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Conservation Service
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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 19]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Guides for Determining Land Constituting a Farm

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.), section 124 of the Soil Bank Act (7 U.S.C. 1812), section 602 of the Food and Agriculture Act of 1965 (7 U.S.C. 1838), and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-q).

Section 719.4 of the regulations governing the Reconstitution of Farms, Allotments and Bases, 29 F.R. 13370, as amended, is amended to add a new paragraph (d) clarifying the regulations to provide that all land which is nearby and easily accessible and which is owned and operated by a parent corporation and its subsidiaries shall be considered as one farm. Section 719.4, as amended, reads as follows:

§ 719.4 Guides for determining the land constituting a farm.

(a) **General.** In determining the constitution of a farm, consideration shall be given to a number of provisions such as ownership, operation, accessibility and nearness, and the productiveness of different tracts. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(b) **Ownership.** The county committee shall require specific proof where there is doubt as to ownership.

(c) **Family members.** Land owned by different members of an immediate family living in the same household and operated as a single farming unit shall be considered as being under the same ownership in determining a farm.

(d) **Parent corporations and subsidiaries.** All land which is nearby and easily accessible and which is owned and operated by a parent corporation and subsidiary corporations of which the parent corporation owns 50 percent or more of the shares of stock (or which is owned and operated by such subsidiary corporations) shall be constituted as one farm.

(e) **Nearby and easily accessible.** Tracts of land shall be considered nearby

and easily accessible if the county committee determines such tracts are close enough together so that they will be operated as a single farming unit. In determining whether such tracts are nearby and easily accessible, the county committee shall consider whether: (1) The farm labor and machinery are or could be freely interchanged during the period when normal farming operations are in progress; (2) the cropping pattern or land uses will be such as to reflect a single farming unit; and (3) it is practical to administer the program operations from one county office.

(f) **Productivity.** Combinations of tracts under different ownership shall not be permitted where the county committee determines that (1) one tract is primarily irrigated land and the other tract is primarily nonirrigated, or (2) the present productivity of the cropland on one tract differs substantially from the productivity of the other tract. Protected or proven farm yields may be considered in making this determination but they should not be the sole basis for such determination.

(g) **Operation.** The county committee, in determining the constitution of a farm, shall satisfy itself that the operator will be in general control of the farming operations on the farm in the program year.

(Secs. 374, 375, 52 Stat. 65, as amended, 66, as amended; sec. 124, 70 Stat. 198, sec. 602, 79 Stat. 1206; sec. 4, 49 Stat. 164; 7 U.S.C. 1374, 1375, 1812, 1838; 16 U.S.C. 590d)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 70-8072; Filed, June 24, 1970; 8:51 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1970

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment

to Sugar Regulation 811 (34 F.R. 19901) as amended, is to revise the determination of sugar requirements for the calendar year 1970, establish quotas, prorrations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Total deliveries of sugar for consumption in the United States continue to run well ahead of expectations. Per capita distribution for the first 5 months of the year on a seasonally adjusted basis is more than 5 percent greater than the high rate which prevailed in 1968 and 1969. An increase in requirements at this time will encourage additional offerings of readily available sugar and enable foreign countries to better plan their exportations to the United States. This action will also provide ample time for any country to notify the Department before August 1 in the event it cannot fill its quota, including deficit prorrations.

Accordingly, total sugar requirements for the calendar year 1970 are herein increased by 100,000 short tons, raw value, to a total of 11,200,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1970 findings were heretofore made (35 F.R. 7777, 8915) that Puerto Rico was unable to fill its quota by 550,000 short tons, raw value, and accordingly quota deficits were determined for Puerto Rico for 550,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to fill its quota by an additional 150,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1970 quota for Puerto Rico of 700,000 short tons, raw value. Accordingly, the additional quota deficits of 150,000 short tons, raw value, for Puerto Rico are herein determined and are allocated and prorated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The government of the Republic of the Philippines has notified the Department that it will be able to supply an additional 50,000 tons of its share of deficits

to the United States during 1970. Therefore, pursuant to section 204(a) of the Act, 50,000 tons of the additional deficit of 150,000 tons is herein allocated to the Republic of the Philippines and the remainder of the additional deficit amounting to 100,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act on the basis of published quotas most recently in effect.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.80, 811.81, 811.82, and 811.83 as follows:

1. Section 811.80 is amended to read as follows:

§ 811.80 Sugar requirements, 1970.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1970 is hereby determined to be 11,200,000 short tons, raw value.

2. Section 811.81 is amended by amending paragraph (a) to read as follows:

§ 811.81 Quotas for domestic areas.

(a) (1) For the calendar year 1970 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar.....	3,400,333	No limit
Mahland cane sugar.....	1,238,667	No limit
Hawaii.....	1,145,486	38,304
Puerto Rico.....	1,140,000	168,000
Virgin Islands.....	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1970 Puerto Rico and the Virgin Islands will be unable by 700,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

3. Section 811.82 is amended by amending paragraph (a) to read as follows:

§ 811.82 Proration and allocation of deficits and quotas in effect.

(a) On the basis of information recently received from the Republic of the Philippines it is herein determined that the Republic of the Philippines will be

able to fill 150,000 short tons, raw value, of its statutory share of deficits during the calendar year 1970 which is 50,000 tons more than the amount of deficits previously allocated to the Republic of the Philippines. Therefore, pursuant to section 204(a) of the Act, 50,000 short tons, raw value, of the 150,000 tons additional deficit in the quota determined in paragraph (a) (2) of § 811.81 is here allocated to the Republic of the Philippines and the remainder is prorated to Western Hemisphere countries named in section 202(c) (3) (A) of the Act on the basis of published quotas most recently in effect as established in Sugar Regulation 811 for 1970 (35 F.R. 8915).

4. Section 811.83 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.83 Quotas for foreign countries.

(b) For the calendar year 1970, the quota for the Republic of the Philip-

pinis is 1,276,020 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 150,000 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1970, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in amendment 4 of § 811.83 are shown in column (3). In column (4) a portion of the additional deficit in the quota for Puerto Rico amounting to 100,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c) (3) (A) of the Act, on the basis of published quotas most recently in effect.

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) ¹	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
Mexico.....	240,646	260,562	89,776	19,332	610,316
Dominican Republic.....	235,354	254,833	87,802	18,907	596,896
Brazil.....	235,354	254,833	87,802	18,907	596,896
Peru.....	187,723	203,259	70,032	15,080	476,093
British West Indies.....	94,017	75,253	31,038	6,590	206,928
Ecuador.....	24,245	37,078	12,775	2,751	80,849
French West Indies.....	29,575	23,681	9,764	2,073	65,093
Argentina.....	28,952	31,348	10,801	2,326	73,427
Costa Rica.....	27,707	30,000	10,336	2,226	70,269
Nicaragua.....	27,707	30,000	10,336	2,226	70,269
Colombia.....	24,905	26,967	9,291	2,001	63,164
Guatemala.....	23,348	25,281	8,711	1,876	59,216
Panama.....	17,434	18,877	6,503	1,400	44,214
El Salvador.....	17,123	18,539	6,388	1,375	43,424
Haiti.....	13,075	14,156	4,878	1,050	33,159
Venezuela.....	11,830	12,808	4,414	950	30,002
British Honduras.....	6,849	5,484	2,261	480	15,074
Bolivia.....	2,802	3,034	1,046	225	7,107
Honduras.....	2,802	3,034	1,046	225	7,107
Australia.....	112,073	80,157	—	—	201,230
Republic of China.....	46,097	37,149	—	—	83,246
India.....	44,829	35,003	—	—	80,492
South Africa.....	32,909	26,352	—	—	59,261
Fiji Islands.....	24,394	19,565	—	—	44,159
Thailand.....	10,274	8,173	—	—	18,447
Malaysia Republic.....	5,292	4,210	—	—	9,502
Swaziland.....	4,047	3,219	—	—	7,266
Ireland.....	5,351	—	—	—	5,351
Bahamas.....	10,000	—	—	—	10,000
Total.....	1,567,876	1,500,618	465,000	100,000	3,693,494

¹ Proration of the quotas withheld from Cuba and Southern Rhodesia.

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1970 by 100,000 tons and allocates and prorates additional deficits of 150,000 tons to the Republic of the Philippines and Western Hemisphere countries with sugar quotas in effect. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby de-

termined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 19, 1970.

KENNETH E. FRICK,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[F.R. Doc. 70-8048; Filed, June 24, 1970;
8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rye Loan and Purchase Program

The general regulations governing price support for the 1970 and subsequent crops (35 F.R. 7363) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1970 and subsequent crops of rye by adding §§ 1421.335–1421.344 to read as herein stated. The material previously appearing in §§ 1421.2840–1421.2849 remains in full force and effect as to 1969 and prior crops of rye.

Sec.	Purpose.
1421.335	Availability.
1421.336	Eligible rye.
1421.337	Determination of quality.
1421.338	Determination of quantity.
1421.339	Warehouse receipts.
1421.340	Fees and charges.
1421.341	Warehouse charges.
1421.342	Maturity of loans.
1421.343	Support rates.

Authority: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.335 Purpose.

This subpart contains program provisions which, together with the general regulations governing price support for the 1970 and subsequent crops and any amendments thereto or revisions thereof (such regulations are referred to in this subpart as "general regulations"), and annual crop year supplement issued with respect to the crop of rye for which price support is being requested, apply to price support loans and purchases for the 1970 and subsequent crops of rye.

§ 1421.336 Availability.

Producers desiring price support must obtain a loan or notify the county ASCS office of intentions to sell to CCC no later than the dates set forth in the annual crop year supplement to the regulations in this part.

§ 1421.337 Eligible rye.

(a) **General.** In order to be eligible for price support, the rye must be merchantable for use as food or feed, or for other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) **Warehouse-stored loan grade requirements.** Rye to be placed under a warehouse storage loan must also meet the following requirements:

(1) The rye must grade U.S. No. 2 or better, except that it may grade U.S. No. 3 or 4 on the factor of test weight or

"thin" grade, or both, but otherwise must grade U.S. No. 2 or better.

(2) Rye must not grade "Light Smutty", "Light Garlicky", "Garlicky", or contain in excess of 1 percent Ergot.

(3) Rye must not grade "Weevily" or contain over 14 percent moisture unless the warehouse receipt representing the rye is accompanied by a supplemental certificate which provides that the warehouseman shall deliver rye which is not "Weevily", or does not contain over 14 percent moisture, or both and is otherwise of an eligible grade and quality. The grade, quality, and quantity shown on the supplemental certificate must be as provided in § 1421.340.

§ 1421.338 Determination of quality.

(a) **Grading factors.** The grade, grading factors, and all other quality factors shall be based on the official grain standards of the United States for rye, whether or not a determination of grade and quality is based on an official inspection. The cost of official grade determinations, when made, shall not be for the account of CCC.

(b) **Ergot.** The quantity of ergot shall be stated in terms of tenths of 1 percent and, where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 1421.339 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of three-fourths of a pound for each sack shall be made.

(a) **In warehouse.** The quantity of rye on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or a purchase shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the rye has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight excluding dockage of 1.2 times the percentage difference between the moisture content of the rye, when received, and 14 percent.

(b) **On farm.** The quantity of rye eligible to be placed under farm storage loan will be determined in accordance with § 1421.18. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight.

(c) **Dockage.** When the quantity is determined by weight, the percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight in determining the net quantity.

§ 1421.340 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or a purchase must meet the requirements of this section.

(a) **Separate receipt.** A separate receipt must be submitted for each grade and quality of rye.

(b) **Entries.** Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show (1) gross weight and net bushels, (2) grade (including special grades), (3) percentage of ergot for rye containing in excess of three-tenths of 1 percent of ergot, (4) test weight, (5) dockage, (6) moisture, if over 14 percent, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the rye arrived by rail, truck, or barge, and (9) the date the rye was received or deposited in the warehouse.

(c) **Where warehouse receipt shows "Weevily" and/or moisture over 14 percent.** If a warehouse receipt tendered as security for a loan indicates that the rye grades "Weevily" or contains over 14 percent moisture, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.337 (b) (3). The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the rye has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt;

(2) When the warehouse receipt shows a moisture content of over 14 percent and the rye has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the rye to a moisture content of not over 14 percent. The quantity shown shall reflect a drying or blending shrink as specified in § 1421.339(a);

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt;

(4) In case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) **Lien.** The warehouse receipts may be subject to liens for warehouse charges only to extent indicated in § 1421.342.

(e) **Freight certificate requirements.** Warehouse receipts representing rye which has been shipped by rail, or by barge utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission, from a country shipping point to a designated terminal point or to a storage point and stored intransit to a designated terminal point, must be accompanied by supplemental certificates. These certificates must be representative as to origin and date of movement of rye and must reflect the rate of freight paid into the storage point and the

amount of penalty, if any, for out-of-line haul. The form of the certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman.

§ 1421.341 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11.

§ 1421.342 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the rye represented thereby stored in an approved warehouse operating under the uniform grain storage agreement (hereinafter called "UGSA") may be subject to liens for warehouse handling and storage charges at not to exceed the UGSA rates from the date the rye is deposited in the warehouse for storage. Warehouse receipts and the rye represented thereby stored in an approved warehouse operated by an Eastern common carrier may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the rye when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of rye stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading-out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on rye stored in warehouses operating under the UGSA shall be the latest of the following:

- (1) The date the rye was received or deposited in the warehouse.
- (2) The date storage charges start, or
- (3) The day following the date through which the storage charges have been paid.

(c) *Deduction of storage charges—Eastern common carriers.* The table set forth in the annual crop year supplement will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of rye stored in an approved warehouse operated by an Eastern common carrier. Such deduction shall be based on entries shown on the warehouseman's supplemental certificate and delivery order. If written evidence is submitted with the supplemental certificate and delivery order that all warehouse charges except elevation charges have been prepaid through the applicable loan maturity date, no storage deduction shall be made. Where the producer presents evidence showing that the elevation charges have

been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges set forth in the table in the annual crop year supplement.

§ 1421.343 Maturity of loans.

Loans will mature on demand but not later than the date specified in the annual crop year supplement to the regulations contained in this subpart.

§ 1421.344 Support rates.

Basic county support rates for rye and the schedule of premiums and discounts will be set forth in the annual crop year supplement to the regulations contained in this subpart. Farm-stored rye loans will be made at the applicable basic county support rate adjusted, where applicable, for the weed control discount. The support rate for warehouse-storage loans and for rye acquired under a loan or by purchase shall be the applicable basic support rate adjusted in accordance with the provisions of this section, and the premiums and discounts in the annual crop year supplement on the basis of quality factors on warehouse receipts or supplemental certificates in the case of rye stored in or delivered to an approved warehouse or on such other form as CCC may prescribe in the case of rye delivered to other than an approved warehouse. Settlement of loans and purchases shall be made in accordance with the provisions of § 1421.23.

(a) *Basic support rates for farm-stored rye.* The applicable basic support rate for farm-storage loans shall be the basic county support rate established for the county in which the rye is stored.

(b) *Basic support rates for warehouse-stored rye received by rail or utilizing combination barge-rail rates—(1) When shipped by rail and stored intransit at interior locations.* The applicable basic support rate for warehouse-storage loans on rye which was received by rail and stored in an approved warehouse at other than a port terminal market shall be determined by adding to the basic support rate established for the county from which the rye was shipped, the amount of freight charges per bushel actually paid in, and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be the lowest rate which will permit the storage intransit privilege and protect the lowest single car rate applying from origin through point of storage to a terminal market designated in paragraph (c) (2) of this section that would be used in commercial channels of trade. If the rye is stored in approved warehouse at a transit point which takes a penalty by reason of back-haul or out-of-line movement when destined to a designated terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(2) *When shipped by rail and stored at designated port terminal market to*

cations. The applicable basic support rate for warehouse storage loans on rye which was received by rail and stored in an approved warehouse at a port terminal market designated in paragraph (c) (2) (iii) of this section shall be determined by adding to the basic support rate established for the county from which the rye was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be the lowest applicable freight rate to the port terminal market that would be used in commercial channels of trade.

(3) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse storage loans on rye which was shipped utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission and stored in an approved warehouse shall be determined by adding to the basic support rate established for the county from which the rye was shipped, the amount of freight charges per bushel actually paid in and an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate paid into the storage point shall be a rate which will permit the storage intransit privilege and protect the lowest single car, or barge freight rate applying from origin through point of storage to one of the interior or port terminal markets designated in paragraph (c) (2) of this section that would be used in commercial channels of trade. If the rye is stored in an approved warehouse at a transit point which takes a penalty by reason of back-haul or out-of-line movement when destined to the designated interior or port terminal market that would be used in commercial channels of trade, such penalty or cost by reason of such movement shall be deducted from the support rates as determined in this paragraph.

(c) *Basic support rates for warehouse-stored rye received by truck or nontariff barge—(1) Stored at other than terminal markets.* (i) The applicable basic support rate for warehouse-storage loans on rye which was received by truck, or by barge not utilizing combination barge-rail freight rates, and stored in an approved warehouse located outside the switching limits of terminal markets designated in subparagraph (2) of this paragraph shall be the basic county support rate established for the county in which the rye is stored.

(ii) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities which have the same freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such

support rate shall be the highest support rate of the counties involved.

(2) *Stored within the switching limits of designated terminal markets.* (i) The applicable basic county support rate for warehouse-storage loans on rye which was received by truck, or by barge not utilizing combination barge-rail freight-rates, and stored in an approved warehouse located within the switching limits of a terminal market designated in subdivision (ii) or (iii) of this subparagraph shall be determined by adding 4 cents per bushel to the basic county support rate established for the county (or city) in which the terminal market is located.

(ii) Designated interior terminal markets are as follows:

Interior terminal market	County in which located
Atchison, Kans.	Atchison.
Chicago, Ill.	Cook.
Council Bluffs, Iowa	Pottawattamie.
East St. Louis, Ill.	St. Clair.
Kansas City, Kans.	Wyandotte.
Kansas City, Mo.	Jackson.
Memphis, Tenn.	Shelby.
Milwaukee, Wis.	Milwaukee.
Minneapolis, Minn.	Hennepin.
Omaha, Nebr.	Douglas.
St. Joseph, Mo.	Buchanan.
St. Louis, Mo.	St. Louis.
St. Paul, Minn.	Ramsey.
Sioux City, Iowa	Woodbury.

(iii) Designated port terminal markets are as follows:

Port terminal markets	County or city in which located
Albany, N.Y.	Albany.
Ama, La.	Saint Charles.
Astoria, Oreg.	Clatsop.
Baltimore, Md.	Baltimore City.
Baton Rouge, La.	East Baton Rouge.
Beaumont, Tex.	Jefferson.
Charleston, S.C.	Charleston.
Corpus Christi, Tex.	Neuces.
Destrahan, La.	Saint Charles.
Duluth, Minn.	Saint Louis.
Galveston, Tex.	Galveston.
Houston, Tex.	Harris.
Kalama, Wash.	Cowlitz.
Long Beach, Calif.	Los Angeles.
Longview, Wash.	Cowlitz.
Los Angeles, Calif.	Los Angeles.
New Orleans, La.	Orleans.
New York, N.Y.	New York City.
Norfolk, Va.	Chesapeake (Norfolk).
Oakland, Calif.	Alameda.
Philadelphia, Pa.	Philadelphia City.
Port Allen, La.	West Baton Rouge.
Port Arthur, Tex.	Jefferson.
Portland, Oreg.	Multnomah.
Sacramento, Calif.	Sacramento.
San Diego, Calif.	San Diego.
San Francisco, Calif.	San Francisco City.
Seattle, Wash.	King.
Stockton, Calif.	San Joaquin.
Superior, Wis.	Douglas.
Tacoma, Wash.	Pierce.
Vancouver, Wash.	Clark.
Westwego, La.	Jefferson.
Wilmington, Calif.	Los Angeles.

(d) *Storing warehouseman's responsibilities.* The storing warehouseman in the case of rye received by rail or utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission shall be responsible for determining the in-line routes via the storing warehouse that will protect the lowest freight rate to the designated interior or port terminal

market designated in paragraph (c) (2) (ii) or (iii) of this section, whichever the case may be, that would be used in commercial channels of trade, and for protecting such routes. The storing warehouseman shall also execute supplemental certificates showing (1) the rate of freight paid into the storage point, (2) amount of penalty, if any, for backhaul or out-of-line penalty, (3) the applicable interior or port terminal market that would be used in commercial channels of trade and (4) any other information which may be prescribed by CCC. The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. His liability, if any, for his failure to comply with the provisions of this paragraph (d) will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1970.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 70-8071; Filed, June 24, 1970; 8:51 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:

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

(8) *Mississippi.* (i) Lauderdale, Warren, and Yazoo Counties.

(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 amendment shall become effective upon issuance.

The amendment excludes Prentiss, Tippah, Tishomingo, and a portion of Itawamba Counties in Mississippi from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the excluded areas.

The amendment relieves certain restrictions presently imposed and must be made effective immediately 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 amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of June 1970.

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

[F.R. Doc. 70-8046; Filed, June 24, 1970; 8:49 a.m.]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121-123-126, 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, the reference to the State of Ohio in the introductory portion of paragraph (e) and paragraph (e) (13) relating to the State of Ohio are deleted.

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

(8) *Mississippi.* (i) Copiah, Lauderdale, Newton, Warren, and Yazoo Counties.

(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 Copiah County and all of Newton County in Mississippi 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 Darke County, Ohio, 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 19th day of June 1970.

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

[F.R. Doc. 70-8047; Filed, June 24, 1970;
8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Exemption of Certain State Regulated Transactions

1. Effective July 1, 1970, Supplement III to Regulation Z (§ 226.12—Supplement) is amended by adding paragraph (d) as follows:

(d) Massachusetts. Except as provided in § 226.12(c), the following classes of credit

transactions within the State of Massachusetts except for those transactions in which a federally chartered institution is a creditor are hereby granted an exemption from the requirements of Chapter 2 of the Truth in Lending Act effective July 1, 1970:

(1) Transactions under open end consumer credit plans which are subject to the requirements of section 127 of the Truth in Lending Act;

(2) Consumer credit sales transactions not under open end credit plans which are subject to the requirements of section 128 of the act;

(3) Consumer loan transactions not under open end credit plans which are subject to the requirements of section 129 of the act.

2a. The purpose of this amendment is to exempt certain credit transactions in the State of Massachusetts from the requirements of Chapter 2 of the Truth in Lending Act (Title I of the Consumer Credit Protection Act (15 U.S.C. 1601ff)).

b. Pursuant to the provisions of 12 CFR 226.12 (Supplement II to Part 226 (Regulation Z)), the State of Massachusetts applied to the Board for an exemption from the Truth in Lending Act; notice of receipt of the application was published in the FEDERAL REGISTER of February 28, 1970 (35 F.R. 3927). The Board granted this exemption after consideration of all relevant material, including communications from interested persons. The effective date of the exemption was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code. The Board found that the amendment essentially involves no change in a substantive rule and deferral of the date beyond that adopted by the Board would serve no useful purpose.

By order of the Board of Governors, June 18, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8009; Filed, June 24, 1970;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-CE-113]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 2595 of the FEDERAL REGISTER dated February 5, 1970, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Arkansas City/Winfield, Kans.

Interested persons were given 45 days to submit written comments, suggestions,

or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 20, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

ARKANSAS CITY/WINFIELD, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

[F.R. Doc. 70-8041; Filed, June 24, 1970;
8:48 a.m.]

[Airspace Docket No. 70-CE-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 5711 and 5712 of the FEDERAL REGISTER dated April 8, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Wisconsin Rapids, Wis.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 20, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

WISCONSIN RAPIDS, WIS.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field-Southwood County Airport (latitude 44°21'30" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile radius area to 8 miles south of the airport.

[F.R. Doc. 70-8042; Filed, June 24, 1970;
8:48 a.m.]

[Airspace Docket No. 70-CE-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On Page 5712 of the FEDERAL REGISTER dated April 8, 1970, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Carbondale, Ill.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 20, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.171 (35 F.R. 2054), the following control zone is added:

CARBONDALE, ILL.

Within a 5-mile radius of Southern Illinois Airport (latitude 37°46'50" N., longitude 89°15'15" W.); and within 3 miles each side of the 014° bearing from Southern Illinois Airport, extending from the 5-mile radius zone to 8 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[F.R. Doc. 70-8043; Filed, June 24, 1970; 8:48 a.m.]

[Airspace Docket No. 70-CE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 4967 of the FEDERAL REGISTER dated March 21, 1970, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Huntington, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Huntington, Ind., Municipal Airport, transition area designation as "latitude 40°51'00" N., longitude 85°25'00" W." are changed to read "latitude 40°51'15" N., longitude 85°27'50" W."

