLA COUNTY

T. 5 N., R. 28 E.,
Sec. 22, E½SE¼SW¼, W½SE¼.
T. 4 S., R. 30 E.,
Sec. 13, N½NW¼.
T. 6 S., R. 30 E.,
Sec. 26, E½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 32, SE¼SW¼;
Sec. 33, SW¼NE¼;
Sec. 34, NW¼, NE¼SW¼;
Sec. 35, NE¼NE¼, N½SW¼, SW¼SW¼, SE¼SE¼;
Sec. 36, SW¼.
T. 4 S., R. 31 E.,
Sec. 12, SW¼NE¼, SW¼SE¼;
Sec. 19, lot 4;
Sec. 23, SE¼SE¼;
Sec. 30, lots 1, 2, 3, SE¼NW¼, E½SW¼.
T. 5 S., R. 31 E.,
Sec. 17, N½SE¼;
Sec. 18, lots 2, 3;
Sec. 21, W½NW¼, W½SE¼.
T. 6 S., R. 31 E.,
Sec. 15, S½NE¼;
Sec. 29, NE¼NW¼, SE¼SW¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 3, 4, NE¼NE¼;
Sec. 32, NE¼NE¼, SW¼SW¼;
Sec. 33, SW¼NW¼;
Sec. 36, S½.
T. 3 S., R. 32 E.,
Sec. 2, W½SE¼.
T. 4 S., R. 32 E.,
Sec. 18, N½NE¼;
Sec. 36, NE¼NE¼.
T. 5 S., R. 33 E.,
Sec. 21, SW¼NW¼;
Sec. 30, lot 4, SE¼NW¼;
Sec. 31, lot 1, SW¼NE¼, E½NW¼, N½SE¼.
T. 6 S., R. 33 E.,
Sec. 3, S½;
Sec. 4, lot 4, SE¼NE¼, S½NW¼, S½;
Sec. 5, lot 4, SE¼NE¼, SW¼NW¼, NE¼SW¼, E½SE¼, NW¼SE¼;
Sec. 6, lot 5.
T. 1 N., R. 35 E.,
Sec. 13, NE¼, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 14, lots 2, 6, 7, 8, SE¼SE¼;
Sec. 23, lots 5, 7, E½NE¼, NE¼SE¼.
T. 5 N., R. 37 E.,
Sec. 23, S½SE¼;
Sec. 27, NE¼NE¼.
T. 4 N., R. 37 E.,
Sec. 1, S½SE¼;
Sec. 9, N½SE¼;
Sec. 10, S½NE¼, NW¼NW¼, SE¼NW¼, SW¼SW¼, E½SE¼;
Sec. 11, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 12, NE¼, SE¼NW¼;
Sec. 14, N½;
Sec. 15, N½NE¼, NE¼NW¼.
T. 5 N., R. 38 E.,
Sec. 8, SE¼SE¼;
Sec. 17, E½NE¼, NE¼SE¼;
Sec. 19, W½NE¼, E½NW¼, NE¼SE¼.

MORROW COUNTY

T. 6 S., R. 29 E.,
Sec. 31, lots 1, 5, 6, 8, 12, 13, NE¼NE¼;
Sec. 33, N½NW¼;
Sec. 34, W½NE¼, NE¼NW¼;
Sec. 35, E½NE¼, NW¼NW¼.

The areas described aggregate approximately 653.51 acres in Morrow County, 6567.57 acres in Umatilla County, and 4941.61 acres in Union County, for a total of approximately 12,162.69 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 589, Baker, Oreg. 97814.

5. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

For the State Director.

CHESTER E. CONARD,
District Manager.

JUNE 10, 1970.

[F.R. Doc. 70-7628; Filed, June 17, 1970; 8:46 a.m.]

[OR 4668]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

JUNE 11, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for multiple-use management. Publication of the notice has the effect of segregating the public lands described below from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established

pursuant to the Act of June 28, 1934 (43 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands classified in this notice are shown on maps on file and available for inspection in the Burns District Office, Bureau of Land Management, 74 South Alvord Street, Burns, Oreg. and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The notice of proposed classification was published in 35 F.R. 5353 of March 31, 1970. A public hearing on the proposed classification was held May 12, 1970, in the Grant County Courthouse, Canyon City, Oreg. All of the comments received support this classification to keep these lands in public ownership for multiple-use management.

3. The lands involved are located in Grant County and are described as follows:

WILLAMETTE MERIDIAN

T. 9 S., R. 26 E.,
Secs. 3 to 11, inclusive, secs. 14, 15, and secs. 17 to 34, inclusive.
T. 10 S., R. 26 E.,
Secs. 3 to 15, inclusive, and secs. 17 to 36, inclusive.
T. 10 S., R. 27 E.,
Sec. 7, secs. 17 to 22, inclusive, and secs. 26 to 34, inclusive.
T. 11 S., R. 26 E.,
Secs. 1 to 15, inclusive, secs. 17 to 24, inclusive, and secs. 28, 29, 30, 33, 34, 35, and 36.
T. 11 S., R. 27 E.,
Secs. 2 to 9, inclusive, sec. 11, secs. 17 to 23, inclusive, secs. 25, 27, 30, 31, 32, 34, and 36.
T. 11 S., R. 27 E.,
Secs. 17, 18, 20, 30, 31, and 32.
T. 12 S., R. 26 E.,
Secs. 2, 3, 4, 5, 6, and 9, secs. 11 to 15, inclusive, secs. 21 to 27, inclusive, secs. 30, 32, 33, 34, and 35.
T. 12 S., R. 27 E.,
Secs. 1 to 8, inclusive, secs. 11, 12, 13, 15, 16, 17, 18, 20, 26, 28, 30, and 34.
T. 12 S., R. 28 E.,
Secs. 4 to 9, inclusive, and secs. 17 and 18.
T. 13 S., R. 26 E.,
Secs. 3 to 10, inclusive, secs. 13, 14, 15, secs. 17 to 26, inclusive, secs. 28, 29, and 35.
T. 13 S., R. 27 E.,
Secs. 2, 18, 19, and 20, and secs. 28 to 32, inclusive.
T. 14 S., R. 26 E.,
Secs. 1, 2, secs. 12 to 15, inclusive, secs. 22, 23, 25, 26, and 35.
T. 14 S., R. 27 E.,
Secs. 5 to 8, inclusive, secs. 17, 19, 20, 21, and secs. 27 to 35, inclusive.
T. 15 S., R. 26 E.,
Secs. 1 and 2, secs. 12 and 13, secs. 22 to 26, inclusive, and sec. 35.
T. 15 S., R. 27 E.,
Secs. 3 and 4, secs. 6 to 9, inclusive, secs. 11 to 15, inclusive, secs. 17 to 20, inclusive, sec. 22, and secs. 27 to 34, inclusive.
T. 15 S., R. 30 E.,
Sec. 33.
T. 16 S., R. 26 E.,
Secs. 1 and 12.
T. 16 S., R. 27 E.,
Secs. 3 to 9, inclusive, secs. 17 to 23, inclusive, and secs. 26 to 35, inclusive.
T. 16 S., R. 30 E.,
Sec. 1.
T. 16 S., R. 31 E.,
Sec. 23.
T. 16 S., R. 32 E.,
Secs. 8, 22, 23, and 27.
T. 17 S., R. 26 E.,
Secs. 13, 17, 20, 22, 25, 29, 30, 31, 32, and 35.
T. 17 S., R. 27 E.,
Secs. 1 to 6, inclusive, secs. 8 to 13, inclusive, secs. 15, 17, 18, secs. 21 to 31, inclusive, and secs. 33 and 34.
T. 17 S., R. 28 E.,
Sec. 7, secs. 17 to 20, inclusive, secs. 29, 30, 33, and 35.
T. 17 S., R. 29 E.,
Secs. 6 and 19.
T. 17 S., R. 31 E.,
Secs. 11, 13, 14, 15, 22, 23, 24, 26, and 27.
T. 18 S., R. 26 E.,
Secs. 1, 2, 4, 5, 8, 9, 10, 12, 13, 17, 19, 21, 25, 26, and 28.
T. 18 S., R. 27 E.,
Secs. 1 to 6, inclusive, and secs. 8 to 12, inclusive.
T. 18 S., R. 28 E.,
Secs. 2 to 12, inclusive, secs. 14, 15, 17, secs. 20 to 24, inclusive, secs. 27, 28, and 33.
T. 18 S., R. 29 E.,
Secs. 7, 18, and 19.
T. 18 S., R. 31 E.,
Secs. 4, 5, 12, 13, and 14, secs. 22 to 26, inclusive, and sec. 35.
T. 18 S., R. 32 E.,
Secs. 3 to 9, inclusive, secs. 17 to 22, inclusive, and secs. 27 to 34, inclusive.

The areas described aggregate approximately 130,960 acres of public land.

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

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 70-7629; Filed, June 17, 1970; 8:46 a.m.]

[OR 5757]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

JUNE 11, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. 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. No adverse comments were received following publication of a notice of proposed classification (35 F.R. 5732-5733), and no changes have been made in the list of lands included in this classification. The record showing the comments received and other information is on file and can be examined in the Roseburg District Office, Roseburg, Oreg., and in the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Ore. The public lands affected by this classification are located within the following described areas and are shown on maps designated "OR 5757, 2411.2:36-100 Jan. 1970" on file in the Roseburg District Office, Bureau of Land Management, Roseburg, Oreg. 97470, and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. 97208. The description of the areas is as follows:

WILLAMETTE MERIDIAN

T. 24 S., R. 2 W.,
Sec. 34, Tract 38;
Sec. 36, Tract 40.
T. 25 S., R. 2 W.,
Sec. 4, Tract 37, part of lot 8;
Sec. 26, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 32, lots 1 and 4;
Sec. 34, lot 4, W½NW¼, N½SW¼, and NW¼SE¼.
T. 26 S., R. 2 W.,
Sec. 2, lots 1, 2, and 3, NE¼SW¼, and W½SE¼;
Sec. 10, NW¼NE¼;
Sec. 12, NW¼;
Sec. 20, lots 5 to 16, inclusive;
Sec. 26, lots 8 and 9;
Sec. 30, lots 1, 2, 3, and 4, and E½W½;
Sec. 34, lots 5, 6, 12, 13, and 14.
T. 27 S., R. 2 W.,
Sec. 2, lot 1;
Sec. 6, S½SE¼.
T. 29 S., R. 2 W.,
Sec. 27, MS 883;
Sec. 33, MS 883.
T. 30 S., R. 2 W.,
Sec. 5, lot 4 and SW¼NW¼;
Sec. 6, lots 6 and 7, SE¼NE¼, and E½SE¼;
Sec. 7, lots 1, 2, and 3, NE¼NE¼, and NE¼SW¼;
Sec. 14, NE¼SE¼;
Sec. 28, NE¼NE¼;
Sec. 32, lot 3;
Sec. 34, SE¼SW¼.
T. 31 S., R. 2 W.,
Sec. 4, lots 1 and 8;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, and NW¼SE¼.
T. 24, S., R. 3 W.,
Sec. 22, SW¼NE¼ and NW¼SW¼.
T. 25 S., R. 3 W.,
Sec. 4, lot 5;
Sec. 32, N½N½, SE¼NE¼, and E½SE¼;
Sec. 34, lot 1.
T. 26, S., R. 3 W.,
Sec. 26, NE¼NE¼, SW¼NE¼, and SE¼SW¼.
T. 27 S., R. 3 W.,
Sec. 22, SW¼SW¼;
Sec. 34, SE¼SW¼.
T. 28 S., R. 3 W.,
Sec. 2, lot 2.
T. 29, S., R. 3 W.,
Sec 4, lot 4;
Sec. 18, NE¼SE¼;
Sec. 20, lot 1 and NW¼NW¼;
Sec. 24, NE¼NE¼;
Sec. 30, lot 1 and NE¼NW¼.
T. 30 S., R. 3 W.,
Sec. 2, SE¼SW¼ and SW¼SE¼;
Sec. 4, lot 1 and E½SE¼;
Sec. 34, NE¼SW¼.

T. 31 S., R. 3 W.,
Sec. 6, SE¼SE¼;
Sec. 20, SW¼NE¼ and S½NW¼;
Sec. 26, NE¼NE¼ and SW¼NW¼.
T. 22 S., R. 4 W.,
Sec. 20, SE¼NE¼;
Sec. 34, NE¼SE¼.
T. 23 S., R. 4 W.,
Sec. 4, NW¼SE¼;
Sec. 14, SE¼SE¼;
Sec. 20, SW¼NE¼ and NW¼SE¼.
T. 25 S., R. 4 W.,
Sec. 16, NE¼NW¼;
Sec. 28, SW¼SW¼.
T. 27 S., R. 4 W.,
Sec. 33, NW¼SW¼.
T. 28 S., R. 4 W.,
Sec. 10, SW¼NW¼ and NW¼SW¼;
Sec. 14, NE¼ and E½NW¼;
Sec. 15, SE¼, except lots 1, 2, 3, 4, and 5;
Sec. 18, SE¼NE¼ and SE¼;
Sec. 23, NW¼.
T. 29 S., R. 4 W.,
Sec. 6, fractional W½SW¼;
Sec. 24, NE¼NE¼ and SW¼NE¼;
Sec. 32, SE¼SE¼.
T. 30 S., R. 4 W.,
Sec. 4, lots 2 and 9;
Sec. 14, lots 1 and 2;
Sec. 28, lot 13;
Sec. 32, lots 3, 7, and 9, NW¼NE¼, N½NW¼, and E½E½;
Sec. 34, lot 4.
T. 31 S., R. 4 W.,
Sec. 2, SE¼SW¼;
Sec. 4, lot 4;
Sec. 6, lot 5;
Sec. 12, NE¼NE¼, NW¼NW¼, and S½NW¼.
T. 28 S., R. 5 W.,
Sec. 26, SE¼SW¼;
Sec. 28, NW¼NW¼;
Sec. 34, SE¼SE¼.
T. 29 S., R. 5 W.,
Sec. 2, fractional NW¼NW¼, SW¼NE¼, SW¼NW¼, and NE¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 10, NE¼NE¼ and NW¼NW¼.
T. 30 S., R. 5 W.,
Sec. 2, lot 1;
Sec. 10, NW¼NW¼, SW¼SW¼, and SE¼SE¼;
Sec. 34, lot 2.
T. 31 S., R. 5 W.,
Sec. 20, N½N½;
Sec. 28, SE¼SE¼.
T. 20 S., R. 6 W.,
Sec. 26, N½SE¼ and SW¼SE¼;
Sec. 32, SE¼NE¼.
T. 21 S., R. 6 W.,
Sec. 6, lot 7 and SE¼SW¼;
Sec. 8, W½;
Sec. 18, lot 3, NE¼NW¼, NE¼SE¼, and S½SE¼;
Sec. 20, NW¼NE¼.
T. 22 S., R. 6 W.,
Sec. 30, lot 4, E½, NE¼NW¼, and E½SW¼;
Sec. 32, NW¼NE¼ and NE¼NW¼.
T. 23 S., R. 6 W.,
Sec. 20, lots 1, 2, 3, 4, and 5;
Sec. 22, lots 1, 2, 3, and 4;
Sec. 26, lots 1, 2, 3, and 4;
Sec. 28, lots 1 to 12, inclusive.
T. 24 S., R. 6 W.,
Sec. 4, SW¼NE¼, N½SW¼, and NW¼SE¼.
T. 26 S., R. 6 W.,
Sec. 8, SW¼NE¼ and SE¼NW¼.
T. 29 S., R. 6 W.,
Sec. 22, W½SW¼;
Sec. 28, SW¼SW¼.
T. 30 S., R. 6 W.,
Sec. 10, W½SW¼;
Sec. 12, N½NW¼;
Sec. 18, lots 1 and 2;
Sec. 20, lots 1, 2, and 3.
T. 31 S., R. 6 W.,
Sec. 6, lot 5, SW¼NE¼, SE¼NW¼, and NW¼SE¼;
Sec. 10, SW¼NE¼, NW¼NW¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 12, NW¼NW¼;
Sec. 18, SW¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 22, NE¼NE¼, S½SE¼NE¼, S½SW¼, and SE¼;
Sec. 26, SE¼NW¼.
T. 32 S., R. 6 W.,
Sec. 6, lot 1.
T. 20 S., R. 7 W.,
Sec 14, SW¼ and W½SE¼;
Sec. 22, N½NE¼, SW¼NE¼, and W½.
T. 21 S., R. 7 W.,
Sec. 10, NE¼SE¼;
Sec. 20, NE¼NW¼.
T. 22 S., R. 7 W.,
Sec. 14, E½SE¼;
Sec. 26, lots 4 and 5;
Sec. 28, lot 1.
T. 23 S., R. 7 W.,
Sec. 24, NE¼NE¼.
T. 24 S., R. 7 W.,
Sec. 2, lots 7 and 8;
Sec. 6, SE¼NW¼;
Sec. 26, lots 6 and 7.
T. 25 S., R. 7 W.,
Sec. 2, lots 1 and 2 and S½NE¼;
Sec. 4, S½SW¼;
Sec. 6, NW¼SE¼;
Sec. 10, NE¼SE¼;
Sec. 12, NW¼SW¼;
Sec. 14, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 20, NE¼NW¼;
Sec. 30, lot 1;
Sec. 34, lot 1 and NW¼NW¼.
T. 26 S., R. 7 W.,
Sec. 8, NW¼NW¼, N½SW¼, and SE¼SE¼;
Sec. 11, lot 1 and SE¼NE¼;
Sec. 12, S½SW¼;
Sec. 18, NE¼SE¼ and S½SE¼;
Sec. 32, SE¼SE¼.
T. 28 S., R. 7 W.,
Sec. 8, SE¼NE¼ and SE¼SE¼;
Sec. 9, NE¼SE¼;
Sec. 14, lot 1 and N½NE¼;
Sec. 18, NE¼NE¼;
Sec. 20, W½;
Sec. 22, SE¼NE¼ and S½NW¼.
T. 29 S., R. 7 W.,
Sec. 3, SE¼NE¼ and NE¼SE¼;
Sec. 26½, lots 1, 2, 3, and 4;
Sec. 27, M & B mining claims;
Sec. 34, lots 1 and 2;
Sec. 34½, lots 1, 2, and 3.
T. 29½ S., R. 7 W.,
Sec. 32, lots 7 and 8;
Sec. 34, lots 1, 2, 3, and 4.
T. 30 S., R. 7 W.,
Sec. 4, SE¼SE¼;
Sec. 8, N½NE¼;
Sec. 14, SW¼NE¼;
Sec. 18, SE¼SW¼ and SW¼SE¼;
Sec. 24, NE¼NW¼;
Sec. 30, lots 1 and 3 and SE¼SE¼;
Sec. 32, lots 1, 2, 3, and 4, SW¼NE¼, and NW¼;
Sec. 34, SW¼NE¼, NW¼NW¼, and NW¼SE¼.
T. 31 S., R. 7 W.,
Sec. 2, lots 3 and 4;
Sec. 3, lot 1;
Sec. 4, lot 2, fractional N½NW¼, fractional NW¼NE¼, and NE¼SE¼;
Sec. 6, SE¼NE¼;
Sec. 7, E½SE¼SE¼ and SE¼NE¼SE¼;
Sec. 8, lot 2 and SW¼NE¼;
Sec. 17, SW¼SE¼NW¼, SE¼SW¼NW¼, W½NE¼SW¼, and E½NW¼SW¼;
Sec. 32, NE¼SE¼.
T. 32 S., R. 7 W.,
Sec. 2, SW¼NE¼.
T. 28 S., R. 7½ W.,
Sec. 18, lots 1, 2, 3, and 4.
T. 25 S., R. 8 W.,
Sec. 14, lots 1, 2, and 3;
Sec. 24, lots 1 to 10, inclusive.
T. 26 S., R. 8 W.,
Sec. 12, SE¼NW¼ and NW¼SE¼;
Sec. 24, N½NE¼, SW¼NE¼, SW¼NW¼, S½SW¼, and SW¼SE¼.
T. 27½ S., R. 8 W.,
Sec. 32, lots 1, 2, 3, and 4;
Sec. 34, lots 1, 2, 3, and 4.
T. 28 S., R. 8 W.,
Sec. 8, NE¼;
Sec. 10, N½NW¼;
Sec. 22, NW¼SE¼;
Sec. 24, NE¼ and E½NW¼.
T. 29 S., R. 8 W.,
Sec. 10, SE¼SE¼.
T. 30 S., R. 8 W.,
Sec. 32, SW¼NW¼.
T. 31 S., R. 8 W.,
Sec. 22, NE¼NE¼ and SW¼SW¼.
T. 32 S., R. 8 W.,
Sec. 2, lot 1, SE¼NE¼, SE¼NW¼, and NE¼SE¼.