This amendment shall be effective 0901 G.m.t., August 20, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 3, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (35 F.R. 2134), the following transition area is added:

HUNTINGTON, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'15" N., longitude 85°27'50" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

[F.R. Doc. 70-8044; Filed, June 24, 1970; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline With Oleandomycin or Triacetyloleandomycin; Postponement of Effective Date

An order was published in the FEDERAL REGISTER of January 30, 1970 (35 F.R. 1234), to become effective in 40 days amending Parts 141c and 146c of the antibiotic drug regulations to repeal provisions for certification of combination drugs containing tetracycline and oleandomycin (or triacetyloleandomycin). Thirty days were provided for filing proper objections to the order and requests for a hearing.

In describing what would be considered reasonable grounds for a hearing, reference was made to the order promulgated September 19, 1969 (34 F.R. 14596), revising rules applicable to requests for hearings (21 CFR 130.12(a)(5), 130.14(b), 146.1(d), (g)). On January 16, 1970, the Honorable James L. Latchum, Judge of the U.S. District Court for the District of Delaware, filed an opinion that the regulations revised September 19, 1969, were null and void because of the failure of the Department to afford advance notice of proposed rulemaking and an opportunity for interested persons to file comment. The Commissioner of Food and Drugs published a proposal in the FEDERAL REGISTER of February 17, 1970 (35 F.R. 3073), to repromulgate the revision of those regulations. An order was published in the FEDERAL REGISTER of March 27, 1970 (35 F.R. 5174), extending

the time for filing objections to the repeal order and postponing the effective date of such order until 40 days after publication of the final order on the hearing regulations. That final order was published May 8, 1970 (35 F.R. 7250).

Additional material concerning the drugs has been received and is being reviewed; therefore, the Commissioner concludes that the effective date of the repeal order should be further postponed 30 days to allow time for completion of the review of the material and the objections. When this review is completed, the Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received.

Therefore, the effective date of the order of January 30, 1970 (35 F.R. 1234), is hereby postponed 30 days from June 17, 1970. This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 17, 1970.

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

[F.R. Doc. 70-8017; Filed, June 24, 1970; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Olympic National Park, Wash.; Dogs and Cats

A final notice was published at page 5945 of the FEDERAL REGISTER of April 10, 1970, to amend § 7.28 of Title 36 of the Code of Federal Regulations. The effect of this amendment is to further revise and clarify the special regulation on dogs and cats in the park.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. However, since the amendment herein results in a relaxation of restrictions on the public, comment hereon is deemed unnecessary and not in the public interest. Therefore, this amendment shall take effect upon the date of its publication in the FEDERAL REGISTER.

Section 7.28 is amended to read as follows:

§ 7.28 Olympic National Park.

(c) *Dogs and cats.* Dogs (except guide dogs) and cats are prohibited on any park land or trail, except on designated

park roads and parking areas or within one-quarter mile of an established automobile campground or concessioner overnight facility.

S. T. CARLSON,
Superintendent,
Olympic National Park.

[F.R. Doc. 70-8028; Filed, June 24, 1970;
8:47 a.m.]

Title 30—MINERAL RESOURCES

Chapter IV—Federal Coal Mine Safety Board of Review

DELETION OF CHAPTER

NOTE: Chapter IV, Title 30, is hereby deleted from the Code of Federal Regulations. For repeal of Federal Coal Mine Safety Act, as amended, see section 509, Public Law 91-173.

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4847]

[New Mexico 5046]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

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

1. Subject to valid existing rights, the following described 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:

CIBOLA NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Diener Canyon Forest Development Road Number 3178 Recreation Zone

A strip of land 500 feet on each side of the centerline of Forest Development Road No. 3178, through the following legal subdivisions:

T. 11 N., R. 12 W.,
Sec. 6, lots 1, 2, 7, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$ (excepting Moises Nos. 1 and 9 mining claims), E $\frac{1}{2}$ NW $\frac{1}{4}$ (excepting Moises No. 1 mining claim, Mineral Survey No. 2222), and SE $\frac{1}{4}$;
Sec. 17, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 12 N., R. 12 W.,
Sec. 20, NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 31, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Post Office Flat Campground and Jamboree Area

T. 11 N., R. 12 W.,
Sec. 19, lots 2, 3, 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate 1,363.68 acres in Valencia 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 18, 1970.

[F.R. Doc. 70-8018; Filed, June 24, 1970;
8:46 a.m.]

[Public Land Order 4848]

[Oregon 5263]

OREGON

Withdrawal for Public Recreation Sites

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

1. Subject to valid existing rights, the following described reversioned Oregon and California Railroad grant lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for protection of public recreation values:

WILLAMETTE MERIDIAN

EMILE CREEK RECREATION SITE

T. 27 S., R. 2 W.,
Sec. 1, W $\frac{1}{2}$ SW $\frac{1}{4}$.

LITTLE RIVER COUNTY WAYSIDE

T. 27 S., R. 2 W.,
Sec. 8, S $\frac{1}{2}$ SE $\frac{1}{4}$.

SWIFTWATER RECREATION SITE

T. 26 S., R. 3 W.,
Sec. 1, S $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described aggregates 240 acres in Douglas County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the U.S. mining laws, except that the withdrawal is subject to Powersite Reserve No. 631 created by Executive Order of July 10, 1917, and Waterpower Designation No. 11, established by the Secretary's order of July 13, 1917, so far as

they affect land described above as the S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 1, T. 26 S., R. 3 W.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JUNE 18, 1970.

[F.R. Doc. 70-8019; Filed, June 24, 1970;
8:46 a.m.]

[Public Land Order 4849]

[Oregon 013237]

OREGON

Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. 416 (1964), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, and national forest lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, for the proposed Hardman Dam and Reservoir site and Dark Canyon Dam and Reservoir site of the Burnt River project:

WILLAMETTE MERIDIAN

WHITMAN NATIONAL FOREST

Hardman Dam and Reservoir Site

T. 13 S., R. 36 E.,
Sec. 28, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$.

PUBLIC DOMAIN

Dark Canyon Dam and Reservoir Site

T. 12 S., R. 41 E.,
Sec. 3, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 4, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 21, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 910 acres.

2. The use and administration of the lands affected by this order and which are needed or used for operation of the project, will become subject to the provisions of the reclamation laws (Act of June 17, 1902, supra, as amended and supplemented), including the use of the lands under lease, license, or permit, at such time as the Hardman Dam and Reservoir site and Dark Canyon Dam and Reservoir site of the Burnt River project are authorized by the Congress.

3. Pending authorization of the project, the withdrawal made by this order does not alter the applicability of the public land laws governing the use of the public and/or national forest lands

under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws, provided that on those lands needed for the project such use or disposition will not be inconsistent with the purpose for which the lands are withdrawn.

HARRISON LOESCH,
Assistant Secretary of the Interior.
JUNE 18, 1970.

[F.R. Doc. 70-8020; Filed, June 24, 1970;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 70-829]

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

PART 91—INDUSTRIAL RADIO SERVICES

Termination Date for Use of SHORAN Equipment

Order. 1. Footnote US17 applies to the Government band 225-328.6 MHz in the table of frequency allocations found in Part 2 of the rules. This note, the substance of which is reflected in Part 91, § 91.604(b) (2), has provided for the use of the frequencies 230 MHz, 250 MHz and 310 MHz by Commission licensees in the petroleum industry only, for radiolocation stations using SHORAN equipment, under carefully controlled conditions.

2. Users of SHORAN equipment have been on notice for several years that it would be necessary for them to vacate the band at some point in time. For example, the Commission's report and order in Docket No. 16106, adopted October 5, 1966, stated in paragraph 9:

It also should be pointed out that frequency requirements are increasing by services to which the 225-400 Mc./s. band is allocated on a primary basis. Discussions with appropriate government agencies has indicated that it may become necessary to delete the availability of frequencies in that band for Shoran operations by 1971. In the interim, adjustments of operations now centered on the frequencies 230, 250, and 310 Mc./s. may be required to insure compatibility of Shoran operations with regular services . . .

Again, in an order adopted January 18, 1967, the Commission stated in paragraph 5 thereof:

The growth rate of Government operations in the band 225-328.6 Mc./s. for operations other than surveying is such that it will require petroleum industry SHORAN users to vacate the band by January 1, 1971. Additionally, since it is becoming increasingly difficult to accommodate SHORAN users in this band, it may be necessary between now and that date to change one or more of the individual frequencies available for SHORAN to preclude interference to or from Government operations. Present or potential users of SHORAN should take these factors into account in planning for the future.

3. The above quoted order also stated that U.S. military departments were no longer using SHORAN equipment and that their surveying operations were being handled by a then newly developed equipment known as SHIRAN, operating in the frequency band 2900-3500 MHz.

4. The Commission is now in receipt of a letter from the Office of Telecommunications Management requesting the Commission to take the steps necessary to ensure deletion of the provisions of US17 by January 1, 1971. However, as the result of subsequent discussions, it has now been agreed that the Commission will issue no new licenses for SHORAN operations subsequent to January 1, 1971, and that all SHORAN operations shall cease on or before October 1, 1971. The OTM request is based on the past warnings to SHORAN users, the availability for some years of the SHIRAN equipment operating in the band 2900-3500 MHz, and the fact that arrangements have been made for non-Government surveying operations in the bands 3100-3600 MHz, 10.0-10.5 GHz and 33.4-36.0 GHz.

5. In view of the prior notice which has been given to the public with respect to the action taken herein, we find that the notice and public procedure requirements specified in 5 U.S.C. § 553 are unnecessary.

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

7. Accordingly, it is ordered, That footnote US17 and § 91.604(b) (2) are amended, effective June 26, 1970, to specify a termination date of October 1, 1971, as set forth below.

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

Adopted: June 17, 1970:

Released: June 19, 1970.

FEDERAL COMMUNICATIONS
COMMISSION¹

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 2 and Part 91 of Chapter I, Title 47 of the Code of Federal Regulations are amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the list of US Footnotes is amended by revising footnote US17 to read as follows:

US17 For the radiolocation activities of the petroleum industry only, radiolocation land stations and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of the frequencies 230 MHz, 250 MHz and 310 MHz only until October 1, 1971, at locations within 150 miles of the respective ocean shorelines of Alaska and the contiguous 48 states (including the areas in and about bays and sounds), provided that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally with Federal Government authorities making use of frequencies in this band in the same area. As of January 1, 1971, no new au-

¹ Commissioner Cox absent.

thorizations will be granted for SHORAN operation on these frequencies.

2. In § 91.604, paragraph (b) (2) is amended to read as follows:

§ 91.604 Frequencies available.

(b) * * *

(2) Radiolocation land and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of this frequency only until October 1, 1971, for the radiolocation activities of the petroleum industry only at locations within 150 miles of the respective ocean shorelines of Alaska and the contiguous 48 states (including the areas in and about bays and sounds), provided that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area. As of January 1, 1971, no new authorizations will be granted for SHORAN operation on this frequency.

[F.R. Doc. 70-8055; Filed, June 24, 1970;
8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

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

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

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Archery season—December 7 through December 31, 1970, both dates inclusive.

(2) Firearms season—November 28 through December 6, 1970, both dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag, and vehicle contents to Federal and State Officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

(5) All deer taken on the refuge not checked by State or Federal Officers in the field must be checked at refuge headquarters.

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 31, 1970.

LYLE J. SCHOONOVER,
Refuge Manager,

Sand Lake National Wildlife Refuge.

JUNE 18, 1970.

[F.R. Doc. 70-8029; Filed, June 24, 1970;
8:47 a.m.]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

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

§ 32.22 Special regulations: upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge S. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all

applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 7 through December 13, 1970, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside of the refuge and hunt on foot.

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.

LYLE J. SCHOONOVER,
Refuge Manager,

Sand Lake National Wildlife Refuge.

JUNE 18, 1970.

[F.R. Doc. 70-8030; Filed, June 24, 1970;
8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 945]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations by the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions. Shipments of new crop potatoes from the production area are expected to begin about mid-July, however, storage potatoes from last year's crop will be shipped during the first 2 weeks of July. The proposed regulation provided herein is necessary to prevent potatoes of lower grades, undesirable sizes, and immature potatoes from being distributed in the channels of commerce to improve the returns to producers for preferred grades and sizes. The specific requirements, hereinafter set forth, regulate the handling of potatoes by grade, size, cleanliness, and maturity so as to (1) promote orderly marketing, (2) standardize the quality of the potatoes shipped from the production area, and (3) maximize returns to the producers pursuant to the declared policy of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 945.329 Limitation of shipments.

During the period July 1, 1970, through June 30, 1971, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with

paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements—*(1) *Grade—All varieties.* U.S. No. 2, or better grade.

(2) *Size—*(i) *Round red varieties.* 1½ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties.* Size B if U.S. No. 1, or better grade.

(iv) When containers of long varieties of potatoes are marked with a count or similar designation they must meet the weight range for the count designation listed below:

Count designation	Weight range
Larger than 60 count.....	15 ounces or larger.
50 count.....	12-19 ounces.
60 count.....	10-16 ounces.
70 count.....	9-15 ounces.
80 count.....	8-13 ounces.
90 count.....	7-12 ounces.
100 count.....	6-10 ounces.
110 count.....	5-9 ounces.
120 count.....	4-8 ounces.
130 count.....	4-8 ounces.
140 count.....	4-8 ounces.
Smaller than 140 count.....	4-8 ounces.

The following tolerances, by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(a) Not to exceed 5 percent for under-size; and,

(b) Not to exceed 10 percent for oversize.

(3) *Cleanliness—All varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements—*

(1) *White Rose and red skin varieties.* During the period July 1, 1970, through December 31, 1970, "moderately skinned" and thereafter they may be handled without regard to the maturity requirements.

(2) *All other varieties.* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity

requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (i) Charity;
- (ii) Certified seed;
- (iii) Seed pieces cut from stock eligible for certification as certified seed;
- (iv) Experimentation;
- (v) Canning, freezing, and "other processing" as hereinafter defined.

Provided, That shipments of potatoes for the purposes specified in subdivision (v) of this subparagraph shall be exempt from inspection requirements specified in § 945.65 and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export.* *Provided*, that potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling.* *Provided*, that potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(d) *Safeguards.* Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, canning, freezing, and "other processing" as hereinafter defined, export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a certificate of privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable certificate of privilege;

(3) At the time of applying to the committee for a certificate of privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed,

5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a pre-peeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421-52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e-1 of the act and § 980.1 of this chapter, Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: June 22, 1970.

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

[F.R. Doc. 70-8049; Filed, June 24, 1970;
8:49 a.m.]

[7 CFR Part 1040]

MILK IN SOUTHERN MICHIGAN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the sus-

pension of a certain provision of the order regulating the handling of milk in the southern Michigan marketing area is being considered for the months of August through December 1970.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be 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 provision proposed to be suspended in § 1040.12, which defines a "fluid milk product," is the word "yogurt." The suspension would result in yogurt being classified as a Class III product rather than as a Class I product.

The same provision was suspended for a 6-month period beginning February 1, 1970. Handlers who distribute more than one-half of the producer milk on the southern Michigan market have requested that the suspension be continued beyond the July 31, 1970, expiration date. Cooperative associations representing over two-thirds of the producers in the market support the handlers' request.

It is the general consensus of these parties that the marketing conditions prompting the earlier suspension action have not changed materially. They maintain that without continuation of the suspension, southern Michigan handlers would be unable to compete for yogurt sales on a comparable cost basis with handlers in neighboring markets who are required to pay only the surplus price for milk used in yogurt. Such parties point out that a review of the classification of yogurt and other products through the hearing procedure is contemplated and that the present suspension should be continued until such review has been completed.

Signed at Washington, D.C., on
June 19, 1970.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 70-8052; Filed, June 24, 1970;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146a, 146b]

CERTAIN TOPICAL DENTAL ANTIBIOTIC DRUGS

Proposed Revocation of Provision for Certification

In the FEDERAL REGISTER of February 21, 1969 (34 F.R. 2515), and December 9, 1969 (34 F.R. 19476), the

Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on certain dental preparations containing erythromycin or oxytetracycline. The drugs were regarded as lacking substantial evidence of effectiveness for their claimed indications.

In addition to the sections of the antibiotic drug regulations describing conditions for certification of such preparations, other sections describe conditions for certification of other dental preparations containing different antibiotics. The following companies hold approved Form 6 antibiotic drug applications for such preparations:

- A. Penicillin dental cones:
1. Chase Chemical Co., 280 Chestnut Street, Newark, N.J. 07105.
2. Graham Laboratories, Inc., Hobart, N.Y. 13788.
3. Ketchum Laboratories, Inc., 800 Hinsdale Street, Brooklyn, N.Y. 11207.
4. Med-Pro Corp., 17 West 60th Street, New York, N.Y. 10023.
5. Nysco Laboratories, Inc., 34-24 Vernon Boulevard, Long Island City, N.Y. 11106.
6. Vita-Fore Products Co., 97-05 98th Street, Ozone Park, N.Y. 11417.
- B. Penicillin - dihydrostreptomycin dental cones: Strong Cobb Arner, Inc., 2917 East 79th Street, Cleveland, Ohio 44104.
- C. Penicillin - streptomycin-bacitracin dental paste: Proco-Sol Chemical Co., 1209 Arch Street, Philadelphia, Pa. 19107.
- D. Penicillin - dihydrostreptomycin-bacitracin dental paste: Biotic Drug Co., Inc., 17 West 60th Street, New York, N.Y. 10023.
- E. Dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement: Oskar Schaefer, Inc., 12 Prospect Street, Bloomfield, N.J. 07003.

These products were not reviewed by the Academy; however, the Food and Drug Administration, having evaluated data originally filed in support of efficacy for these topical dental preparations, concludes there is a lack of substantial evidence that such drugs will have the effectiveness they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Accordingly, the Commissioner concludes (1) that the antibiotic drug regulations providing for certification of such drugs should be revoked and (2) that all outstanding certificates heretofore issued for such drugs should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Parts 146a and 146b be amended by revoking the following sections: § 146a.31 *Penicillin dental cones (calcium penicillin dental cones, penicillin dental cones calcium salt, crystalline penicillin dental cones)*;

§ 146a.71 Penicillin-streptomycin dental cones; penicillin dihydrostreptomycin dental cones; § 146a.82 Penicillin-streptomycin-bacitracin dental paste; penicillin dihydrostreptomycin-bacitracin dental paste; § 146b.122 Streptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement; dihydrostreptomycin-chlortetracycline-chloramphenicol-bacitracin dental cement.

It is also proposed that all antibiotic certificates issued under the above regulations be revoked.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 17, 1970.

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

[F.R. Doc. 70-8016; Filed, June 24, 1970;
8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 70-EA-38]

SENSENICH AIRCRAFT PROPELLERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 69-9-3 applicable Sensenich Aircraft Propellers.

Since the publication of AD 69-9-3, one failure has occurred and it is concluded that this failure resulted from accumulation of fatigue damage prior to the issuance of the AD. This type of fatigue damage is most severe on the outermost fibers of the propeller where the alternating stresses are greatest. Removal of a thin surface layer, as proposed in Sensenich Service Bulletin No. R-14 will restore much of the fatigue life of the propeller. Another important benefit to be gained will be a decrease in the natural frequency of the propeller which will lower the resonance speed with second engine order, thus providing a wider margin between it and the cruise r.p.m. of the engine.

Since this condition can exist in other propellers and engine combinations, an airworthiness directive is being issued to require the reworking of the propellers so as to remove a thin surface layer of metal.

Interested persons are invited to participate in the making of the proposed

rule by submitting written data and views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to amend AD 69-9-3 as hereinafter set forth:

1. In the applicability paragraph add the words and figures "and 0-360-A4G solid crankshaft engines".

2. Revise "Compliance Statement" to read as follows: "Compliance required as indicated".

3. After the word "r.p.m.", in paragraph (b), add the following: "within the next 25 hours time in service after the effective date of this AD".

4. Add the following paragraphs:

c. Propellers with 500 or more total hours in service, inspect, rework or replace in accordance with paragraph (f) within the next 50 hours time in service after the effective date of this AD.

d. Propellers with less than 500 hours total hours in service, inspect, rework or replace in accordance with paragraph (f) prior to the accumulation of 550 hours time in service.

e. Propellers whose prior service history is unknown, inspect, rework or replace in accordance with paragraph (f) within the next 50 hours time in service after the effective date of this AD.

f. Remove propeller and return to manufacturer for inspection and reconditioning in accordance with "Recommended Action" in Sensenich Service Bulletin No. R-14 dated March 23, 1970, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

g. Propellers which have been inspected, reworked or replaced in accordance with this AD and found satisfactory will be identified with a suffix letter "K" after the serial number. New production propellers which are in accordance with this AD and considered satisfactory include change "K" or subsequent changes.

h. Subsequent repair or reconditioning of "K" propellers may be performed as required by any FAA certificated propeller repair station.

5. In the parenthetical note add "and R-14 dated March 23, 1970," after the numerals "1969".

This amendment is made under the authority of section 313(a), 601, and 603 of the Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423, and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 1, 1970.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 70-8036; Filed, June 24, 1970;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-44]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Minneapolis, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Additional controlled airspace is required by the Minneapolis Air Route Traffic Control Center in the Minneapolis metropolitan area to provide more adequate airspace protection for arriving and departing aircraft while on radar vectors.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

MINNEAPOLIS, MINN.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 5 miles north and 8 miles south of the Flying Cloud, Minnesota VOR 292° radial, extending from the 23-mile radius area to 12 miles west of the VOR; within 5 miles each side of the St. Paul, Minnesota VOR 037° radial, extending from the 23-mile radius area to 13 miles northeast of the VOR; and within a 6-mile radius of Airline Industrial Airport (latitude 44°37'40" N., longitude 93°13'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on east by the 36-mile radius area; and

that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-268, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile radius area west of Minneapolis southwest along the northwest edge of V-148; then clockwise along a 70-mile radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; then southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile radius area, then counterclockwise along the 36-mile radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00" W.; on the north by latitude 46°13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile radius arc.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 20, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 70-8034; Filed, June 24, 1970;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-35]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Joplin, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64108. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal

Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64108.

Since designation of controlled airspace at Joplin, Mo., three amended instrument approach procedures have been developed for the Joplin Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Joplin, Mo., control zone and transition area to adequately protect aircraft executing the amended approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

JOPLIN, MO.

Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.).

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

JOPLIN, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearings from the Joplin Municipal Airport, extending from 23 miles north-northwest to 25½ miles southeast of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 20, 1970.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 70-8035; Filed, June 24, 1970;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-28]

TRANSITION AREA

Supplemental Proposed Designation

In a notice of proposed rule making published in the FEDERAL REGISTER on May 16, 1970 (35 F.R. 7656, 7657), F.R. Doc. 70-6054, the Federal Aviation Administration proposed to designate a transition area at Lansing, Ill.

Subsequent to publication of the notice the Federal Aviation Administration has determined that the airspace set forth in the Lansing transition area designation is not adequate to provide for a straight-in approach to the Chicago-Hammond Airport, Lansing, Ill. Therefore, it is necessary to issue a supplemental notice of proposed rule making redesignating the Lansing, Ill., transition area in order

to provide adequate airspace protection for aircraft executing this straight-in approach.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64108. All communications received within 45 days after publication of this supplemental notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with the Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with the Supplemental Notice in order to become part of the record for consideration. The proposal contained in this supplemental notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64108.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations by designating a transition area at Lansing, Ill., as hereinafter set forth:

In § 71.181 (35 F.R. 2134), the following transition area is added:

LANSING, ILL.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VOR TAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill. and Griffith, Ind., transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-8037; Filed, June 24, 1970;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-33]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to alter the control zone and transition area at Devils Lake, N. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Devils Lake, N. Dak., control zone and transition area, one new and one amended instrument approach procedure have been developed for the Devils Lake Municipal Airport. In addition, the criteria for designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Devils Lake control zone and transition area to adequately protect aircraft executing the above procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

DEVILS LAKE, N. DAK.

Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

DEVILS LAKE, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-8038; Filed, June 24, 1970;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-37]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Brainerd, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Brainerd, Minn., control zone and transition area, amended VOR Runway 30, NDB (ADF) Runway 12, NDB (ADF) Runway 4, and NDB (ADF) Runway 22 instrument approach procedures have been developed for the Brainerd-Crow Wing Airport. In addition, the criteria for designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Brainerd control zone and transition area to adequately protect aircraft executing the amended instrument approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

BRAINERD, MINN.

Within a 5-mile radius of Brainerd-Crow Wing County Airport latitude 46°23'55" N., longitude 94°08'15" W.; within 2½ miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 313° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile radius area to 7½ miles southeast of the VORTAC; within 3 miles each side of the 313° bearing from Brainerd-Crow Wing County Airport extending from the 7-mile radius area to 7½ miles northwest of the airport; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 5-mile radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles northwest and 4½ miles southeast of the 043° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius area to 18½ miles northeast of the airport; within 9½ miles southwest and 4½ miles northeast of the 300° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius area to 18½ miles northwest of the airport; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; and within 9½ miles northeast and 4½ miles southwest of the 120° radial of the Brainerd VORTAC, extending from the 13-mile radius area to 18½ miles southeast of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 8, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-8039; Filed, June 24, 1970;
8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-CE-40]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Alliance, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Alliance, Nebr., control zone and transition area, the instrument approach procedures for Alliance Municipal Airport have been altered. In addition, the criteria for designation of control zones and transition areas have been changed. Accordingly, it is necessary to alter the Alliance, Nebr., control zone and transition area to adequately protect aircraft executing the altered instrument approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (35 F.R. 2054), the following control zone is amended to read:

ALLIANCE, NEBR.

Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'50" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (35 F.R. 2134), the following transition area is amended to read:

ALLIANCE, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'50" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 10-mile radius area to 11 miles southeast of the airport; and that airspace extending from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° bearing from Alliance Municipal Airport, extending from the airport to 21½ miles southeast of the airport; within 4½ miles northeast and 9½ miles southwest of the Alliance VOR 304° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the Alliance VOR 150° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4 nautical miles each side of a line extending from Alliance Municipal Airport to Chadron, Nebr., Municipal Airport (latitude 42°50'10" N., longitude 103°05'50" W.), excluding the area which overlies the Scottsbluff, Nebr., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on June 5, 1970.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 70-8040; Filed, June 24, 1970;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

National Highway Safety Bureau

[49 CFR Part 571]

[Docket No. 70-17; Notice 1]

AIR BRAKE SYSTEMS; TRUCKS AND BUSES

Proposed Motor Vehicle Safety Standard

Rulemaking proceedings concerning brake systems on multipurpose passenger vehicles, trucks, buses, and trailers were initiated by a notice published on Octo-

ber 11, 1967 (32 F.R. 14279, Docket No. 1-2). The notice placed particular emphasis on air brake systems. The purpose of this notice is to propose a new motor vehicle safety standard to establish requirements for air brake systems on trucks and buses.

The safety afforded by a vehicle's braking system is determined by several factors, including stopping distance, linear stability while stopping, fade resistance, and fade recovery. There must be features in the system which guard against malfunction and emergency features which can stop the vehicle should a malfunction occur. The proposed standard would establish requirements for each of these aspects of brake safety for trucks and buses equipped with air brakes. Compliance with the requirements for service brake performance is determined by subjecting the vehicle to a series of road tests and by subjecting each brake used on a vehicle to a series of tests on an inertia dynamometer. The proposed rule does not require, however, that the same set of brakes be subjected to both series of tests.

Perhaps the most important indication of brake performance is the distance in which a brake system can stop a vehicle from a given speed, and therefore requirements for stopping distances from 20 m.p.h. and 60 m.p.h. are proposed. A second important characteristic is the stability of the vehicle while stopping, and the proposed rule requires the vehicle to stop without locking any wheel more than momentarily and to stay within a 12-foot-wide lane during the required stops. The responsiveness of brakes is of critical importance for the maneuverability of a vehicle under emergency conditions. S4.2.3 proposes brake actuation times consonant with the high speeds at which emergencies may be encountered, and S4.2.4 proposes comparable brake release times.

To deal with problems of balance between brakes on vehicles in combination, the notice proposes to specify a relationship between brake chamber air pressure and brake retardation force (S4.2.5). This relationship would be determined by placing each brake on an inertia dynamometer. The notice also proposes to require that a brake retain adequate stopping power despite high temperatures caused by repeated decelerations on an inertia dynamometer (S4.2.6). The ability of a brake to recover after stress also has an important bearing on vehicle safety, and the notice proposes a brake recovery requirement based on a third dynamometer test (S4.2.7). The dynamometer tests are patterned on Society of Automotive Engineers Recommended Practices J971, "Brake Rating Test Code—Commercial Vehicle Inertia Dynamometer," June 1967, and J667, "Brake Test Code—Inertia Dynamometer," June 1961.

To protect the brake system against the consequences of malfunction, the notice proposes, in S4.1, to require several items of equipment, including valves and similar devices to protect the air reservoirs from pressure loss due to leakage in the vehicle or in a towed

vehicle, condensate drain valves, a low pressure warning signal and an accurate pressure gauge for each reservoir.

In the event of air pressure loss in the system, emergency features are proposed to enable the vehicle to be brought to a stop. It is proposed to require that a vehicle have a split service brake system (S4.1.3). Stopping distance requirements are proposed with either part of the system rendered inoperable (S4.2.2). A parking brake system is also proposed which would be actuated automatically if air pressure falls below a specified point (S4.3.3). The parking brakes would be required to hold the vehicle with a specified force (S4.3.1) by use of an independent energy source which is not subject to leakage (S4.3.2), and would have to be releasable by the driver a specified number of times (S4.3.4).

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments on the cost of, and lead time required for, compliance are particularly invited. Comments should identify the docket number and be submitted to: Docket Section, National Highway Safety Bureau, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted.

All comments received before September 21, 1970, will be considered. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

Proposed effective date: January 1, 1972.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1407, and the delegation of authority by the Secretary to the Director of the National Highway Safety Bureau at 49 CFR 1.51.

Issued on June 18, 1970.

DOUGLAS W. TOMS,

Director,

National Highway Safety Bureau.

AIR BRAKE SYSTEMS—TRUCKS AND BUSES

S1. Purpose and Scope. This standard specifies requirements for air service brake and parking brake systems to insure safe braking performance under normal and emergency conditions.

S2. Application. This standard applies to trucks and buses equipped with air brake systems.

S3. Definitions. "Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver control to the service brake, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to hydraulic or mechanical components.

"Antilockup system" means a portion of a service brake system that, through wheel slip sensing methods, automatically controls braking torque at one or more road wheels of the vehicle during braking.

"Gross axle weight rating" (GAWR) means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

"Curb weight" means the weight of a motor vehicle with standard equipment including the maximum capacity of fuel, oil, and coolant, and, if so equipped, air conditioning and additional weight optional engine.

"Maximum sustained vehicle speed" means the speed obtainable by accelerating at maximum rate from a standing start for 5 miles or until the speed stabilizes, whichever is less.

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials Method E-274-65T at 40 m.p.h., omitting water delivery as specified in paragraph 7.1 of that method.

"Wet skid number" means the skid number of a wet pavement.

S4. Requirements. Each vehicle shall meet the following requirements under the conditions specified in S5. All test requirements shall be met without failure of any part of the brake or suspension systems.

S4.1 Required equipment. Each vehicle shall have the following equipment:

S4.1.1 Air compressor. An air compressor of sufficient capacity to increase air pressure in the reservoirs from 0 pounds per square inch (p.s.i.) to 85 p.s.i. in not more than 2 minutes when the engine is operating at maximum governed speed.

S4.1.2 Reservoirs. One or more supply reservoirs, to which the air is delivered from the air compressor, and two or more service reservoirs, to which the air is delivered from the supply reservoirs.

S4.1.2.1 A truck shall have a total reservoir capacity at least 16 times greater than the combined volume of all brake chambers at maximum travel of the pistons or diaphragms. A bus shall have a total reservoir capacity at least 24 times greater than the combined volume of all brake chambers at maximum travel of the pistons or diaphragms.

S4.1.2.2 Each reservoir shall be capable of withstanding an internal hydrostatic pressure five times greater than the compressor cut-out pressure.

S4.1.2.3 Each service reservoir shall be protected against loss of air pressure due to failure or leakage in the system between the reservoir and the source of air pressure by check valves or equivalent devices whose proper functioning can be checked without disconnecting any air line or fitting.

S4.1.2.4 Each reservoir shall have a condensate drain valve that can be manually operated from the side of the vehicle. The drain valve shall close unless held open by manual effort or by an automatic drain valve device.

S4.1.3 Split service brake system. At least two service brake systems, so constructed that failure of any component designed to contain compressed air, except failure of a common air compressor or common supply reservoir, shall not impair the operation of the other system.

S4.1.4 Towing vehicle protection valve. A valve to protect the air pressure in a towing vehicle from the effects of a loss of air pressure in a towed vehicle.

S4.1.4.1 The protection valve shall automatically close the air lines to the towed vehicle when the towing vehicle air pressure is less than 45 p.s.i.

S4.1.4.2 The protection valve shall be capable of being manually opened and closed when the towing vehicle air pressure is 45 p.s.i. or above.

S4.1.5 Pressure gauge. A pressure gauge for each service reservoir, readily visible to a person seated in the normal driving position, that indicates the reservoir air pressure within ± 5 percent of the compressor cut-out pressure.

S4.1.6 Warning signal. A signal that gives a person seated in the normal driving position a continuous, readily audible and visible warning when the air pressure in a service reservoir is below 60 p.s.i.

S4.1.7 Antilockup warning signal. A signal on each vehicle equipped with an antilockup system that gives a person seated in the normal driving position a continuous, readily audible and visible warning in the event of a total failure of the antilockup system.

S4.1.8 Service brake stop lamp switch. A mechanical switch actuated by the service brake pedal that lights the stop lamps when the service brake pedal is statically depressed to a point that produces a pressure of 6 p.s.i. or less in the service brake chambers.

S4.2 Service brakes. The service brake system shall, under the conditions of S5.1, meet the requirements of S4.2.1, S4.2.2, S4.2.3, and S4.2.4 when tested in sequence and without adjustments other than those specified in this standard. Under the conditions of S5.2, each brake and drum assembly shall meet the requirements of S4.2.5, S4.2.6, and S4.2.7 when tested in sequence and without adjustments other than those specified in this standard.

S4.2.1 Stopping distance. The service brakes shall be capable of stopping the vehicle from 60 m.p.h., or if the vehicle cannot reach that speed from a speed in Table I, 4 to 8 m.p.h. less than its maximum sustained vehicle speed, and from 20 m.p.h., on a surface with a skid number of 75 and a surface with a wet skid number of 30, at rated gross vehicle weight and at curb weight plus 500 pounds, in not more than the distances specified in Table I, measured from actuation of the stop lamp switch.

S4.2.2 Stopping distance with partial failure. When any one of the service brake systems is rendered inoperative, the remaining system(s) shall be capable of stopping the vehicle from 60 m.p.h., or if the vehicle cannot reach that speed from a speed in Table I, 4 to 8 m.p.h. less than its maximum sustained vehicle speed, and from 20 m.p.h., on a surface with a skid number of 75 and a surface with a wet skid number of 30, at rated gross vehicle weight and at curb weight

plus 500 pounds, in not more than the distances specified in Table I, measured from actuation of the stop lamp switch.

S4.2.3 Brake actuation time. With an initial service reservoir air pressure of 100 p.s.i., each brake chamber shall have an actuation time not greater than that shown in Figure 1, measured from actuation of the stop lamp switch. A vehicle designed to tow a vehicle equipped with air brakes shall be capable of meeting the actuation time requirements shown in Figure 1 with a 50-cubic-inch test reservoir connected to the service brake (gladhand) line coupling.

S4.2.4 Brake release time. With an initial brake chamber air pressure of 95 p.s.i., each brake chamber shall have a release time not greater than that shown in Figure 2, measured from deactuation of the stop lamp switch. A vehicle designed to tow another vehicle equipped with air brakes shall be capable of meeting the release time requirements shown in Figure 2 with a 50-cubic-inch test reservoir connected to the service brake (gladhand) line coupling.

S4.2.5 Brake retardation force. The retardation force exerted by the brakes on each axle shall be such that the quotient

$$\frac{\text{brake retardation force,}}{\text{GAWR}}$$

relative to brake chamber air pressure, shall have values not less than those shown in Figure 3. Retardation force shall be determined as follows:

S4.5.1 After burnishing the brake pursuant to S5.2.5, retain the brake and drum assembly on the inertia dynamometer. With brake chamber air pressure maintained at a constant 20 p.s.i. and with an initial lining temperature between 125° F. and 150° F. conduct a stop from 50 m.p.h. measure the torque exerted by the brake, and divide by the static loaded tire radius specified by the tire manufacturer to determine the retardation force. Repeat the procedure six times, increasing the brake chamber air pressure by 10 p.s.i. each time. After each stop, rotate the brake drum until the surface temperature of the linings falls to between 125° F. and 150° F.

S4.2.6 Brake power. When mounted on an inertia dynamometer, each brake shall be capable of making 15 consecutive decelerations at a rate of at least 12 f.p.s.p.s. from 50 m.p.h. to 15 m.p.h., at equal intervals of 48 seconds, and shall be capable of decelerating to a stop from 20 m.p.h. at a rate of 14 f.p.s.p.s. one minute after the 15th deceleration. The series of decelerations shall be conducted as follows:

S4.2.6.1 With the brake linings between 150° F. and 200° F. and the drum rotating at a speed equivalent to 50 m.p.h., apply the brake and decelerate to 15 m.p.h. Upon reaching 15 m.p.h., accelerate to 50 m.p.h. and apply the brake for a second time 48 seconds after the start of the first application. Repeat the cycle until 15 decelerations have been made. The service line air pressure shall not exceed 90 p.s.i. during any deceleration.

S4.2.6.2 One minute after the end of the last deceleration required by S4.2.6.1 and with the drum rotating at a speed of 20 m.p.h., decelerate to a stop at a rate of 14 f.p.s.p.s. The service brake line air pressure shall not exceed 90 p.s.i.

S4.2.7 Brake recovery. Two minutes after completing the tests required by S4.2.6, the brake shall be capable of making 20 consecutive stops from 30 m.p.h. at a rate of 12 f.p.s.p.s., at equal intervals of 1 minute measured from the start of brake application. The service line air pressure needed to attain a rate of 12 f.p.s.p.s. shall not be less than 45 p.s.i. nor more than 75 p.s.i.

S4.2.8 Antilockup system failure. On a vehicle equipped with an antilockup system, the failure of any part of the antilockup system shall not increase the actuation and release times of the service brakes.

S4.3 Parking brake system. Each vehicle shall have a parking brake system acting on each non-steerable axle that under the conditions of S5.1 meets the following requirements:

S4.3.1 Static retardation force. With all other brakes rendered inoperative, the static retardation force produced by the application of the parking brakes on an axle during a static draw bar pull in a forward direction shall be such that the quotient

$$\frac{\text{static retardation force}}{\text{GAWR}}$$

is between 0.28 and 0.33.

S4.3.2 Application and holding. The parking brakes shall be applied by an energy source that is not affected by air pressure loss in the service brake system. Once applied, the parking brakes shall be held in the applied position solely by mechanical means.

S4.3.3 Automatic application. The parking brakes shall be automatically applied when the air pressure in all service reservoirs is between 0 p.s.i. and the automatic application pressure level. The automatic application pressure level shall be between 20 and 45 p.s.i.

S4.3.4 Release after automatic application. After automatic application, the parking brakes shall be releasable not less than four and not more than seven times by means of a parking brake release control. The parking brakes shall be releasable only if they can be automatically reapplied immediately after release with the force required by S4.3.1. The control shall be located to the right of the steering wheel and shall be operable by a person seated in the normal driving position. It shall be spring loaded and shall release the parking brake when pushed and held. The control shall be green with a round knob and shall be identified by the following legend on its knob or its escutcheon plate: **AUTOMATIC PARKING BRAKE RELEASE: PUSH AND HOLD.**

S4.3.5 Manual operation. The parking brakes shall be manually operable and releasable when the air pressure is greater than the automatic application pressure. The means of application and release shall be a push-pull control, sep-

arate from the automatic parking brake release control, located to the right of the steering wheel and operable by a person seated in the normal driving position. The control shall apply the parking brakes when pulled and shall hold the brakes in the applied position until pushed. The control shall be red with an octagonal knob, and shall be identified by the following legend on its knob or its escutcheon plate: **PARKING BRAKE, PULL TO APPLY, PUSH TO RELEASE.**

S5. Conditions. The requirements of S4 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S5.1 Road test conditions. hicle weight is at gross vehicle weight rating, distributed proportionally to the gross axle weight ratings.

S5.1.2 Tire inflation pressure is as specified by the vehicle manufacturer for the gross vehicle weight rating.

S5.1.3 Unless otherwise specified, the transmission selector control is in neutral during all decelerations.

S5.1.4 All vehicle openings (doors, windows, hood, trunk, cargo doors, etc.) are in a closed position except as required for instrumentation purposes.

S5.1.5 The ambient temperature is between 32° F. and 100° F.

S5.1.6 The wind velocity is zero. However, the vehicle shall be capable of remaining within the roadway during the required tests under any wind condition up to 30 miles per hour in any direction.

S5.1.7 Road tests are conducted on a 12-foot wide, level roadway having a skid number of 75, unless otherwise specified. The vehicle is aligned in the center of the roadway at the beginning of a stop. Stops are made without any part of the vehicle leaving the roadway, and without lockup of any wheel except for momentary lockup caused by an antilockup system.

S5.1.8 Brakes are burnished before testing as follows: With the transmission in the highest gear range, make 400 brake applications from 40 m.p.h. to 20 m.p.h. at 10 f.p.s.p.s. After each brake application, accelerate to 40 m.p.h. and maintain that speed until making the next application at a point 1.5 miles from the point of the previous brake application. After burnishing, adjust the brakes as recommended by the brake manufacturer.

S5.2 Dynamometer test conditions.

S5.2.1 The dynamometer inertia for each wheel is equivalent to the load on the wheel with the axle at rated gross axle weight.

S5.2.2 The ambient temperature is between 85° F. and 95° F.

S5.2.3 Air at ambient temperature is directed uniformly and continuously over the brake drum at a rate of 2,200 feet per minute.

S5.2.4 The brake temperature is measured by plug-type thermocouples installed according to SAE Recommended Practice J843a, June 1966.

S5.2.5 The rate of brake rotation on a dynamometer corresponding to the rate of rotation on a vehicle at a given speed

ducting one or more stops from 40 m.p.h. at a deceleration rate of 10 f.p.s.². The brake lining temperature is decreased to a specified level by rotating the drum at a constant 30 m.p.h.

TABLE I
STOPPING DISTANCE IN FEET

Vehicle Speed (MPH)	Fully operational service brakes		Partially failed service brakes	
	Std. No. 75	Wet skid No. 30	Std. No. 73	Wet skid No. 30
20	29	54	38	54
25	43	81	58	81
30	60	115	81	115
35	79	154	107	154
40	101	199	138	199
45	128	249	173	249
50	153	305	211	305
55	183	367	253	367
60	216	435	299	435

is calculated by assuming a tire radius equal to the static loaded radius specified by the tire manufacturer.

S5.2.6 Brakes are burnished before testing as follows: Place the brake and drum assembly on an inertia dynamometer and adjust the brake as recommended by the brake manufacturer. Make 2000 stops from 40 m.p.h. at a deceleration of 10 f.p.s.², maintaining a drum temperature on each stop of not less than 315° F. and not more than 385° F. Make 200 additional stops from 40 m.p.h. at a deceleration of 10 f.p.s.², maintaining a drum temperature on each stop of not less than 450° F. and not more than 550° F. After burnishing, the brakes are adjusted as recommended by the brake manufacturer.

S5.2.7 The brake lining temperature is increased to a specified level by con-

FIGURE 1

AIR PRESSURE vs. ACTUATION TIME

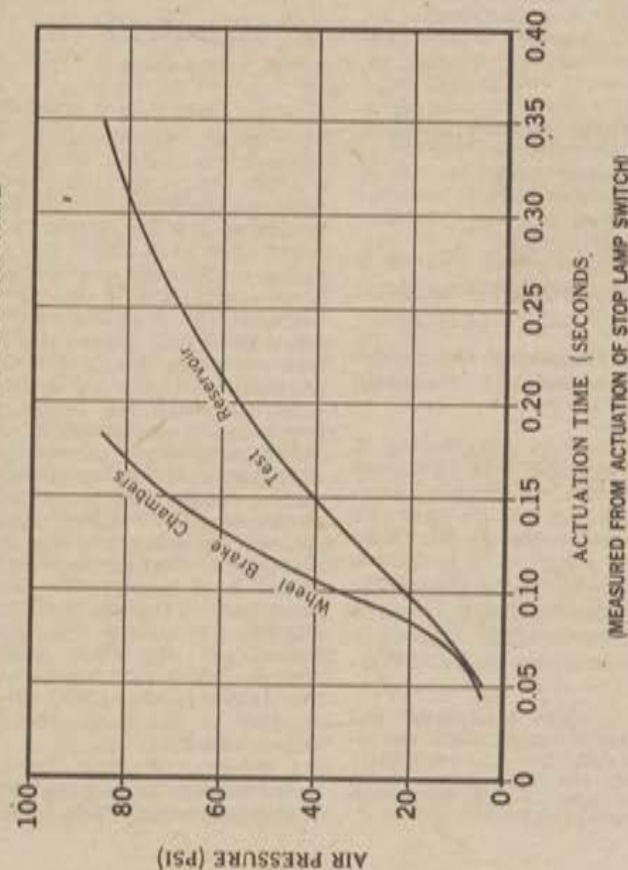


FIGURE 2

AIR PRESSURE vs RELEASE TIME

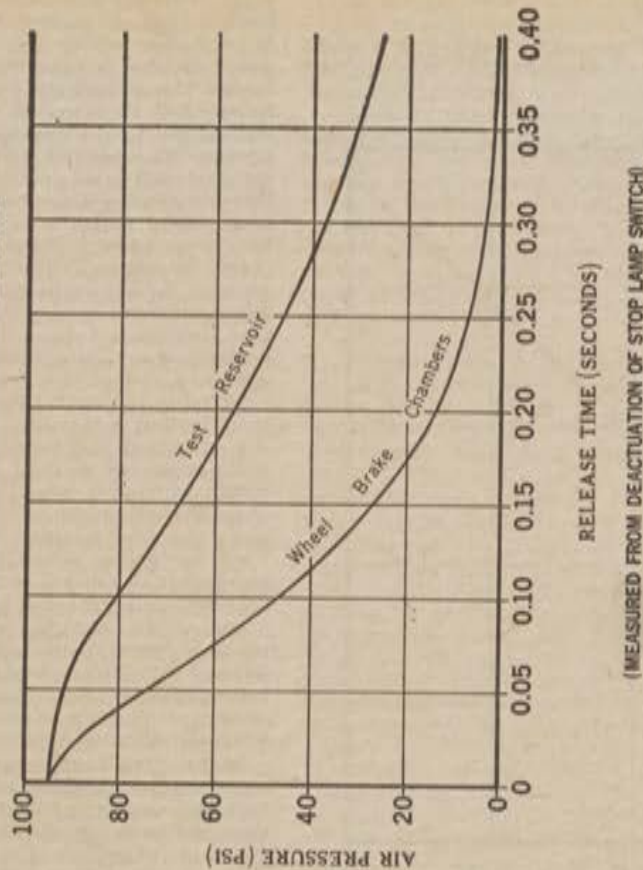
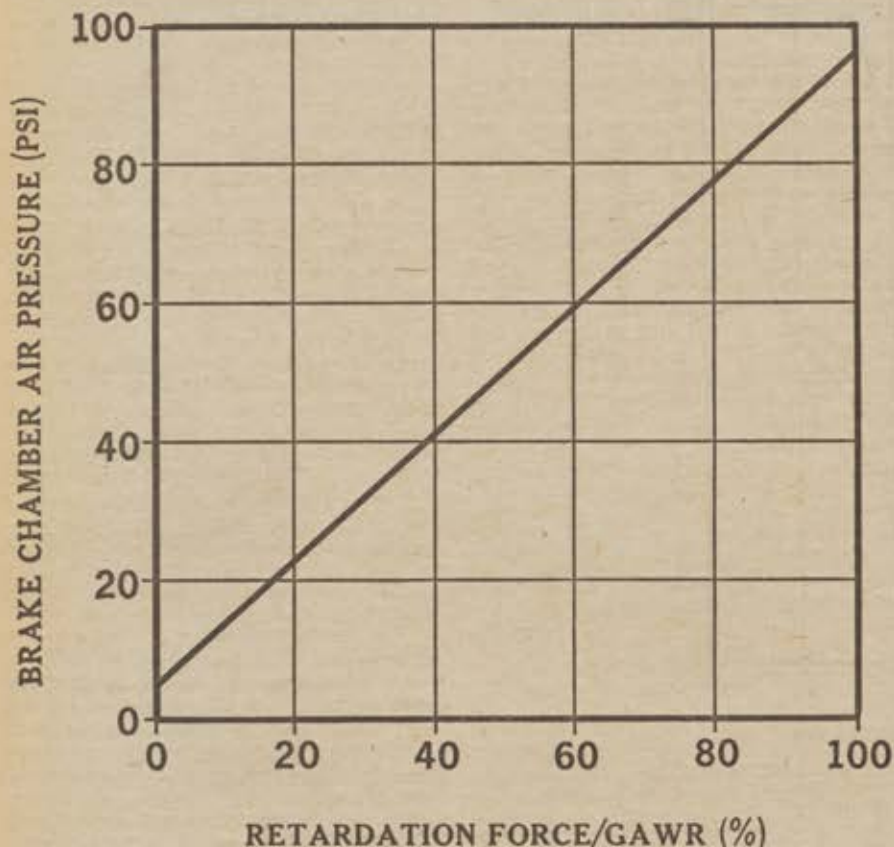


FIGURE 3
BRAKE CHAMBER PRESSURE vs. RETARDATION



[F.R. Doc. 70-7965; Filed, June 24, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 18878; RM-979; FCC 70-627]

FREQUENCY MODULATED MICRO- WAVE RADIO RELAY SYSTEMS

Calculation of Necessary Bandwidth and Measurement of Occupied Bandwidth

1. Notice of proposed rule making in the above-entitled matter is hereby given.
2. On May 31, 1966, we received a petition from the Collins Radio Co. to amend our rules and regulations "to Alter Certain Stipulations Relating to Definition of Allowable Bandwidth." Collins proposes that "occupied bandwidth" rather than "necessary bandwidth" be used in specifying the bandwidth to be author-

¹The terms "occupied bandwidth" and "necessary bandwidth" are defined in the international radio regulations (Geneva, 1959) and in Part 2 of the Commission's rules. Changes in these definitions are not within the scope of this proceeding.

ized for microwave radio relay systems. The petition appears to be directed to frequency modulated systems for multi-channel telephony although it does not limit the applicability of the rule changes requested to this category of equipment.