The public lands in the areas described aggregate approximately 17,827.42 acres in Douglas County, Oreg.

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

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 70-7630; Filed, June 17, 1970; 8:46 a.m.]

[OR 5052]

OREGON

Notice of Classification of Public Lands for Disposal by Exchange

JUNE 11, 1970.

1. Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR 2411.1-2(c), the public lands described below are hereby classified for transfer out of Federal ownership by private exchange under the authority of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g). As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from all appropriations including location under the mining laws except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license or permit or governing the disposal of their mineral and vegetative resources, other than the mining laws.

3. The notice of proposed classification of these lands was published November 14, 1969, in 34 F.R. 18255-56.

One adverse comment to the proposal was received after publication. All comments were thoroughly reviewed and analyzed and the proposal reconsidered in the light of these comments. It has been determined that alteration of the proposal is not warranted.

4. The lands involved are located in Malheur and eastern Harney Counties and are described as follows:

WILLAMETTE MERIDIAN

HARNEY COUNTY

T. 19 S., R. 33½ E.,
Sec. 11, SE¼SE¼;
Sec. 12, S½S½;
Sec. 13, NW¼NE¼, NW¼, N½SW¼, SE¼SW¼, and NW¼SE¼;
Sec. 14, E½E½;
Sec. 24, E½NW¼ and W½SE¼;
Sec. 25, NW¼NE¼.

MALHEUR COUNTY

T. 15 S., R. 45 E.,
Sec. 24, SW¼NW¼ and E½SW¼;
Sec. 25, NE¼, E½NW¼, and N½SE¼.
T. 15 S., R. 46 E.,
Sec. 30, lot 4 and SE¼SW¼;
Sec. 31, lots 1 and 2, NE¼, and E½NW¼.
T. 16 S., R. 38 E.,
Sec. 4, SE¼SE¼;
Sec. 19, lot 1.
T. 16 S., R. 42 E.,
Sec. 1, NE¼SW¼ and N½SE¼;
Sec. 9, N½SE¼;
Sec. 11, SE¼NE¼;
Sec. 12, E½NE¼, SW¼NE¼, W½NW¼, and SE¼NW¼;
Sec. 14, NW¼NE¼ and S½NW¼;
Sec. 15, E½SE¼;
Sec. 25, SE¼NW¼, SW¼ and S½SE¼.
T. 16 S., R. 43 E.,
Sec. 20, NE¼ and NW¼SE¼;
Sec. 21, E½SW¼ and SW¼SW¼;
Sec. 28, N½NW¼ and SW¼NW¼;
Sec. 29, SE¼SW¼ and SW¼SE¼;
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 31, lots 1, 2, and 3, NE¼NE¼, SW¼NE¼, and E½NW¼;
Sec. 32, NW¼NE¼ and N½NW¼.
T. 16 S., R. 45 E.,
Sec. 1, lots 1, 2, 3, 4, and 6, and S½NE¼;
Sec. 2, lots 2, 3, 4, 5, and 6;
Sec. 3, lots 5, 6, 7, and 8, and S½NW¼.
T. 16 S., R. 46 E.,
Sec. 6, lot 5 and S½NE¼.
T. 17 S., R. 43 E.,
Sec. 3, SW¼;
Sec. 4, S½S½;
Sec. 8, NE¼, N½SE¼, and SW¼SE¼;
Sec. 9, NW¼NE¼, NW¼, and N½SW¼;
Sec. 10, NW¼SE¼.
T. 17 S., R. 44 E.,
Sec. 31, lot 4.
T. 18 S., R. 42 E.,
Sec. 1, lot 4, SW¼NW¼, and S½;
Sec. 12, N½.
T. 18 S., R. 44 E.,
Sec. 4, SE¼NE¼;
Sec. 6, S½NE¼, W½, and SE¼;
Sec. 8, NW¼NE¼ and W½.
T. 20 S., R. 39 E.,
Sec. 26, S½S½;
Sec. 33, NE¼NE¼, S½NE¼, and SE¼;
Secs. 34 and 35.
T. 20 S., R. 40 E.,
Sec. 31, lots 1 and 2.
T. 21 S., R. 39 E.,
Sec. 25, lots 1, 2, 3, and 4, W½E½, NW¼, N½SW¼, and SE¼SW¼;
Sec. 26, NE¼SW¼;
Sec. 35, SE¼NW¼ and NE¼SW¼;
Sec. 36, lots 1 and 2, NW¼NE¼, N½NW¼, and S½SW¼.
T. 23 S., R. 38 E.,
Sec. 12, NE¼SE¼;
Sec. 24, NE¼SW¼;
Sec. 25, SE¼NE¼, SW¼, and S½SE¼;
Sec. 26, E½SE¼.
T. 23 S., R. 39 E.,
Sec. 7, W½SE¼;
Sec. 16, S½;
Sec. 17;
Sec. 18, lot 4 and E½;
Sec. 19, lots 1 to 11, inclusive, NE¼, and N½SE¼;
Sec. 20, N½ and N½S½;
Sec. 21, N½, N½S½, and SW¼SW¼;
Sec. 30, lots 2 to 10, inclusive, and S½NE¼.
T. 24 S., R. 39 E.,
Sec. 7, S½NE¼;
Sec. 18, lots 6, 7, 10, and 12;
Sec. 19, lots 3, 4, 5, 8, 9, 10, and 11;
Sec. 30, NE¼NE¼.
T. 30 S., R. 43 E.,
Sec. 34.
T. 31 S., R. 41 E.,
Sec 14, SE¼SW¼ and SW¼SE¼;
Sec. 24, SW¼NW¼, SW¼, and SW¼SE¼.
T. 31 S., R. 42 E.,
Sec. 11, E½SW¼ and SW¼SW¼;
Sec. 12, NE¼SW¼ and SE¼;
Sec. 14, NW¼NE¼ and NW¼;
Sec. 31, lots 3 and 4, SW¼NE¼, E½SW¼, and W½SE¼.
T. 31 S., R. 43 E.,
Sec. 8, S½N½ and NW¼NW¼;
Sec. 10, N½NW¼.
T. 32 S., R. 40 E.,
Sec. 2, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 10.
T. 32 S., R. 42 E.,
Sec. 6, lots 5 to 11, inclusive.

The areas described aggregate approximately 18,497.84 acres.

5. The lands have been identified as not being needed for Federal land management programs.

6. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.1–2(d). During this 30-day period, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 70-7703; Filed, June 17, 1970; 8:52 a.m.]

UTAH

Notice of Public Hearing

JUNE 12, 1970.

The Department of the Interior will conduct public hearings to obtain comments and recommendations concerning the desirability of making available public lands within oil shale withdrawal to accommodate outstanding State selections.

The first hearing will be held in the Uintah County Courthouse at Vernal, Utah, beginning 1 p.m., July 20, 1970. The second hearing will be held in the Auditorium of the State Office Building, State Capitol, Salt Lake City, Utah, beginning at 9 a.m., July 22, 1970.

The Secretary of the Interior is desirous of obtaining public expression on the State's proposal for oil shale selections. The State of Utah has filed applications to select approximately 121,000 acres of public oil shale lands in scattered tracts in Uintah County. The State has outstanding entitlement to a total of 231,000 acres. This entitlement has developed through withdrawal by the Federal Government of unsurveyed lands to accommodate Federal programs which prevented the State from acquiring their four sections in each township, when surveyed, as authorized under the Enabling Act.

Representatives of the Utah State Division of Lands, the U.S. Geological Survey, and the Bureau of Land Management will describe the proposals in detail at the public hearings and the interested public is invited to submit their comments at the formal hearings. Written comments will also be accepted subsequent to the hearings, until August 7, 1970. They may be mailed to the State Director, Bureau of Land Managemment, Post Office Box 11505, Salt Lake City, Utah 84111.

By the Act of August 27, 1958, the State was authorized to select mineral lands if it was determined by the Federal Government that the base lands (those lost to the State) were mineral in character. Under the State selection program, the Federal Government has approved selections of 330,000 acres since 1961.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-7632; Filed, June 17, 1970; 8:47 a.m.]

[Wyoming 24609]

WYOMING

Order Providing for Opening of Public Lands

JUNE 9, 1970.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269) as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 46 N., R. 60 W.,
Sec. 9, lot 4.
T. 47 N., R. 60 W.,
Sec. 21, lots 2 and 3;
Sec. 28, NW¼NW¼;
Sec. 29, NE¼NE¼.
T. 40 N., R. 65 W.,
Sec. 22, NE¼NW¼.
T. 46 N., R. 70 W.,
Sec. 1, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼.
T. 47 N., R. 70 W.,
Sec. 14, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 23, NE¼, E½NW¼, and NW¼SE¼.
T. 35 N., R. 80 W.,
Sec. 33, NE¼NW¼ and NW¼NE¼.
T. 38 N., R. 80 W.,
Sec. 7, lot 2, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, W½SW¼;
Sec. 17, W½NW¼ and NW¼SW¼;
Sec. 18, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 38 N., R. 81 W.,
Sec. 1, N½SW¼ and SW¼SW¼;
Sec. 2, SE¼;
Sec. 10, E½SE¼;
Sec. 11, NE¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 12, S½;

Sec. 13, N½N½ and NE¼SE¼;
Sec. 14, N½NE¼, SW¼NE¼, NW¼NW¼, S½NW¼, W½SW¼, SE¼SW¼, and W½SE¼;
Sec. 15, SE¼NE¼ and E½SE¼.
T. 36 N., R. 82 W.,
Sec. 17, S½NE¼ and SE¼;
Sec. 18, lots 1, 2, 3, and 4, W½E½, and E½W½;
Sec. 19, lots 1 and 2, NE¼NW¼, and NW¼NE¼;
Sec. 20, NE¼, S½NW¼, and N½S½.
T. 36 N., R. 83 W.,
Sec. 4, lot 4 and SW¼NW¼;
Sec. 5, lot 1, S½N½, SE¼SW¼, and W½SE¼;
Sec. 8, W½NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 9, S½NE¼, N½S½, and SE¼SE¼;
Sec. 13, N½NE¼, SW¼NE¼, NW¼, and S½;
Sec. 14;
Sec. 15;
Sec. 17, S½NE¼ and SE¼;
Sec. 18, lots 1, 2, 3, and 4, E½, and E½W½;
Sec. 21, NE¼;
Sec. 22, N½;
Sec. 23, E½ and NW¼;
Sec. 24;
Sec. 25, N½N½ and SW¼NW¼;
Sec. 26, NE¼.

The areas described aggregate 11,084.54 acres.

2. The lands are located in Campbell, Natrona, Niobrara, and Weston Counties. The topography ranges from moderately to steeply rolling grazing lands, and they have values for watershed, grazing, wildlife, and recreation.

3. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above described lands will at 10 a.m. on July 13, 1970, be open to application, petition, and selection under the public land laws. All valid applications received at or prior to 10 a.m. on July 13, 1970, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Post Office Box 1828, Cheyenne, Wyo. 82001.

DANIEL P. BAKER,
State Director.

[F.R. Doc. 70-7633; Filed, June 17, 1970; 8:47 a.m.]

Office of the Secretary

CARROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Purchased: B. F. Goodrich; Rollins International; Affiliated Capital Corp.
(2) Sold: Celanese; Occidental Petroleum; Research Cottrell; Republic Gypsum; Seilon.
(3) None.
(4) None.

This statement is made as of April 11, 1970.

Dated: May 13, 1970.

CARROL M. BENNETT.

[F.R. Doc. 70-7693; Filed, June 17, 1970; 8:51 a.m.]

H. J. PECKHEISER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 15, 1970.

Dated: May 11, 1970.

H. J. PECKHEISER.

[F.R. Doc. 70-7694; Filed, June 17, 1970; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

AMERICAN HEALTH FOUNDATION

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. 70-00491-33-11700. Applicant: American Health Foundation, 180 East End Avenue, New York, N.Y. 10028. Article: Automatic smoking machine, capillary press type. Manufacturer: H. Borgwaldt, West Germany.

Intended use of article: The article will be used to apply absolutely fresh cigarette smoke condensate ("tar") to the skin of laboratory animals—in this case mice—used in experiments testing the carcinogenicity of a large variety of smoke condensates and tobacco additives.

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

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

Reasons: The foreign article is programmed to simulate human smoking patterns and is capable of applying fresh tar produced by such smoking directly to the skin of laboratory animals. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 11, 1970, that the combination of characteristics described above is pertinent to the applicant's research studies. HEW further advises that it knows of no scientifically equivalent smoking apparatus being manufactured in the United States which provides this combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-7657; Filed, June 17, 1970; 8:49 a.m.]

CHILDREN'S HOSPITAL, DENVER, COLO.

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. 70-00424-33-46040. Applicant: Children's Hospital, 1056 East 19th Avenue, Denver, Colo. 80218. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany.

Intended use of article: The article will be used for research and trainee education. The objective of the investigation under study is to define by electron microscopy morphologic features of the cell populations, thus contributing to the understanding of the processes in which those cells are important. Human biopsy, selected human necropsy and small animal materials will be studied, as well as normal and diseased human and animal tissues. Experiments concern the ultrastructure of malignant neoplasms of children and of the liver in patients with pyloric stenosis and jaundice. Medical students and residents will be trained in electron microscopy.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by the Forgflo Corp. The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 8, 1970, that the overall ease of safe operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-7658; Filed, June 17, 1970; 8:49 a.m.]

COMMUNITY COLLEGE OF ALLEGHENY COUNTY, PA.

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. 70-00353-98-26000. Applicant: Community College of Allegheny County, Boyce Campus, Monroeville, Pa. 15146. Article: Theory of electricity device, Model EG AZ/ZT. Manufacturer: Dr. Clemenz, West Germany.

Intended use of article: The article will be used in classes for teaching the basic theory of electricity and for teaching the student to construct electrical articles. Thus actual practice by the student gives a basic understanding of the theory underlying the experiments.

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

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

Reasons: The foreign article provides a means of demonstrating electrical phenomena to students, through construction by the students of alternating and direct current generators, three-phase motors, etc.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 11, 1970, that it knows of no instrument or apparatus being manufactured in the United States, which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 70-7659; Filed, June 17, 1970; 8:49 a.m.]

JOHNS HOPKINS UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00574-00-46040. Applicant: Johns Hopkins University, Department of Biology, 34th and Charles Streets, Baltimore, Md. 21218. Article: Specimen anticontamination traps (2), Model JEM-SCT. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used to reduce specimen damage during observation in the electron microscope.

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

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

Reasons: The foreign article is an accessory for an instrument that was previously imported for the use of the applicant institution. This article is being furnished by the manufacturer of the instrument with which the article is intended to be used.

The Department of Commerce knows of no other similar accessory which is interchangeable with the foreign article or that can be adapted to the instrument with which the article is intended to be used.

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

[F.R. Doc. 70-7660; Filed, June 17, 1970; 8:49 a.m.]

MASSACHUSETTS GENERAL HOSPITAL

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. 70-00433-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Hip Joint Replacements, 16 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The articles will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery.

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

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

Reasons: The article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high density polyethlene acetabulum which accepts only this sized head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 6, 1970, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no equivalent prosthesis which is being manufactured in the United States which provides this combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-7661; Filed, June 17, 1970; 8:49 a.m.]

NEWARK COLLEGE OF ENGINEERING

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. 70-00439-01-72000. Applicant: Newark College of Engineering, 323 High Street, Newark, N.J. 07102. Article: Weissenberg Rheogoniometer, Model R. 18, Manufacturer: Sangamo Controls, Ltd., United Kingdom.

Intended use of article: The article will be used for research in the area of rheology (the science of deformation and flow). The behavior of molten polymers, polyethylene, polymer solutions, polymethylemethacylate, carboxy methyl cellulose, and biological fluids will be studied.

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

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

Reasons: The foreign article is capable of measuring normal stress as well as viscosity as a function of shear rate. There is no comparable domestic instrument being manufactured in the United States which has this capability. The ability of the foreign article to measure normal stress as well as viscosity as a function of the shear rate is necessary to the accomplishment of the purposes for which such article is intended to be used, and therefore, is pertinent.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-7662; Filed, June 17, 1970; 8:49 a.m.]

SOUTHEASTERN MASSACHUSETTS UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00429-98-41500. Applicant: Southeastern Massachusetts University, Commonwealth of Massachusetts, North Dartmouth, Mass. 02747. Article: Sandover laminar flow table, Model No. 9509. Manufacturer: Armfield Engineering, Ltd., United Kingdom.

Intended use of article: The article will be used in classroom demonstrations of laminar flow phenomena, student-performed experiments and for advanced research by undergraduates, graduate students and faculty in the area of two-dimensional flow phenomena.

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

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

Reasons: The foreign article is a flow table which contains a number of sinks and sources and a liquid dye injection system for streamline marking. We find the capability of streamline marking pertinent to the purposes for which the foreign article is intended to be used. We are advised by the National Bureau of Standards (NBS) in a memorandum dated March 26, 1970 that it knows of no scientifically equivalent domestic instrument which is capable of fulfilling the purposes for which the foreign article is intended to be used.

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

[F.R. Doc. 70-7663; Filed, June 17, 1970; 8:49 a.m.]

UNIVERSITY OF CONNECTICUT

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. 70-00438-65-46070. Applicant: University of Connecticut, Institute of Materials Science, Storrs, Conn. 06268. Article: Scanning electron microscope, Model Mark IIa. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used for graduate research. Current research areas which will use this instrument are fractography of metals and plastics, micropaleontology, studies on hard tissues, corrosion of surgical implant materials and a variety of biological researches The instrument will also be used in microcrystallographic orientation studies.

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

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

Reasons: We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 13, 1970, that the foreign article provides an 18° focussed and 11° collimated 2-theta deflection of the beam which permits the production of meaningful pseudo Kikuchi patterns, whereas the published specifications of available domestic scanning electron microscopes do not indicate a similar capability. The capability of providing these patterns is pertinent to the applicant's research studies. NBS further advises in the memorandum cited above that it knows of no domestic instrument or apparatus which is scientifically equivalent to the foreign article for the applicant's intended purposes.

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

[F.R. Doc. 70-7664; Filed, June 17, 1970; 8:49 a.m.]

UNIVERSITY OF ILLINOIS

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. 70-00408-33-46040. Applicant: University of Illinois at the Medical Center, 833 South Wood Street, Chicago, Ill. 60612. Article: Electron microscope, Model HS-7S. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for educational and research purposes. Approximately 15 individuals per year will be trained on the proper technique in electron microscopy which includes specimen preparation, electron microscope operation and basic photographic technique. Among the 37 current research projects using the instrument are studies of tyrosine toxicity in rats; fine structure of the oral mucosa of rabbit fed with a vitamin A deficient diet; ultrastructure of mycobacteria; and biopsies of skeletal muscle in diabetic patients and normal controls.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (Apr. 27, 1967).

Reasons: The foreign article is an intermediate electron microscope which, in terms of sophistication and capabilities, lies between the simple, portable electron microscope and the highly complex research types. The applicant intends to use the foreign article for teaching beginning students the fundamentals of electron microscope techniques and for this purpose, requires a transitional instrument for bridging the gap between the use of the light microscope and the research type of electron microscope. The most closely comparable domestic instrument available at the time the article was ordered was the EMU-4 electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by the Forgflo Corp. The Model EMU-4 electron microscope was a highly sophisticated and relatively complex electron microscope intended for the use of an expert. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of April 9, 1970, that the simplicity of operation of the foreign article is pertinent to the applicant's educational purposes.

For this reason, we find that the Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

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

[F.R. Doc. 70-7665; Filed, June 17, 1970; 8:49 a.m.]