3. On July 29, 1960, the Commission issued a notice of proposed rule making (Docket No. 13737) in the matter of "Amendment of Part 2 of the Commission's Rules with regard to the specification of bandwidth of certain kinds of transmitters producing composite emissions." Among other things, this action proposed the establishment of a method for determination of necessary bandwidth for class F9 (composite) emissions such as those which obtain from frequency modulated microwave radio relay systems. In response to that notice, comments were filed by the American Telephone & Telegraph Co. and by the Microwave Section of the Electronic Industries Association indicating general agreement with the proposed rule changes. The report and order in Docket No. 13737 making final the proposed changes to the rules was adopted on January 25, 1961.

4. Prior to the adoption of the changes to the rules in Docket No. 13737, the occupied bandwidth was used in the emis-

sion designator for microwave radio transmitters. This proved to be unsatisfactory as an indication of the rf bandwidth needed by frequency modulated systems for telephony, inasmuch as the bandwidth values obtained were unrealistically low. The initiation of the proceeding in Docket No. 13737, summarized above, led to the present practice of authorizing necessary or occupied bandwidth, whichever is greater, for microwave radio systems. (Normally, the necessary bandwidth value is much the greater of the two for frequency modulated radiotelephony systems and, therefore, determines the bandwidth to be authorized by the Commission for these systems.) The difficulty with the present practice is the opposite of that prior to the adoption of the present rules, in that the computed values of necessary bandwidth now are alleged to be unrealistically high and, as a result, where rf channel bandwidths are restricted by the rules, the voice channel capacity of systems subject to these rules is unduly restricted. Therefore, in the instant proceeding, with the benefit of past experience, we are proposing what we believe to be a more realistic and practicable method for determining the bandwidth to be authorized for frequency modulated microwave systems, especially those used for multi-channel telephony.

5. On April 7, 1969, we received comments with regard to the Collins petition, RM-979, from the Fixed Point-to-Point Communications Section, Industrial Electronics Division of the Electronic Industries Association (EIA). They agree that revision of our rules is needed to better define necessary and occupied bandwidths for microwave communications systems but do not recommend the method outlined in the Collins petition, RM-979. They propose, instead, a modification of the present method of determining necessary bandwidth for these systems.

6. Upon examination of the petition of Collins and of the comments of EIA, we find that certain modifications of the methods of determining occupied and necessary bandwidth for emissions from microwave radio relay systems may be warranted. However, the method requested in the petition would, in our opinion, be a step backward to the unsatisfactory situation which led to our adoption of the present rules. We do not consider it to be in the public interest to revert to that situation. We will continue to consider necessary bandwidth as the value to be indicated in the emission designators for frequency modulated transmitters used in microwave radio relay systems. In most cases the necessary bandwidth will be the authorized bandwidth for these transmitters.

7. In the applicable formula for necessary bandwidth set forth in § 2.202 of our rules ($B_n = 2M + 2DK$), EIA proposes that we should modify the method of determining the value of M. The International Radio Regulations (Geneva 1959) and section 2.202(e) of our rules define M as the maximum modulation frequency

in hertz. EIA points out that, in accordance with CCIR recommendations it is a standard practice in the United States and in foreign countries to equip microwave radio relay systems with a "continuity pilot" signal which is carried on the modulation baseband at a frequency above that of the telephony or video information. The complete utility of the continuity pilot is assured, EIA states, if in the transmission process only the first-order modulation sidebands due to the continuity pilot are preserved. If certain limits are placed upon the frequency of the continuity pilot and the degree to which it modulates the main carrier, EIA argues that the pilot may be transmitted using frequencies slightly higher than the other information in the baseband without increasing the bandwidth necessary to ensure the transmission and reception of information at the rate and quality required. For example, consider a radio relay system in which the baseband is occupied by 600 telephone message channels extending from 60 kHz to 2540 kHz plus a continuity pilot at 3200 kHz which, in combination, effect a peak deviation, D , of 3.28 MHz. If the pilot frequency is taken into consideration, the calculated necessary bandwidth, $2M + 2DK$, becomes 12.96 MHz. If the frequency of the pilot is ignored, the necessary bandwidth is calculated to be 11.64 MHz. In either case, EIA argues, only first-order sideband products would contribute to reproduction of the continuity pilot in the receiver output. Thus, under certain circumstances, the frequency of the pilot may be ignored in necessary bandwidth calculations, while still preserving the basic principle lying behind the concept of necessary bandwidth—the bandwidth necessary to support satisfactory transmission and reproduction of the original information.

8. We are persuaded that this argument has acceptable merit insofar as it conforms to the principle and the purpose of the necessary bandwidth definition. The argument is not automatically extendable to other circumstances. We are concerned about the increased noise or distortion products which in the detection process may be induced in the message channels when receivers are adjusted to pass a bandwidth which conforms to the narrower necessary bandwidth calculation. Comments on this aspect of the problem are invited. It is emphasized that we are proposing this rule change with respect to single frequency continuity pilots only. Auxiliary subcarriers or other signals appearing above the telephone or video portion of the baseband will be considered in calculating the value of M . Our proposals concerning use of the continuity pilot frequency as the maximum modulating frequency (M) are similar to those advocated in the EIA comments. However, our proposal contains the added condition that the pilot frequency must be no greater than the sum of $M + D$, in addition to the other conditions suggested by EIA, as prerequisites to allowing use of the maximum modulating frequency, other than the pilot frequency, to be used

as the value of M . Our proposal also would permit exclusion of the continuity pilot being considered the maximum modulating frequency in the baseband for television transmission, if the conditions in the proposed § 2.202(f) (1) (i), and (iii) are met. The figure 3.55 percent of the peak deviation proposed as the maximum permissible rms deviation of the main carrier due to the pilot in the case of television transmission is derived from Recommendation 401-1 of the C.C.I.R., as shown in volume IV of the documents of the XIth Plenary Assembly, Oslo, 1966.

9. The comments of EIA propose that no modification of the factor "K" be made in the necessary bandwidth formula $B_n = 2M + 2DK$ (see § 2.202(c)), because of the need for further study of this matter. We concur with their proposal to keep the value of K equal to unity for these systems.

10. We are also proposing to modify our rules to specify two formulas to be used in calculation of the rms noise loading for testing, and in calculation of the necessary bandwidth for transmitters carrying multi-channel telephony. We believe that the formulas in proposed §§ 2.202(f) and 2.579(c) (6) set forth below are generally accepted by designers and operators of such systems, as evidenced by their appearance in Recommendations 393-1 and 399-1 of the International Radio Consultative Committee (C.C.I.R.) and Recommendation G.223 of the International Telegraph and Telephone Consultative Committee (C.C.I.T.T.). The use of this set of formulas should result in greater uniformity in the specification of bandwidth for microwave radio systems for multichannel telephony. Also, it will establish a common reference point to which "peak factor" (discussed in paragraphs to follow) can be applied when determining the peak deviation (the value of "D" in the necessary bandwidth formula) for such transmitters.

11. The present rule for testing transmitters with multiple modulating channels, § 2.579(c) (6), states that the test signal shall be adjusted to provide rms modulation which is 22.4 percent of the rated peak modulation of the transmitter. In other words, the peak-to-rms ratio or so-called "peak factor" is 13 dB for the specified test conditions. The EIA comments assert that while this 13 dB value may be suitable to multi-channel amplifiers, it is not necessarily applicable to microwave radio relay systems employing single sideband suppressed carrier multiplex speech channels as the frequency modulation signal. The EIA reasoning in requesting a change of the peak factor under these conditions to 11.5 dB is persuasive. In this connection, we note that Recommendation 399-1 of the C.C.I.R. suggests that the peak to rms ratio of the test signal should be about 12 dB. (This Recommendation is also published in Volume IV of the Documents of the XIth Plenary Assembly, Oslo, 1966.) Therefore, we are proposing modification of § 2.579 for testing of transmitters employing multiple

modulating channels. The modified rule would require the use of a test signal at an rms level which is 26.6 percent of the full rated peak modulation of the transmitter. This corresponds to an 11.5 dB "peak factor" to systems rated at 60 or more channels. As stated in the EIA proposal, systems employing less than 60 channels appear to require a larger "peak factor." We will continue to require the use of the 13 dB value for such systems.

12. The proposed modifications should be regarded as a step in an evolutionary process to develop meaningful tests and bandwidth specifications for microwave relay systems. Therefore, in addition to specific comments concerning the proposed rules changes, we invite any additional information applicable to bandwidth consideration for such systems.

13. In view of the foregoing, we are granting in part the petition of the Collins Radio Co., RM-979, to the extent that we are instituting this proceeding to amend our rules concerning bandwidth specifications for microwave radio relay transmitters. In all other respects, the instant petition is hereby denied. This action is pursuant to § 1.407 of our rules.

14. This proposal to amend the Commission's rules is issued under the authority of section 4(i), 301 and 303(r) of the Communications Act of 1934, as amended.

15. Comments in support of or in opposition to the proposed amendment may be filed on or before September 2, 1970. Reply comments may be filed on or before September 14, 1970. All relevant and timely comments will be considered 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 specific comments invited by this notice. In accordance with the provisions of § 1.419(b) of the Commission's rules an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Federal Communications Commission.

Adopted: June 17, 1970.

Released: June 19, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.1 is amended by addition of the following definitions in alphabetical order to read:

§ 2.1 Definitions.

Characteristic baseband frequency. A frequency, in the baseband, at which a signal at a given level into the modulator of a frequency modulated radio transmitter will provide the same value of frequency deviation of a carrier whether or not preemphasis is used.

² Commissioner Cox absent.

Perchannel deviation. Frequency deviation of the carrier of a frequency modulated radio transmitter produced by the average power of a test tone at a specified level in one telephone channel when delivered to the modulator.

2. In § 2.202, subparagraphs (2), (3), and (4) of paragraph (c) and paragraph (e) are amended; a new paragraph (f) is added; the table from paragraph (e) is redesignated as paragraph (g), and is amended by deletion of entries for "Composite transmission: F9-6800F9" and "Composite transmission: F9-17900F9" and the insertion of the five entries shown. The amended or added texts read as follows:

§ 2.202 Bandwidths.

(c) * * *

(2) For radio systems which carry single sideband, suppressed carrier, frequency division multiplex telephone channels as the frequency modulating signal and which have a linear relationship between the value of input voltage to the modulator and the resulting frequency deviation of the carrier, computation in accordance with paragraph (f) of this section;

(3) Computation in accordance with Recommendations of the International Radio Consultative Committee (C.C.I.R.).

(4) Measurement in cases not covered by subparagraphs (1), (2), or (3) of this paragraph.

(e) In the formulation of the table, paragraph (g), the following terms are employed:

B_s = Necessary bandwidth in hertz.
 B = Telegraph speed in bands.
 N = Maximum possible number of black plus white elements to be transmitted per second, in facsimile and television.
 M = Maximum modulation frequency in hertz. In certain instances, it may be permissible to use a value for M which is less than the maximum frequency delivered to the modulator. These permissible instances are set forth in paragraph (f) of this section.
 C = Subcarrier frequency in hertz.
 D = Half the difference between the maximum and minimum values of the instantaneous frequency (the rate of change of phase) except in systems to which paragraph (f) of this section applies.
 t = Pulse duration in seconds.
 K = An overall numerical factor which varies according to the emission and which depends upon the allowable signal distortion. This value is considered to be equal to unity, unless otherwise specified by the Commission.
 N_c = Number of baseband telephone channels in radio systems employing multi-channel multiplex telephony.

(f) Calculation of M and D in special instances:

(1) In the case of frequency modulated radio relay systems, a continuity pilot need not be considered as the maximum modulating frequency (M) if the conditions in (i) and either (ii) or (iii) are met.

(i) The modulation index of the main carrier due to the pilot is no greater than 0.25 and the frequency of the pilot does not exceed the sum of M plus D , assuming that M does not include the frequency of the pilot.

(ii) In a radio system for multi-channel telephony, the rms frequency deviation of the main carrier due to the pilot is no greater than 70 percent of the rms per channel deviation. In such a radio system using preemphasis or phase modulation, the rms deviation due to the pilot is no greater than 70 percent of the rms per channel deviation produced by a signal at the characteristic baseband frequency.

(iii) In a radio system for television, the rms deviation of the main carrier due to the pilot is no greater than 3.55 percent of peak deviation of the main carrier. In such a system using preemphasis or phase modulation, the rms deviation due to the pilot is no greater than 3.55 percent of the peak deviation produced by a signal at the characteristic baseband frequency.

(2) In the case of radio relay systems in which the baseband comprises single sideband, suppressed carrier, frequency

division multiplex telephony channels, D shall be calculated in the following manner:

(i) The value of rms per channel deviation shall be specified. (In the case of systems employing preemphasis or phase modulation, the per channel deviation shall be specified at the characteristic baseband frequency.)

(ii) The value of D is then calculated by multiplying the rms per channel deviation by the appropriate factors, as follows:

Number of telephone channels	Multiplying factors
At least 3, but less than 12.	4.47 X [a factor specified by the equipment manufacturer or station licensee, subject to Commission approval.]
At least 12, but less than 60.	4.47 antilog [$\frac{(-1+4 \log_{10} N_c)}{20}$]
At least 60, but less than 240.	3.76 antilog [$\frac{(-1+4 \log_{10} N_c)}{20}$]
240 or more.....	3.76 antilog [$\frac{(-15+10 \log_{10} N_c)}{20}$]

(g) Table of necessary bandwidths:

I. AMPLITUDE MODULATION				
Description and class of emission	Necessary bandwidth in hertz	Examples		Designation of emission
...	...	Details		...
II. FREQUENCY MODULATION				
Composite transmission: F9	$B_s = 2M + 2DK$ $K=1$	Microwave radio relay system: Specifications: 60 telephone channels occupying baseband between 60 and 300 kHz; rms per-channel deviation 200 kHz; continuity pilot at 331 kHz produces 100 kHz rms deviation of main carrier. Computation of B_s : $D = (200 \times 10^3 \times 3.76 \times 2.02) \text{ Hz} = 1.52 \times 10^6 \text{ Hz}$ $M = 0.331 \times 10^3 \text{ Hz}$ Bandwidth: $3.702 \times 10^6 \text{ Hz}$.		3700F9
Composite transmission: F9	$B_s = 2M + 2DK$ $K=1$	Microwave radio relay system: Specifications: 960 telephone channels occupying baseband between 60 and 4028 kHz; rms per-channel deviation 200 kHz; continuity pilot at 4715 kHz produces 140 kHz rms deviation of main carrier. Computation of B_s : $D = (200 \times 10^3 \times 3.76 \times 5.5) \text{ Hz} = 4.13 \times 10^6 \text{ Hz}$ $M = 4.028 \times 10^3 \text{ Hz}$ Bandwidth: $16.32 \times 10^6 \text{ Hz}$.		16300F9
Composite transmission: F9	$B_s = 2M + 2DK$ $K=1$	Microwave radio relay system: Specifications: 600 telephone channels occupying baseband between 60 and 2540 kHz; rms per-channel deviation 200 kHz; continuity pilot at 8500 kHz produces 140 kHz rms deviation of main carrier. Computation of B_s : $D = (200 \times 10^3 \times 3.76 \times 4.36) \text{ Hz} = 3.28 \times 10^6 \text{ Hz}$ $M = 8.5 \times 10^3 \text{ Hz}$ Bandwidth: $23.56 \times 10^6 \text{ Hz}$.		23600F9
Composite transmission: F9	$B_s = 2M + 2DK$ $K=1$	TV microwave relay system: Specifications: Aural program on 7.5 MHz; aural subcarrier deviation ± 150 kHz; continuity pilot at 8.5 MHz produces 140 kHz rms deviation of main carrier; $D = 3.7 \times 10^6 \text{ Hz}$ (visual) plus $0.3 \times 10^6 \text{ Hz}$ (aural). Computation of B_s : $M = (7.5 + 0.15) \times 10^6 \text{ Hz}$; $D = (3.7 + 0.3) \times 10^6 \text{ Hz}$ Bandwidth: $23.3 \times 10^6 \text{ Hz}$.		23300F9
Composite transmission: F9	$B_s = 2M + 2DK$ $K=1$	TV microwave relay system: Specifications: Aural program on 6.0 MHz subcarrier; aural subcarrier deviation ± 150 kHz; continuity pilot at 8.5 MHz produces 50 kHz rms deviation of main carrier; $D = 2 \times 10^6 \text{ Hz}$ (visual) plus $0.2 \times 10^6 \text{ Hz}$ (aural). Computation of B_s : $D = (2.0 + 0.2) \times 10^6 \text{ Hz}$; $M = 8.5 \times 10^3 \text{ Hz}$ Bandwidth: $21.4 \times 10^6 \text{ Hz}$.		21400F9
...

3. In § 2.579(c), subparagraph (6) is amended to read as follows:

§ 2.579 Measurement data required for type acceptance.

(c) * * * * *

(6) Transmitters for which peak frequency deviation (D) is determined in accordance with § 2.202(f), and in which the modulating baseband comprises more than 3 independent speech channels—when modulated by a test signal determined in accordance with the following:

(i) A modulation reference level is established for the frequency in the baseband which provides the same deviation of the carrier whether or not preemphasis is used. (Modulation reference level is defined as the average power level of sinusoidal test signal delivered to the modulator input which provides the specified value of per-channel deviation.)

(ii) Modulation reference level being established, the total rms deviation of the transmitter is measured when a test signal consisting of a band of random noise, extending from below 20 kHz to the highest frequency in the baseband, is applied to the modulator input through any preemphasis networks used in normal service. The average power level of the test signal shall exceed the modulation reference level by the number of decibels determined using one of the following formulas, as appropriate:

(a) For transmitters modulated by at least 3 and less than 12 speech channels:

dB above modulation reference level = The value specified by the equipment manufacturer, subject to Commission approval.

(b) For transmitters modulated by at least 12 and less than 240 speech channels:

dB above modulation reference level = $-1 + 4 \log_{10} N_s^1$

(c) For transmitters modulated by 240 or more speech channels:

dB above modulation reference level = $-15 + 10 \log_{10} N_s^1$

[F.R. Doc. 70-7970; Filed, June 24, 1970; 8:45 a.m.]

[47 CFR Part 73]

[Docket No. 18882; FCC 70-638]

TELEVISION BROADCAST STATIONS
Table of Assignments in New Jersey and Pennsylvania

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Camden and Atlantic City, N.J., and Philadelphia, Pa.)

1. Notice of proposed rule making, instituted by the Commission on its own motion, is hereby given concerning amendment of § 73.606 of the Commission's rules, the Table of Television Assignments, with respect to the above-listed cities.

¹ See § 2.202(e) of this chapter.

2. In actions taken to implement the decisions reached recently in the land mobile-UHF allocation proceedings (Dockets 18261 and 18262), the Commission amended the table with respect to two New Jersey educational assignments and issued a notice of proposed rule making looking toward deletion of another. (See memorandum opinion and order, FCC 70-523, order to show cause concerning the New Brunswick reserved assignment, Docket No. 18864, FCC 70-525, and notice of proposed rule making concerning upper UHF assignments, Docket 18862, FCC 70-524, all released May 21, 1970.) These actions included the withdrawal from television use, for the present, of Channel *19 at New Brunswick, with Channel 58 substituted; the similar withdrawal of Channel *18 at Atlantic City, but with no replacement; and the proposal to delete Channel 77 at Glen Ridge, N.J., without replacement being proposed.

3. In informal conversations since these actions were taken, officials of the New Jersey Public Broadcasting Authority have indicated that that group is ready to proceed with prompt construction and operation of stations on the four ETV assignments in the State, including those mentioned above and one at Trenton, not involved in the changes. Funds have been committed and a firm offer obtained, for construction of the four stations as a package, from an equipment supplier. It appears that the changes in the table mentioned above may have a deterring effect on ETV development in New Jersey unless actions to find replacement channels are found.

4. Studies looking toward a substitute channel for the Glen Ridge assignment are proceeding, and it is expected that a proposal concerning that matter will be issued shortly. The purpose of the present notice is to propose a change in assignments which will permit the rendition of ETV service in southern New Jersey despite the withdrawal of the Atlantic City ETV assignment.

5. It appears that Channel 23 is assigned to Philadelphia, Pa., neither occupied nor applied for, and that it could be used, consistent with mileage separations, in an area of New Jersey to the east, in or near Camden. Accordingly, we propose to shift this channel to New Jersey and reserve it for educational use. If assigned to Camden, it can be used any place in New Jersey within 15 miles of the Camden reference point, under § 73.607(b) of the rules, which should give adequate latitude in the station's location. This change would limit Philadelphia to two commercial UHF channels (plus two reserved for education); but we also point out that a station on the Burlington, N.J., channel assignment is actually located in Philadelphia.

6. The New Jersey educational broadcasting authorities have also indicated interest in having a channel assigned to Atlantic City. Any channel assigned here would be severely limited as to station location, because of mileage separation requirements to other stations.

Nevertheless, it appears that Channel 36 can be used in a very narrow area right along the coast. The antenna height will probably have to be substantially limited because of aeronautical restrictions (which was a problem also with Channel *18, previously assigned). However, the New Jersey authorities are interested in this assignment chiefly for use by a translator, supplementing the service of the station near Camden to the Atlantic City area, some 50 miles from Camden. Under the circumstances, and considering the substantial impact which the Commission's actions necessary to afford land mobile relief have had on the New Jersey educational assignment framework, this assignment appears appropriate.

7. Accordingly, pursuant to authority contained in sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the table of assignments contained in § 73.606(b) of the rules to read as follows with respect to the cities listed:

City	Channel No.	
	Present	Proposed
Atlantic City, N.J.	*18, 53	*18, *30, 53
Camden, N.J.		*23
Philadelphia, Pa.	3, 6, 10, 17, 23, 29, *35, *57	3, 6, 10, 17, 29, *35, *57

¹ Following the decision in Docket 18261, channels so indicated will not be available for television use until further action by the Commission.

Also, while Channel 23 at Philadelphia has not been applied for, some interest in its use has recently been indicated. Depending on what the comments herein show, we will consider removing the reservation from Channel *57 at Philadelphia, now unoccupied, thus making it available for commercial, as well as educational, use.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 20, 1970, and reply comments on or before July 30, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. In view of the desirability of prompt activation of ETV service in New Jersey, we are setting relatively short dates for comments in this proceeding, and expect that the dates will be adhered to.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 17, 1970.

Released: June 19, 1970.

FEDERAL COMMUNICATIONS
COMMISSION²

[SEAL] BEN F. WAFLE,
Secretary.

[F.R. Doc. 70-8056; Filed, June 24, 1970; 8:49 a.m.]

² Commissioner Cox absent.

[47 CFR Part 73]

[Docket No. 18881; FCC 70-637]

TELEVISION BROADCAST STATIONS

Table of Assignments, Charlotte Amalie and Christiansted, V.I.

In the matter of amendment of § 73.606 of the Commission's rules, table of assignments, television broadcast stations. (Charlotte Amalie and Christiansted, V.I.), RM-1369.

1. On November 7, 1968, the Virgin Islands Public Television System (Public Television) filed a petition for rule-making asking that VHF Channels 3 and 12 be assigned at Charlotte Amalie and Christiansted, V.I., respectively and reserved for educational use. Channels 10 and 8 are presently assigned to these respective cities and occupied by commercial stations; three UHF channels, one reserved for education, are also now assigned to each city, but no UHF stations have been applied for. There are no other assignments in the Virgin Islands. Two important points must be borne in mind in considering this request: (1) Both assignments would be "short-spaced", involving separations substantially less than the 190-mile minimum separation between cochannel stations applicable under the rules to this portion of the United States, with respect to stations on these channels at Mayaguez, Puerto Rico (Channel 3, some 145 miles away) and Aguadilla-Mayaguez (Channel 12, some 169 miles distant); (2) about December 1, 1968, the Commission learned through the weekly circulars from the International Frequency Registration Board (an organ of the International Telecommunication Union) of two television stations to be put into service on the Island of Tortola in the British Virgin Islands. Tortola is close to the U.S. Virgin Islands (only some 10 miles from the Island of St. John), and these stations and those contemplated in the petition are obviously mutually exclusive.

2. The U.S. Territory of the Virgin Islands lies in the Caribbean to the east of Puerto Rico and consists of three principal islands—St. Thomas (Charlotte Amalie) and St. John, lying from about 40 to about 55 miles east of Puerto Rico, and St. Croix (Christiansted), some 40 miles south of St. John. The estimated 1967 population of the islands is St. Thomas, 29,111; St. John, 1,505; and St. Croix, 26,083, a total of 56,699. In support of its petition, Public Television asserts, with emphasis, that there is a tremendous need for ETV in the Virgin Islands, a need emphasized by the Governor in his testimony before Congress in 1967, and recognized by Congress in including the Virgin Islands, for the first time, within the ambit of governmental ETV assistance in the Public Broadcasting Act of that year. It is stated that despite intensive governmental efforts recently in the educational area, the educational

level in the Islands is still substantially lower than in the continental United States, and there are a continuing language barrier and teacher shortage and presently no opportunity for post-graduate or professional instruction; therefore, following the 1967 enactment of the new Federal statute, the legislature of the islands established the Public Television Commission and has committed more than \$500,000 to ETV. The proposed operation would be primarily a "public" educational and cultural service, including adult education, programming for professional people, cultural events, faculty and lecturers at the College of the Virgin Islands, and public affairs programming such as material concerning the first gubernatorial election to be held in 1970 and remote broadcast of the legislature. Some use would also be made for in-school instructional purposes.

3. Much of the petition and supporting engineering statement are devoted to a discussion of two general subjects: The justification for permitting VHF assignments at short separations as mentioned above; and the need for VHF assignments, at short separations, when there are UHF channels available. It is urged, in general, that: (1) The requested assignments, used on the better than "equivalent protection" basis which petitioner proposes, would be consistent with the Commission's general policy concerning VHF assignments at short separations; (2) the requested assignments would be consistent with the general Commission policy concerning VHF and UHF since the Virgin Islands (with small population and low income) cannot possibly support more than "one service" or be a "mixed market"; (3) the Virgin Islands situation is unique, so that considerations applicable to TV allocations generally do not always apply; (4) the proposal is in the public interest because it will permit efficient, effective public television.

4. In support of the first argument, Public Television proposes that the stations it would operate on these channels would be constructed at less than maximum effective antenna height and less than the maximum allowable effective radiated power; a directional antenna suppressing radiation toward the west (Puerto Rico) by 8.6 db compared to omnidirectional operation; and "precision offset" operation with Public Television paying the cost of such installations both by its stations and the affected Puerto Rico Channels 3 and 12 stations. By these means, it is stated, protection against interference will be afforded to these stations considerably more than the required under the "equivalent protection" criteria considered by the Commission in Docket 13340 and used in a number of individual cases. Aside from this, it is claimed that the terrain Puerto Rico is unusually rough, so that stations on the eastern side of the island (and in the Virgin Islands further east) do not put as strong a signal into the western portion of the island as the general

contour-prediction methods would indicate, and vice versa.²

5. As to the relationship to UHF, Public Television recognizes the Commission's general policy of encouraging UHF as a necessary part of and adequate U.S. television system; but it is asserted that, because of its small population, unusually low average annual income (\$2,100 compared to \$3,942 in the continental U.S., with a higher cost of living in the Islands) and unusually low percentage of receivers equipped for UHF (particularly among low-income families, where set turnover is slow and which would be particularly benefitted by ETV), the Virgin Islands is, necessarily must be and should be permitted to develop as a "single-service" market, relying on VHF for its television. Petitioner states that it does intend to use the assigned UHF channels for lower-power, in-school use. It is further stated that ITFS is not serviceable because of the rugged terrain in the Islands. It is noted that if the Commission requires it, it will accept the VHF assignments now on condition that it transfer to UHF within 10 years; but that with the Islands now being VHF-only, UHF ETV operation would be relatively ineffective. The greater cost of UHF operation is also urged, including greater capital cost computed in the engineering statement as \$285,000 and an additional \$35,000 per year in power and tube-replacement costs.

6. For these reasons, it is asserted that VHF assignments for educational use should be made as proposed. As other factors in favor of waiver of the "short separation rule" here, there are asserted the fact that only one cochannel and no adjacent-channel separations are involved in each case (unlike some of the situations on the mainland); in view of the limited land area there is no limitation involved in serving areas of possible

² This statement is supported in petitioner's engineering showing by profile graphs, data derived from field-intensity measurements made by petitioner, responses to questionnaires which were given by TV servicemen at various places in Puerto Rico, and statements by Puerto Rico licensees themselves in various connections (e.g., a statement showing Grade B contours actually 20 miles and more closer to the station than standard prediction methods would indicate). It is also pointed out that the Commission has authorized an on-channel booster on Channel 12 at Ponce, to provide signals from Channel 12 at Aguadilla-Mayaguez, even though Ponce is within that station's predicted Grade B contour.

³ Petitioner asserts that the percentage of UHF conversion is the lowest of any U.S. market, only 18-20 percent, based on a survey taken by it drawing 1,800 responses; and that most homes will not purchase sets in the near future. It is also stated that the numerous outside antennas necessitated by rugged terrain would be useless for UHF. Petitioner cites the Reopened Springfield Deintermixture Case, 23 R.R. 1579 (1962) for the proposition that the Commission has recognized that some markets are more suitable for single-service development than for intermixture.

future population expansion, as it sometimes is the case where short separations require less than maximum facilities; and there are no other transmitter sites available which would eliminate or substantially decrease the short spacing. In general, it is urged that, with only one-fifth or less of the sets able to receive UHF, "if Petitioner is forced to broadcast on the UHF band, it cannot provide efficient, effective service to the public"; and "[public television] can be an efficient, effective system and serve the public interest only if it is permitted to operate on VHF channels."

OPPOSITIONS AND REPLY

7. Oppositions to the petition were filed by Association of Maximum Service Telecasters, Inc. (MST), a group of TV licensees which generally opposes short-spaced TV stations and assignments; Western Broadcasting Corporation of Puerto Rico (Western), the licensee of Station WOLE-TV, Aguadilla, P.R., Channel 12 (one of the two stations affected); and Island Teleradio Service, Inc. (WBNE), licensee of Station WBNE-TV, Charlotte Amalie, V.I., Channel 10, the latter chiefly because of the impact which the proposed operation would have on recently authorized translators re-broadcasting the WBNE-TV signal, on Channel 3 at King Quarter and Channel 12 at Frederiksted.

8. The MST and Western pleadings attack petitioner's argument that anything in the situation of the Virgin Islands is so "unique" as to render inapplicable the general Commission policy of the 1960's emphasizing the importance of UHF development and the need to have an intermixed competitively equal television system if the needs of the country for service are to be adequately met. It is pointed out that the earlier "interim" policy (Docket 13340), in which short-spaced VHF assignments were to be considered, was confined to situations where the immediate provision for three competitive facilities in substantial markets was regarded as highly important; that in connection with its successful efforts to obtain all-channel legislation the Commission emphasized the importance of an intermixed system, to which it is now committed; that in the 1963 VHF "drop-in" decisions short-spaced assignments with "equivalent protection" were rejected even in the major-market, two-station situations; and that where such assignments have been permitted (e.g. Albany and New Orleans) the decision clearly limited the concept to the facts of those situations and denied its general applicability.² WBNE makes similar arguments, asserting that if the ETV development were required to be UHF, it might well spark interest in and development of UHF in the Islands so that

UHF commercial assignments would come into being and the Islands would have full service.

9. MST and Western both point out that while Public Television objects to the greater cost of UHF, in agreeing to build UHF facilities in 10 years if required, it obviously is agreeing to an even more costly course of action. Western believes, however, that the result of such a course would simply be to leave the VHF channels there permanently and the condition would disappear. Western asserts that in fact the costs of UHF compared to VHF would be much less than those estimated by the petitioner (which assumed two UHF stations of high E.R.P. to get the same Grade B coverage as with VHF); with the limited land areas involved, two main UHF stations of low power (with one UHF translator to cover a "shadow" area on St. Croix) could do an adequate job considerably more cheaply, and it could be done at even less expense, and adequately, using only a main station on St. Thomas and two UHF translators on St. Croix. The latter approach would represent a capital outlay for equipment and installation of only some \$115,000, compared to some \$235,000 for two VHF stations (it is stated that for fairly low-power UHF operations no significant operating cost differentials as compared to VHF would be involved).³ The result, it is said, would be even better than the petitioner's approach because the "shadow" area on St. Croix would be eliminated.

10. Western and WBNE also attack petitioner's estimate of UHF conversion in the Virgin Islands. Western cites U.S. Department of Interior and Department of Commerce figures indicating that there are about 15,000 sets in the Islands, and that some 6,250 were shipped there from 1965 to 1967, so that (including 1968 shipments) the percent of conversion is now in the order of 50 percent and will soon be higher. WBNE claims it is 30 percent to 40 percent. Western claims that, rather than demonstrating any exceptional circumstances warranting a waiver, the petitioner's showing really indicates that the Virgin Islands

is ideal for UHF, with small area to be covered, and petitioner's proposal would destroy the possibility of UHF development there. Attention is also called to the British Virgin Islands notification, and the interference which would result to these notified operations from petitioner's proposed operations.

11. WBNE, stating its support for ETV and agreement to furnish transmitter space at nominal cost and permit collocation of the ETV transmitter if the facility complies with the rules, opposes the petitioner's proposal because of the loss of its service which would be entailed. It is pointed out that in 1968 WBNE was authorized two translators, one on Channel 3 at King Quarter and one on Channel 12 at Frederiksted, to improve its service; the Channel 12 station serves 2,000 people, and the loss of this audience is important in view of the small population of the Islands. It is stated that loss of these translators will deprive some people of their only local or network service and others a choice of services. It is asserted that, while normally translator service must give way to service from regular stations, it would be inequitable to require deletion of these facilities when at the time WBNE-TV applied for these operations and made its plans the rule precluded use of these channels by a regular station and WBNE proceeded and incurred substantial expense in construction on this basis.

12. In replying to these oppositions, Public Television denies that it is in effect advocating a general policy of permitting "short spacing" where equivalent protection can be afforded,⁴ and asserts simply that under the unique facts of the Virgin Islands situation the proposal does not do violence either to the policy against such assignments on a general basis or the policy of favoring UHF development.⁵ It is asserted that the demand for commercial service, even VHF, is so small in this territory that the Channel 8 station is being offered for sale. Conceding that accurate estimates of UHF set penetration are difficult to make (with increasing purchases by hotels and "second sets" and purchases by tourists in this "free market"), petitioner asserts that its own direct survey should be accorded weight, and, also, that there has been no attempt to controvert its assertion that UHF set ownership is very low among the low-income populations

² See Interim Policy on VHF Television Channel Assignments (Docket 13340), 21 R.R. 1695 and 1709 (1961); Report on VHF Drop-Ins, 25 R.R. 1687 (1963); Capital Cities Broadcasting Corp., 24 R.R. 675 (1962); New Orleans Television Corp., 24 R.R. 1113 (1963), affirmed, Capitol Broadcasting Co. v. FCC, 324 F.2d 402 (C.A.D.C., 1963). Western notes petitioner's reference to the Reopened Springfield Deinterference Case, 23 R.R. 1579 (1962), in which we refused to reassign Channel 2 to Springfield, Ill., so as to leave that market all-UHF, and asserts that that case stands simply on its own facts and on the Commission's policy of encouraging UHF, not for any general principle favoring "single service" development.

³ It is pointed out that petitioner's estimates of station capital costs did not include transmitter buildings, power lines, studios, roads, etc.; it is stated that the total saving from an arrangement involving one main UHF station and two translators would thus approach \$150,000 compared to two VHF stations.

⁴ It is pointed out that none of the oppositions specifically questions the merit of petitioner's "equivalent protection" proposal. The only discussion of this in the oppositions (aside from general statements as to past and present Commission policy) is MST's observation that even though equivalent protection is afforded, this means interference where there would be none otherwise.

⁵ It is asserted that the proposal here does not fall within the principle of the VHF drop-in decision of 1963, which stressed the impetus to UHF which would come from requiring additional stations to be UHF in places where there is an immediate demand for additional service, where there are not enough stations to meet network requirements, and where large numbers of people can be reached (25 R.R. 1687, 1690-1691).

⁶ It is asserted that on the basis of the restricted operations proposed, all of the Islands of St. Thomas and St. John would be within the predicted Grade A contour of the Channel 3 station at Charlotte Amalie; all of St. Croix would be within the Grade A contour of Channel 12 at Christiansted.

whom its ETV operation would particularly benefit. Replying to WBNB in particular, Public Television asserts that that station's steps to activate translators were taken only after its officials were informed by Government officials of their intention to seek Channels 3 and 12. It is also asserted that with commercial stations on both St. Thomas and St. Croix, commercial service is available throughout the Islands, and that if UHF is such a possibility WBNB-TV can use UHF translators.

CONCLUSIONS

13. After consideration of the petition and subsequent filings, and of past Commission actions in the TV allocation area, as well as the particular circumstances of this case, we are of the view that rule making on petitioner's proposal is warranted. In reaching this conclusion, we do not accept petitioner's analysis of past Commission actions as necessarily appropriate in this situation, nor as necessarily germane its statements as to the low extent of present UHF circulation in the Virgin Islands or the high cost of an adequate UHF operation. However, considering the possibility of better than "equivalent protection," the apparent need of the Virgin Islands for an educational service of maximum effectiveness at an early date, and the possibly minimal impact on UHF development, we are of the view that exploration of this matter is warranted in rule making.

14. If the assignments are made, it will of course be appropriate to require a substantial degree of protection to the Puerto Rico stations on Channels 3 and/or 12. Comments are requested on what standard should be imposed in this respect if the assignments are made.

15. In addition, parties are requested to comment as to what extent use of VHF as opposed to UHF channels would permit the rendition of a more effective educational television service in the Virgin Islands, now and in the near future.

16. The British Virgin Islands problem: As mentioned above, the Commission has been notified of the contemplated use of these two channels for television in the British Virgin Islands. The Commission is concerned about this proposal for reasons independent of the present ETV assignment matter, i.e., the problem of an international nature occasioned by the proposed British use. Negotiations with the British are proceeding.

17. In view of the foregoing, pursuant to authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, comments are invited on amending § 73.606(b) of the Commission's rules by adding Channel 3 and Channel 12 to Charlotte Amalie or Christiansted, V.I., or Channel 3 to Charlotte Amalie and Channel 12 to Christiansted (with no other changes in the table.) This proposal is specifically conditioned on agreement with appropriate British authorities concerning the use of TV channels

in the area or such other action as may be appropriate.

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 27, 1970, and reply comments on or before August 10, 1970. All such submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 17, 1970.

Released: June 19, 1970.

FEDERAL COMMUNICATIONS
COMMISSION*

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 70-8057; Filed, June 24, 1970;
8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18859]

OBLIGATIONS OF BROADCAST LICENSEES UNDER FAIRNESS DOCTRINE

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of inquiry and notice of proposed rule making (FCC 70-507) adopted May 15, 1970, released May 18, 1970 and published in the FEDERAL REGISTER on May 21, 1970 (35 F.R. 7820). The dates for filing comments and reply comments are presently June 22, 1970, and July 6, 1970, respectively.

2. On June 19, 1970, the Columbia Broadcasting System, Inc., filed a request to extend the date for filing comments to June 29, 1970. Columbia Broadcasting System, Inc., states that the extension is necessary to permit adequate opportunity to formulate comments in this "sensitive area."

3. It appears that the additional time is warranted and would serve the public interest: Accordingly, it is ordered, That the request filed by Columbia Broadcasting System Inc. for extension of time is granted to and including June 29, 1970 for filing comments, and to July 13, 1970 for reply comments.

4. This action is taken pursuant to authority found in section 4(i), 303(r) and 315 of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 19, 1970.

Released: June 19, 1970.

[SEAL] GEORGE S. SMITH,
Chief, Broadcast Bureau.

[P.R. Doc. 70-8058; Filed, June 24, 1970;
8:50 a.m.]

* Commissioner Cox absent; Commissioners Bartley and Johnson concurring in the result.

[47 CFR Part 83]

[Docket No. 18884; FCC 70-642]

RADIOTELEPHONE STATIONS

Principal Operating Position

In the matter of amendment of Part 83 of the Commission's rules to permit the principal operating position of the radiotelephone station to be located in a room adjoining to and opening into the room from which the vessel is normally steered while at sea on cargo ships of 300 gross tons and upwards but less than 500 gross tons on which the keel was laid prior to January 1, 1965, RM 1598.

1. The Commission has been requested by 34 owner/operators of commercial fishing vessels to amend § 83.482(d) of the rules in a manner which will permit the principal operating position of a radio telephone station to be located in a room adjoining to and opening into the room from which the vessel is normally steered while at sea. The present rule requires the principal operating position of the radiotelephone station to be in the room from which the vessel is normally steered while at sea.

2. The petitioners have stated that while the vessels could be physically altered to permit the installation of the radiotelephone in the room from which the vessel is normally steered, the station could not be installed in such a manner to insure safe and effective operation of the equipment, perform repairs and be provided with adequate protection against the effects of vibration, moisture and temperature. The petitioners state that this situation exists because these vessels were not subject to § 83.482(d) of the Commission's rules prior to 1965, which was applicable only to vessels of 500 gross tons or over. All of petitioner's vessels were constructed prior to 1961 and are in excess of 300 gross tons but less than 500 gross tons. Thus, such vessels were not constructed with a view towards compliance with § 83.482(d) of the Commission's rules.

3. The change to the Communications Act of 1934, as amended, which lowered the minimum tonnage for compulsory Part II vessels from 500 to 300 gross tons caused the situation wherein many vessels in the 300- to 500-gross-ton range are required to change the location of the principal operating position of the radiotelephone installation from the chartroom to the bridge of the vessel. During fishing operations at sea, the windows and doors located in the bridge are left open to provide as much ship-voice communications, air ventilation, and crew movement as possible. They operate in tropical waters where the water temperature is 80 to 85 degrees and the vessels are not air conditioned. During the period June to October the vessels operate in areas with variable weather, tropical rainfalls, and hurricanes. Thus, the bridge area is exposed to considerable moisture and variable outside and interior room temperatures. The chartroom on the other hand, was deliberately designed to insure safety and effective use of the radio station.

Repair of the radio station can be easily effected in the chartroom where there is more space available and less congestion than in the bridge. There is also a reduced possibility of damage due to accidental bumping or contact by personnel on watch or passing through the bridge.

4. Since numerous cargo ships with a gross tonnage of less than 500 gross tons, and constructed before 1965, are now operating under a temporary waiver of the Commission's rules, and have therefore, not yet complied with the present requirements of § 83.482(d), a waiver permitting the radiotelephone to be located in the vessel's chartroom instead of the room from which the vessel is steered is hereby granted to the class of vessels specified in the proposed rule, pending final action in these proceedings.

5. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 4(i), 303 (f) and (r), and 351 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before July 27, 1970, and reply comments on or before August 6, 1970. All relevant and timely comments will be considered by the Commission before taking final action in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: June 17, 1970.

Released: June 19, 1970.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

Section 83.482(d) is amended to read as follows:

§ 83.482 Radiotelephone station.

(d) The principal operating position of the radiotelephone station shall be in the room from which the vessel is normally steered while at sea; *Provided*, That in installations on cargo ships of 300 gross tons and upwards but less than 500 gross tons, on which the keel was laid prior to January 1, 1965, the location of the principal operating controls may be in a room adjoining and opening into the room from which the vessel is normally steered while at sea. If the station can be operated from any location other than the principal operating position, except as provided in paragraph (e) of this section, a direct and positive means shall be provided at the principal operating position to take full control of the station.

[P.R. Doc. 70-8059; Filed, June 24, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 161]

[Docket No. R-388]

PROCEDURE IN MATTERS ON REFERENCE FROM COURT; REJECTION OF RATE SCHEDULES OR CONTRACTS CONTAINING PROVISIONS INHIBITING GOOD FAITH PRESENTATIONS

Notice of Proposed Rule Making

JUNE 18, 1970.

Notice is hereby given, pursuant to 5 U.S.C. 553, that the Federal Power Commission proposes to amend Part 1 of its general rules and to add a new Part 161 of its regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, in the manner set forth below, to establish a procedure for the reference to the Commission of disputes concerning the good faith vel non of presentations made in appearances before this Commission; and to provide for (1) the rejection by the Commission of contracts with provisions, express or implied, which would inhibit good faith advocacy of its views and needs before this Commission by any party thereto, and (2) the Commission's refusal to consider such contracts submitted in support of application for certificates of public convenience and necessity, or for abandonment authority.

This Commission has been delegated the authority to act in certain areas to protect the public interest, not solely the interests of the parties before it nor the interests established inter se by contractual agreements. We are concerned that the public interest is not served when, in a proceeding before this Commission seeking authorization for some action which we are by statute granted the power to permit, the position taken by the parties may be governed by the threat of litigation rather than by the interests of the parties as they exist. This is especially detrimental to the public interest when circumstances of the parties have changed drastically since the contractual obligation which is the basis of the threat was agreed to. If a party to a proceeding before us is inhibited from presenting to us the full facts available to it at the time of the hearing through threat of liability for damages for breach of contract, the public interest suffers and our processes are abused.

We believe that a contractual provision inhibiting a party to a proceeding before us from presenting all the facts available to it in a good faith effort to achieve the result it believes necessary and appropriate would be detrimental to the public interest. Indeed, we would ordinarily consider that such a provision would be void as against public interest, and would strain to avoid an interpretation of contractual language which would require that result. We are concerned, however, about the abuse of our

processes which may occur through the fear of parties that their contracts may be construed to require that they not oppose applications for FPC approval, whether or not the application is, at the time of hearing, in their best interest or that of the public, and believe that this abuse may require the rule here proposed to remedy it.

It is not clear that a mere rejection of future contracts containing provisions adverse to the public interest will be an adequate remedy since the problem may arise with respect to existing contracts. The issue of good faith of parties to our proceedings is a highly complex one, usually intertwined with the rather recondite intricacies of the Natural Gas and Federal Power Acts. As such, that issue is one over which this Commission would ordinarily have primary jurisdiction. To clarify this situation, we here propose an amendment to our rules to explicitly accommodate referrals by a court of issues over which this Commission has primary jurisdiction, such as that of the good faith of a presentation before us.

The proposed amendments to Part 1 of the Commission's general rules and the issuance of a new Part 161 of the Commission's regulations under the Natural Gas Act, would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4, 7, and 16 (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than July 20, 1970, data, views, comments, and suggestions in writing, concerning the proposed amendments. An original and 14 conformed copies should be filed with the Commission. Submissions to the Commission should indicate the name, address, and telephone number of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments. The Commission will consider all such written submissions before acting on the proposed amendments.

Accordingly, it is proposed to amend Part 1 of the Commission's general rules and to add a new Part 161 to the Commission's regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations in the manner set forth below:

1. In Part 1, immediately following § 1.34 *Application for rehearing*, insert a new § 1.34a, which will read:

§ 1.34a Matters on reference from a court—primary jurisdiction.

(a) Any issue regarding the propriety, good faith, or justification of any action taken before this Commission by any party or intervenor is within the primary jurisdiction of this Commission.

(b) When limited issues so involved with the functions of this Commission

as to give the Commission primary jurisdiction, such as those cited above, are referred to the Commission by a court of general or appellate jurisdiction, the issue shall be decided, on as expedited a basis as possible consistent with the Commission's other functions, as if on application for declaratory order. The order of reference from the Court shall, upon filing with the Secretary, serve in place of an application by the parties and all parties to the Court action shall be given an opportunity to respond thereto.

(Sec. 16, Natural Gas Act, 52 Stat. 830, 15 U.S.C. 717o; sec. 309, Federal Power Act, 49 Stat. 858, 16 U.S.C. 825h)

2. Immediately following Part 160—Filing of Company Procurement Policies and Practices, add a new Part 161, which will read:

PART 161—CONTRACT OR RATE SCHEDULE PROVISIONS

§ 161.1 Rejection of contracts or rate schedules containing provisions inhibiting good faith presentations before the Commission.

Contracts or rate schedules executed on or after (date to be inserted) and filed in conformance with our regulations will be rejected and/or given no weight if they contain provisions, express or implied, which purport to inhibit the parties to the contract from good faith presentation, on the record, to the Commission of the facts available to them at the time of the FPC proceedings or if the provisions purport to require the parties to take a given position in proceedings to be held before the Commission.

(Secs. 4, 7, 16 (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o))

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-8006; Filed, June 24, 1970;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-30]

CINCINNATI, OHIO, COMMERCIAL ZONE

Redefinition of Limits

JUNE 18, 1970.