UNIVERSITY OF MIAMI

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. 70-00436-01-07520. Applicant: University of Miami, Coral Gables, Fla. 33124. Article: Microcalorimeter, Model LKB 10700-2B. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to teach graduate students the use of research in calorimetry and for scientific study of the interactions of dissolved organics with suspended minerals in the ocean.

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

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 microcalorimetric system capable of measuring the heat of mixing two liquids at temperatures from 0° Centigrade (C) to 40° C. with a precision of 0.1 percent and a sensitivity of 1 micro-calorie. We are advised by the National Bureau of Standards (NBS) in its memorandum dated April 10, 1970, that the precision of the foreign article is pertinent to the applicant's research studies. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-7666; Filed, June 17, 1970; 8:49 a.m.]

UNIVERSITY OF MICHIGAN

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. 70-00311-99-46040. Applicant: The University of Michigan, Department of Zoology, Ann Arbor, Mich. 48104. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for beginning trainees in a program of training in electron microscopy of biological materials. Specimens will include thin sections, replicas and shadowed suspensions of cell particulates. The students include upperclass undergraduates and graduate students from various university departments.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 29, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-7667; Filed, June 17, 1970; 8:49 a.m.]

VANDERBILT UNIVERSITY

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the

Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 70-00428-33-11000. Applicant: Vanderbilt University, Department of Pharmacology, 21st Avenue South, Nashville, Tenn. 37203. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used primarily in analytical biochemical problems related to medical research. It will be utilized extensively in the identification of metabolites of drugs administered to humans and the experimental animals. Specific types of problems in drug metabolisms will be studied, since there is an increasing need for the ability to identify trace components in blood and urine after the administration of potent drugs, for doses of such agents are often in the milligram range or less, meaning that urinary metabolites will be present in microgram quantities and the drug and its metabolites in blood will be present at submicrogram amounts.

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

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

Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are domestic manufacturers which are in a position to offer to supply some of these components to be combined with a component (or with the components) produced by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance specifications of the chromatographic and spectrometric functions as a single unit. (See decisions on Docket No. 67-00108-33-11000, 33 F.R. 597, Jan. 17, 1968; Docket No. 68-00516-01-11000, 33 F.R. 11097, Aug. 3, 1968 and Docket No. 69-00446-01-11000, 34 F.R. 13336 and 13337, Aug. 16, 1969.) We note that three instruments meeting these criteria are being manufactured in the United States—the Model 1015 manufactured by Finnigan Instrument Corp. (Finnigan); the GC/MS-66 system manufactured by Varian Associates (Varian); and the Model 270 GC-DF manufactured by Perkin-Elmer Corp. (P-E). A comparison of the Finnigan Model 1015 with the foreign article shows that this domestic instrument has a specified sensitivity of 100 nanograms of cholesterol injected into the gas chromatograph column, whereas the foreign article has a specified sensitivity of 10 nanograms of cholesterol injected into the gas chromatograph column. This indicates that the foreign article can produce a meaningful spectrum with a sample of one-tenth of that required to produce a meaningful spectrum with the Finnigan Model 1015 and that the sensitivity of the foreign article exceeds that of this domestic instrument by a factor of 10. It is also noted that the foreign article can achieve this sensitivity with a corresponding resolution of 750 at a 10 percent valley definition, whereas the Finnigan Model 1015 has a maximum specified resolution that is equivalent to 500 at the 10 percent valley definition.

In regard to the Varian GC/MS-66 system, the specified sensitivity of the foreign article also exceeds the specified sensitivity of this domestic instrument by a factor of 10. The quoted specification for the sensitivity of the P-E Model 270 GC-DF is "less than 3×10^{-9} gram/second of methyl stearate will produce a spectrum with a signal-to-noise ratio substantially greater than 1 at parant mass peak, for 1 second/decade scan rate." On the basis of these specifications, the sensitivity of the foreign article exceeds that of the P-E Model 270 GC-DF by a factor of 500. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 1, 1970, that the sensitivity of the foreign article is pertinent to the applicant's research studies.

For this reason, we find that none of the three domestic instruments cited above is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other combination of instruments being manufactured in the United States and being offered as a functionally integrated single instrument, which is of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used.

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

[F.R. Doc. 70-7668; Filed, June 17, 1970; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2549) has been filed by Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of the aluminum, calcium, magnesium, potassium, sodium, and zinc salts of capric, caprylic, lauric, myristic, oleic, palmitic, and stearic acids as stabilizers in polymers used in manufacturing food-contact articles.

Dated: June 10, 1970.

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

[F.R. Doc. 70-7676; Filed, June 17, 1970; 8:50 a.m.]

WYANDOTTE CHEMICALS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0A2511) has been filed by Wyandotte Chemical Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of α-hydro-*omega*-hydroxy-poly(oxyethylene)poly(oxypropylene) (55-61 moles)poly(oxyethylene) block copolymer, having a molecular weight range of 9,760-13,200 and a cloud point above 100° C. in 1 percent aqueous solution, as a solubilizing and stabilizing agent in flavor concentrates containing natural and imitation flavor oils and mixtures of natural and imitation flavor oils.

Dated: June 10, 1970.

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

[F.R. Doc. 70-7675; Filed, June 17, 1970; 8:50 a.m.]

[DESI 11545V]

OLEANDOMYCIN PREMIX

Drugs for Veterinary Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Oleandomycin Premix OM-4, each pound of which represents 4 grams of oleandomycin activity and which is marketed by Chas. Pfizer & Co. Inc., New York, N.Y. 10017.

The Academy evaluated this product as probably effective for use in poultry (including turkey) rations for increasing rate of gain and improved feed efficiency. The Academy stated, however, claims in the labeling for increasing rate of gain and/or feed efficiency should be stated as "may result in faster gains and/or improved feed efficiency under appropriate conditions."

The Food and Drug Administration concurs in the Academy's evaluation regarding effectiveness of the drug and further concludes that the appropriate claim for faster weight gains and improved feed efficiency should be "For increased rate of weight gain and improved feed efficiency for (under appropriate conditions of use)."

This evaluation is concerned only with the drug's effectiveness and safety to the animal to which administered. It does not take into account the safety for food use of food derived from drug-treated animals. Nothing herein will constitute a bar to further proceedings with respect to questions of safety of the drug or its metabolites as residues in food products derived from treated animals.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the date of publication of this announcement in the FEDERAL REGISTER to submit revised labeling or adequate documentation in support of the labeling used.

Each holder of a "deemed approved" new animal drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drugs is requested to submit updating information as needed to make the application current with regard to manufacture of the drug including information on drug components and composition, and also including information regarding manufacturing methods, facilities, and controls, in accordance with the requirements of section 512 of the Federal Food, Drug, and Cosmetic Act.

Written comments regarding this announcement including requests for an informal conference may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

The holder of the new animal drug application for the listed drug has been mailed a copy of the NAS–NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drug or any other interested person may obtain a copy by writing to the Food and Drug Administration, Press Relations Staff, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050–51, 82 Stat. 343–51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 8, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7677; Filed, June 17, 1970; 8:50 a. m.]

[Docket No. FDC-D-167; NADA No. 6-218V]

WESTCHESTER VETERINARY PRODUCTS

Dr. Merrick's Ear Canker Creme; Notice of Opportunity for Hearing

Notice is hereby given to Westchester Veterinary Products, Inc., Division of Combe Chemical, Inc., White Plains, N.Y., 10601, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e) withdrawing approval of new animal drug application No. 6-218V and all amendments and supplements thereto, held by said firm for the drug Dr. Merrick's Ear Canker Cream, which is intended for use in dogs and cats and which contains tryothricin, 2-mercaptobenzothiazole, bismuth subnitrate, and bismuth subgallate, on the grounds that:

Information before the Commissioner with respect to the drug, evaluated together with the evidence available to him when the application was approved, does not provide substantial evidence that the drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new animal drug application No. 6-218V should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days following date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and is justified by the response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-7678; Filed, June 17, 1970; 8:50 a.m.]

Office of Education

NURSE EDUCATION

List of Reliable Accrediting Bodies and State Agencies

Pursuant to the Nurse Training Act, as amended (42 U.S.C. 298(b)), the U.S. Commissioner of Education hereby publishes a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered. This list supersedes the list previously promulgated by the Commissioner of Education on December 5, 1969, 34 F.R. 19308.

REGIONAL ACCREDITING ASSOCIATIONS

Commission on Institutions of Higher Education, Middle States Association of Colleges and Secondary Schools.

Commission on Institutitions of Higher Education, New England Association of Colleges and Secondary Schools.

Commission on Colleges and Universities, North Central Association of Colleges and Secondary Schools.

Commission on Higher Schools, Northwest Association of Secondary and Higher Schools.

Commission on Colleges and Universities, Southern Association of Colleges and Schools.

Accrediting Commission for Senior Colleges and Universities, Accrediting Commission for Junior Colleges, Western Association of Schools and Colleges.

NATIONAL SPECIALIZED ACCREDITING ASSOCIATIONS

Board of Review, National League for Nursing, Inc.

STATE AGENCIES

California Board of Nursing Education and Nurse Registration.
Board of Regents, University of the State of New York.
Iowa Board of Nursing.
Missouri State Board of Nursing.
Montana State Board of Nursing.
New Hampshire Board of Nursing Education and Nurse Registration.
West Virginia State Board of Examiners for Registered Nurses.

Any other association or State agency which desires to be included on the list should request inclusion in writing. Each recognized accrediting body or State agency will be reevaluated pursuant to the appropriate criteria: 34 F.R. 643, 644, January 16, 1969.

Dated: June 10, 1970.

JAMES E. ALLEN, Jr.,
U.S. Commissioner of Education.

[F.R. Doc. 70-7679; Filed, June 17, 1970; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Order Extending Provisional Construction Permit Completion Date

By application dated May 25, 1970, General Electric Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPCSF-3. The permit authorizes General Electric Co. to construct an irradiated fuel reprocessing plant, known as the Midwest Fuel Recovery Plant, at the company's site in Grundy County, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPCSF-3 is extended from July 1, 1970 to July 1, 1971.

Dated at Bethesda, Md., this 10th day of June 1970.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 70-7656; Filed, June 17, 1970; 8:49 a.m.]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Order Reopening Hearing for Limited Purposes

1. On April 6, 1970, the board certified two questions to the atomic safety and licensing appeal board and on the same date, it requested the parties to submit additional data by May 18, 1970. On May 26, the appeal board filed its response to the board's questions and on June 10, the 15-day period for the Commission to initiate on its own motion a review of the appeal board's response expired (10 CFR 2.786). In light of the additional data forwarded by the parties and the appeal board's response to the certification of April 6, the board has decided to reopen the licensing for limited purposes. Accordingly, it is hereby ordered that the hearing shall be reopened on Friday, July 10, 1970, at 9:30 a.m., local time, in Room 206, Federal Tax Court Building, 26 Federal Plaza, New York, N.Y. 10007, and it is further directed that this order shall be published promptly in the FEDERAL REGISTER and that it shall be the subject of a public announcement by the Commission's Division of Public Information.

2. The limited purposes of the reopened hearing are as follows—

(a) To permit each party the opportunity to present as testimony of one or more of its witnesses its substantive responses to the board's request for additional data of April 6, 1970, to present direct testimony relating to such responses of another party, to cross-examine witnesses, and to present redirect testimony pertaining hereto.

(b) To provide the parties the opportunity to present testimony and argument on the following questions:

(i) What is the nature of the design basis or maximum credible accident which should be hypothesized for purposes of site analysis? For example, should the accident be as serious as a high temperature rupture of the cladding of all the fuel elements? If not what should it be? In any case, should the presence or absence of shielding water be assumed?

(ii) What are the postulated fission product release fractions? Specifically, should the release fractions be assumed to be as small as 10^{-6} or should they be assumed to be higher, and if so, by what order of magnitude?

(c) To permit board interrogation of the witnesses and counsel with respect to the subject matter of items 2a and 2b and with respect to such other considerations as the board may deem appropriate at the time.

3. Any proposed testimony hereunder which a sponsoring party has not already noticed to the other parties and the board, including any significant modification of data previously served by him, shall be served by the sponsoring party upon the other parties and the board on or before July 2, 1970; otherwise, unless good cause is shown to the contrary, the proposed testimony will not be admitted into evidence.

4. In presenting its testimony and argument with respect to item 2b, the Regulatory Staff is requested to include pertinent information pertaining to the licensing of the 23 Triga reactors currently authorized to operate in the United States with particular reference to the nature of the design basis or maximum credible accidents and fission product release fractions thereunder which have been postulated for purposes of ascertaining whether public health and safety were secured under accident conditions,

5. For convenience of reference, the applicant is requested to provide to the board on or before July 2, 1970, a page index to its testimony and other evidence of record of its claimed compliance with the requirements set out in the several paragraphs and subparagraphs of 10 CFR 50.34(b) and 50.36(c).

Dated: June 16, 1970, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE,
Chairman.

[F.R. Doc. 70-7771; Filed, June 17, 1970; 8:55 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21770; Order 70-6-48]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority June 5, 1970.

By Order 70-5-133, dated May 27, 1970, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement would permit, in instances where the unavailability of space makes it impossible for affinity groups of 80 or more passengers to travel as one group on sectors within North America, the utilization of the first three flights of the same carrier on which space is available for the carriage of such groups.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70-5-133 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21739 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-7704; Filed, June 17, 1970; 8:52 a.m.]

[Docket No. 20291; Order 70-6-75]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority June 12, 1970.

By Order 70-5-127, dated May 27, 1970, action was deferred, with a view toward eventual approval, on certain

resolutions incorporated in an agreement adopted by Joint Conference 1–2 of the International Air Transport Association (IATA). The agreement reduces most North Atlantic fares to/from Budapest generally to the level of the fares applicable to/from Rome.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 70–5–127 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21737 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–7705; Filed, June 17, 1970; 8:52 a.m.]

[Docket No. 20993; Order 70–6–76]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 12, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conference of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 4, 1970, names an additional specific commodity rate, as set forth below, which reflects a significant reduction from the general cargo rate:

R–9:
Commodity Item 8001—Scientific and Precision Instruments excluding Watches and Clocks, n.e.s. 237 cents per kg., minimum weight 100 kgs., Delhi to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R–9, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–7706; Filed, June 17, 1970; 8:52 a.m.]

[Docket No. 20993; Order 70–6–77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority June 12, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated May 26, 1970, names additional specific commodity rates, as set forth below, which reflect significant reductions from the general cargo rates.

R–8:
Commodity Item 0003—Foodstuffs, Spices and Beverages, n.e.s., excluding Caviar and Hatching Eggs 120 cents per kg., minimum wieght 200 kgs., 100 cents per kg., minimum weight 500 kgs., Beirut to New York.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21753, R–8, be and hereby is deferred with a view toward eventual approval: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70–7707; Filed, June 17, 1970; 8:52 a.m.]

CIVIL SERVICE COMMISSION

DENTAL HYGIENIST, VETERANS ADMINISTRATION HOSPITAL, SHERIDAN, WYO.

Manpower Shortage; Notice of Listing

Under provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on May 19, 1970, for the single position of Dental Hygienist (Training), GS–682–6, at the Veterans Administration Hospital, Sheridan, Wyo.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty. The finding is self-canceling when the position is filled.

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

[F.R. Doc. 70–7653; Filed, June 17, 1970; 8:48 a.m.]

PROGRAM MANAGEMENT OFFICER, NATIONAL SCIENCE FOUNDATION

Manpower Shortage; Notice of Listing

Under provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on May 27, 1970, for positions of Program Management Officer, GS–340–12/15, Office of National Centers and Facilities Operations, National Science Foundation, Washington, D.C.

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

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

[F.R. Doc. 70–7654; Filed, June 17, 1970; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

JUNE 12, 1970.

On February 27, 1970, the U.S. Government requested the Government of the Socialist Republic of Romania to enter into consultations concerning exports to the United States of cotton textile products in Category 55 produced or manufactured in the Socialist Republic of Romania. In that request the U.S. Government indicated the specific level at which it considered that exports in this category from the Socialist Republic of Romania should be restrained for the 12-month period beginning February 27,

1970, and extending through February 26, 1971. Consultations were scheduled with the Socialist Republic of Romania and the directive now published below was temporarily withheld. Initial consultations have been held without agreement having been reached. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles is establishing restraint at the level indicated in its request of February 27, 1970, for the 12-month period beginning on that date and extending through February 26, 1971. This restraint does not apply to cotton textile products in Category 55, produced or manufactured in the Socialist Republic of Romania and exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of April 27, 1970, from the Chairman of the Presidents' Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 55, produced or manufactured in the Socialist Republic of Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning February 27, 1970, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 27, 1970.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning February 27, 1970, and extending through February 26, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 55, produced or manufactured in the Socialist Republic of Romania, in excess of a level of restraint for the period of 7,000 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 55, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from the Socialist Republic of Romania prior to February 27, 1970, shall not be subject to this directive.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 55, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965–68). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROCCO C. SICILIANO,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 70-7695; Filed, June 17, 1970; 8:52 a.m.]

[1] This level has not been adjusted to reflect any entries made on or after Feb. 27, 1970.

SECURITIES AND EXCHANGE COMMISSION

[811-388]

EASTERN STATES CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 12, 1970.

Notice is hereby given that Eastern States Corp. (Applicant), 10 Light Street, Baltimore, Md. 21202, a Maryland corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that applicant has ceased to be an investment company as defined in the Act. 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 registered as a closed-end, nondiversified management investment company under the Act on November 1, 1940. At meetings held on December 17, 1968, and January 28, 1969, and on December 18, 1968, and January 29, 1969, the boards of directors of Applicant and St. Regis Paper Co. ("St. Regis"), respectively, approved a plan of reorganization (Plan) and a purchase and sale agreement (Agreement) whereby St. Regis would purchase all of the assets of Applicant consisting primarily of common stock of St. Regis and assume certain of Applicant's liabilities in exchange for a lesser amount of St. Regis common stock. At the adjourned annual meeting of stockholders of Applicant held April 22, 1969, the holders of more than two-thirds of the outstanding common stock of Applicant approved the Plan and Agreement as well as articles of sale and articles of dissolution of Applicant. The Plan and Agreement were also approved by shareholders of St. Regis at their annual meeting on April 24, 1969.

On June 16, 1969, the Commission issued an order pursuant to section 17(b), exempting the proposed sale of assets and assumption of liabilities, and pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting certain shareholders and the officers and directors of Applicant to participate in said transaction. (ICA Release No. 5711.) On June 25, 1969, the closing under the Agreement took place, and articles of dissolution of the Applicant were executed and filed with the Department of Assessments and Taxation of the State of Maryland.

Under the Agreement Applicant received 925,967 shares of St. Regis common stock. Under the Plan each holder of a share of common stock of Applicant became entitled to 1.62025 shares of St. Regis common stock in connection with the liquidation and dissolution of Applicant and the pro rata distribution of its assets. Applicant delivered all of the 925,967 shares of St. Regis common stock it had received under the Agreement to The Chase Manhattan Bank N.A. (The Chase), as agent, 80 Pine Street, New York, N.Y., for distribution to Applicant's shareholders, in complete winding up and liquidation of Applicant as their full and final share of the assets, in exchange for the surrender for cancellation of the 572,132 shares of Applicant's common stock held by such shareholders. The Chase notified Applicant's shareholders of the procedure for surrender and exchange of their shares, and as of June 3, 1970, all but 5,637 shares of Applicant held by 171 shareholders had been surrendered. Continuing efforts are being made to locate these shareholders.

Applicant states, therefore, that it is not engaged in business and exists solely for purposes of winding up and liquidation and desires to be relieved of all further obligations under the Act as a registered investment company, including reporting requirements.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 6, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues 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 set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon 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. 70-7697; Filed, June 17, 1970; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 496]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 15, 1970.

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

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

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

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

8092-C2-P-70—RAM Broadcasting of California, Inc. (New), C.P. for a new air-ground station to be located at 2125 Main Street, Julian, Calif., to operate on frequency 454.825 MHz base and 454.675 MHz signaling.

8093-C2-P-70—South Central Bell Telephone Co. (KKC266), C.P. to relocate the test facilities operating on 157.83 MHz to 113 Cazezu Lane, Buras, La.