At the request of an interested person the time for filing representations in the above-entitled proceeding (35 F.R. 8594) has been extended to August 3, 1970. An original and seven copies of such data, views, or arguments shall be filed with the Commission. Each statement should include a statement of position with respect to the proposed revision, a copy thereof should be served upon petitioner's representative, Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-8076; Filed, June 24, 1970;
8:51 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service
THOMAS IRVIN BOYER

Notice of Granting of Relief

Notice is hereby given that Thomas Irvin Boyer, 443 Bigley Road, Baltimore, Md. 21227, 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 19, 1953, in Juvenile Court, Hagerstown, Md., and on August 15, 1956, in Magistrates Court, Frederick County, Md., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Thomas Irvin Boyer 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 Thomas Irvin Boyer to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Thomas Irvin Boyer'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 Thomas Irvin Boyer 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. 70-8061; Filed, June 24, 1970;
8:50 a.m.]

GERALD WAYNE COOK

Notice of Granting of Relief

Notice is hereby given that Gerald Wayne Cook, Post Office Box 624, Rolla, Mo., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 3, 1966, in the Phelps County Circuit Court, Rolla, Mo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Gerald Wayne Cook 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 Gerald Wayne Cook to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Gerald Wayne Cook'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 Gerald Wayne Cook 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 17th day of June 1970.

[SEAL] WILLIAM H. SMITH,
Acting Commissioner
of Internal Revenue.

[F.R. Doc. 70-8062; Filed, June 24, 1970;
8:50 a.m.]

WILLIAM D. EADS

Notice of Granting of Relief

Notice is hereby given that Mr. William D. Eads, Route 1, New Haven, Mo. 63068, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 27, 1966, in the Gasconade County Court in Hermann, Mo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for William D. Eads because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., appendix), because of such conviction, it would be unlawful for William D. Eads to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered William D. Eads' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That William D. Eads 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.

[P.R. Doc. 70-8063; Filed, June 24, 1970;
8:50 a.m.]

WILLIE HICKS

Notice of Granting of Relief

Notice is hereby given that Willie Hicks, 1011 Tennessee Avenue, Detroit, Mich., 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 February 12, 1952, in the United States District Court for the Northern District of Ohio of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Willie Hicks 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 Willie Hicks to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Willie Hicks' 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 Willie Hicks 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 12th day of June 1970.

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

[P.R. Doc. 70-8064; Filed, June 24, 1970;
8:50 a.m.]

ROBERT PAUL OTTO

Notice of Granting of Relief

Notice is hereby given that Robert Paul Otto, 21653 Bennett, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 10, 1949, in the Court of Common Pleas, Criminal Division, Ebersburg, County of Cambria, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert Paul Otto 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 Robert Paul Otto to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert Paul Otto'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 Robert Paul Otto 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.

[P.R. Doc. 70-8065; Filed, June 24, 1970;
8:50 a.m.]

NICHOLAS DOUGLAS SACCO

Notice of Granting of Relief

Notice is hereby given that Nicholas Douglas Sacco, Route 385, Coxsack, N.Y. 12051, 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 24, 1933, in Greene County, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Sacco 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 Mr. Sacco to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Nicholas Douglas Sacco'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 Mr. Sacco 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 12th day of June 1970.

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

[P.R. Doc. 70-8066; Filed, June 24, 1970;
8:50 a.m.]

DEPARTMENT OF DEFENSE

Department of the Army

MONROE RESERVOIR AND CANNELTON LOCKS AND DAM, INDIANA

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of Agriculture and the

Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A, attached hereto and made a part hereof, which lands are within and adjacent to the exterior boundaries of the Hoosier National Forest, Ind., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the protection and unrestricted operation, maintenance, and administration of the water storage, public health and safety, and flood control facilities and functions of the Monroe Reservoir, Salt Creek, and Cannelton Locks and Dam, Ohio River, both in the State of Indiana.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Hoosier National Forest, Ind., are hereby transferred from the jurisdiction of the Secretary of the Army, subject to interests outstanding in third parties and such reasonable use by the Forest Service as is necessary to discharge its responsibilities for protection and administration of the Hoosier National Forest.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Monroe Reservoir project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

This order will be effective as of date of publication in the FEDERAL REGISTER.

STANLEY R. RESOR,
Secretary of the Army.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

EXHIBIT A

LAND TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

1. All or part of the land in certain tracts acquired by the Department of the Army in connection with the Monroe Reservoir on Salt Creek, in the counties of Monroe, Brown, and Jackson, State of Indiana, which lies above the pool elevation of 538 feet, described as follows:

- Segment 3: Tracts 327-1, 328, 329, 330, 333.
- Segment 4: Tracts 400, 401, 402, 403, 406, 409, 410, 417, 418, 419, 420, 421.
- Segment 5: Tracts 540-1, 540-2, 542, 545.
- Segment 7: Tract 718.
- Segment 9: Tract 900.
- Segment 10: Tract 1023.
- Segment 11: Tracts 1100, 1101, 1102, 1103, 1104, 1105, 1109.
- Segment 12: Tracts 1202, 1203, 1207, 1210, 1211, 1213-1, 1214, 1220, 1221, 1222, 1223, 1224.
- Segment 13: Tracts 1316, 1316-2.
- Segment 19: Tracts 1905-1, 1905-2, 1908-2.

- Segment 20: Tracts 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016.
- Segment 21: Tract 2112.
- Segment 22: Tracts 2206, 2208, 2209.
- Segment 23: Tracts 2300-1, 2311, 2312, 2313, 2314, 2326.
- Segment 24: Tract 2402.
- Segment 25: Tract 2511.
- Segment 30: Tracts 3000, 3001.

The lands transferred hereby contain 1,518 acres more or less.

(2) All the land in a certain tract acquired by the Department of the Army in connection with the Cannelton Locks and Dam, Ohio River Project, described as follows:

- Segment 25: Tract 2506.

The lands transferred hereby contain 38.35 acres more or less.

Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the Office of the District Engineer, U.S. Army Engineer District, Louisville, Ky., and the office of the Forest Supervisor, Hoosier National Forest, Bedford, Ind.

EXHIBIT B

LANDS TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

All lands under the jurisdiction of the U.S. Department of Agriculture within the Project boundary of the Monroe Reservoir in Monroe and Brown Counties, State of Indiana, which lie below elevation 538 feet and two tracts that lie below elevation 560 feet all more particularly described as follows:

- Segment 4: Tracts A1, A2, A3.
- Segment 7: Tracts A5, A6 (land below elevation 560 feet); and Tract A56.
- Segment 8: Tract A55 (land below elevation 560 feet).
- Segment 9: Tracts A49, A52, A54.
- Segment 10: Tracts A7, A8.
- Segment 11: Tracts A12, A13, A14.
- Segment 13: Tract A43.
- Segment 20: Tracts A16, A17, A18, A19.
- Segment 21: Tract A41.
- Segment 22: Tracts A23, A24.
- Segment 23: Tract A60.

The lands transferred hereby contain 826 acres, more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the office of the District Engineer, U.S. Army Engineering District, Louisville, Ky., and the office of the Forest Supervisor, Hoosier National Forest, Bedford, Ind.

[F.R. Doc. 70-8073; Filed, June 24, 1970; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Board of Mine Operations Appeals

[Docket No. M 70-1]

ARMCO STEEL CORP. ET AL.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173) notice is hereby given of the filing of a petition to modify the application of section 303 (b) of the Act as to all coal mines of the following petitioners:

Armco Steel Corp.
Amherst Coal Co.
Beatrice Pocahontas Co.

Beaver Creek Consolidated Coal Co.
Bell & Zoller Coal Co.
Beth-Elkhorn Corp.
Bethlehem Mines Corp.
Bishop Coal Co.
Buckeye Coal Co.
C F & I Steel Corp.
Cannelton Coal Co.
Christopher Coal Co.
Climchfield Coal Co.
Coal Processing Corp.
Consolidation Coal Co.
Eastern Associated Coal Corp.
Enos Coal Corp.
Freeman Coal Mining Corp.
Gateway Coal Co.
Harmar Coal Co.
Howe Coal Co.
Inland Steel Co.
Island Creek Coal Co.
Itmann Coal Co.
Jewell Ridge Coal Corp.
Jones & Laughlin Steel Corp.
Kentland-Elkhorn Coal Corp.
Kings Station Coal Corp.
Mohawk Mining Co.
National Coal Mining Co.
National Mines Corp.
North American Coal Corp.
Old Ben Coal Corp.
Olga Coal Co.
Omar Mining Co.
Peabody Coal Co.
Pikeville Coal Co.
Republic Steel Corp.
Rochester & Pittsburgh Coal Co.
Sewell Coal Co.
Slab Fork Coal Co.
United Electric Coal Cos.
United States Steel Corp.
Westmoreland Coal Co.
Wheeling-Pittsburgh Steel Corp.
Youngstown Mines Corp.
Zeigler Coal & Coke Co.
Central Pennsylvania Coal Producers' Association.
Northern Panhandle of West Virginia Coal Operators Association.
Northern West Virginia Coal Association.
Ohio Coal Association.
Southern Coal Producers' Association.
Western Pennsylvania Coal Operators Association.

Petitioner proposes to modify section 303(b) of the Act so as to provide that:

[t]he minimum quantity of air in any coal mine reaching each working face at which coal is currently in the process of being extracted shall be three thousand cubic feet a minute

A copy of the petition is available for inspection in the Offices of the Board of Mine Operations Appeals, Washington, D.C.

BOARD OF MINE OPERATIONS
APPEALS,
C. E. ROGERS, Jr.,
Chairman.

JUNE 18, 1970.

[F.R. Doc. 70-8026; Filed, June 24, 1970; 8:47 a.m.]

[Docket No. N 70-199]

KENTUCKY CARBON CORP.

Petition for Modification of Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173) notice is hereby given of the filing by the

Kentucky Carbon Corp. of a petition to modify the application of section 303(b) of the Act as it applies to a bituminous coal mine at Phelps, Pike County, Ky.

Petitioner proposes to modify section 303(b) of the Act so as to provide that:

A working face means any place in a coal mine in which miners are actively engaged in the work of extracting coal from its natural deposit in the earth or in securing roof and ribs, and includes a single entry or room and the crosscut under development to connect with an adjacent parallel entry or room.

A copy of the petition is available for inspection in the Offices of the Board of Mine Operations Appeals, Washington, D.C.

BOARD OF MINE OPERATIONS
APPEALS

C. E. ROGERS, Jr.,
Chairman.

JUNE 18, 1970.

[F.R. Doc. 70-8027; Filed, June 24, 1970;
8:47 a.m.]

Bureau of Indian Affairs

ROCKY BOY'S RESERVATION, MONT.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

JUNE 16, 1970.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Rocky Boy's Reservation, Mont., was adopted on February 27, 1970, by the Business Committee of the Chippewa Cree Tribe, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, Public Law 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and

Whereas, Ordinance 1-54 enacted November 23, 1953, of the Rocky Boy's Business Committee relating to the application of the Federal Indian Liquor Laws on the Rocky Boy's Reservation permitted the introduction and possession of intoxicating liquor on the reservation but did not permit the sale of the same and,

Whereas, it is now desired that these rules and regulations be modified to permit the sale of intoxicating liquor in addition to the use, introduction, and possession,

Therefore be it ordained, that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Chippewa Cree Tribe, provided, that such introduction, sale or possession is in conformity with the laws of the State of Montana.

Be it further ordained, that alcoholic (intoxicating) beverages including but not limited

to beer, wine, whiskey, etc., may be sold on Rocky Boy's Reservation in accordance with the following provisions and restrictions:

1. Under this ordinance only one (1) outlet for the sale of alcoholic beverages including beer, wine, whiskey, etc., shall be authorized for consumption on-premises and/or off-premises subject to the laws of the State of Montana where applicable; the Federal Government, where applicable; and the Chippewa Cree Tribe. Said outlet shall be operated only under license provided and owned by the Chippewa Cree Tribe which may be assigned to a vendor or managed by the tribe, such rules and regulations as follows shall apply to any party dispensing such alcoholic beverages.

2. Under this ordinance above described license for sale of alcoholic beverages may be operated within the confines of that part of the reservation which lies in Township 28 North, Range 18 East of the Montana Meridian and more specifically shall be confined within the boundaries of the tribe's outdoor recreation area when such boundaries are established.

3. Any operator of an establishment selling beer, wine, whiskey, etc., whether as an assignee of the tribal license or employed by the tribe to operate such establishment shall abide by and/or be responsible for the following provisions of this ordinance:

A. All laws governing the sale of alcoholic beverages in the State of Montana shall apply in the sale of alcoholic (intoxicating) beverages on Rocky Boy's Reservation, and State Liquor inspection shall have full and complete access of the reservation to support such laws and regulations.

B. Vendors of alcoholic (intoxicating) beverages shall be prohibited on Rocky Boy's Reservation from selling beer, wine, whiskey, etc., on credit and shall not engage in pawn-broking, taking items in hock, lending money or in any other activity which is designed to permit an indigent person, or any customer from buying such products in his establishment. All sales of alcoholic (intoxicating) beverages shall be on a cash basis.

C. Vendors of alcoholic (intoxicating) beverages shall be responsible for maintaining order on their premises; to prohibit intoxicated persons from purchasing beer, wine, whiskey, etc., to assure that no sale of alcoholic (intoxicating) beverages is made to a minor person; to prohibit consumption of beer, wine, whiskey, etc., on his business premises purchased for off-premises consumption; and to prohibit loud, boisterous, lascivious, and profane language; to prohibit begging or soliciting for drinks; to prohibit fighting or threatening to fight on the premises; and to prohibit any violation of the Tribal Law and Order Code by any person on his premises to the best of his ability.

D. The vendor/operator shall be solely responsible to assure that any person is of legal age to purchase alcoholic (intoxicating) beverages on Rocky Boy's Reservation.

4. Any operator of an establishment selling beer, wine, whiskey, etc., shall post a \$500 cash bond with the Tribe which shall be forfeited if the operator or an employee under his supervision does violate any of the above provisions.

5. The Law and Order Subcommittee of the Chippewa Cree Tribe shall meet quarterly during the year, and at any other time necessary, to review the effects of liquor sales on the reservation and the conduct of the vendors, and to recommend action by the Business Committee to further or amend existing laws regarding such activity.

Be it further ordained, that this ordinance shall become effective upon certification of the Secretary of the Interior and publication in the FEDERAL REGISTER, and that any ordinances, laws or resolutions previously enacted which differ or are not consistent with

the intent of this ordinance are hereby repealed.

Be it further ordained, that the Chairman and Secretary of the Business Committee are authorized to execute any document or application pursuant to this ordinance for the Tribe.

Be it further ordained, that the question "Shall the sale of beer be permitted for consumption 'off-premises' at the two existing Indian owned and operated businesses on Rocky Boy's Reservation?" be placed before the voters at the next general election of the Chippewa Cree Tribe to be held on the last Saturday in June 1970.

GEORGE SCOTT,
Acting Associate Commissioner
of Indian Affairs.

[F.R. Doc. 70-8022; Filed, June 24, 1970;
8:47 a.m.]

Bureau of Land Management

[S 581]

CALIFORNIA

Proposed Amendment to Final Classification of Public Land for Multiple-Use Management

The notice appearing in F.R. Doc. 68-143, pages 156 and 157 of the issue of January 5, 1968, is proposed to be changed as follows:

Paragraph 4: Add the following described lands to provide for their segregation from the mining laws but not the mineral leasing laws, totaling approximately 360.55 acres of public lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

SHASTA COUNTY

T. 34 N., R. 6 W.,

Sec. 31, lots 5 to 16, inclusive (8½, 8½, 8½ N½).

These lands have high recreational value suitable for development into a public use and campground area. The lands are nonmineral in character.

Public comments and the record of the public hearing held at Redding, Calif., on October 25, 1967, are on record in the Redding District Office.

For a period of 60 days from the date of publication of this notice of proposed amendment in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed segregation may present their views in writing to the Redding District Manager, Bureau of Land Management, 2460 Athens Avenue, Redding, Calif. 96001.

A public hearing will be held if sufficient interest is shown.

For the State Director,

RICHARD L. THOMPSON,
District Manager.

[F.R. Doc. 70-8023; Filed, June 24, 1970;
8:47 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 17, 1970.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S3741, for the withdrawal of

[M 063641]

MONTANA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 16, 1970.

Notice of a Department of the Air Force application, M 063641, for withdrawal and reservation of lands for military purposes, was published as F.R. Doc. No. 64-2337, on page 3245 of the issue for March 11, 1964. The applicant agency has canceled its application insofar as it affects the following described lands in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on July 15, 1970, will be relieved of the segregative effect of the above-mentioned application:

PRINCIPAL MERIDIAN, MONTANA

T. 21 N., R. 2 W.,
Sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 15 acres.

PARKER N. DAVIES,
Acting Land Office Manager.

[F.R. Doc. 70-8021; Filed, June 24, 1970;
8:47 a.m.]

[Montana 12993]

MONTANA

Notice of Classification of Public Lands for Multiple-Use Management

JUNE 19, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described in paragraph 4 are hereby classified 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 lands described in paragraph 4 of this notice from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining laws and the mineral leasing laws.

3. Comments were received following publication of the notice of proposed classification in the FEDERAL REGISTER (35 F.R. 5562) on April 3, 1970, and at the public hearing held on May 19, 1970. As a result of the comments and subsequent review of the proposed classification, the following lands are hereby deleted from the classification; and the segregation effect of the notice of proposed classification is hereby terminated.

PRINCIPAL MERIDIAN, MONTANA

ALKALI PLANNING UNIT (0133)

T. 26 N., R. 26 E.,
Sec. 2, lot 3;
Sec. 22, lot 1;
Sec. 23, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 27, lots 1, 2, and 4.
T. 27 N., R. 26 E.,
Sec. 35, lot 4.

The public lands described above aggregate approximately 230.97 acres.

The record showing the comments received and other information is on file and can be examined in the Malta District Office, Malta, Mont.

4. Public lands affected by this classification are located within the following described areas and are shown on the Phillips-Blaine County classification map, which is on file in the Malta District Office, Malta, Mont. 59538, and the Land Office, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

The overall description of the area is as follows:

PRINCIPAL MERIDIAN, MONTANA

(A)

WHITEWATER PLANNING UNIT (0104)

T. 31 N., R. 29 E.,
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 31 N., R. 30 E.,
Secs. 1 to 12, inclusive;
Secs. 16 to 18, inclusive.
T. 31 N., R. 31 E.,
Secs. 5 and 6.
T. 32 N., R. 29 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 32 N., R. 30 E.,
Secs. 1 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 29 to 32, inclusive.
T. 33 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 13, inclusive;
Sec. 14, N $\frac{1}{2}$;
Sec. 15, NE $\frac{1}{4}$.
T. 33 N., R. 28 E.,
Secs. 1 to 18, inclusive;
Sec. 24.
T. 33 N., R. 29 E.,
Secs. 13 to 36, inclusive.
T. 33 N., R. 30 E.,
Secs. 12 and 13;
Secs. 19 to 36, inclusive.
T. 33 N., R. 31 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 30 and 31.
T. 34 N., R. 26 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 25, inclusive.
T. 34 N., R. 27 E.,
Secs. 1 to 30, inclusive;
Secs. 33 to 36, inclusive.
T. 34 N., R. 28 E.,
Secs. 8 and 7;
Sec. 18, N $\frac{1}{2}$ and SW $\frac{1}{4}$;
Sec. 19, W $\frac{1}{2}$;
Sec. 30, lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 34 N., R. 31 E.,
Secs. 1 to 3, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 36, inclusive.

the lands described below, subject to valid existing rights, from prospecting, location, entry and patenting only (30 U.S.C., ch. 2) under the mining laws but not from leasing under the mineral leasing laws. The applicant desires the land for the development of an outdoor botanical laboratory for scientific and educational purposes. The botanical area is of particular interest to students, professionals, and other naturalists for special studies as well as to the general public as an unusual and attractive recreational area. Surface disturbance of the land by mining locations would be adverse to the plant groups particularly significant because of occurrence, habitat, arrangement, rarity, and ecology.

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
LOS PADRES NATIONAL FOREST
Cuesta Ridge Botanical Area

T. 29 S., R. 12 E.,
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, lots 3, 4, 5, and 7 to 14 inclusive;
Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 34, lots 1, 2, 7, 8, and 9;
Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$.

The area described aggregates approximately 1,334 acres in San Luis Obispo County.

ELIZABETH H. MIDTBY,
Chief,

Lands Adjudication Section.

[F.R. Doc. 70-8024; Filed, June 24, 1970;
8:47 a.m.]

T. 34 N., R. 32 E.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 35, inclusive.
T. 35 N., R. 26 E.,
Secs. 25 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 35 N., R. 27 E.,
Secs. 1 and 2;
Secs. 11 to 15, inclusive;
Secs. 22 to 28, inclusive;
Sec. 32, E $\frac{1}{2}$;
Secs. 33 to 36, inclusive.
T. 35 N., R. 28 E.,
Sec. 6;
Sec. 29, S $\frac{1}{2}$;
Secs. 30 to 35, inclusive.
T. 35 N., R. 29 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lots 1, 2, 3, and 4;
Secs. 10 and 11;
Sec. 14;
Sec. 15.
T. 35 N., R. 30 E.,
Secs. 1 to 6, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 24, inclusive.
T. 25 N., R. 31 E.
T. 35 N., R. 32 E.,
Secs. 2 to 11, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 34, inclusive.
T. 35 N., R. 33 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive.
T. 35 N., R. 34 E.,
Secs. 1 to 10, inclusive;
Secs. 15 to 18, inclusive.
T. 36 N., R. 27 E.,
Secs. 1 to 12, inclusive;
Secs. 17 to 20, inclusive.
T. 36 N., R. 28 E.,
Secs. 1 to 31, inclusive;
Sec. 32, W $\frac{1}{2}$ W $\frac{1}{2}$.
T. 36 N., R. 29 to 31 E., inclusive.
T. 36 N., R. 32 E.,
Secs. 1 to 24, inclusive;
Secs. 27 to 34, inclusive.
T. 36 N., R. 33 E.,
Secs. 1 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 36 N., R. 34 E.
T. 37 N., R. 23 E.,
Secs. 1, 12, and 13.
T. 37 N., R. 24 E.,
Secs. 1 to 18, inclusive;
Sec. 22, E $\frac{1}{2}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Secs. 23 and 24;
Sec. 25, N $\frac{1}{2}$;
Sec. 26, N $\frac{1}{2}$;
Sec. 27, NE $\frac{1}{4}$.
T. 37 N., R. 25 E.,
Secs. 1 to 29, inclusive;
Sec. 30, lots 1 and 2, E $\frac{1}{2}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 31, NE $\frac{1}{4}$;
Sec. 32, N $\frac{1}{2}$;
Sec. 33, N $\frac{1}{2}$;
Sec. 34, N $\frac{1}{2}$;
Sec. 35, N $\frac{1}{2}$.
T. 37 N., R. 26 E.,
Secs. 1 to 30, inclusive;
Sec. 36.
T. 37 N., R. 27 to 34 E., inclusive.

The public lands described above aggregate approximately 210,169 acres.

(B)

BEAVER CREEK PLANNING UNIT (0102)

T. 25 N., R. 28 E.,
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 25 N., R. 29 to 33 E., inclusive.
T. 26 N., R. 28 E.,
Secs. 1 and 2;
Secs. 11 to 16, inclusive;
Secs. 21 to 28, inclusive.

T. 26 N., R. 29 to 33 E., inclusive.
T. 27 N., R. 28 E.,
Sec. 1;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 35 and 36.
T. 27 N., R. 29 E.
T. 27 N., R. 30 E.,
Sec. 3, W $\frac{1}{2}$;
Secs. 4 to 36, inclusive.
T. 27 N., R. 31 E.,
Secs. 1 to 3, inclusive;
Sec. 4, E $\frac{1}{2}$;
Secs. 7 to 36, inclusive.
T. 27 N., R. 32, and 33 E.
T. 28 N., R. 28 E.,
Secs. 13, 24, 25, and 36.
T. 28 N., R. 29 E.,
Secs. 1 and 2;
Sec. 3, E $\frac{1}{2}$;
Sec. 10, E $\frac{1}{2}$;
Secs. 11 to 36, inclusive.
T. 28 N., R. 30 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 28 N., R. 32 E.,
Secs. 22 to 26, inclusive;
Secs. 31 to 36, inclusive.
T. 28 N., R. 33 E.,
Secs. 19 and 20;
Secs. 28 to 33, inclusive.

The public lands described above aggregate approximately 134,028 acres.