8146-C2-P-70—Autofone Co. (KOP257), C.P. to relocate the control facilities operating on 75.70 MHz to 615 Bekum Building, near the corner of Third Avenue and Stark Street, Portland, Oreg.

3068-C2-P-69—MRN Services Inc. (New), C.P. application returned to pending status Apr. 30, 1970, for a new station to be located south of Selden, N.Y., to operate on frequency 158.70 MHz.

3921-C2-R-70—Pacific Northwest Bell Telephone Co. (KP2010), Renewal of license expiring July 14, 1970. Terms: July 14, 1970 to July 14, 1971. (DEV.)

4294-C2-R-70—Allied Telephone Co. of Arkansas, Inc. (KPJ885), Renewal of license expiring July 1, 1970. Terms: July 1, 1970 to July 1, 1973.

4271-C2-R-70—Allied Telephone Co. of Arkansas, Inc. (KLB697), Renewal of license expiring July 1, 1970. Terms: July 1, 1970 to July 1, 1973.

4293-C2-R-70—Allied Telephone Co. of Arkansas, Inc. (KLB683), Renewal of license expiring July 1, 1970. Terms: July 1, 1970 to July 1, 1973.

4292-C2-R-70—Allied Telephone Co. of Arkansas, Inc. (KLB774), Renewal of license expiring July 1, 1970. Terms: July 1, 1970 to July 1, 1973.

Major Amendments

3682-C2-69—Tel-Page Corp. (KEJ894), Change frequency from 152.03 to 454.150 MHz. All other particulars to remain same as reported on public notice dated Dec. 30, 1968.

6973-C2-P-70—Gulf Mobile Alabama Inc. (New). To add frequencies 454.075 and 454.125 MHz. All other particulars to remain same as reported on public notice dated May 4, 1970.

Correction

7923-C2-P-(3)69—Arlington Telephone Co. (New), Correct signaling frequency to read: 454.675 MHz. All other particulars to remain same as reported in public notice dated Feb. 24, 1970.

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

3854-C1-R-70—Pacific Northwest Bell Telephone Co. (KPR65), Renewal of license expiring July 6, 1970. (Developmental.) Term: July 6, 1970 to July 6, 1971.

400-C1-R-70—New England Telephone & Telegraph Co. (KGP58), Renewal of license expiring Aug. 1, 1970. (Developmental.) Term: Aug. 1, 1970 to Aug. 1, 1971.

8086-C1-P-70—The Southern New England Telephone Co. (KTQ40), C.P. to add frequencies 6360.3 and 10,975 MHz toward Bethel, Conn. Location: Willard Road, Norwalk, Conn.

8087-C1-P-70—The Southern New England Telephone Co. (New), C.P. for a new station to be located at Lonetown Road, Bethel, Conn. Frequencies: 6137.9 and 11,385 MHz toward Norwalk, Conn., and 11,425 and 11,665 MHz toward Danbury, and 6108.3 and 11,405 MHz toward New Milford, Conn.

8088-C1-P-70—The Southern New England Telephone Co. (New), C.P. for a new station to be located at 39 West Street, Danbury, Conn. Frequencies: 10,775 and 11,015 MHz toward Bethel, Conn.

8089-C1-P-70—The Southern New England Telephone Co. (New), C.P. for a new station to be located at Dogwood Drive, New Milford, Conn. Frequencies: 10,755 and 10,995 MHz toward Milford, Conn., and 6390 and 10,955 MHz toward Bethel, Conn.

8090-C1-P-70—The Southern New England Telephone Co. (New), C.P. for a new station to be located at 44 Bridge Street, New Milford, Conn. Frequencies: 11,445 and 11,685 MHz toward New Milford, Conn.

8145-C1-P-70—The Mountain States Telephone & Telegraph Co. (KKK57), C.P. to add frequency 2162 MHz toward Caballo, N. Mex. Location: 272 West Griggs Avenue, Las Cruces, N. Mex.

8147-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at Central Office, Plantsite No. 2 access, Clifton-Morenci Highway, Clifton, Ariz. Frequencies: 6212.1 and 11,365 MHz toward Guthrie Peak, Ariz.

8148-C1-P-70—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station to be located at Guthrie Peak, 11.8 miles south of Clifton, Ariz. Frequencies: 5960.0 and 10,915 MHz toward Clifton, Ariz., and 6019.3 and 11,115 MHz toward Safford, Ariz.

8149-C1-P-70—The Mountain States Telephone & Telegraph Co. (KPN88), C.P. to add frequencies 6271.4 and 11,565 MHz toward Guthrie Peak, Ariz. Location: 725 Seventh Street, Safford, Ariz.

8169-C1-P-70—South Central Bell Telephone Co. (KLM91), C.P. to add frequency 4150 MHz toward Flatwoods, La. Location: 825 Murry Street, Alexandria, La.

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

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

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

8170–C1–P–70—South Central Bell Telephone Co. (KLW23), C.P. to add frequency 4110 MHz toward Natchitoches, La. Location: In town proper, Flatwoods, La.
8171–C1–P–70—South Central Bell Telephone Co. (KLW24), C.P. to add frequency 4150 MHz toward Martin, La. Location: Touline and Fourth Streets, Natchitoches, La.
8172–C1–P–70—South Central Bell Telephone Co. (KLW26), C.P. to add frequency 4110 MHz toward Ringgold, La. Location: 0.5 mile south of Martin, La.
8173–C1–P–70—South Central Bell Telephone Co. (KLW25), C.P. to add frequency 3850 MHz toward Shreveport, La. Location: Approximately 5 miles southwest of Ringgold, La.

Correction

8040–C1–P–70 through 8043–C1–P–70—New England Telephone & Telegraph Co. (KZI60 and New), Delete entire entries, see Report No. 495 dated June 8, 1970.

Major Amendment

4760–C1–P–70—New England Telephone & Telegraph Co. (KZI60), Change frequency 5997.1 MHz toward Moultonboro, N.H., to 6249.1 MHz. Location: Gilford, 3 miles east-southeast of Laconia, N.H.
4761–C1–P–70—New England Telephone & Telegraph Co. (KZI61), Change frequency 6249.1 MHz toward Gilford, N.H., to 5997.1 MHz and change frequency 6264.0 MHz toward Ossipee, N.H., to 6011.9 MHz. Location: Moultonboro, N.H.
4762–C1–P–70—New England Telephone & Telegraph Co. (New), Change frequency 6249.1 MHz toward Ossipee, N.H., to 5997.1 MHz. Location: Albany, 1.5 miles west of Conway, N.H.
4763–C1–P–70—New England Telephone & Telegraph Co. (New), Change frequency 6011.9 MHz toward Moultonboro, N.H., to 6264.0 MHz and change frequency 5997.1 MHz toward Albany, N.H., to 6249.1 MHz. Location: 2.1 miles northwest of Ossipee, N.H. All other particulars same as reported in public notice dated Mar. 2, 1970, Report No. 481.

The following renewal applications for the term ending Aug. 1, 1975, have been received in accordance with the Commission order, FCC 69–778, released July 18, 1969.

Bell Telephone Co. of Nevada:

Call sign and station location

KOE86... In any temporary fixed location within the territory of the grantee.
KOP45... 745 East Tropicana Avenue, Las Vegas (Clark), Nev.
KOP47... Peavine Peak, near Reno (Washoe), Nev.
KOR51... Potosi Mountain, 5.5 miles northwest of Goodsprings (Clark), Nev.
KOT47... Angel Peak, 7 miles northeast of Mount Charleston (Clark), Nev.
KOY38... Mount Rose, 13 miles southwest of Reno (Washoe), Nev.
KPE96... Spotted Range, 2.2 miles southeast of Mercury (Nye), Nev.
KPF81... 195 East First Street, Reno (Washoe), Nev.
KPF88... Eagle Ridge, 8.8 miles southwest of Fernley (Lyon), Nev.
KPF89... Black Mountain, 3 miles northwest of Schurz (Mineral), Nev.
KPF90... Rabbit Springs, 18.5 miles northwest of Luning (Mineral), Nev.
KPF91... Columbus, 10 miles northwest of Coaldale (Esmeralda), Nev.
KPF92... Montezuma, 8 miles west of Goldfield (Esmeralda), Nev.
KPF93... Booker Mountain, 2.6 miles northeast of Tonopah (Nye), Nev.
KPF94... Ragged Top, 18 miles southwest of Lovelock (Pershing), Nev.
KPF95... Florida Canyon, 2.5 miles southeast of Humboldt (Pershing), Nev.
KPF96... Winnemucca Mountain, 3.8 miles northwest of Winnemucca (Humboldt), Nev.
KPR66... 3 miles north-northeast of Mercury (Nye), Nev.
KPR67... Test Site, 1 mile south of Groom Lake (Lincoln), Nev.
KPR96... McClellan Peak, 3 miles west of Silver City (Storey), Nev.
KPR97... Churchill Butte, near Silver Springs (Lyon), Nev.
KPR98... 19 Van Ness Street, Yerington (Lyon), Nev.
KPX50... 709 North Stewart Street, Carson City (Ormsby), Nev.
KPX53... 104 Water Street, Henderson (Clark), Nev.
KPY21... Topaz Lake, 11 miles west-southwest of Wellington (Douglas), Nev.
KPY22... Wassuk, 5.5 miles southwest of Schurz (Mineral), Nev.
KPY23... Kinkaid, 11 miles east of Hawthorne (Mineral), Nev.

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

KPY24... Table Mountain, 11 miles northeast of Mina (Mineral), Nev.
KPY25... 6.3 miles north of Gilbert (Esmeralda), Nev.
KPY26... Booker Mountain, 2.6 miles northeast of Tonopah (Nye), Nev.
KPY27... Stone Cabin, 21 miles southwest of Warm Springs (Nye), Nev.
KPY28... 2.2 miles west of Warm Springs (Nye), Nev.
KPY29... 5.8 miles west-southwest of Lockes (Nye), Nev.
KPY30... 11.6 miles northeast of Currant (Nye), Nev.
KPY31... Murry Summit, 1.4 miles west of Ely (White Pine), Nev.
KPY32... 1025 Aultman Street, Ely (White Pine), Nev.
KPY85... Pahute, 38 miles northwest of Mercury (Nye), Nev.
KPY86... Echo Peak, 42 miles northwest of Mercury (Nye), Nev.
KPZ51... Reese Street, Battle Mountain (Lander), Nev.
KPZ52... Mount Lewis, 17 miles south of Battle Mountain (Lander), Nev.
KVU44... Gold Mountain, 7 miles southeast of Gold Point (Esmeralda), Nev.
KVU45... Bare Mountain, 2 miles southeast of Beatty (Nye), Nev.
KVU70... Silent Canyon, 31 miles northeast of Beatty (Nye), Nev.
KYC72... Hot Creek Valley, 10 miles northeast of Warm Springs (Nye), Nev.
KYJ40... 11.5 miles west-northwest of Searchlight (Clark), Nev.
WAD74... On Highway No. 95, 1 mile northwest of Tonopah (Esmeralda), Nev.
WAD78... Control Point, 10 miles northeast of Warm Springs (Nye), Nev.
WAD79... Noname Hill, 25 miles northeast of Warm Springs (Nye), Nev.
WOB42... Cactus Flat, 27 miles northeast of Goldfield (Nye), Nev.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

8155–C1–MP–70—Mountain Microwave Corp. (WAY27), Modification of C.P. to change antenna location, add frequency and add transmitter. Location: 9 miles northwest of De Smet, S. Dak., at latitude 44°29'42" N., longitude 97°38'07" W. Frequencies: 10,975 and 11,055 MHz on azimuth 303°05'.
8156–C1–MP–70—Mountain Microwave Corp. (WAY26), Modification of C.P. to add frequency and transmitter and change location of the Aberdeen receiving site. Location: 2 miles north-northwest of Redfield, S. Dak., at latitude 44°54'40" N., longitude 98°32'05" W. Frequencies: 11,465 and 11,545 MHz on azimuth 1°40'.

(Informative: Applicant proposes to add one channel of microwave service to provide the television signal of KESD–TV of Brookings, S. Dak., to Aberdeen Cable TV Services, Inc., in Aberdeen, S. Dak.)

8157–C1–P–70—Sierra Microwave, Inc. (KPL26), C.P. to power split existing transmitters to transmit frequencies 6110, 6210, 6310, and 6410 MHz on azimuths 262°33' and 313°02'. Location: 4.5 miles east of Jerome, Idaho, at latitude 42°43'50" N., longitude 114°25'10" W.

(Informative: Applicant proposes to change the drop location for Jerome, Idaho, for delivering television signals of stations KUTV, KCPX–TV, KUED, and KSL–TV of Salt Lake City, Utah, and to add a new receiving (Drop) location in Gooding, Idaho, for the same four signals at the request of its customer, Idaho Video, Inc.)

8158–C1–P–70—Microwave Transmission Corp. (KPZ25), C.P. to change frequency 6275.0 to 6226.9 MHz on azimuths 356°00'; 324°52'; and 94°40'; and to change transmitter to Lenkurt type 75A2. Location: 6.7 miles south of Kennewick, Wash., at latitude 46°06'16" N., longitude 119°07'50" W.
8159–C1–P–70—United Video, Inc. (New), C.P. for a new station at 1.5 miles northwest of Chillicothe, Mo., at latitude 39°48'09" N., longitude 93°35'03" W. Frequency: 10,735 MHz on azimuth 236°35'.
8160–C1–P–70—United Video, Inc. (New), C.P. for a new station at 1 mile northwest of Polo, Mo., at latitude 39°33'45" N., longitude 94°03'15" W. Frequency: 11,425 MHz on azimuth 236°28'.
8161–C1–P–70—United Videto, Inc. (New), C.P. for a new station at 4.75 miles southeast of Smithville, Mo., at latitude 39°19'34.5" N., longitude 94°30'48" W. Frequency: 10,735 MHz on azimuth 336°22'.

(Informative: Applicant proposes to provide the television signal of station KPLR–TV of St. Louis, Mo., to St. Joseph Cablevision in St. Joseph, Mo.)

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

8162-C1-P-70—United Video, Inc. (New), C.P. for a new station at 1.6 miles north of Coffeyville, Kans., at latitude 37°04'05.5" N., longitude 95°38'23.9" W. Frequency: 11,385 MHz on azimuth 146°16'.

8163-C1-P-70—United Video, Inc. (New), C.P. for a new station at 2.5 miles southwest of Centralia, Okla., at latitude 36°45'17" N., longitude 95°22'48" W. Frequency: 11,095 MHz on azimuths 171°56' and 74°34'.

8164-C1-P-70—United Video, Inc. (New), C.P. for a new station at 3 miles east of Miami, Okla., at latitude 36°52'58" N., longitude 94°47'46" W. Frequency 11,385 MHz on azimuth 44°06'.

(Informative: Applicant proposes to provide the television signal of station KCIT-TV of Kansas City, Mo., to Midwest Cablevision, Inc., in Joplin-Webb City, Mo., and Miami, Okla., and to GenCoE, Inc., in Pryor, Okla.)

8165-C1-MP-70—Microwave Transmission Corp. (KPR32), Modification of C.P. to change frequency 6047.6 MHz to 6041.6 MHz on azimuth 67°30'. Location: 15 miles south-southeast of Lester, Wash., at latitude 47°01'28" N., longitude 121°20'02" W.

8166-C1-ML-70—American Television Relay, Inc. (KCG74). Location: Phoenix, Ariz.

8167-C1-ML-70—American Television Relay, Inc. (KPY74), Location: 1.6 miles northeast of Flagstaff, Ariz.

(Informative: Applicant proposes to modify the licenses of the above stations in order to permit the carriage of the audio signal of the ABC Radio Network to radio station KAFF in Flagstaff, Ariz.)

[F.R. Doc. 70-7680; Filed, June 17, 1970; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND FOSS ALASKA LINE, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. W. R. Purnell, District Manager, American Mail Line, 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 9872 is a through billing arrangement covering the transportation of cargo from Alaskan ports served by Foss Alaska Line to Japanese ports called at by American Mail Line with transshipment in Seattle and in accordance with the terms and conditions set forth in the agreement.

Dated: June 15, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7690; Filed, June 17, 1970; 8:51 a.m.]

CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

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

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

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

Notice of agreement filed for approval by:

Mr. Gerald A. Malia, Ragan & Mason, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

Agreement No. T-1685-5 between the city of Anchorage (City) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the lease and preferential use of berth space and a transit shed at Anchorage, Alaska. The purpose of the modification is to (1) increase the number of preferential berthing rights for Sea-Land vessels per agreement year, and (2) adjust the compensation therefor and the method of payment.

Dated: June 12, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7692; Filed, June 17, 1970; 8:51 a.m.]

DOMINION FAR EAST LINE, LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Dominion Far East Line (Hong Kong) Ltd., 22 Pedder Street, Hong Kong.

Dated: June 15, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7698; Filed, June 17, 1970; 8:52 a.m.]

DOMINION FAR EAST LINE, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Dominion Far East Line (Hong Kong) Ltd., 22 Pedder Street, Hong Kong.

Dated: June 15, 1970.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7699; Filed, June 17, 1970; 8:52 a.m.]

[Docket No. 70-23]

MED-GULF CONFERENCE

Order of Investigation and Hearing

Agreement 9522-11, modification of the Med-Gulf Conference Agreement and agreement 9522-D.R.-4, modification of the Med-Gulf Conference Exclusive Patronage (Dual Rate) System.

The Commission has before it applications of the Med-Gulf Conference, Agreement No. 9522, as amended, to extend permanent approval to modifications of its basic agreement embodied in Agreement No. 9522-11 and to approve the extension of its dual rate system to cover Puerto Rico. Since disposition of the latter is dependent upon our action on the former we shall consider them together.

Agreement No. 9522-11. Agreement No. 9522-11 modifies the basic conference agreement in the following significant respects:

1. Adds Puerto Rico to the geographic scope of the Conference.

2. Divides the Conference into five separate sections with separate ratemaking initiative, separate memberships, and separate admission fees and faithful performance guarantees.

We approved this agreement on April 15, 1969 for a period of only 1 year and later extended it to June 15, 1970, because (1) the geographic scope of the Conference had increased substantially since its original approval on August 19, 1966, (2) the separate sections were not autonomous, (3) the Conference's single dual rate contract covered all sections except Puerto Rico, and (4) because we wanted to take a later look at this arrangement to determine if it would be necessary to require the autonomy of each of the sections and the use of a separate dual rate contract by each section. We also informed the Conference that should it desire further approval of this agreement beyond the 1-year period, it must justify the need for the continued lack of autonomy of the individual sections and continued use of a single dual rate contract.

On February 17, 1970, the Conference applied for permanent approval of the changes effected by this agreement. In its application it made various claims and assertions as to the autonomy of the sections and the need for continued use of the single contract that do not seem to demonstrate that they are required by serious transportation needs or are necessary to secure important public benefits or to serve the regulatory purposes of the Shipping Act, 1916.

In addition, the Commission suggests the following circumstances may indicate the desirability of the autonomy of the individual sections and separate contracts:

1. There appear to be very few nonconference lines operating in the trades covered by the conference since the closing of the Suez Canal.

2. The Conference encompasses loading ports in four of the largest exporting countries bordering on the Mediterranean, whereas, in the adjacent Mediterranean-U.S. North Atlantic trade there is a separate conference serving each of these countries.

3. The memberships of the individual sections appear to be large enough and disparate enough to warrant individual authority.

Another issue raised by this Agreement is the addition of Puerto Rico in the scope of the Conference.

Agreement No. 9522-D.R.-4. On January 13, 1970, the Conference filed an application to extend its approved dual rate system and contract to cover Puerto Rico. Since action on this matter is dependent upon our action with regard to Agreement No. 9522-11 we are including it in the proceeding herein ordered. Should service to Puerto Rico be further approved then this application shall be considered.

Therefore, it is ordered, That, pursuant to sections 14b, 15, and 22 of the Shipping Act, 1916, an investigation and hearing be instituted to determine

1. Whether Agreement No. 9522-11 is unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and, on the basis of such determinations, to conclude whether Agreement No. 9522-11 should be approved, disapproved, or modified;

2. Whether the Med-Gulf Conference should be required to maintain separate and autonomous sections for each of the geographic areas which it presently encompasses;

3. Whether, in the event the Conference is ordered to maintain separate and autonomous sections, it should be required to cancel its present dual rate system and contract and establish separate systems and contracts for each of the individual trades into which it is divided;

4. Whether conditions now exist which would warrant retention of authority to serve Puerto Rico; and

5. Whether, in the event service to Puerto Rico is further approved, the Med-Gulf Conference should be permitted to establish a dual rate system in the Puerto Rican trade, either by extending the scope of its present system pursuant to Agreement No. 9522-D.R.-4 or by instituting a new and separate system.

It is further ordered, That the parties listed in Appendix A below be made respondents in this proceeding;

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And, it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Mr. G. Ravera, Secretary, Med-Gulf Conference, Post Office Box 1070, 16100 Genoa, Italy.
Belfranline, Meir 24, Antwerpen, Belgium.
Compania Trasatlantica Espanola S.A., Paseo de Calvo Sotelo, 4, Madrid 1, Spain.
Concordia Line, Haugesund, Norway.
Constellation Line, Post Office Box 825, Veerhaven, 2, Rotterdam, Holland.
Creola Line, Via XX Settembre, 28/4, 16121 Genova, Italy.
Dafra Line, 17, Frederiksgade, 1265 Copenhagen K., Denmark.
Fabre Line, Post Office Box 857, Marseilles Colbert, 70-72 Rue de la Republique, Marseilles 2E, France.
Hansa Line, Post Office Box 4, Schlachte 6, 28 Bremen 1, West Germany.
Hellenic Lines, Akti Miaouli, Piraeus, Greece.
Jugoslavenska Linijska Plovidba, Post Office Box 379, Rijeka, Jugoslavia.
Jugoslavenska Oceanska Plovidba, Kotor, Jugoslavia.
Koninklijke Nederlandsche Stoomboot Maatschappij N.V. (Royal Netherlands Steamship Co.), Postbus 209, Amsterdam, Holland.
Lykes Bros. Steamship Co., Inc., 130, Commerce Building, 821 Gravier Street, New Orleans, La. 70150.
Nordana Line, 30, Sankt Annae Plads, Copenhagen K, Denmark.
Sidarma Line, Rialto—Campo della Fava 5527, 30100 Venice, Italy.
Zim Israel Navigation Co., Ltd., Post Office Box 1723, Ha'atzmaut Road 7-9, Haifa, Israel.

[F.R. Doc. 70-7700; Filed, June 17, 1970; 8:52 a.m.]

PORT OF SEATTLE AND JAPAN LINE, LTD.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the

matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed for approval by:

Mr. T. P. McCutchan, Manager, Property Management Department, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement T-2421 between the Port of Seattle (Port) and Japan Line, Ltd. (Japan), is a lease agreement whereby the Port leases to Japan up to 1 acre of property at a fixed monthly rental fee on a month to month basis. The agreement will supersede agreement No. T-2397 between the same parties, approved May 5, 1970. The property is to be used by Japan as a container freight station for the storage of chassis and containers.

Dated: June 12, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[F.R. Doc. 70-7691; Filed, June 17, 1970; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Atlantic Bancorporation, which is a bank holding company located in Jacksonville, Fla., for prior approval by the Board of Governors of the acquisition by applicant of not less than 80 percent of the voting shares of Hastings Exchange Bank, Hastings, Fla.

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

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

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

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

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

By order of the Board of Governors, June 11, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7673; Filed, June 17, 1970; 8:50 a.m.]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company; Correction

The above order that appeared in the FEDERAL REGISTER for June 5, 1970 (35 F.R. 8771) omitted the date of issuance by the Board of Governors. The order was issued May 28, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7599; Filed, June 17, 1970; 8:45 a.m.]

WACCAMAW CORP.

Order Approving Action To Become Bank Holding Company

In the matter of the application of The Waccamaw Corp., Whiteville, N.C., for approval of action to become a bank holding company through the acquisition of voting shares of the successor by merger to American Bank and Trust Co., Monroe, N.C.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by The Waccamaw Corp., Whiteville, N.C., for the Board's prior approval of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of the successor by merger to American Bank and Trust Co., Monroe, N.C. Applicant presently owns all but directors' qualifying shares of Waccamaw Bank and Trust Co., Whiteville, N.C.

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

Notice of receipt of the application was published in the FEDERAL REGISTER on April 11, 1970 (35 F.R. 6024, as corrected by 35 F.R. 6161, Apr. 15, 1970), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

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

By order of the Board of Governors,[2] June 11, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-7674; Filed, June 17, 1970; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

PIONEER ENTERPRISES, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) under the name of Pioneer Enterprise Inc., 1521 South Gardena Avenue, Glendale, Calif. 91204, for a license to operate in the State of California as a minority enterprises small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers and directors are as follows:

Miles Lewis Rubin, 77 Malibu Colony, Malibu, Calif. President, General Manager and Director.

David Nate Abrams, 21 Hollister Drive, West Hartford, Conn. Vice President, Director.

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

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

William Thomas Hyland, 81 High Street, Thompsonville, Conn. Treasurer, Assistant Secretary.

Robert Benjamin Di Paola, 181-46 Tudor Road, Jamaica Estates, N.Y. Secretary, Director.

The company's initial capitalization will be $200,000. It is a wholly owned subsidiary of Pioneer Systems, Inc., 375 Park Avenue, New York, N.Y., a public company marketing a diverse range of products and services. As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than 10 days from the date of the publication of this notice, submit to SBA in writing relevant comments on the proposed company. Any communications should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City, and Los Angeles, Calif.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Investment.

MAY 20, 1970.

[F.R. Doc. 70-7696; Filed, June 17, 1970; 8:52 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 55]

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

JUNE 12, 1970.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

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

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

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

No. MC 531 (Sub-No. 266), filed May 27, 1970. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Huges (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils*, in buk, in tank vehicles, from Bradford, Pa., to Houston and Dallas, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 10761 (Sub-No. 246), filed May 25, 1970. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naidow (same address as above), also A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 20783 (Sub-No. 77) (Amendment), filed March 16, 1970, published in the FEDERAL REGISTER issue of April 2, 1970, and republished this issue. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. 30030. Applicant's representatives: Archie B. Culbreth and Guy H. Postell, Suite 417, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite facilities of Whitehall Packing Co. at or near Whitehall, Wis., and the freezer facilities of Whitehall Packing Co. at or near Eau Claire, Wis., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add the freezer facilities of Whitehall Packing Co. at or near Eau Claire, Wis., to the origin points, and to reflect a change in the commodity description by deleting articles described in section C of appendix I of the cited report. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 27817 (Sub-No. 85), filed May 25, 1970. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17204. Applicant's representative: Christian V. Graf, 407 North Front

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

Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs* (except cold-pack and frozen), from the plantsite of Duffy-Mott Co., Inc., at or near Aspers, Pa., to points in Pennsylvania. Restricted to traffic having a prior or subsequent movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 35628 (Sub-No. 310), filed May 11, 1970. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving points in Erie County, Pa., as off-route points in connection with applicant's presently held regular route operations to and from Erie, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Erie, Pa., or Detroit, Mich.

No. MC 40915 (Sub-No. 19), filed May 25, 1970. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, Calif. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstery or carpet tacking rims or strips, nails, adhesive cement, mechanic hand tools, extruded or rolled formed metal lineal shapes, shower receptors, and folding shower partitions and shower doors, laundry tubs and laundry tub or sink rims, and advertising materials* moving with such commodities, from Garden Grove, Calif., Union City, Tenn., Chicago and Warrenville, Ill., to points in the United States (except Alaska and Hawaii), and (2) *returned shipments*, from points in the United States (except Alaska and Hawaii), to Garden Grove, Calif., Union City, Tenn., Chicago and Warrenville, Ill., and (3) *materials, equipment, and supplies* used in manufacture and distribution of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to Garden Grove, Calif., Union City, Tenn., Chicago and Warrenville, Ill. All restricted against the transportation of commodities in bulk or those which by reason of size or weight require special equipment. All shipments to either originate or terminate at the plantsites or warehouse facilities utilized by Kinkead Industries, Inc., a subsidiary of U.S. Gypsum Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 41404 (Sub-No. 90), filed May 25, 1970. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged meats and sausage*, in vehicles equipped with mechanical refrigeration, from Booneville, Miss., to Chicago, Ill., restricted to shipments originating at Booneville, Miss. NOTE: Applicant states the purpose of this instant application is to eliminate St. Louis, Mo., as an interline point on shipments destined to Chicago, Ill. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., or Chicago, Ill.

No. MC 43654 (Sub-No. 79), filed May 18, 1970. Applicant: DIXIE OHIO EXPRESS, INC., 237 Fountain Street, Akron, Ohio 44309. Applicant's representative: Robert E. Gifford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Erie, Pa., and Warren, Pa., serving all intermediate points: (a) From Erie, Pa., over Pennsylvania Highway 99 to junction U.S. Highway 6N, thence over U.S. Highway 6N to junction U.S. Highway 6, thence over U.S. Highway 6 to Warren, Pa., and return over the same route, (b) from Erie, Pa., over U.S. Highway 19, to the junction of U.S. Highway 6, thence to Warren, Pa., as specified above, and return over the same route, (c) from Erie, Pa., over Pennsylvania Highway 97 to junction of U.S. Highway 6, thence to Warren, Pa., as specified above, and return over the same route, (d) from Erie, Pa., as specified above, to Corry, Pa., thence over Pennsylvania Highway 426 to junction of Pennsylvania Highway 77, thence over Pennsylvania Highway 77 to junction of Pennsylvania Highway 27, thence over Pennsylvania Highway 27 to junction of U.S. Highway 6, thence to Warren, Pa., as specified above and return over the same route, (e) from Erie, Pa., as specified above to the junction of U.S. Highway 6 and Pennsylvania Legislative Highway 88 near Youngsville, Pa., thence over Pennsylvania Legislative Highway 88 through Irvine, Pa., to its junction with U.S. Highway 6 near Starbrick, Pa., thence over U.S. Highway 6 to Warren, Pa., as specified above and return over the same route,

(2) Serving Albion, Fairview (Erie County), Girard, Lake City, Titusville, and points within 10 miles of Erie, Pa., as intermediate and off-route points in conjunction with carrier's regular route operating authority, (3) between North East, Pa., and U.S. Highway 6, serving no intermediate points: (a) From North East, Pa., over Pennsylvania Highway 89 to junction of Pennsylvania Highway 89 and U.S. Highway 6, and return over the same route, (b) from North East, Pa., over Pennsylvania Highway 89 to the junction of Pennsylvania 89 and 8 as specified above thence over Pennsylvania Highway 8 to Union City, Pa., and return over the same route, (4) between Westfield, N.Y., and Warren, Pa., serving no intermediate points: (a) From Westfield, N.Y., over New York Highway 17, to Jamestown, N.Y., thence over New York Highway 60 to Frewsburg, N.Y., thence over U.S. Highway 62 to Warren, Pa., and return over the same route, (b) from Westfield, N.Y., to Mayville, N.Y., over New York Highway 17 as specified above, thence over New York Highway 17J to Jamestown, N.Y., thence to Warren, Pa., as specified above and return over the same route. The above routes will be tacked with carrier's present regular route operations at Erie, and at North East, Pa., and at Westfield, N.Y., for service to and from all of applicant's operating authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa., Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 50069 (Sub-No. 440), filed May 25, 1970. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between Chicago Heights, Ill., on the one hand, and, on the other, points in Wisconsin, Indiana, Michigan, Ohio, Missouri, Pennsylvania, Maryland, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicate authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 159), filed May 8, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plastic products;* (1) from Weyauwega, Wis., to points in the United States (except Alaska and Hawaii); and (2) from Appleton, Wis., to points in those States west of North Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (B) *returned shipments, and equipment, materials, and supplies* used in the manufacture and distribution of the products named in (A) above, from the destination points described in (1) and (2) above to Weyauwega and Appleton, Wis. NOTE: Applicant states that the requested authority will be tacked with its present authority in MC 51146 where feasible, and therefore does not indicate what points or territory would be involved through such tacking. Persons are cautioned that failure to oppose the application may result in an

unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 160), filed May 8, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Deaborn Street, Chicago, Ill. 60602, and Donald F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs, columns, beams, purlins, channels, panels, and parts, accessories, and materials* used in the construction, erection, and completion thereof, from points in Winnebago County, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, and West Virginia. NOTE: Applicant states the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 55889 (Sub-No. 33), filed May 18, 1970. Applicant: COOPER TRANSFER CO., INC., Post Office Box 496, Brewton, Ala. 36426. Applicant's representatives: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004, also Kenneth A. Roberts, 1026 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Brewton and Opp, Ala., from Brewton over U.S. Highway 29 to Andalusia, Ala., thence over U.S. Highway 84 to Opp, and return over the same routes, serving the intermediate point of Andalusia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 56244 (Sub-No. 24), filed May 25, 1970. Applicant: KUHN TRANSPORTATION COMPANY, INC., Route No. 2, Box 71, Gardners, Pa. 17324. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except cold-pack and frozen), from the plantsite of Duffy-Mott Co., Inc., at or near Aspers, Pa., to points in Pennsylvania. Restricted to traffic having a prior or subsequent movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 57880 (Sub-No. 12), filed May 22, 1970. Applicant: ASHTON TRUCKING CO., a corporation, 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Leslie R. Kehl, Suite 420, Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Kirtland, N. Mex., Aneth and Moab, Utah, to points in Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 62538, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 59488 (Sub-No. 32), filed May 12, 1970. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Texarkana, Tex., and its commercial zone, and Texarkana mill plantsite of International Paper Co., Southern Kraft Division in Cass County, Tex.; from Texarkana, Tex., south for approximately 11 miles over U.S. Highway 59, thence approximately 4½ miles over unnumbered highways and access roads to Texarkana mill plantsite of International Paper Co., Southern Kraft Division, in Cass County, Tex., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas Tex., or Little Rock, Ark.

No. MC 61592 (Sub-No. 177), filed May 22, 1970. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet tacking strips*, metal and wood combined, in containers, from the plantsite and warehouse facilities of Oklahoma Carpet Tackless, Inc., at Norman and Oklahoma City, Okla., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 61825 (Sub-No. 36), filed May 26, 1970. Applicant: ROY STONE TRANSFER CORPORATION, V.C. Drive, Collinsville, Va. 24078. Applicant's representative: George S. Hales, Post Office Box 872, Martinsville, Va. 24112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool* (clay, rock, slag, or glass wool) and *mineral wool products*, from Birmingham, and Leeds, Ala., to points in Georgia, Kentucky, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65802 (Sub-No. 45), filed May 15, 1970. Applicant: LYNDEN TRANSFER, INC., doing business as LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, Wash. 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, cement in sacks, lumber, heavy machinery, and commodities* which because of size or weight require the use of special equipment, between points in Whatcom County, Wash., including ports of entry at or near the United States-Canada international boundary line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bellingham, or Seattle, Wash.

No. MC 66669 (Sub-No. 3), filed May 25, 1970. Applicant: SOFIELD TRANSFER CO., INC., 1051 Edward Street, Linden, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers or trailers, between Boston, Mass., Baltimore, Md., points in the New York, N.Y., commercial zone as defined by the Commission, Charleston, S.C., Philadelphia, Pa., and Norfolk, Va., on shipment having a prior or subsequent movement by U.S. Lines. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 68860 (Sub-No. 12), filed May 7, 1970. Applicant: RUSSELL TRANSFER INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Robert E. Douglas, 1701 Charleston National Plaza, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron or steel manufacture*, such as, *angles, bars, bars reinforcing, billets, channels, fencing wire, joist, lintels, nails, pipe cast, pipe wrought, plate, reinforcing wire, post, rods, tin mill black plate, tubing, stampings, sheets, wire*, between points in Roanoke County, Va., on the one hand,

and, on the other, points in Delaware, District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, West Virginia, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 71459 (Sub-No. 21), filed May 12, 1970. Applicant: HOPPER TRUCK LINES, a corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representatives: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021 and Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous articles, household goods, commodities in bulk, those requiring special equipment, those injurious or contaminating to other lading), (1) Between Wickenburg and Flagstaff, Ariz., over U.S. Highway 89 to Flagstaff, Ariz., and return over the same route serving all intermediate points; (2) between Phoenix and Flagstaff, Ariz., from Phoenix, Ariz., over Arizona State Highway 69 to Cordes Junction, Ariz., thence over Arizona State Highway 79 to Flagstaff, Ariz., and return over the same route, serving all intermediate points; (3) between Cordes Junction, Ariz., and Prescott, Ariz., over Arizona State Highway 69 to Prescott, Ariz., and return over the same route, serving all intermediate points; (4) between Prescott, Ariz., and Flagstaff, Ariz., over U.S. Highway 89 Alternate to Flagstaff, Ariz., and return over the same route serving all intermediate points; (5) between Camp Verde, Ariz., and Clarksdale, Ariz., over Arizona State Highway 279 to Clarksdale, Ariz., and return over the same route, serving all intermediate points;

(6) Between Winslow, Ariz., and Flagstaff, Ariz., as follows: From Winslow, Ariz., via U.S. Highway 66 to Flagstaff, Ariz., and return over the same route serving all intermediate points; (7) between Sedona, Ariz., and the junction of Arizona State Highways 179 and 79 approximately 5 miles north of McGuireville, Ariz. From Sedona, Ariz., over Arizona State Highway 179 to its junction with Arizona State Highway 79 approximately 5 miles north of McGuireville, Ariz., and return over the same route serving all intermediate points; (8) between Flagstaff, Ariz., and Page, Ariz., over U.S. Highway 89 to Page, Ariz., and return over the same route serving all intermediate points; (9) between Bitter Springs, Ariz., and Fredonia, Ariz., over U.S. Highway 89 Alternate to Fredonia, Ariz., and return over the same route serving all intermediate points; (10) between Camp Verde, Ariz., and Strawberry, Ariz., as follows: From Camp Verde, Ariz., to Strawberry, Ariz., over unnumbered Arizona County road via Hackberry, Ariz., and return over the same route, serving all intermediate points; (11) between Flagstaff, Ariz., and the junction of U.S. Highway 70 and Arizona State Highway 88 near Claypool, Ariz.; from Flagstaff, Ariz., over unnumbered Arizona County road to Clints Well, Ariz., thence over Arizona State Highway 87 to its junction with Arizona State Highway 188 south of Rye, Ariz., thence over Arizona State Highway 188 to its junction with Arizona State Highway 88 near Roosevelt, Ariz. thence over Arizona State Highway 88 to its junction with U.S. Highway 70 near Claypool, Ariz., and return over the same route serving all intermediate points;

(12) Between Apache Junction, Ariz., and Roosevelt, Ariz., over Arizona State Highway 88 to Roosevelt, Ariz., and return over the same route serving all intermediate points; (13) Between the junction of U.S. Highway 70 and Arizona State Highway 88 near Claypool, Ariz., and the Salt River Bridge, approximately 7 miles north of Seneca, Ariz.; from the junction of U.S. Highway 70 and Arizona State Highway 88 near Claypool, Ariz., over U.S. Highway 70 to Globe, Ariz., thence over U.S. Highway 60 to Salt River Bridge, approximately 7 miles north of Seneca, Ariz., and return over the same route, serving all intermediate points; (14) Between the junction of Arizona State Highways 88 and 288 north of Claypool and Holbrook; from the junction of Arizona State Highways 88 and 288 over Arizona State Highway 288 to its junction with Arizona State Highway 160, thence over Arizona State Highway 160 to its junction with Arizona State Highway 277 near Heber, Ariz., thence over Arizona State Highway 277 to its junction with Arizona State Highway 77 near Snowflake, Ariz., thence over Arizona State Highway 77 to Holbrook, Ariz., and return over the same route, serving all intermediate points. NOTE: Applicant states it would tack at Phoenix, Wickenbury, and Florence Junction, Ariz., in connection with its presently held authority in MC 71459 and subs thereunder. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC. 73165 (Sub-No. 280) (Amendment), filed February 24, 1970, published in the FEDERAL REGISTER issue of March 26, 1970, and republished as amended this issue. Applicant: EAGLE MOTOR LINES, INC., 820 North 33d Street, Post Office Box 1348, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery*, from points in Autauga County, Ala., and Muscogee County, Ga., to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials, and supplies* used in the manufacturing, processing, storage, and distribution of agricultural products, from points in the United States (except Alaska and Hawaii) to points in Autauga County, Ala., and Muscogee County, Ga.; restricted to traffic originating at and destined to Autauga County, Ala., and Muscogee County, Ga. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 74321 (Sub-No. 39), filed May 28, 1970. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oilfield tubing, between points in Tulsa County, Okla., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 78687 (Sub-No. 27) (Amendment), filed April 14, 1970, published in the FEDERAL REGISTER issue of May 7, 1970, amended June 1, 1970, and republished as amended, this issue. Applicant: LOTT MOTOR LINES, INC., Routes 6 and 92, Rural Delivery 4, Tunkhannock, Pa. 18657. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, from Silver Springs, N.Y., to points in New Jersey and Pennsylvania; (2) *salt and pepper*, from Watkins Glen, N.Y., to points in New Jersey and Pennsylvania, and (3) *salt*, from Retsof, N.Y., to points in New Jersey and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority in MC 2505, therefore dual operations may be involved. Common control may be involved. The purpose of this republication is to broaden the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80430 (Sub-No. 136) (Correction), filed April 10, 1970, published in the FEDERAL REGISTER issue of May 21, 1970, and republished in part, as corrected, this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as above). NOTE: The purpose of this partial republication is to redescribe the routes shown in (1) and (3) in the previous publication, as follows: "(1) between Fond du Lac, Wis., and junction Wisconsin Highway 19 and U.S. Highway 151 near Madison, Wis., from junction U.S. Highways 41 and 151 at or near Fond du Lac, over U.S. Highway 151 to junction Wisconsin Highway 19 near Madison, and return over the same route; and (3) between Oshkosh, Wis., and Sparta, Wis., from Oshkosh over Wisconsin Highway 110 to junction Wisconsin Highway 116, thence over Wisconsin Highway 116 to junction Wisconsin Highway 21 at Omro, Wis., and thence over Wisconsin Highway 21 to Sparta, and return over the same route." The rest of the application remains as previously published.