(C)

U.L. BEND PLANNING UNIT (0103)

T. 22 N., R. 28 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.
T. 22 N., R. 29 E.,
Secs. 1 to 36, inclusive.
T. 22 N., R. 30 E.,
Secs. 2 to 10, inclusive;
Sec. 11, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and W $\frac{1}{2}$;
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
T. 23 N., R. 22 E.,
Portion of township lying south of Bull Creek and east of the Missouri River.
T. 23 N., R. 23 E.,
Portion of Township lying north and east of the Missouri River.
T. 23 N., R. 24 to 29 E., inclusive.
T. 23 N., R. 30 E.,
Secs. 1 to 24, inclusive;
Secs. 26 to 35, inclusive.
T. 23 N., R. 31 E.,
Secs. 1 to 24, inclusive.
T. 23 N., R. 32 E.
T. 23 N., R. 33 E.,
Secs. 1 to 34, inclusive.
T. 24 N., R. 23 E.,
Secs. 9 to 16, inclusive;
Sec. 20, portion lying east of Bull Creek;
Secs. 21 to 28, inclusive;
Secs. 29 and 30, portions lying south and east of Bull Creek;
Secs. 31 to 36, inclusive.
T. 24 N., R. 24 E.,
Sec. 19;
Secs. 30 to 36, inclusive.
T. 24 N., R. 25 E.,
Secs. 28 and 29;
Secs. 31 to 35, inclusive.
T. 24 N., R. 26 $\frac{1}{2}$ E.
T. 24 N., R. 27 E.
T. 24 N., R. 28 E.,
Secs. 1 to 25, inclusive;
Secs. 27 to 36, inclusive.
T. 24 N., R. 29 to 33 E., inclusive.
T. 25 N., R. 26 E.,
Secs. 25 and 36.
T. 25 N., R. 27 E.,
Secs. 28 to 33, inclusive.

The public lands described above aggregate approximately 274,745 acres.

(D)

LITTLE ROCKIES PLANNING UNIT (0108)

T. 25 N., R. 24 E.,
Secs. 1 and 2;
Secs. 3 and 10, portions lying east of Fort Belknap Indian Reservation;
Secs. 11 to 14, inclusive;
Secs. 15 to 17, inclusive, portions lying south and east of Fort Belknap Indian Reservation;
Secs. 21 to 28, inclusive;
Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$;
Sec. 34, N $\frac{1}{2}$;
Sec. 35, N $\frac{1}{2}$;
Sec. 36, N $\frac{1}{2}$.
T. 25 N., R. 25 E.,
Secs. 2 and 3, portions lying west of Fort Belknap Indian Reservation;
Secs. 4 to 9, inclusive;
Secs. 10 and 15, portions lying west of Fort Belknap Indian Reservation;
Secs. 16 to 20, inclusive;
Sec. 21, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Secs. 29 and 30;
Sec. 31, NW $\frac{1}{4}$.
T. 26 N., R. 24 E.,
Portion of township lying south and east of Fort Belknap Indian Reservation.
T. 26 N., R. 25 E.,
Portion of township lying south and west of Fort Belknap Indian Reservation.

The public lands described above aggregate approximately 27,404 acres.

(E)

ALKALI PLANNING UNIT (0133)

T. 25 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Sec. 12.
T. 25 N., R. 28 E.,
Secs. 1 to 8, inclusive.
T. 26 N., R. 26 E.,
Sec. 1;
Sec. 2, lots 1, 2, 4, 5, and 6, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 11, portion lying east of Fort Belknap Indian Reservation;
Secs. 12 and 13;
Sec. 14, portion lying east of Fort Belknap Indian Reservation;
Sec. 23, lots 1, 2, and 3, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24;
Sec. 25, N $\frac{1}{2}$;
Sec. 26, N $\frac{1}{2}$.
T. 26 N., R. 27 E.,
Secs. 1 to 28, inclusive;
Sec. 29, N $\frac{1}{2}$;
Sec. 30, N $\frac{1}{2}$;
Secs. 33 to 36, inclusive.
T. 26 N., R. 28 E.,
Secs. 3 to 10, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 36, inclusive.
T. 27 N., R. 26 E.,
Sec. 1, portion lying east of Fort Belknap Indian Reservation;
Secs. 12 and 13;
Secs. 14 and 23, portions lying east of Fort Belknap Indian Reservation;
Secs. 24 and 25;
Sec. 26, portion lying east of Fort Belknap Indian Reservation;
Sec. 35, lots 1, 2, and 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36.
T. 27 N., R. 27 E.
T. 27 N., R. 28 E.,
Secs. 2 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 34, inclusive.

- T. 27 N., R. 30 E.,
Secs. 1 and 2;
Sec. 3, E $\frac{1}{2}$.
- T. 27 N., R. 31 E.,
Sec. 4, W $\frac{1}{2}$;
Secs. 5 and 6.
- T. 28 N., R. 26 E.,
Portion of township lying east of Fort
Belknap Indian Reservation.
- T. 28 N., R. 27 E.
- T. 28 N., R. 28 E.,
Secs. 1 to 12, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
- T. 28 N., R. 29 E.,
Sec. 3, W $\frac{1}{2}$;
Secs. 4 to 9, inclusive;
Sec. 10, W $\frac{1}{2}$.
- T. 28 N., R. 30 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
- T. 28 N., R. 31 E.
- T. 28 N., R. 32 E.,
Secs. 1 to 21, inclusive;
Secs. 29 and 30.
- T. 28 N., R. 33 E.,
Secs. 1 to 18, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34 to 36, inclusive.
- T. 29 N., R. 27 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
- T. 29 N., R. 28 to 33 E., inclusive.
- T. 30 N., R. 32 E.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 26, 35, and 36.
- T. 30 N., R. 33 E.
- T. 30 N., R. 34 E.,
Secs. 4 to 8, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 30, inclusive.
- T. 31 N., R. 32 E.,
Secs. 25 and 36.
- T. 31 N., R. 33 E.,
Sec. 3, SW $\frac{1}{4}$;
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ and SW $\frac{1}{4}$;
Secs. 9 to 11, inclusive;
Secs. 14 to 17, inclusive;
Sec. 18, E $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$;
Secs. 19 to 36, inclusive.
- T. 31 N., R. 34 E.,
Secs. 19 and 20;
Secs. 29 to 32, inclusive.

The public lands described above aggregate approximately 61,326 acres.

The public lands described above in A, B, C, D, and E aggregate approximately 707,672 acres.

5. 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 Section 2411.2c. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

EDWIN ZADLITZ,
State Director.

[P.R. Doc. 70-8068; Filed, June 24, 1970;
8:50 a.m.]

[OR 1579]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 19, 1970.

Notice of Forest Service, U.S. Department of Agriculture application, OR

1579, for withdrawal and reservation of lands for recreation and scenic areas and land needed for seed production, was published as P.R. Doc. No. 67-4630, on page 6528 of the issue for April 27, 1967. The applicant agency has canceled its application insofar as it affects the following described land. Therefore, pursuant to the regulations contained in 43 CFR Part 2091, such land at 10 a.m. on July 27, 1970, will be relieved of the segregative effect of the above-mentioned application.

WILLAMETTE MERIDIAN
SISKIYOU NATIONAL FOREST
Deer Creek Campground

T. 38 S., R. 8 W.,
Sec. 18, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates about 40 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[P.R. Doc. 70-8069; Filed, June 24, 1970;
8:50 a.m.]

[Serial No. U 8151]

UTAH

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR, Parts 2410 and 2411, the public lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the revised statutes as amended (43 U.S.C. 1171). The lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, except as noted in paragraph 3 below. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those administered by the Bureau of Land Management in Beaver and northern Iron counties, Utah, bounded on the north by the Beaver-Millard County line, on the west and south by the Nevada State line and the boundary between the Fillmore and Cedar City BLM districts, and on the east by the Fishlake National Forest boundary. Public domain lands within the area described aggregate approximately 1,097,888 acres.

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

SALT LAKE MERIDIAN, UTAH

NORTH CREEK RECREATION SITE

T. 28 S., R. 6 W.,
Sec. 29, lots 5, 6, and 7.

RANCH CANYON NO. 2 RECREATION SITE

T. 28 S., R. 9 W.,
Sec. 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

ROCK CORRAL RECREATION SITE

T. 28 S., R. 9 W.,
Sec. 14, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$.

CHARCOAL KILNS RECREATION SITE

T. 28 S., R. 15 W.,
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

WILLOW SPRINGS NO. 1 RECREATION SITE

T. 29 S., R. 15 W.,
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

CHARCOAL KILNS RECREATION SITE

T. 29 S., R. 15 W.,
Sec. 9, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

ROSE CANYON RECREATION SITE

T. 29 S., R. 16 W.,
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

WILLOW SPRINGS NO. 2 RECREATION SITE

T. 29 S., R. 16 W.,
Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

MINERSVILLE RESERVOIR RECREATION SITE

T. 30 S., R. 9 W.,
Sec. 1, lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$);
Sec. 2, That part west of Minersville Reservoir within NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

INDIAN PEAK

T. 30 S., R. 18 W.,
Sec. 3, that part of NE $\frac{1}{4}$ SE $\frac{1}{4}$ within
Fillmore BLM District.

PINON-JUNIPER STUDY AREA

T. 30 S., R. 15 W.,
Sec. 7, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
T. 30 S., R. 16 W.,
Sec. 13, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The areas described aggregate 1,276.94 acres.

4. Several comments were received following publication of a notice of proposed classification in the FEDERAL REGISTER of April 9, 1970 (35 F.R. 5832), and at the public hearing which was held at Beaver, Utah, on April 16, 1970. All comments were carefully considered in the light of the law and regulations, and as a result a modification was made in the classification; the mineral segregation was eliminated on Golden Reef, Frisco Peak, and Ranch Canyon No. 1 Recreation Sites. The change is reflected in paragraph 3 of this notice. Maps depicting these lands and the record showing the comments received and other information are on file and may be viewed at the Bureau of Land Management District Office, 10 East 5th North, Fillmore, Utah; and the State Office, Federal Building, 125 South State Street, Salt Lake City, Utah.

5. For a period of 30 days from date of publication of this notice of classification 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). During this 30-day period interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

R. D. NIELSON,
State Director.

[F.R. Doc. 70-8025; Filed, June 24, 1970;
8:47 a.m.]

Office of the Secretary

THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE, NEW YORK

Notice of Establishment

Whereas, the Act of November 2, 1966 (80 Stat. 1101), grants to the Secretary of the Interior, authority to acquire the property known as the Ansley Wilcox House and to provide for the operation and maintenance, at no expense to the United States, of such property as a national historic site, and

Whereas, section 2(a) of the act provides for establishment of the property described in section 3 of the act as a national historic site in Federal ownership when commitments have been obtained for donations of funds or services in an amount, which in the judgment of the Secretary is sufficient to complete restoration of the property and to operate and maintain it for public benefit, and

Whereas, the requirements of section 2 of the act have been met, and the real property described in section 3 of the act has been acquired by the United States.

Now, therefore, the real property described in section 3 of the Act of November 2, 1966 (80 Stat. 1101), is hereby established as the Theodore Roosevelt Inaugural National Historic Site.

Dated: June 18, 1970.

WALTER J. HICKEL,
Secretary of the Interior.

[F.R. Doc. 70-8031; Filed, June 24, 1970;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

MARKET ADMINISTRATOR

Amended Designation

Pursuant to (1) the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C., 601 et seq.), (2) the applicable provisions of the order, as amended, regulating the handling of milk in the Middle Atlantic marketing area (merger of the former Delaware Valley, Washington, D.C., and Upper Chesapeake Bay milk orders, and (3) the delegation of authority to the undersigned (30 F.R. 6697), the amended designation effective March 1, 1969, as amended by the pay adjustment effective December 28, 1969, of said Edward L. St. Clair, market administrator, is hereby further amended to reflect the changes herein:

The said Edward L. St. Clair shall:

1. Perform the duties and exercise the powers provided for the market administrator by the Middle Atlantic order subject to the supervision of the Secretary of Agriculture or his duly authorized representative.

2. Be entitled for his services as market administrator to a salary at the rate of \$27,541 per annum.

This amended designation shall become effective as of 12:01 a.m., e.d.s.t., on August 1, 1970.

Done at Washington, D.C., this 16th day of June 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70-8060; Filed, June 24, 1970;
8:49 a.m.]

MARKET ADMINISTRATOR

Termination of Designation and of Subsequent Amended Designations

Pursuant to (1) the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C., 601 et seq.), (2) the applicable provisions of the order, as amended, regulating the handling of milk in the Delaware Valley marketing area and (3) the delegation of authority to the undersigned (30 F.R. 6697), the designation effective July 1, 1954, and subsequent amended designations of Louis S. Iverson market administrator under the said order are terminated effective as of 11:59 p.m., e.d.s.t., on July 31, 1970.

Such termination shall not relieve the said market administrator or the surety on his bond of any liability incurred prior to the effective time of this termination under any bond executed by the said market administrator and his surety pursuant to said designation.

Done at Washington, D.C. this 16th day of June 1970.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 70-8051; Filed, June 24, 1970;
8:49 a.m.]

Office of the Secretary

MONROE RESERVOIR AND CANNEL- TON LOCKS AND DAM, IND.

Joint Order Interchanging Adminis- trative Jurisdiction of Department of the Army Lands and National Forest Lands

CROSS REFERENCE: For a document issued jointly by the Department of Agriculture and the Department of Defense concerning interchanging administrative jurisdiction of Department of the Army lands and National Forest lands, see F.R. Doc. 70-8073, Department of Defense, Department of the Army, *supra*.

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

CALIFORNIA STATE POLYTECHNIC COLLEGE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

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

Docket No. 70-00730-33-46500. Applicant: California State Polytechnic College, 3801 West Temple Avenue, Pomona, Calif. 91766. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used to make thin sections of biological materials for observation and study in an electron microscope. Senior project students, Master's Degree candidates, cytology students, and some faculty will use the ultramicrotome for serial sectioning. Application: received by Commissioner of Customs: May 19, 1970.

Docket No. 70-00732-33-46500. Applicant: Columbia University, College of Physicians and Surgeons, 630 West 168th Street, New York, N.Y. 10032. Article: Ultramicrotome, Model 4800A, and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to cut thin sections from pathological biopsies, immune precipitates, and bacteria to study under the electron microscope. The materials to be examined include pathological biopsy materials from patients with collagen diseases, blood and urine specimens, immune precipitates which are contained in agar and agarose, bacteria, and deoxyribonucleo-protein preparations. Application received by Commissioner of Customs: May 21, 1970.

Docket No. 70-00733-33-46500. Applicant: University of Wisconsin, 518 SML,

470 N. Charter Street, Madison, Wis. 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research and also by selected graduate students in the study of ultrastructure. One investigation concerns animal experiments directed to characterizing the agent, elucidating the pathogenesis, and determining the host range of the disease called Transmissible Mink Encephalopathy.

Another project is to obtain brain tissues either from fresh autopsy material or by biopsy from children or adults with "degenerative" brain diseases and to subject these to studies in the electron microscope in the search for direct or indirect evidence of viral infection. Application received by Commissioner of Customs: May 21, 1970.

Docket No. 70-00734-33-46500. Applicant: Michigan State University, Center for Laboratory Animal Resources, 127D Giltner Hall, East Lansing, Mich. 48823. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research on a comparative study of placental membranes, involving descriptions of the vascular patterns and relationship between the maternal and fetal circulation. Investigations on placental vasculature requires serial sectioning and reconstructing three-dimensional ultrastructure for electron microscopy. Application received by Commissioner of Customs: May 21, 1970.

Docket No. 70-00737-88-46070. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, Calif. 90024. Article: Scanning Electron microscope, Model JSM-2, and Accessories. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for instruction and thesis research for graduate students, postdoctoral students, and undergraduate majors in paleobotany, botany, zoology, paleontology, mineralogy, geochemistry, and related sciences. It will also be used as a research instrument for Geology, Botany, and Zoology faculty projects. Areas of study include the ultrastructure of Precambrian, Paleozoic, and younger microfossils; study of lunar rock and dust samples; and a study of microfossils from subsurface and deep-sea sediments of various ages to identify and correlate strata containing such organisms. Application received by Commissioner of Customs: May 22, 1970.

Docket No. 70-00738-63-46070. Applicant: University of Illinois at Chicago Circle, 601 South Morgan Street, Chicago, Ill. 60607. Article: Scanning Electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for an investigation of plant micro- and macrofossils preserved in petrifications (coal balls) collected in southern Illinois and eastern Kentucky since 1964. Other investigations on taxonomic and biostratigraphic research have been in progress since 1965.

New projects are planned dealing with fossil plant material in order that comparisons can be made with living plant representatives. Application received by Commissioner of Customs: May 25, 1970.

Docket No. 70-00740-33-46040. Applicant: University of Hawaii School of Medicine, Department of Anatomy, 1951 East-West Road, Honolulu, Hawaii 96822. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research on the morphology of the uterus; membrane formation and fusion phenomenon; differentiation of uterine stromal cells; and to study the morphology of membrane interaction between sperm and egg. Electron microscopy will be taught to graduate students and postdoctoral fellows. Application received by Commissioner of Customs: May 25, 1970.

Docket No. 70-00741-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for studies of the visual part of the cortex of the monkey and cat brain and for studies of nerve cell ganglia of small animals such as leech and lobster, on which physiological studies are being done. These two projects are to be conducted by different groups of people, who will have to learn electron microscopy as quickly as possible. Application received by Commissioner of Customs: May 26, 1970.

Docket No. 70-00742-33-46040. Applicant: University of Florida, College of Medicine, Department of Ophthalmology, Gainesville, Fla. 32601. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for an ultrastructural study of human cornea and studies on the canal of Schlemm and trabecular meshwork in human eyes. Trainees in the Department of Ophthalmology will use the electron microscope for ultrastructure studies as part of their research projects on the eye. They will be allowed only a short time in which to become familiar with the operation of the article, thus a simple electron microscope is of prime importance. Application received by Commissioner of Customs: May 26, 1970.

Docket No. 70-00743-33-77030. Applicant: University of Wisconsin, McArdle Laboratory, Madison, Wis. 53706. Article: NMR Spectrometer, Model R-12A. Manufacturer: Perkin-Elmer Ltd., United Kingdom. Intended use of article: The article will be used for the study of organic compounds and the nuclear magnetic resonance of the protons in the compounds will be determined. In the course of the applicant's research, new chemical compounds as potential drugs to be used for the treatment of cancer are constantly synthesized. Also, new metabolites of carcinogenic (cancer-producing) chemicals are isolated and their structures determined, often only very small quantities are available. Applica-

tion received by Commissioner of Customs: May 26, 1970.

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

[F.R. Doc. 70-8001; Filed, June 24, 1970;
8:45 a.m.]

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

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

Docket No. 70-00747-00-70000. Applicant: Environmental Science Services Administration, National Environmental Satellite Center, Washington, D.C. 20233. Article: Optical Interference Filters (Infrared). Manufacturer: Grubb-Parsons and Co. Ltd., United Kingdom. Intended use of article: The filters are to be used on an infrared temperature profile radiometer for the NIMBUS E weather satellite. Application received by Commissioner of Customs: May 27, 1970.

Docket No. 70-00748-67-46070. Applicant: The George Washington University, School of Engineering, Thompsons Hall, 725 23d Street NW., Washington, D.C. 20006. Article: Scanning Electron Microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for research concerned with the micromechanisms of the initiation of fatigue damage in the surface of cyclically strained metal specimens and, in particular, with the effect of the surface layer produced during cyclic straining on the fatigue damage initiation process through reaction with the environment and contamination with interstitial atoms such as C, N, and O.

Application received by Commissioner of Customs: May 27, 1970.

Docket No. 70-00749-33-46040. Applicant: Wabash College, Crawfordsville, Ind. 47933. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research on the high resolution ultrastructural comparison of nurse cell nucleoli from wild type and mutant *Drosophila melanogaster*. A series of projects will be carried out by members of the biology staff and undergraduates working with them. None have had any training in electron microscopy and the ease by which they may be trained on the article will greatly facilitate their research program. Also, biology majors will be trained in electron microscopy.

Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00750-33-43780. Applicant: The Johns Hopkins University; Purchasing Department, Charles and 34th Streets, Baltimore, Md. 21218. Article: Flexible bronchofibroscope, Model PBS-L4. Manufacturer: Manabu Medical Instruments Co., Ltd., Japan. Intended use of article: The article will be used to identify and exactly localize small, early, developing cancers of the lung and to remove cellular and tissue fragments for microscopic examination and diagnosis of the state of health or disease in the lung. Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00751-33-46040. Applicant: Illinois Institute of Technology, Technology Center, Chicago, Ill. 60616. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used primarily for educational purposes for undergraduate and graduate students in courses in biology, cell physiology, and cell biology. Predissertation research concerns the characterization and changes in ultrastructure of cells (rat liver mucosal cells of rat jejunum) correlated with changes in oxidative activity and the interactions of molecular aggregates of contractile proteins. Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00752-33-46040. Applicant: Saint Louis University School of Medicine, 1402 South Grand, St. Louis, Mo. 63117. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for diagnostic and investigational purposes on a variety of specimens from patients with disease and for studies of various experimental models of human disease as a means toward a better understanding of etiology, pathogenesis and control. Research concerns diagnostic studies of human renal and hepatic biopsies; studies of the incidence of viruses in human tumors; and studies of the ultrastructure of hybrid cells and the relationship of chromosomal content to structure and function. Application received by Commissioner of Customs: May 28, 1970.

Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00753-33-46040. Applicant: University of California, Irvine, California College of Medicine, Irvine, Calif. 92664. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for research projects investigating the regeneration, dedifferentiation, and migration of traumatized surface epithelial cells in fundic stomach of the rabbit; the metaplasia of connective cells following gastro-omentoplasty in the rabbit; the autoradiography of dendritic spines following induction of labeled amino acid (cat); and the mitochondrial response of cardiac muscle subjected to various periods of anoxia (dog). Graduate students and medical students will use the electron microscope as a training instrument. Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00754-33-46040. Applicant: Duke University Medical Center, Department of Pathology, Durham, North Carolina 27706. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used primarily in three courses offered by the Department of Pathology. "Applied Instrumentation" will emphasize the theory and application of electron microscopy to ultrastructural pathology; "Research in Pathology" is an individual tutorial approach to independent research projects in the field of ultrastructural pathology; and "Cellular and Subcellular Pathology" is a course consisting of lectures, seminars, and demonstrations concerned with alteration in cellular structure and function. Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00755-33-46500. Applicant: Medical College of Ohio at Toledo, Post Office Box 6190, Toledo, Ohio 43614. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for a study of the sites into which exogenous norepinephrine is incorporated and retained in adrenergic nerves. The experiments involve the intravenous administration of radioactively labeled norepinephrine to small mammals, in order that they incorporate the labeled material into adrenergic nerve. Samples of nerve are fixed at suitable time intervals and prepared for electron microscopic study. The instrument will also be used by medical students, and residents, and faculty for preparing ultrathin sections for examination. Application received by Commissioner of Customs: May 28, 1970.

Docket No. 70-00758-33-46500. Applicant: University of Miami Medical School, Bascom Palmer Eye Institute, Post Office Box 875, Biscayne Annex, Miami, Fla. 33152. Article: Ultramicrotome, Model LKB 8800A. Manufacturer:

LKB Produkter AB, Sweden. Intended use of article: The article will be used for ultrathin sectioning for electron microscopic examinations of eye tissue. Studies concern the determination of the kind of cell in the retina that causes a membrane to form in cases of retinal detachment and an investigation to determine the pathologic reactions in papilledema (a sign of brain tumor), optic atrophy, and glaucoma. Application received by Commissioner of Customs: June 1, 1970.

Docket No. 70-00759-33-46040. Applicant: Portland State University, Post Office Box 751, Portland, Ore. 97207. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used for research on mistletoes, which are among the worst pathogens of forest trees, to study the detailed aspects of tissue relations between these parasites and their host. Another project concerns the determination of the ultrastructure of neurosecretory cells, endocrine glands, gonads and sex accessory glands and ducts in the pond snail and in animals subjected to various experimental manipulations. Also, advanced undergraduate students and graduate students will be taught electron microscopy in Biology courses. Application received by Commissioner of Customs: June 1, 1970.

Docket No. 70-00760-01-77030. Applicant: Southern Connecticut State College, 501 Crescent Street, New Haven, Conn. 06515. Article: NMR spectrometer, Model R-20A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as an instructional tool and for graduate and faculty research. Experiments concern substituent effects in fluorinated ureas, internal rotational barriers in fluorinated amides and substituent effects in dichloroacetates. Application received by Commissioner of Customs: June 1, 1970.

Docket No. 70-00761-01-77040. Applicant: University of California, Lawrence Radiation Laboratory, 7000 East Avenue, Livermore, Calif. 94550. Article: Mass spectrometer, Model CH-5. Manufacturer: Varian MAT, West Germany. Intended use of article: The article will be used as a qualitative and quantitative tool for the determination of light isotope concentration. Accurate concentrations analysis of certain species (He^+ , He^+ , H_2^+ , HD^+ and D_2^+) are necessary in order to study the kinetics and reaction mechanism of light isotope exchanges involving inorganic and organic compounds. Compatibility of materials with various parameters and subsequent gas analysis is the main concern. Application received by Commissioner of Customs: June 1, 1970.

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

[F.R. Doc. 70-8002; Filed, June 24, 1970; 8:45 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. 70-00488-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Hip joint replacement, three each. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The article is intended to 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 at 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 polyethylene 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 W. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Admin-
istration.

[P.R. Doc. 70-8003; Filed, June 24, 1970;
8:45 a.m.]