No. MC 80430 (Sub-No. 137), filed May 12, 1970. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: James E. Wharton, 506 First National Bank Building, Post Office Box 231, Orlando, Fla. 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), from St. Mary's, Ga., to points in Minnesota, Wisconsin, Iowa, Illinois, Missouri, Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Kentucky, Tennessee, and Georgia, as intermediate and off-route points in connection with applicant presently authorized regular routes in said destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC-82492 (Sub-No. 38), filed May 13, 1970. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., Post Office Box 2853, Kalamazoo, Mich. 49001. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Saugatuck, Mich., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Washington, D.C.

No. MC 94201 (Sub-No. 85), filed May 13, 1970. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles and paper products*, from the plantsite, warehouse and storage facilities of American Can Co. at or near Naheola, Ala., to points in Indiana; points in that part of Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to junction U.S. Highway 34, thence along U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State line, and thence along the Illinois-Indiana State line to point of beginning, and those in that part of Ohio on, west, and north of a line beginning at a point on the Ohio-Pennsylvania State line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile or Birmingham, Ala.

No. MC 94350 (Sub-No. 265), filed May 25, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Jr. (same address as above), also Ames, Hill, & Ames, 666 11th Street NW., Suite 705 McLachlen Bank Building, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, and *buildings* in sections, mounted on wheeled undercarriages, from points of manufacture, from points in Nobles County, Minn., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 96129 (Sub-No. 5), filed April 9, 1970. Applicant: CARLTON REPSHER, an individual, Skinners Eddy, Pa. 18623. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groceries*, from Woodbridge, N.J., to Laceyville, Pa.; *salt*, from Retsof, N.Y., to Wysox, Pa.; under a continuing contract with the Laceyville Discount Store; *hides and skins*, from points in Lackawanna, Luzerne, and Bradford Counties, Pa., to points in New Jersey, Delaware, Vermont, and Massachusetts, under a continuing contract with the Kramer Beef Co. and the Montrose Beef Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 97357 (Sub-No. 30), filed May 22, 1970: Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative; Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from El Centro, Calif., to points in Nevada and ports of entry on the international boundary lines between the United States and Mexico located in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 98542 (Sub-No. 6), filed May 15, 1970. Applicant: COLLINS & SIMMONS, INC., Post Office Box 134, Wolcott, N.Y. 14590. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby supplies and cookies*, from the plantsite of Gerber Products Co. at Rochester, N.Y., to New York, N.Y., Trenton, N.J., and Philadelphia, Pa., and points in Hudson, Essex, Middlesex, Union, and Monmouth Counties, N.J. Restricted to the transportation of baby supplies and cookies in mixed loads with dry cereal preparations and canned and preserved foods as presently authorized. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

No. MC 106920 (Sub-No. 35) (Amendment), filed March 30, 1970, published in the FEDERAL REGISTER issue of April 30, 1970, and republished as amended in this issue. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representatives: Victor J. Tambascia (Same address as applicant), and Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, preserved, prepared foods, and frozen foods* (except in bulk), in vehicles equipped with mechanical refrigeration, from Archbold, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the plantsites and warehouse facilities of Beatrice Foods Co., including divisions and/or subsidiaries thereof, and destined to the named territories. NOTE: Common control may be involved. The purpose of this republication is to broaden the scope of authority sought, and to include a restriction. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107882 (Sub-No. 17), filed May 25, 1970. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Money orders, travelers cheques, and financial paper*, from Rochester, N.Y., to Trenton, N.Y., Atlanta, Ga., Denver, Colo., and New York, N.Y., and from Chicago, Ill., to Trenton, N.J., and Denver, Colo.; under contract with the American Express Co. NOTE: Applicant hold common carrier authority under MC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 108207 (Sub-No. 299), filed May 25, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Milwaukee, Wis., and Pittsburgh, Pa., to Berkeley, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or San Francisco, Calif.

No. MC 109397 (Sub-No. 223), filed May 13, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), also Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems, and equipment, parts, materials, supplies, and tools* used in the installation and operation of antipollution systems, from points in New Jersey to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that tacking is physically possible on only the items sought herein which require special handling or rigging. Applicant holds size and weight authority between some 16 States including New Jersey in its MC 109397 Sub-195. Applicant has contract carrier authority under MC 128814 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Newark, N.J.

No. MC 109397 (Sub-No. 224), filed May 14, 1970. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64801. Applicant's representatives: A. N. Jacobs (same address as above), also Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aircraft and aircraft parts*, between points in New York, Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Ohio, Michigan, Illinois, Missouri, Wisconsin, Minnesota, North Dakota, Montana, Washington, Oregon, California, Virginia, Georgia, Florida, and the District of Columbia; and (2) *equipment, parts, materials, machinery, and supplies* used in the assembling, maintenance, servicing, repairing, and operation of aircraft, except commodities in bulk and except the transportation of automobiles, trucks, and buses, other than those designed for off-highway use, between points in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to terminals and facilities of Northwest Airlines, Inc. NOTE: Applicant states that tacking possibilities are unforeseen. Applicant has contract carrier authority under MC 128814 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109443 (Sub-No. 17), filed May 18, 1970. Applicant: SEABOARD TANK LINES, INC., Monahan Avenue, Dunmore, Pa. 18512. 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: *Fuel oil products and oil in bulk*, in tank vehicles, from Scranton, Pa., to points in Broome, Chenango, Delaware, Greene, Tioga, Cortland, Otsega, and Tompkins Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109689 (Sub-No. 216), filed May 25, 1970. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement and mineral oil*, in bulk, from Fort Lupton, Colo., to points in New Mexico, Texas, Missouri, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 110525 (Sub-No. 975), filed May 28, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Thomas J. O'Brien, 520 East Lancaster Avenue, Downingtown, Pa. 19335, and Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 40), filed May 25, 1970. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, equipment, materials, and supplies* used in the manufacture and processing of aluminum and aluminum products, between the plantsites and facilities of National Southwire Aluminum Co., Southwire Co., and National Aluminum Corp. located in Hancock County, Ky., on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Missouri, North Carolina, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 157), filed May 20, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Missouri, Nebraska, Nevada, North Dakota, South Dakota, Oklahoma, Oregon, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Oklahoma City, Okla., or Dallas, Tex.

No. MC 113678 (Sub-No. 384), filed May 7, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquariums and household pet cages*, loose or in cartons, and *aquarium accessories, supplies, and equipment*, in straight or mixed shipments; (a) from Maywood, Hackensack, and East Paterson, N.J., to Gardena and Mountain View, Calif.; and (b) from Gardena and Mountain View, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missori, Montana, New Mexico, Texas, Washington, Oregon, and Wisconsin; (2) *materials and supplies* used in the manufacture of aquariums and household pet cages, from Maywood, Hackensack, and East Paterson, N.J., and Philadelphia, Pa., to Gardena and Mountain View, Calif., and (3) *brine shrimp*, frozen or freeze-dried, in straight or mixed shipments, from Menlo Park, Calif., to points in Georgia, Illinois, Kansas, Minnesota, Missouri, New Jersey, Ohio, Rhode Island, Texas, Virginia, Washington, and

Oregon. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 389), filed May 22, 1970. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite of Missouri Beef Packers, Inc., at or near Plainview, Tex., to points in Washington, Montana, Idaho, Oregon, Wyoming, Colorado, Utah, Nevada, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or same time and place as similar applications.

No. MC 113843 (Sub-No. 160), filed May 25, 1970. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *frozen foods*, from Canton, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states it will tack with its presently authorized authority wherein it is authorized to serve New York, Massachusetts, Maine, Delaware, Maryland, Virginia, Rhode Island, Michigan, and Ohio. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 114457 (Sub-No. 86), filed May 20, 1970. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, paper and paper products, and products* produced or distributed by manufacturers and converters of papers and paper products; and (2) *materials and supplies* used in the manufacture and distribution of the foregoing commodities (except commodities in bulk), between points in Allegan County, Kalamazoo County, and St. Joseph County, Mich., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114848 (Sub-No. 50), filed May 20, 1970. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alumina*, in bulk, from Bauxite, Ark., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that it presently has authority to transport dry aluminum trihydrate from Bauxite to New Johnsonville, Tenn., however it will submit this authority for cancellation if the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 115212 (Sub-No. 18), filed May 21, 1970. Applicant: H.M.H. MOTOR SERVICE, Route 130, Cranbury, N.J. 08512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, and in connection therewith, *supplies and equipment* used in connection with the sale thereof, from Secaucus and North Bergen, N.J., to points in Indiana, Illinois, Iowa, Kentucky, Missouri, Ohio, West Virginia, and Wisconsin. *Returned shipments* of the above commodities, in the opposite direction, under contract with Holly Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115311 (Sub-No. 108) (Correction) filed April 24, 1970, published in the FEDERAL REGISTER issue of May 21, 1970, and republished as corrected, this issue. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products, and materials and supplies* used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries when shipped in mixed loads with salt and salt products, from the plantsite and warehouses and shipping facilities of Carey Salt Co., a subsidiary of Interpace, Inc., at New Orleans, and Cote Blanch Island, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. NOTE: Applicant indicates that tacking possibilities exist, however, no tacking is intended and it agreeable to a restriction against tacking. The purpose of this republication is to reflect a correction as to the origin point of Cote Blanch Island which was inadvertently shown as Cote Island in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 115648 (Sub-No. 21), filed May 22, 1970. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 705 13th Street, Wheatland, Wyo. 82201. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed and feed ingredients;* and (2) *processed grains* in sacks and bags, *animal and poultry health aids, seeds, and fertilizer and fertilizer ingredients*, all commodities in (2) to move only in the same vehicle and at the same time with commodities in (1) above, from Billings, Mont., to points in Sheridan, Johnson, Natrona, Fremont, Converse, and Niobrara Counties, Wyo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cheyenne or Casper, Wyo., or Billings, Mont.

No. MC 115669 (Sub-No. 111), filed May 18, 1970. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, and dry animal and poultry feed ingredients* (except salt and urea), from points in Kansas (except Hutchinson, Kansas City and Muncie), to points in Nebraska; (2) *dry animal and poultry feed, and dry animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie), to points in Colorado and Kansas, restricted against the transportation of wheat milling products originating at Arkansas City, Kans.; (3) *dry animal and poultry feed, and dry animal and poultry feed ingredients* (except feed grade sugar), from points in Colorado, to points in Kansas, Nebraska, and Oklahoma; (4) *dry animal and poultry feed ingredients* (except cottonseed products, salt, and urea), from points in Oklahoma, to points in Kansas, Nebraska, and Colorado; and (5) *silica sand*, from Calvert, Kans., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be

served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116254 (Sub-No. 113), filed May 25, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and materials* and/or sold by Occidental Chemical Co., from the plantsite of Occidental Chemical Co. at or near White Springs, Fla., to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Delaware, Maryland, Mississippi, Tennessee, Kentucky, Louisiana, Pennsylvania, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Nashville, Tenn.

No. MC 117765 (Sub-No. 103), filed May 22, 1970. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas grills, gas lights, and accessories* used in the installation thereof, from the plantsite and warehouse facilities of Charmglow Products Inc., Bristol, Wis., to points in Arkansas, Kansas, Louisiana, New Mexico, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117851 (Sub-No. 6), filed May 26, 1970. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brass castings*, from Fall River, Wis., to Monroe Township, Carroll County, Ind., under contract with Steven A. Young Corp., Flora, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119670 (Sub-No. 17), filed May 5, 1970. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box 115, Winton Place Station, Cincinnati, Ohio 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, (except glass containers), *packaging materials, pulpboard products, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers, packaging materials, and pulpboard products, between points in Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119767 (Sub-No. 243), filed May 9, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by wholesale, retail, and chain grocery and food business houses (except in bulk) from the plantsite and storage facilities of Armour-Dial, Inc., located in Chicago, Ill., and its commercial zone, and Aurora Township, Kane County, Ill., to points in Wisconsin, Minnesota, and Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119767 (Sub-No. 245), filed May 18, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applcant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Evansville, Indianapolis, and Washington, Ind., and Louisville, Ky., to points in Illinois, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, Tennessee, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicated that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify the location.

No. MC 119777 (Sub-No. 181), filed May 21, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representatives: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101, and William G. Thomas, Post Office Drawer L, Madisonville, Ky. 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies, trailers, containers, tanks, and fabricated metal products*, from points in Wirt County, W. Va., to points in the United States; and (2) *materials and supplies* used in the manufacture or fabrication of the commodities described in (1) above, from points in the United States to points in Wirt County, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126970 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 119974 (Sub-No. 33), filed May 25, 1970. Applicant: L.C.L. TRANSIT COMPANY, a corporation, 520 North Roosevelt Street, Green Bay, Wis. 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk in tank vehicles) from Saugatuck, Mich., to points in Illinois, south of U.S. Highway 36, points in Iowa (except Ottumwa, Burlington, Keokuk, and points in their commercial zones, and except points in that portion of Iowa bounded by a line beginning at Marquette and extending over U.S. Highway 18 to Garner, thence south over U.S. Highway 69 to Des Moines, and thence over U.S. Highway 6 to Davenport) and Omaha, Nebr., and its commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123061 (Sub-No. 53), filed May 8, 1970. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Building, Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, in mixed loads with salt and salt products, from Bonanza Salt Co. plantsite at Flux, Utah, or warehouse facilities at Salt Lake City, Utah, to points in Idaho, Wyoming, Montana, Oregon, Washington, and Colorado; points in Elko, Humboldt, Pershing, Lander, Lincoln, Churchill, Eureka, White Pine, and Nye Counties, Nev.; and points in Box Elder, Rich, and Daggett Counties, Utah, with stop in transit privileges for completion of loading at either point. NOTE: Applicant states that the requested authority cannot be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123379 (Sub-No. 4), filed May 10, 1970. Applicant: BRUBAKER TRANSFER, INC., 103 North Major,

Eureka, Ill. 61530. Applicant's representative: Samuel G. Harrod, 106 East Center Street, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from Metamora, Ill., to points in Alabama, Mississippi, Montana, New Jersey, New Mexico, North Dakota, South Carolina, South Dakota, Virginia, Wyoming, Arizona, Arkansas, Delaware, Nevada, New Hampshire, and Vermont under contract with Metamora Woodworking Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Peoria or Chicago, Ill.

No. MC 123383 (Sub-No 46) (Amendment) filed April 14, 1970, published in the FEDERAL REGISTER issue of May 14, 1970, amended May 21, 1970, and republished as amended this issue. Applicant: BOYLE BROTHERS, INC., 2036 South Fourth Street, Camden, N.J. 08104. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting (1) *Gypsum products, composition boards, insulating materials, roofing and roofing materials, urethane and urethane products, and related materials, supplies, and accessories* incidental thereto (except commodities in bulk), from Edgewater, Carteret, and Port Newark, N.J., and Pittston, Pa., to points in Florida, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Virginia, Nebraska, North Carolina, Maryland, Delaware, South Carolina, and Georgia; and (2) *building, roofing, and insulating materials*, from Jamesburg, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, West Virginia, Minnesota, Iowa, Kansas, Missouri, Wisconsin, Virginia, North Carolina, South Carolina, Georgia, Maryland, Delaware, Nebraska, and Pennsylvania. NOTE: Applicant states that tacking is not intended. Persons interested in tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to broaden the scope of the authority sought in (1) above. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 123475 (Sub-No. 6), filed May 27, 1970. Applicant: LIGHTNING SUPPLY, INC., Highway 50 West, Salem, Ill. 62881. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Terre Haute, Ind., to points in Illinois, Kentucky, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124078 (Sub-No. 438), filed May 25, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from Bloomington, Ind., to points in Illinois, Kentucky, and Ohio. NOTE: Applicant states that tacking with its presently held authority is possible at Bloomington to provide through service from Greencastle, Ind., to points in Kentucky, and from Livingstone County, Ky., to points in Ohio, but indicates it has no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124701 (Sub-No. 4), filed June 1, 1970. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone*, from West Lebanon, N.H., to points in Orange, Windsor, and Windham Counties, Vt., and Grafton, Sullivan, Cheshire, Merrimack, and Hillsborough Counties, N.H., under contract with Lebanon Crushed Stone, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Montpelier, Vt.

No. MC 124711 (Sub-No. 7), filed May 27, 1970. Applicant: BECKER AND SONS, INC., 2643 West Central, Post Office Box 1050, El Dorado, Kans. 67042. Applicant's representative: Erle W. Francis, Suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, from White Cloud, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 124770 (Sub-No. 12), filed May 28, 1970. Applicant: TELLERI TRUCKING CO., a corporation, 301 Allen Street, Elizabeth, N.J. 07202. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products* in vehicles equipped with mechanical refrigeration, between Linden and Newark, N.J., on the one hand, and, on the other, points in Massachusetts and Rhode Island under contract with Allen Packing Co., and Midtown Veal & Mutton Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124796 (Sub-No. 60), filed May 25, 1970. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, City of Industry, Calif. 91747. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bone cloth and aluminum clips*, from Woburn, Holyoke, and Boston, Mass., to point in the United States; (2) *packaging supplies and plastic articles*, from Reading, Pa., and Michigan City, Inc., to points in the United States; (3) *vinyl plastic and plastic articles*, from New York City, N.Y., to points in the United States; (4) *aluminum clips*, from Los Angeles, Calif., to points in the United States; and (5) *returned shipments and materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of the commodities named in (1), (2), (3), and (4) above, from points in the United States, except Alaska and Hawaii to Woburn, Holyoke, and Boston, Mass.; Reading, Pa; Michigan City, Ind.; New York, N.Y.; and Los Angeles, Calif.; all restricted against commodities in bulk or those which by reason of size or weight require special equipment. All shipments to either originate or terminate at the plantsites or warehouse facilities utilized by W. R. Grace & Co. and limited to a transportation service to be performed under a continuing contract with W. R. Grace & Co. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125227 (Sub-No. 10), filed May 21, 1970. Applicant: RECORD TRUCK LINE, INC., Henderson, Tenn. 38340. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Agricultural machinery, implements, and parts*, from the plantsite of the Ferguson Manufacturing Co., Inc., at Suffolk, Va., to points in Arizona, California, Idaho, Illinois, Minnesota, Montana, Nevada, Oregon, Utah, Washington, and Wisconsin, and St. Louis, Mo., and points in its commercial zone. NOTE: Applicant states that requested authority cannot be tacked with its existing authority. Applicant has pending contract carrier authority under MC 133220 Sub No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125777 (Sub-No. 132), filed May 28, 1970. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay*, in bulk, in dump vehicles, from points in Audrain, Callaway, and Montgomery Counties, Mo., to points in Illinois; (2) *limestone and limestone products*, in bulk, in dump vehicles, from points in Putnam County, Ind., to points in Ohio and Michigan; (3) *stone, granite, marble, gravel*, crushed, in dump or hopper vehicles, from points in Arizona, Arkansas, Colorado, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska,

New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Wisconsin, and Wyoming to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125826 (Sub-No. 6), filed May 28, 1970. Applicant: BARTLESON BROTHERS, INC., Courses Landing Road, Penns Grove, N.J. 08069. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon dioxide*, liquefied and solidified; (a) from Philadelphia, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, and Virginia, (b) from Deepwater, N.J., to points in New York, Connecticut, and Massachusetts; and (c) from Hopewell, Va., to points in New York, Connecticut, and Massachusetts; under contract with Air Reduction Co., Inc.; (2) (a) *carbon dioxide*, solidified (dry ice); and (b) *carbon dioxide*, liquefied (bulk), from Philadelphia, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, Virginia, and Cleveland, Ohio.; under contract with Therm-Ice Corp. Division of Publicker Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126305 (Sub-No. 27) (Correction), filed April 28, 1970, published in the FEDERAL REGISTER issue of May 28, 1970, and republished, as corrected this issue. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular* routes, transporting: *Used farm equipment, materials, and supplies*, between Dothan, Ala., on the one hand, and, on the other, points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include the State of Virginia as destination point, which was erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 126432 (Sub-No. 6), filed May 25, 1970. Applicant: LLOYD WILSON PORSBORG, doing business as PORSBORG TRUCK LINE, 114 32d Street North, Apartment No. 3, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty containers*, on return trips; (1) from Glendive, Mont., to Lewiston, Plentywood, and Glasgow, Mont.; and (2) from Lewiston, Mont., to Glasgow, Mont. NOTE: Applicant states that it would tack with its present authority at Glendive and Lewiston, Mont. If a hearing is deemed necessary, applicant requests it be held at Billings or Great Falls, Mont.

No. MC 126514 (Sub-No. 20) (Amendment), filed May 4, 1970, published in the FEDERAL REGISTER issue of May 28, 1970, amended May 25, 1970, republished as amended this issue. Applicant: HELEN H. SCHAEFER and EDWARD P. SCHAEFER, a partnership, 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Greeting cards, envelopes, sample albums, wrappings, paper, and related trappings*, from Westfield, Mass., to Livermore, Los Angeles Commercial Zone, San Francisco Commercial Zone, Sebastopol, and Pasadena, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of authority and territory. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 126676 (Sub-No. 3), filed May 1, 1970. Applicant: JERRY D. STEVENS, 1315 Buckeye Street, Coffeyville, Kans. 67337. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, from Coffeyville, and Pittsburg, Kans., to Springfield, Mo., under contract with E. W. Biggs Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 128007 (Sub-No. 25), filed May 14, 1970. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from points in Galveston, Chambers, Jefferson, Orange, Hardin, Matagorda, Brazore, and Harris Counties, Tex., to points in Oklahoma, Kansas, Missouri, Arkansas, Colorado, Nebraska, Minnesota, South Dakota, Louisiana, New Mexico, Iowa, and Mississippi; and from points in Dallas County, Tex., to points in Nebraska, Iowa, South Dakota, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128573 (Sub-No. 2), filed May 18, 1970. Applicant: BARNETT TRUCK LINES, INC., 3404 Wheat Street, Kinston, N.C. 28501. Applicant's representative: Sam O. Worthington, Box 691, Greenville, N.C. 27834. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers and fertilizer materials* in bags and in bulk, excluding use of pneumatic tanks, between points in North Carolina, South Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 129625 (Sub-No. 3), filed May 25, 1970. Applicant: ROBERT J. COLE, doing business as ROBERT COLE TRUCKING, Rural Delivery No. 3, Indiana, Pa. 15701. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Huston Township, Clearfield County, Pa., to points in New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 129870 (Sub-No. 2), filed May 26, 1970. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representatives: William R. Connole, 1000 Connecticut Avenue NW., Washington, D.C. 20036, and 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: *Liquid methane*, in bulk, from Philadelphia, Pa.; points in Kings and Richmond Counties, N.Y., and points in New York, N.Y., commercial zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 and from Boston, Hopkinton, and Tewksbury, Mass., to points in Rhode Island under a continuing contract or contracts with New England LNG Co., Inc., of Lowell, Mass. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129870 (Sub-No. 3), filed May 26, 1970. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representatives: William R. Connole, 1000 Connecticut Avenue NW., Washington, D.C. 20036, and 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: *Liquid methane*, in bulk, from Philadelphia, Pa., to points in New Jersey, under contract with Elizabethtown Gas Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133027 (Sub-No. 4), filed May 15, 1970. Applicant: FRANK MOLLICA, doing business as B & M TRUCKING COMPANY, 502 16½ Street, Reading, Pa. 19606. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper and corrugated paper products*, between Milltown, N.J., on the one hand, and, on the other, points in Onondaga and Ontario Counties, N.Y., and Adams and

Northumberland Counties, Pa., under contract with Middlesex Container Co., Inc., Milltown, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133288 (Sub-No. 1), filed April 9, 1970. Applicant: HARTLEY OIL COMPANY, INC., Post Office Box 398, Ravenswood, W. Va. 26164. Applicant's representatives: Robert G. Perry and Robert E. Douglas, 1701 Charleston National Plaza, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Ravenswood, W. Va., to points in Jackson, Kanawha, Cabell, Mason, Roane, Wood, Randolph, Harrison, Marion, Monongalia, and Ohio Counties, W. Va., and to Ashland, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 133689 (Sub-No. 9), filed May 22, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representatives: James F. Sexton (same address as above), also Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Mason City, Iowa, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that by tacking with authority sought in MC 133689 it could provide service from points in Iowa and Minnesota. Applicant further states that no duplicating authority is sought. Applicant has contract carrier authority under MC 76025 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.; Miami, Fla.; or Atlanta, Ga.

No. MC 134068 (Sub-No. 3), filed May 28, 1970. Applicant: KODIAK REFRIGERATED LINES, INC., 5243 San Feliciano Drive, Woodland Hills, Calif. 91364. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal food, canned goods, and advertising material*, from Siloam Springs and Gentry, Ark., and the plantsite and facilities of Allen Canning Co. located approximately 10 miles northeast of Siloam Springs, Ark., and Procter, and Kansas, Okla., to points in Arizona, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Los Angeles, Calif.

No. MC 134137 (Sub-No. 1) (Correction), filed April 6, 1970, published in the FEDERAL REGISTER issue of May 7, 1970, and republished as corrected this issue. Applicant: PARAMOUNT EQUIPMENT RENTAL & SALES, INC., 2501 West Rosecrans, Compton, Calif. 90224. Applicant's representative: Floyd C. Ellis, 727 West Seventh Street, Suite 757, Roosevelt Building, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, toy parts, machinery, machinery parts, equipment, supplies, and paperboard packing materials*, between plantsites warehouses, and other facilities of Mattel, Inc., located at City of Industry, Hawthorne, and Compton, Calif., on the one hand, and, on the other, the port of entry at the international boundary between the United States and Mexico, at Calexico, Calif.; under contract with Mattel, Inc. NOTE: The purpose of this republication is to include machinery in the commodity description, which was inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134282 (Sub-No. 2), filed May 20, 1970. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum articles, and accessories* used in the installation thereof, from the plantsite of Celotex Corp. 7 miles southwest of Hamlin, Fisher County, Tex., to points in Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 134286 (Sub-No. 2) (Amendment), filed April 3, 1970, published in the FEDERAL REGISTER issue of April 30, 1970, and republished as amended this issue. Applicant: ARCTIC TRANSPORT, INC., 1005 West South Omaha Bridge Road, Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A to appendix I, of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins, and commodities in bulk), from South St. Joseph, Mo., to points in Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, and the District of Columbia. NOTE: The purpose of this republication is to remove the restriction paragraph as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 134299 (Sub-No. 2), filed May 28, 1970. Applicant: PETER P. BURKEL, JR., Greenbush, Minn. 56726. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, dry; (a) from Cold Springs, Dawson, Mankato, Minneapolis, and Savage and Thief River Falls, Minn., West Fargo, N. Dak., and Rock Island, Ill., to ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota; and (b) from ports of entry on the international boundary line between the United States and Canada located in Minnesota to points in Minnesota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Fargo, N. Dak.

No. MC 134342 (Sub-No. 1) (Correction), filed May 7, 1970, published in the FEDERAL REGISTER issue of June 4, 1970, and republished as corrected this issue. Applicant: JAMES PLOG, Post Office Box 59, Milledgeville, Ill. 61054. Applicant's representative: Robert T. Lawley, 308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal livestock and poultry feeds, feed supplements, and feed ingredients*, from Rock Falls, Ill., to points in Cedar, Clinton, Dubuque, Jackson, Jones, Linn, Muscatine, and Scott Counties, Iowa, and from points in Cedar, Clinton, Dubuque, Jackson, Jones, Linn, Muscatine, and Scott Counties, Iowa, to Rock Fall, Ill., under contract with W. R. Grace & Co. NOTE: The purpose of this republication is to include a portion of the return movement which was inadvertently omitted from previous publication. If a hearing is deemed necessary applicant requests it be held at Springfield or Chicago, Ill.

No. MC 134429 (Amendment), filed March 16, 1970, published in the FEDERAL REGISTER issue April 16, 1970, amended May 19, 1970, and republished as amended, this issue. Applicant: SAINT PAUL TERMINAL WAREHOUSE COMPANY, INC., 444 Lafayette Road, Saint Paul, Minn. 55101. Applicant's representative: William S. Rosen, 630 Osborn Building, Saint Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in tank vehicles and those requiring special equipment because of size or weight), between Cordova siding (plantsite of Minnesota Mining & Manufacturing Co., near Cordova), Ill.; Ames and Knoxville, Iowa; Alexandria, Chemolite (Minnesota Mining & Manufacturing Co. plantsite at Cottage Grove), Fairmont, Hutchinson, Lindstrom, New Ulm,

and Pine City, Minn.; the Minneapolis-St. Paul, Minn., commercial zone as defined by the Interstate Commerce Commission; and Cumberland and Prairie du Chien, Wis., under contract with Minnesota Mining & Manufacturing Co. NOTE: Common control may be involved. The purpose of this republication is to include the origin point of Cordova, Ill. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134544, filed April 20, 1970. Applicant: WALTER E. COLEMAN, doing business as COLEMAN'S SERVICE, 350 Grand Island Boulevard, Tonawanda, N.Y. 14150. Applicant's representative: Donald C. Brandt, 24 Water Street, Fredonia, N.Y. 14063. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, repossessed, embezzled, and stolen motor vehicles* (except trailers designed to be drawn by passenger automobiles), by use of wrecker equipment, and *motor vehicles* (except trailers designed to be drawn by motor vehicles), for replacement of the aforementioned wrecked and disabled motor vehicles, between points in Erie and Niagara Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Ohio, Michigan, Indiana, Illinois, and Kentucky. NOTE: Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Buffalo, or Tonawanda, N.Y.

No. MC 134598, filed May 11, 1970. Applicant: GREATER MIAMI AIR FREIGHT, INC., Building 2134 MIAD, Post Office Box 1336, Miami, Fla. 33148. Applicant's representative: Bernard C. Pestcoe, 708 National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, commodities in bulk, household goods as defined by the Commission, and those injurious or contaminating to other lading), between points in Dade, Broward, and Palm Beach Counties, Fla., restricted to traffic having a prior or subsequent movement by air or water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 134603 (Sub-No. 1) (Amendment), filed May 11, 1970, published in the FEDERAL REGISTER issue of June 11, 1970, and republished as amended this issue. Applicant: T & S CONSOLIDATED, INC., 5118 Park Avenue, Memphis, Tenn. 38117. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors; doors*, assembled in frames; *doors and casings and frames combined; screens*, including *screen doors, window screens*, and *roller screens; blinds; glass* window, door, skylight, blocks, bricks, and slabs; *boards; bolts*, door and window; *bolts* and *nuts; casting*, door and window; *ceiling moldings, panels, and ornaments; putty; sash; sash balances*, spring; *sash mullions, pulleys and weights; weights*, sash and window; *windows; wooden screen doors*, flat, with or without screens; *wooden screen windows*, flat; *wooden door frames*, knocked down; wooden sliding doors with glass; *wooden doors*, without glass, with or without screens, *wooden screen combination doors*, with or without screen; *screen or aluminum inserts* for wooden doors; *wooden doors with glass; wooden exterior window blinds; wooden window frames with glass*, with or without screens; *metal hardware for windows; wooden parts for windows; removable window frames;* made of glass and aluminum; *removable wooden grill window grids and door grids; window glass; wooden louver inserts* for doors and windows; *advertising materials; wood mouldings, washboards; wood and steel baseboards* for stoves, from Memphis, Tenn., and Chicago Heights, Ill., to points in the continental United States on and east of the Mississippi River (except Maine) and ports of entry on the international boundary line between the United States and Canada located in the States of Michigan, Minnesota, New York and Vermont, and to points in Missouri, Kansas, Iowa, Nebraska, Minnesota, South Dakota, North Dakota, Texas, Oklahoma, Wyoming, Colorado, Arkansas, and Louisiana; and (2) *Materials, equipment, and supplies* utilized in the manufacture, distribution, and sale of the commodities described in (1) above, on return, restricted against the transportation of commodities in bulk; under a continuing contract with Wabash, Inc., Memphis, Tenn., and The American Stoveboard Co., Chicago Heights, Ill., outbound shipments for the latter company will be restricted to stoveboards. The latter company is a wholly-owned subsidiary of the former. All traffic in this application will originate or terminate at the plantsite and warehouse facilities of Wabash, Inc., at Memphis, Tenn., and The American Stoveboard Co., at Chicago Heights, Ill. NOTE: This republication is for the purpose of reflecting points on and east of the Mississippi River, and to show the additional States Louisiana and Minnesota to the territorial scope of the application in (1) above. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 134617, filed May 15, 1970. Applicant: TRUCK TRAILER LEASING COMPANY, a corporation, 248 Ohio River Boulevard, Sewickley, Pa. 15143. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and housewares, and molds, machinery, containers, and other materials and supplies* used in the manufacture or distribution thereof; (1) between the plantsite of Cities Service Co., Fesco Operations, McKees Rocks, Pa., on the one hand, and, on the other, the plantsites of said company at Kankakee, Ill., and Tustin, Calif.; (2) between said plantsites in interplant deliveries; and (3) between the said plantsites, on the one hand, and, on the other, points in Ohio, Indiana, and Illinois under continuing contract with Cities Service Co., Fesco Operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 134630, filed May 18, 1970. Applicant: COPEY'S MOVING & STORAGE CO., INC., 379 Penn Avenue, Sharon, Pa. 16146. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk in tank vehicles), between the piggyback ramp of the Erie Lackawanna Railway Co., at Sharon, Pa., on the one hand, and, on the other, points in Mahoning, Trumbull, and Columbiana Counties, Ohio, and those in Mercer, Beaver, Lawrence, Crawford, and Venango Counties, Pa.; restricted to traffic having a prior or subsequent movement by rail in trailer-on-flatcar service. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 134637 (Sub-No. 1), filed May 25, 1970. Applicant: SILICA TRANSPORT, INC., Melbourne, Ark. 72556. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand, silica flour, and resin coated sand*, in bags and in bulk, from the plantsite and facilities of Silica Products Co., Inc., at Guion, Ark., to points in Alabama, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, under a continuing contract with Silica Products Co., Inc., of Guion, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Melbourne, Ark.

No. MC 134641, filed May 25, 1970. Applicant: WIRTZ CARTAGE COMPANY, a corporation, 4116 West Peterson Street, Chicago, Ill. Applicant's representative: Philip A. Lee, 110 South Dearborn Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt and road oils* in bulk, in tanker vehicles; (1) from Gary, Hammond, Whiting, and East Chicago, Ind., to points in Lake, Cook, McHenry, Boone, Winnebago, Ogle, Lee, Bureau, Putnam, La Salle, De Kalb, Grundy, Kane, Will, Kendall, Du Page, and Kankakee Counties, Ill.; and (2) from points in the Chicago Commercial Zone, as defined by the Commission in 1 M.C.C. 673, to points in Rock, Walworth, Kenosha, Racine, Milwaukee, Waukesha, Jefferson, Dodge, Washington, Ozaukee, Dane, Columbia, Fond du Lac, Sheboygan, and Green Counties,

Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134648, filed May 11, 1970. Applicant: MORGAN COUNTY TRUCKING INC., 1010 East Nutter Street, Martinsville, Ind. 46151. Applicant's representative: William H. Hancock (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer;* (1) from Martinsville, Ind., to Milwaukee, Wis.; Cleveland, Ohio; Newport and Louisville, Ky.; Fort Wayne, South Bend, and Evansville, Ind.; St. Louis, Mo.; Detroit, Mich.; and Peoria, Ill.; and (2) from Bloomington, Ind., to Milwaukee, Wis.; Chicago, Ill.; and Newport, Ky.; under contract with Morgan County Beverage, Inc., and Monore Beverage Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis or Fort Wayne, Ind.

No. MC 134649, filed May 27, 1970. Applicant: LANE'S TRANSPORT LIMITED, 136 Main Street South, Georgetown, Ontario, Canada. Applicant's representative: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. 14201. Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Stone, slate, marble, and granite*, cut, uncut, finished, and in the rough, from points in Lorain County, Ohio, to points on the international boundary line between the United States and Canada located on the Niagara, Detroit, and St. Clair Rivers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134652, filed May 28, 1970. Applicant: MALL TRUCKING & FREIGHT CORP., 74 Mall Drive, Commack, N.Y. 11725. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor oils, antifreeze, and automotive chemicals* (except in bulk), from Commack, N.Y., to points in and east of Texas, Oklahoma, Colorado, Nebraska, South Dakota, and North Dakota; and (2) *materials, supplies, and equipment*, used in the manufacture and distribution of the aforesaid commodities, from points in New York, Pennsylvania, New Jersey, and Maryland, to Commack, N.Y., under contract with Therm-X Chemical & Oil Corp. and Therm-X Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS OF FREIGHT FORWARDERS

No. FF-211 (Sub-No. 3) (Correction) (Shulman, Inc., Extension—All States), filed April 20, 1970, published FEDERAL REGISTER, issue of May 7, 1970, and republished as corrected this issue. Applicant: SHULMAN, INC., 20 Olney Avenue, Cherry Hill, N.J. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY. 10007. Applicant seeks authority under section 410 of the Interstate Commerce Act, for a permit to extend operation as a freight forwarder in interstate or foreign commerce subject to part IV of the act, in the transportation of: *General commodities*, between all points in the United States (excluding Alaska and Hawaii), restricted to shipments having a prior or subsequent movement by aircraft, or in substituted motor for air service, pursuant to the rules and regulations of the Interstate Commerce Commission. NOTE: The purpose of this republication is to show that the above is restricted to shipments *having a prior or subsequent* movement by aircraft, etc.

No. FF-390 (PACIFIC FORWARDING LIMITED, Freight Forwarder Application), filed June 1, 1970. Applicant: PACIFIC FORWARDING LIMITED, Post Office Box 2663, Memphis, Tenn. 37902. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a *freight forwarder*, in interstate or foreign commerce, through the use of the facilities of common carriers by motor vehicle, air, railroad and water in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Memphis, Tenn., and points in Alaska and Hawaii.

APPLICATION FOR WATER CARRIER

No. W-1242 (Sub-No. 3) (American Canadian Line, Inc.), Common Carrier Application, filed May 1, 1970 as amended May 25, 1970. Applicant: AMERICAN CANADIAN LINE, INC., 463 Water Street, Warren, R.I. Applicant's representative: Samuel A. Olevson, 824 Industrial Bank Building, 111 Westminster Street, Providence, R.I. 02903. Application of American Canadian Line, Inc., filed May 1, 1970, as amended May 25, 1970, for a permit to institute a new operation as a *common carrier*, in interstate or foreign commerce, in year round operations, in the transportation of *passengers* in cruise service (1) from Warren, R.I., and New York and Yonkers, N.Y., to Sorel, Quebec, Canada, and return, via Long Island Sound, Hudson River, Erie Canal, Lake Ontario, St. Lawrence Seaway, Richelieu River, and Lake Champlain; (2) from Warren, R.I., and New York and Yonkers, N.Y., to Baie Eternite, Quebec, Canada, and return, via Long Island Sound, Hudson River, Lake Champlain, Richelieu River, St. Lawrence Seaway, and Saguenay River; (3) from Warren, R.I., to Penobscot Bay, Maine, and return, via Cape Cod Canal; (4) from Warren, R.I., and New York and Yonkers, N.Y., to the Gulf of Mexico, and return, via Long Island Sound, Hudson River, Erie Canal, Great Lakes, Mississippi River System, Gulf of Mexico, and Atlantic Intercoastal Waterway; (5) between Warren, R.I., and St. Petersburg, Fla., serving the intermediate ports of New York, N.Y., Norfolk, Va., and Miami, Fla., via the Atlantic Intracoastal Waterway; and (6) from St. Petersburg, Fla., to Lake Okeechobee and return, via the Caloosahatchie River.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 114290 (Sub-No. 45), filed May 28, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Seattle, Wash., to points on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

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

[F.R. Doc. 70-7550; Filed, June 17, 1970; 8:45 a.m.]

[Rev. S.O. 1002; Rev. Car Dist. Dir. 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 and cars named in Service Orders 1037 and 1041.

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 on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before 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., June 15, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 28, 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., June 12, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-7710; Filed, June 17, 1970; 8:53 a.m.]

[Rev. S.O. 1002; Car Dist. Dir. 90]

SEABOARD COAST LINE RAILROAD CO. ET AL.

Car Distribution

Seaboard Coast Line Railroad Co., Louisville and Nashville Railroad Co., and Chicago and Northwestern Railway Co.

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 Seaboard Coast Line Railroad Co. shall deliver to the Louisville and Nashville Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 9 feet wide. Exceptions: Canadian ownerships and cars named in Service Orders 1037 and 1041.

(b) The Louisville and Nashville Railroad Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 9 feet wide. Exceptions: Canadian ownerships and cars named in Service Orders 1037 and 1041.

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.

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

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before 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., June 15, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 28, 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 at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 12, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-7712; Filed, June 17, 1970; 8:53 a.m.]

[Rev. S.O. 1002; Car Dist. Dir. 89]

SOUTHERN RAILWAY CO. AND BURLINGTON NORTHERN, INC.

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 Burlington Northern, Inc. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 9 feet wide. Exceptions: Canadian ownerships and cars named in Service Orders 1037 and 1041.

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 on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before 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., June 15, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., June 28, 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., June 12, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 70-7711; Filed, June 17, 1970; 8:53 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1970.

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

LONG-AND-SHORT HAUL

FSA No. 41977—*Paper and paper boxes to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-169), for interested rail carriers. Rates on boxes, fiberboard, pulpboard, or strawboard, also paper, pulpboard, or fiberboard, in carloads, as described in the application, from points in southwestern territory, to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Southwestern Freight Bureau, agent, tariff ICC 4891.

FSA No. 41978—*Iron and steel articles from and to points in Canada.* Filed by Traffic Executive Association-Eastern

Railroads, agent (E.R. No. 2977), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, between points in official (including Illinois) territory, also extended Zone C territory, on the one hand, and points in Canada, on and east of Sault Ste. Marie, Franz, Oba, and Hearst, Ontario, Canada, on the other.

Grounds for relief—Short-line distance formula.

Tariffs—Supplement 74 to Canadian Freight Association tariff ICC 261, and 5 other schedules named in the application.

By the Commission.

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

[F.R. Doc. 70-7708; Filed, June 17, 1970; 8:52 a.m.]

[Notice 549]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 15, 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-72167. By order of June 9, 1970, the Motor Carrier Board approved the transfer to H.T.S. Inc., Sioux Falls, S. Dak., of the entire operating rights set forth in certificates Nos. MC-111812 (Sub-No. 135), issued May 11, 1962, MC-111812 (Sub-No. 175), issued January 29, 1964, MC-111812 (Sub-No. 232), issued October 19, 1964, MC-111812 (Sub-No. 244), issued November 19, 1964, MC-111812 (Sub-No. 253), issued February 5, 1968, MC-111812 (Sub-No. 311), issued May 24, 1968, MC-111812 (Sub-No. 361), issued January 9, 1969, respectively, to Midwest Coast Transport, Inc., Sioux Falls, S. Dak., and the transfer of specified portions of the operating rights in certificates Nos. MC-111812 (Sub-No. 41), issued March 18, 1959, MC-111812 (Sub-No. 91), issued August 8, 1961, MC-111812 (Sub-No. 119), issued November 7, 1961, MC-111812 (Sub-No. 186), issued November 23, 1962, MC-111812 (Sub-No. 196), issued December 3, 1963, MC-111812 (Sub-No. 231), issued September 9, 1964, MC-111812 (Sub-No. 256), issued April 26, 1965, MC-111812 (Sub-No. 284), issued July 7, 1968, MC-111812 (Sub-No. 320), issued May 24, 1968, respectively, in the name of Midwest Coast Transport, Inc., Sioux Falls, S. Dak., authorizing the transportation of meat and other specified commodities from and to specified points in South Dakota, Iowa, Michigan, Minnesota, Nebraska, Indiana, Kansas, Ohio, Wisconsin, Illinois, Kentucky, and Iowa. Carl L. Steiner, 39 South La Salle, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-72125. By order of June 10, 1970, the Motor Carrier Board approved the transfer to Four Seasons Coach Lines, Inc., Port Jefferson, N.Y., of a portion of certificate No. MC-228 (Sub-No. 24) issued October 18, 1963, to Hudson Transit Lines, Inc., Wahwah, N.J., authorizing the transportation of: Passengers and their baggage, in round trip charter operations, beginning and ending at points in Suffolk County, N.Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Samuel B. Zinder, attorney for transferee, Station Plaza East, Great Neck, N.Y. 11021. Michael Marzano, attorney for transferor, 17 Academy Street, Newark, N.J.

No. MC-FC-72182. By order of June 10, 1970, the Motor Carrier Board approved the transfer to Husky Parcel Delivery, Inc., Ketchikan, Alaska, of certificates Nos. MC-123332, MC-123332 (Sub-No. 1) and MC-123332 (Sub-No. 5) issued May 16, 1963, July 27, 1965, and February 14, 1969, to Cordell Transfer Co., Inc., Ketchikan, Alaska, authorizing the transportation of specified commodities between specified points in Alaska and between Seattle, Wash., on the one hand, and, on the other specified points in Alaska. John M. Stern, Jr., Box 1672, Anchorage, Alaska 99501, attorney for applicants.

No. MC-FC-72204. By order of June 11, 1970, the Motor Carrier Board approved the transfer to Frank A. Dalesandro Moving & Hauling, a corporation, Vineland, N.J., of certificates Nos. MC-107054 and subs thereunder issued to Frank A. Dalesandro, Vineland, N.J., authorizing the transportation of: General commodities, with the usual exceptions, hay rope, and household goods as defined by the Commission, between points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia. Matthew Aaron, 204 Feinstein Building, Bridgeton, N.J. 08302, attorney for applicants.

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

[F.R. Doc. 70-7709; Filed, June 17, 1970; 8:52 a.m.]

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PART II

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

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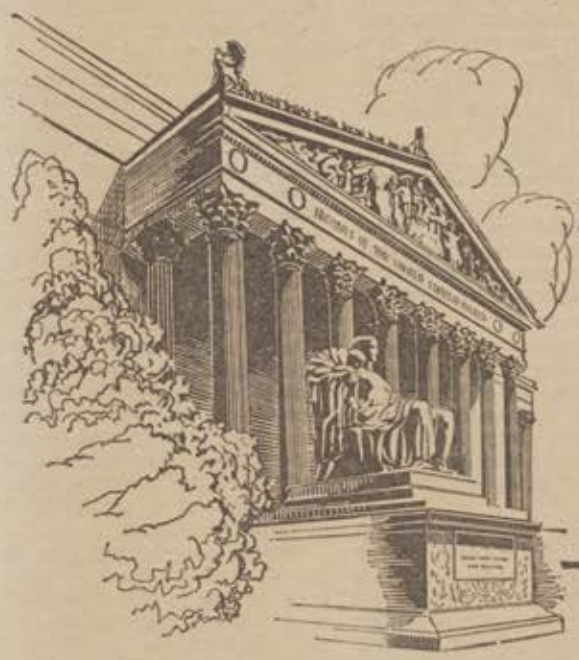
Non-Discrimination in Federally-Assisted Programs of the Department of Transportation



Effectuation of Title VI of the Civil Rights Act of 1964

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 18]

PART 21—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The purpose of this amendment adding Part 21 to the Regulations of the Office of the Secretary of Transportation is to implement section 601 of the Civil Rights Act of 1964.

Section 601 of the Civil Rights Act of 1964 forbids discrimination on the grounds of race, color, or national origin under any program or activity that receives Federal financial assistance. Section 602 of the Act authorizes and directs each Federal department or agency that is empowered to assist any program or activity to issue regulations implementing section 601. Accordingly, the Department is adopting Part 21 to accomplish this legislative directive. Since this regulation will cover the subject for the entire Department, including its operating administrations, the applicability of Part 8 of Title 15, Code of Federal Regulations (Department of Commerce), to the Department of Transportation is hereby terminated. The separate regulations of the U.S. Coast Guard (33 CFR Part 24) and the Federal Aviation Administration (14 CFR Part 15) will be canceled by separate actions of those organizations.

Since this amendment relates to grant programs, notice and public procedures thereon are not required and it may be made effective in less than 30 days.

In consideration of the foregoing, Subtitle A of Title 49 of the Code of Federal Regulations is amended by adding a new Part 21, as follows, effective June 18, 1970.

This amendment is made under the authority of section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1) and the laws referred to in Appendix A.

Pursuant to section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), this regulation has been approved by the President.

Issued in Washington, D.C., on June 10, 1970.

JOHN A. VOLPE,
Secretary of Transportation.

Sec.

AUTHORITY: The provisions of this Part 21 issued under sec. 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

§ 21.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.

§ 21.3 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including the federally assisted programs and activities listed in Appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved before that effective date. This part does not apply to:

(1) Any Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part, except where such assistance was subject to the title VI regulations of any agency whose responsibilities are now exercised by this Department;

(3) Any assistance to any individual who is the ultimate beneficiary under any such program; or

(4) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 21.5(c).

The fact that a program or activity is not listed in Appendix A to this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to Appendix A to this part.

(b) In any program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space.

§ 21.5 Discrimination prohibited.

(a) General: No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) Specific discriminatory actions prohibited:

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of

defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) Examples demonstrating the application of the provisions of this section to certain programs of the Department of Transportation are contained in Appendix C of this part.

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) Employment practices:

(1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Department which have as a primary objective the providing of employment include those set forth in Appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

§ 21.7 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Secretary shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies (including the programs listed in Appendix A to this part) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

§ 21.9 Compliance information.

(a) *Cooperation and assistance.* The Secretary shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Secretary timely, complete, and

accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Secretary during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Secretary finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 21.11 Conduct of investigations.

(a) *Periodic compliance reviews.* The Secretary shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

(c) *Investigations.* The Secretary will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Secretary will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 21.13.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the Secretary will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 21.13 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 21.7.* If an applicant fails or refuses to furnish an assurance required under § 21.7 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph. However, subject to § 21.21, the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The Secretary has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Secretary pursuant to § 21.17(e); and

(4) The expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action.

Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means authorized by law shall be taken by this Department until—

(1) The Secretary has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 21.15 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 21.13(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Secretary that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 21.13(c) and

consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the Secretary unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary, or at his discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 21.17.

§ 21.17 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Secretary.

(b) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Secretary conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a written copy of the final decision of the Secretary shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 21.15, a decision shall be made by the Secretary on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Secretary.* Any final decision by an official of the Department, other than the Secretary personally, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Secretary personally, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Secretary determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Secretary. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph.

While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 21.19 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 21.21 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part,

except that nothing in this part may be considered to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction before the effective date of this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Secretary shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 21.17), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the Secretary of this Department.

§ 21.23 Definitions.

Unless the context requires otherwise, as used in this part—

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Secretary, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) "Secretary" means the Secretary of Transportation or, except in § 21.17 (e), any person to whom he has delegated his authority in the matter concerned.

Appendix A

ACTIVITIES TO WHICH THIS PART APPLIES

1. Use of grants made in connection with Federal-aid highway systems (23 U.S.C. 101 et seq.).

2. Use of grants made in connection with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.).

3. Use of grants in connection with the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391–1409, 1421–1425).

4. Lease of real property and the grant of permits, licenses, easements and rights-of-way covering real property under control of the Coast Guard (14 U.S.C. 93 (n) and (o)).

5. Utilization of Coast Guard personnel and facilities by any State, territory, possession, or political subdivision thereof (14 U.S.C. 141(a)).

6. Use of Coast Guard personnel for duty in connection with maritime instruction and training by the States, territories, and Puerto Rico (14 U.S.C. 148).

7. Use of obsolete and other Coast Guard material by sea scout service of Boy Scouts of America, any incorporated unit of the Coast Guard auxiliary, and public body or private organization not organized for profit (14 U.S.C. 641(a)).

8. U.S. Coast Guard Auxiliary Program (14 U.S.C. 821–832).

9. Use of grants for the support of basic scientific research by nonprofit institutions of higher education and nonprofit organizations whose primary purpose is conduct of scientific research (42 U.S.C. 1891).

10. Use of grants made in connection with the Federal-aid Airport Program (secs. 1–15 and 17–20 of the Federal Airport Act, 49 U.S.C. 1101–1114, 1116–1120).

11. Use of U.S. land acquired for public airports under—

a. Section 16 of the Federal Airport Act, 49 U.S.C. 1115; and

b. Surplus Property Act (sec. 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g), and sec. 3 of the Act of Oct. 1, 1949, 50 U.S.C. App. 1622b).

12. Activities carried out in connection with the Aviation Education Program of the Federal Aviation Administration under sections 305, 311, and 313(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1346, 1352, and 1354(a)).

13. Use of grants and loans made in connection with Urban Mass Transportation Capital Facilities Grant and Loan Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602).

14. Use of grants made in connection with Urban Mass Transportation (Research and Demonstration Grant Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605).

15. Use of grants made in connection with Urban Mass Transportation Technical Studies Grant Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607a).

16. Use of grants made in connection with Urban Mass Transportation Managerial Training Grant Program—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607b).

17. Use of grants made in connection with Urban Mass Transportation Grants for Research and Training Programs in Institutions of Higher Learning—Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607c).

18. Use of grants made in connection with the High Speed Ground Transportation Act, as amended (49 U.S.C. 631–642).

Appendix B

ACTIVITIES TO WHICH THIS PART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. Appalachia Regional Development Act of 1965 (40 U.S.C. App. 1 et seq.).

Appendix C

APPLICATION OF PART 21 TO CERTAIN FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF TRANSPORTATION

Nondiscrimination on Federally Assisted Projects

(a) *Examples.* The following examples, without being exhaustive, illustrate the application of the nondiscrimination provisions

of this part on projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations:

(1) *Federal Aviation Administration.* (i) The airport sponsor or any of his lessees, concessionaires, or contractors may not differentiate between members of the public because of race, color, or national origin in furnishing, or admitting to, waiting rooms, passenger holding areas, aircraft tiedown areas, restaurant facilities, restrooms, or facilities operated under the compatible land use concept.

(ii) The airport sponsor and any of his lessees, concessionaires, or contractors must offer to all members of the public the same degree and type of service without regard to race, color, or national origin. This rule applies to fixed base operators, restaurants, snack bars, gift shops, ticket counters, baggage handlers, car rental agencies, limousines and taxis franchised by the airport sponsor, insurance underwriters, and other businesses catering to the public at the airport.

(iii) An aircraft operator may not be required to park his aircraft at a location that is less protected, or less accessible from the terminal facilities, than locations offered to others, because of his race, color, or national origin.

(iv) The pilot of an aircraft may not be required to help more extensively in fueling operations, and may not be offered less incidental service (such as windshield wiping), than other pilots, because of his race, color, or national origin.

(v) No pilot or crewmember eligible for access to a pilot's lounge or to unofficial communication facilities such as a UNICOM frequency may be restricted in that access because of his race, color, or national origin.

(vi) Access to facilities maintained at the airport by air carriers or commercial operators for holders of first-class transportation tickets or frequent users of the carrier's or operator's services may not be restricted on the basis of race, color, or national origin.

(vii) Passengers and crewmembers seeking ground transportation from the airport may not be assigned to different vehicles, or delayed or embarrassed in assignment to vehicles, by the airport sponsor or his lessees, concessionaires, or contractors, because of race, color, or national origin.

(viii) Where there are two or more sites having equal potential to serve the aeronautical needs of the area, the airport sponsor shall select the site least likely to adversely affect existing communities. Such site selection shall not be made on the basis of race, color, or national origin.

(ix) Employment at obligated airports, including employment by tenants and concessionaires shall be available to all regardless of race, creed, color, sex, or national origin. The sponsor shall coordinate his airport plan with his local transit authority and the Urban Mass Transportation Administration to assure public transportation, convenient to the disadvantaged areas of nearby communities to enhance employment opportunities for the disadvantaged and minority population.

(x) The sponsor shall assure that the minority business community in his area is advised of the opportunities offered by airport concessions, and that bids are solicited from such qualified minority firms, and awards made without regard to race, color, or national origin.

(2) *Federal Highway Administration.* (i) The State, acting through its highway department, may not discriminate in its selection and retention of contractors, including without limitation, those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.

(ii) The State may not discriminate against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions.

(iii) Federal-aid contractors may not discriminate in their selection and retention of first-tier subcontractors, and first-tier subcontractors may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway construction, acquisition of right-of-way and related projects, including those who supply materials and lease equipment.

(iv) The State may not discriminate against the traveling public and business users of the federally assisted highway in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.

(v) Neither the State, any other persons subject to this part, nor its contractors and subcontractors may discriminate in their employment practices in connection with highway construction projects or other projects assisted by the Federal Highway Administration.

(vi) The State shall not locate or design a highway in such a manner as to require, on the basis of race, color, or national origin, the relocation of any persons.

(vii) The State shall not locate, design, or construct a highway in such a manner as to deny reasonable access to, and use thereof, to any persons on the basis of race, color, or national origin.

(3) *Urban Mass Transportation Administration.* (i) Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.

(ii) No person who is, or seeks to be, an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.

(iii) No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency or service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.

(iv) The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin.

(b) *Obligations of the airport operator—*(1) *Tenants, contractors, and concessionaires.* Each airport operator shall require each tenant, contractor, and concessionaire who provides any activity, service, or facility at the airport under lease, contract with, or franchise from the airport, to covenant in a form specified by the Administrator, Federal Aviation Administration, that he will comply with the nondiscrimination requirements of this part.

(2) *Notification of beneficiaries.* The airport operator shall (i) make a copy of this part available at his office for inspection during normal working hours by any person asking for it, and (ii) conspicuously display a sign, or signs, furnished by the FAA, in the main public area or areas of the airport, stating that discrimination based on race, color, or national origin is prohibited on the airport.

(3) *Reports.* Each airport owner subject to this part shall, within 15 days after he receives it, forward to the Area Manager of the FAA Area in which the airport is located a copy of each written complaint charging discrimination because of race, color, or national origin by any person subject to this part, together with a statement describing all actions taken to resolve the matter, and the results thereof. Each airport operator shall, by January 31 of each year, submit to the Area Manager of the FAA Area in which the airport is located a report for the preceding year in a form prescribed by the Federal Aviation Administrator.

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