STANFORD UNIVERSITY ET AL. Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry

of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

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

Docket No. 70-00763-00-77040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Polarized ion source components. Manufacturer: Auckland Nuclear Accessory Co., Ltd., New Zealand. Intended use of article: The article will be used to study those "spin dependent" effects of nuclear forces and those properties of nuclear states which cannot be investigated properly, or in sufficient detail, or with enough resolution, when using a conventional unpolarized ion source. The Department of Physics will use the article for research and education of graduate students. Application received by Commissioner of Customs: June 1, 1970.

Docket No. 70-00764-00-77040. Applicant: University of California, San Francisco Medical Center, Purchasing Department, 1438 South 10th Street, Richmond, Calif. 94804. Article: Water-cooled electron bombardment source. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article will be used as a spare source for a mass spectrometer (MS 902). Application received by Commissioner of Customs: June 2, 1970.

Docket No. 70-00765-65-46070. Applicant: University of Florida, Department of Metallurgical and Materials Engineering, Gainesville, Fla. 32601. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for educational and research purposes. Metallurgical and materials engineering studies concern the morphology of reaction of product surfaces from aqueous and high temperature corrosion and oxidation reactions and the fracture surfaces of metals, ceramics, composite structure, and fibers. Life sciences studies include cell wall surfaces in Streptococci; plant tissues; bone structures, tissues of humans and other mammals, and micropaleontology. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00766-01-77030. Applicant: University of North Carolina, Chapel Hill, N.C. 27514. Article: NMR spectrometer, Model JNM-C-60HL. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used to study nitrogen and sulfur heterocycles; relatively long-lived carbonium ions; and amines, amino acids, polyaminocarboxylic acids and their metal complexes. The properties, structures and stability of these materials will be investigated. Application received by Commissioner of Customs: June 2, 1970.

Docket No. 70-00767-10-46040. Applicant: Arizona State University, Tempe, Ariz. 85281. Article: Electron microscope, Model JEM-100. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used for the studies of the contrast of the details of images of crystal lattices obtained with the best attainable resolution; the development of methods for investigating the structures and defects of crystals; and for studies of the information obtainable in high-resolution microscopy of biological materials. Application received by Commissioner of Customs: June 2, 1970.

Docket No. 70-00769-60-46500. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Ultramicrotome, Model LKB 4800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in research that is concerned with the structure and ultrastructure of native Missouri woods, primarily those which are used in Missouri's wood-using industries. Experiments will be conducted on light reflectance properties of the thin sections. Ultrathin sections will be studied to ascertain the extent of natural defects within the woody tissue, to compare heartwood and sapwood zones, and to compare sections taken from pith to bark within the woody plant. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00770-33-46500. Applicant: Stanford University, Purchasing Department, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used for studies of metabolic disorders of the central nervous system in man and in tissue culture system models; of the formation and destruction of myelin in myelinating tissue culture; and of cytological changes induced in human brain tumors and normal central nervous system elements in tissue culture systems by antibiotic agents and the processes of cellular differentiation and stromal induction in these tumors and cells. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00771-01-77030. Applicant: Midwestern University, 3400 Taft, Wichita Falls, Tex. 76308. Article: NMR Spectrometer, Model R-20. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as an instructional instrument in Instrumental

Analysis and the laboratory part of Organic Chemistry. Instrumental Analysis is a third year course in chemical instrumentation. The Organic Laboratory is a course in qualitative organic analysis. Both courses are designed to train chemistry students in the use and application of modern instrumentation as an analytical tool. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00772-33-46040. Applicant: The Regents of the University of California, University of California School of Medicine, Department of Neurosciences, La Jolla, Calif. 92037. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used in a training program in electron microscopy for 12 students who have a total of 20 hours to achieve the goals. Because of the limited time a very small amount of it is available to familiarize each student with the operation of the electron microscope (changing specimen, turning on high voltage and filament, changing magnification, scanning the specimen grid, focusing, taking pictures and operating the vacuum system). During the course the emphasis is on specimen preparation and interpretation of electron micrographs related to specific applications. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00768-33-46500. Applicant: Veterans Administration Hospital, Medical Research Laboratories, Clairmont Road NE, Post Office Box 29457, Atlanta, Ga. 30329. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section lung, kidney, stomach, and heart. These materials are to be investigated for characteristic changes in arteries, arterioles, capillaries, muscle cells, epithelial elements and other ultrastructural alterations incident to experimental insult or disease, in order to determine pathological changes and effects of therapeutic modalities. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00773-33-11700. Applicant: American Health Foundation, 180 East End Avenue, New York, N.Y. 10028. Article: Automatic smoking machine, Model RM 20/68. Manufacturer: Heintz, Borgwaldt, West Germany. Intended use of article: The article will be used for scientific chemical and biological examinations of tobacco and tobacco smoke for research in tobacco carcinogenesis. Application received by Commissioner of Customs: June 3, 1970.

Docket No. 70-00774-63-46500. Applicant: North Carolina State University, Raleigh, N.C. 27607. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used to consistently produce thin sections for research involving the fungus *Glomerella magna* in which electron microscope techniques will be coordinated with biochemical, physiological, cytological, genetical and host-parasitic interaction studies in an attempt to under-

stand gene regulation in a multicellular organism. Application received by Commissioner of Customs: June 4, 1970.

Docket No. 70-00775-33-46500. Applicant: Harbor General Hospital, Attending Staff Association, 1000 West Carson Street, Torrance, Calif. 90509. Article: Ultramicrotome, Model LKB 4800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for serial sectioning of the reproductive organs of experimental animals as well as of spermatozoa and ova which are contained in the lumen of these organs. This material will be studied in order to investigate in detail the ultrastructural features of the processes of mammalian fertilization. Application received by Commissioner of Customs: June 4, 1970.

Docket No. 70-00777-01-11000. Applicant: University of Pittsburgh, Department of Chemistry, 4200 Fifth Avenue, Pittsburgh, Pa. 15213. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for research on the synthesis and reactions of crowded benzenes; conformational analysis of peptides; studies in diazonium ion decompositions and organocopper chemistry; studies in the synthesis of antitumor natural products and steroids; and for studies in blotin activity. Students from all levels from undergraduate to post-doctoral fellows will use the instrument in chemistry courses and for their research. Application received by Commissioner of Customs: June 4, 1970.

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

[F.R. Doc. 70-8000; Filed, June 24, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 654]

CERTAIN ANTICHOLINESTERASE DRUGS FOR OPHTHALMIC USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anticholinesterase drugs for ophthalmic use:

1. Echothiophate iodide, marketed as Phospholine Iodide, 3.0, 6.25, and 12.5 mg. per 5 ml., by Ayerst Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 11-963).

2. Isoflurophate, marketed as Floropryl Ophthalmic Ointment, 0.25 mg. per Gm., by Merck & Co., Inc., Rahway, N.J. 07065 (NDA 10-656).

3. Isoflurophate, marketed as Floropryl Solution, 1 mg. per ml., by Merck & Co., Inc. (NDA 6-658).

4. Demecarium bromide, marketed as Humorsol Ophthalmic Solution, 1.25 and 2.5 mg. per ml., by Merck & Co., Inc. (NDA 11-860).

5. Neostigmine bromide, 50 mg. per ml., marketed as Prostigmin Ophthalmic Solution, by Roche Laboratories, Division of Hoffmann-La Roche, Inc., Roche Park, 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 654).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

I. *Ecothiophate iodide; demecarium bromide; isoflurophate*—A. *Effectiveness classification*. 1. The Food and Drug Administration concludes that these drugs are effective in the management of accommodative esotropia; glaucoma of the open angle type; conditions obstructing aqueous outflow, such as synechial formation, which are amenable to miotic therapy; and following iridectomy.

B. *Form of drug*. Echothiophate iodide preparations are in the form of a sterile powder suitable for preparing a solution; demecarium bromide preparations are in the form of sterile, aqueous solutions; isoflurophate preparations are in ointment or sterile oleaginous liquid form. Each preparation is suitable for ophthalmic administration.

C. *Labeling conditions*. 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription" and a statement that the drug is or is not sterile.

2. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of such drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling is as follows:

INDICATIONS

Glaucoma of the open-angle type; conditions obstructing aqueous outflow such as synechial formation, which are amenable to miotic therapy; and following iridectomy. Accommodative esotropia.

D. *Marketing status*. Marketing of the drug may continue under the conditions described in items III and IV of this announcement.

II. *Neostigmine bromide*—A. *Effectiveness classification*. 1. The Food and Drug Administration concludes that neostigmine bromide is effective in the management of open angle glaucoma as well as certain categories of the secondary type (e.g., due to peripheral synechias

following cataract surgery); and local treatment of accommodative esotropia.

2. The drug is regarded as probably effective for the following indications: Local treatment of myasthenia gravis confined to extraocular muscles and lids; and, in alternating with a mydriatic drug (such as atropine), to break up adhesions to the iris, lens, and cornea.

B. *Form of drug.* Neostigmine bromide preparations are in sterile solution form suitable for ophthalmic administration.

C. *Labeling conditions.* 1. The label bears that statement "Caution: Federal law prohibits dispensing without prescription" and a statement that the product is sterile.

2. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for the safe and effective use of such drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling is as follows:

INDICATIONS

Glaucoma of the open-angle type; conditions obstructing aqueous outflow, such as synechial formation, which are amenable to miotic therapy.

Accommodative esotropia.

Ptosis and paresis of extraocular muscles due to myasthenia gravis.

Alternating with a mydriatic drug (such as atropine) to break up adhesions to the iris, lens, and cornea.

D. *Claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph II-A2 above as probably effective are included in the labeling conditions in paragraph C and may continue to be used for 12 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Marketing status.* Marketing of the drug may continue under the conditions described in items III and IV of this announcement except that the indications referenced in II-D above may continue to be included in labeling for the period stated.

III. *Previously approved applications.* A. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

1. Revised labeling as needed to conform to the labeling conditions described herein for the drug, and complete current container labeling, unless recently submitted.

2. Updating information as needed to make the application current in regard to item 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbrevi-

ated new-drug applications, section 130.4(f) published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

B. Such supplements should be submitted within the following time periods after the date of publication of this notice in the FEDERAL REGISTER:

1. 60 days for revised labeling—the supplement should be submitted under the provisions of section 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

2. 60 days for updating information. C. *Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs A and B are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in II-D for the period stated.)*

IV. *New applications.* A. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under I-A or II-A (effectiveness classification) should submit an abbreviated new-drug application meeting the conditions specified in regulation 130.4(f) (1) and (2), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein.

B. *Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:*

1. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in II-D for the period stated.)

2. The manufacturer, packer, or distributor of such drug submits within 60 days from the date of this publication, a new-drug application to the Food and Drug Administration.

3. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

4. The application has not been ruled incomplete or unapprovable.

V. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other

than the use provided for in this announcement, appropriate additional information as described in §§ 130.4 and 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number, DESI 654, and be directed to the attention of the following appropriate office and, unless otherwise specified below, be addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original abbreviated new-drug applications: Office of Marketed Drugs (BD-200), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-8011; Filed, June 24, 1970;
8:46 a.m.]

[DESI 9955]

ORAL PROTEOLYTIC ENZYMES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following proteolytic enzyme drugs for oral use:

1. Cytolav capsules, 7,000 N.F. units chymotrypsin; formerly marketed by Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 9-955).

2. Wilzyme enteric coated tablets, 50,000 units of proteolytic activity (approximately 3 to 1 ratio of trypsin activity to chymotrypsin activity); marketed by the Wilson Laboratories, 4221 South Western Boulevard, Chicago, Ill. 60609 (NDA 12-724).

3. Orenzyme enteric coated tablets, 68 percent trypsin crystallized, 30 percent chymotrypsin, and 2 percent ribonuclease equivalent in proteolytic activity to 20 mg. of trypsin crystallized;

marketed by the National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Avenue, Philadelphia, Pa. 19144 (NDA 11-783).

4. Papase tablets; proteolytic enzymes extracted from Carica papaya equivalent to 10,000 units enzyme activity; marketed by Warner-Chilcott Laboratories Division, Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 12-293).

5. Avazyme enteric coated tablets, 20 mg. chymotrypsin; marketed by Wampole Laboratories, 35 Commerce Road, Stamford, Conn. 06902 (NDA 12-626).

6. Chymar Buccal tablets, 10,000 N.F. units chymotrypsin; marketed by Armour Pharmaceutical Co. (NDA 11-908).

7. Ananase enteric coated tablets, containing bromelain equivalent to 50,000 units enzyme activity; marketed by William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, Pa. 19034 (NDA 12-527).

8. Chymoral enteric coated tablets, trypsin and chymotrypsin equivalent to 50,000 units enzyme activity; marketed by Armour Pharmaceutical Co. (NDA 12-178).

9. Buclamase tablets, 10 mg. alpha amylase; marketed by Rystan Co., 117 Mount Vernon Avenue, Mount Vernon, N.Y. 10550 (NDA 12-118).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. The Food and Drug Administration has considered the Academy reports and concludes that:

1. These proteolytic enzyme drugs are possibly effective for diagnostic gastric lavage and for relieving symptomatology related to epistomomy.

2. These proteolytic enzyme drugs lack substantial evidence of effectiveness for all other claims for prevention, reduction, or resolution of inflammation, edema, and pain in specifically enumerated conditions related to accidents, dentistry, dermatology, genitourinary diseases, obstetrics, gynecology, respiratory tract diseases, surgery, infections, otorhinolaryngology, gastrointestinal disorders, and connective tissue disorders.

B. Marketing status. 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for these drugs is requested to submit a supplement to his application to provide for labeling which deletes those indications for which the drug has been classified as lacking substantial evidence of effectiveness as described in paragraph A-2 above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. The labeling of any such preparations on the market without an approved new-drug application should be revised if such labeling includes those indications for which the drug has been classified as lacking substantial evidence of effectiveness as described in paragraph A-2 above. Failure to delete such indications and put the revised labeling into use within 60 days after the publication date of this announcement in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of these reports by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9955 and be directed to the attention of the following appropriate office and, unless otherwise specified, addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC reports: Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-8014; Filed, June 24, 1970;
8:46 a.m.]

[DESI 6566]

OXANAMIDE AND CERTAIN OTHER DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

A. Preparation containing oxanamide: Quinactin tablets, 400 milligrams oxanamide per tablet; The William S. Merrell Co., Division Richardson Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 10-811).

B. Preparation containing ectylurea: Levanil tablets, 300 milligrams ectylurea per tablet; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 11-577).

C. Preparations containing chlormezanone:

1. Trancopal caplets, 100 milligrams or 200 milligrams chlormezanone per tablet (NDA 11-467);

2. Fenarol tablets, 100 milligrams or 200 milligrams chlormezanone per tablet (NDA 11-724);

3. Trancoprin tablets, 50 milligrams chlormezanone and 300 milligrams aspirin per tablet (NDA 12-188); and

4. Tranco-gesic tablets, 100 milligrams chlormezanone and 300 milligrams aspirin per tablet (NDA 12-188); all marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.

D. Preparations containing mepheno-oxalone:

1. Lenetran tablets, 400 milligrams mepheno-oxalone per tablet; Lakeside Laboratories, Division of Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, Wis. 53201 (NDA 13-261).

2. Trepidone tablets, 400 milligrams mepheno-oxalone per tablet; Lederle Laboratories Division, American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965 (NDA 12-471).

E. Preparation containing benactyzine hydrochloride: Suavitil tablets, 1 milligram benactyzine hydrochloride per tablet; Merck, Sharp and Dohme, Division Merck & Co., Inc., West Point, Pa. 19486 (NDA 10-723).

F. Preparation containing hydroxyphenamate: Listica tablets, 200 milligrams hydroxyphenamate per tablet; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 12-658).

G. Preparation containing emylcamate: Striatran tablets, 200 milligrams emylcamate per tablet; Merck, Sharp & Dohme (NDA 12-349).

H. Preparations containing methocarbamol:

1. Robaxin tablets, 500 milligrams methocarbamol per tablet (NDA 11-011);

2. Robaxin-750 tablets, 750 milligrams methocarbamol per tablet (NDA 11-011); and

3. Robaxin Injectable, 100 milligrams methocarbamol per milliliter (NDA 11-790); all marketed by A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220.

I. Preparations containing orphenadrine citrate:

1. Norflex tablets, 100 milligrams orphenadrine citrate per tablet (NDA 12-157); and

2. Norflex Injectable, 60 milligrams orphenadrine citrate per 2 milliliter (NDA 13-055); both marketed by Riker Laboratories, 19901 Nordhoff Street, Northridge, Calif. 91326.

J. Preparations containing mephene-sin or mephensin carbamate:

1. Tolserol tablets, 0.5 gram mephene-sin per tablet (NDA 6-566);

2. Tolserol Elixir, 0.5 gram mephene-sin per 5 milliliter (NDA 6-566);

3. Tolserol Injection, 20 milligrams mephene-sin per milliliter (NDA 6-566);

4. Tolseram tablets, 0.5 gram mephene-sin carbamate per tablet (NDA 9-157); and

5. Tolseram Suspension, 1 gram mephene-sin carbamate per 5 milliliter (NDA 9-157); all marketed by E. R. Squibb & Sons, Inc., Division Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022.

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. Effectiveness classification. 1. The Food and Drug Administration has considered reports of the Academy as well as other available evidence and has concluded that there is a lack of substantial evidence of effectiveness of:

a. Oxanamide for adjunctive therapy in any condition aggravated by emotional factors; and the treatment of emotional conditions that may accompany disease.

b. Ectylurea for use in moderately overactive psychotic patients whose abnormal behavior is due to anxiety and tension.

c. Chlormezanone for use as a relaxant of the striated muscles in spastic and painful conditions of the striated muscles, e.g., lumbago and torticollis and in neurologic conditions, e.g., Parkinson's disease, multiple sclerosis, poliomyelitis, cerebrovascular accidents, "postencephalitic or atherosclerotic syndromes,"

spasticity, and similarly labeled indications; for its tranquilizer action as an adjunct in the treatment of spasm of the colon, gastroduodenal ulcer pain, asthma, angina pectoris, and hyperhidrosis; in cases of obsessive-compulsive neuroses, phobias, and depressive states; in cases of chronic exhaustion, in alcoholism, in ulcer syndrome, and for the alleviation of dysmenorrhea and premenstrual tension; as a nonhypnotic central relaxant and tranquilizer for the treatment of muscle spasm associated with a variety of musculo-skeletal and/or neurologic disorders; and in conditions requiring muscle relaxant action on the basis of a musculo-skeletal etiology, e.g., low back pain, bursitis, rheumatoid arthritis, osteoarthritis, and disc syndrome.

d. Mephnoxalone as adjunctive therapy in premenstrual tension, dysmenorrhea, alcoholism, in patients undergoing the climacteric, patients with psychosomatic disease or with subjective complaints unsubstantiated by objective findings; and as a central nervous system relaxant.

e. Benactyzine in the treatment of psychoneurotic disorders with anxiety reaction and of obsessive-compulsive reaction.

f. Hydroxyphenamate for the relief of and adjunctive use in anxiety and tension states associated with alcoholism, allergy, anxiety and neurosis, bronchial asthma and bronchitis, cardiovascular disease, dermatologic disorders, gastrointestinal disorders, headache due to tension, obstetric and gynecologic disorders, surgery and trauma.

g. Emyleamate for the relief of anxiety and nervous tension, restlessness, tremor, and irritability in alcoholics; in psychoses; as a tranquilizer and muscle relaxant in the symptomatic treatment of a variety of psychosomatic and psychoneurotic disorders; and as an adjunct in the management of patients with fractures, sprains, skeletal-muscle strain, myalgia, and myositis.

h. Methocarbamol in the treatment of acute skeletal muscle hyperactivity secondary to chronic neurologic disorders, e.g., parkinsonism, cerebrovascular accidents, multiple sclerosis, and cerebral palsy.

i. Mephensin in oral form for skeletal muscle spasm associated with certain neurologic disorders (hemiplegia, paraplegia, diplegia, parkinsonism, cerebral palsy, multiple sclerosis, facial tic, Huntington's chorea, petit mal epilepsy, some brain and spinal cord injuries) and as a diagnostic and prognostic agent in these conditions, for the control of abnormal neuromuscular mechanisms responsible for muscle spasm, spasticity, rigidity, tremor, and the dyskinesias; and as an adjunct in drug addiction.

j. Mephensin injectable for the control of abnormal neuromuscular mechanisms responsible for muscle spasm, spasticity, rigidity, tremor, and the dyskinesias; to produce relaxation during examination of spastic patients; in psychotherapy for recall and revelation of painful experiences; to elicit the basic mechanisms underlying changes in acute poliomyelitis and Marie-Strümpell ar-

thritis; and as an adjunct in drug addiction.

k. Mephnesin carbamate for skeletal muscle spasm associated with certain neurologic disorders (hemiplegia, paraplegia, diplegia, parkinsonism, cerebral palsy, multiple sclerosis, facial tic, Huntington's chorea, petit mal epilepsy, some brain and spinal cord injuries) and as a diagnostic and prognostic agent in these conditions; and for the control of abnormal neuromuscular mechanisms responsible for muscle spasm, spasticity, rigidity, tremor, and the dyskinesias.

2. The drugs listed in this announcement are regarded as possibly effective for their labeled indications other than those indications described in paragraph A-1.

B. Marketing status. 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for those drugs listed in A-1 above (effectiveness classification) is requested to submit a supplement to his application to provide for labeling which deletes those indications for which the drug has been classified as lacking substantial evidence of effectiveness as described in that same paragraph above. Such supplements should be submitted under the provisions of section 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. The labeling of any preparation referred to in paragraph A-1 above (effectiveness classification) which is on the market without an approved new-drug application should be revised if such labeling includes those indications for which the drug has been classified as lacking substantial evidence of effectiveness. Failure to delete such indications and put the revised labeling into use within 60 days after the publication date of this announcement in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Holders of previously approved new-drug applications for all drugs described in this notice and persons marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and to submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which these drugs have been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12 (a) (5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical

studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drugs will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of a report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6566 and be directed to the attention of the following appropriate office and, unless otherwise specified, be addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number):
Office of Marketed Drugs (BD-200), Bureau of Drugs.

Original new-drug applications: Office of New Drugs (BD-100), Bureau of Drugs.
All other communications regarding this announcement: Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs.

Requests for NAS-NRC report: Press Relations Staff (CE-200), 200 "C" Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-8012; Filed, June 24, 1970;
8:46 a.m.]

[DESI 10110]

TRYPSIN OR CHYMOTRYPSIN INJECTION AND OINTMENT

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following proteolytic enzyme drugs for injection or topical use:

1. Trypsin Injection containing trypsin crystallized equivalent to 12,500 units of proteolytic activity per ml.; marketed by the Wilson Laboratories, Division of Wilson and Co., Inc., 4221 South Western Avenue, Chicago, Ill. 60609 (NDA 11-883).

2. Chymotrypsin Injection containing chymotrypsin equivalent to 5,000 units of proteolytic activity per ml.; marketed by the Wilson Laboratories (NDA 11-882).

3. Chymar-L Powder for Injection, containing chymotrypsin equivalent to 5,000 N.F. units per vial; marketed by Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 10-992).

4. Parenzyme Aqueous for Injection, containing trypsin crystallized equivalent to 62,500 or 12,500 N.F. units per vial; marketed by the National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Avenue, Philadelphia, Pa. 19144 (NDA 10-522).

5. Chymar Injection in Oil, containing chymotrypsin equivalent to 5,000 N.F. units per ml.; marketed by Armour Pharmaceutical Co. (NDA 10-110).

6. Chymar Aqueous Injection, containing chymotrypsin equivalent to 5,000 N.F. units per ml.; marketed by Armour Pharmaceutical Co. (NDA 11-007).

7. Chymotrypsin Injection containing 5,000 units per ml.; marketed by Chicago Pharmacal Division, Conal Pharmaceuticals, Inc., 5547 North Ravenswood, Chicago, Ill. 60640 (NDA 12-743).

8. Parenzyme Ointment, containing trypsin crystallized equivalent to 5,000 N.F. units per gm., chymotrypsin 6,000 N.F. units per gm., and aminacrine hydrochloride 2 mg. per gm.; formerly marketed by the National Drug Co. (NDA 11-252).

A. Effectiveness classification. The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. Preparations containing trypsin or chymotrypsin for intramuscular injection lack substantial evidence of effectiveness for all their claimed indications, including recommendations for their use for preventing or resolving acute inflammation and edema in a variety of conditions.

2. Topical preparations containing trypsin, chymotrypsin, and aminacrine hydrochloride lack substantial evidence of effectiveness for labeled claims for anti-infective and debriding actions on sloughing and necrotic or infected tissues associated with wounds, burns (second and third degree), and ulcers (decubitus, diabetic, or varicose).

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for these drugs.

Prior to initiating such action, however, the Commission invites the holders of new-drug applications for these drugs, and any interested person who may be adversely affected by removal of these drugs from the market, to submit any pertinent data bearing on the proposal not later than 30 days following the date of publication of this notice in

the FEDERAL REGISTER. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published as a final order in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS-NRC report for the above drugs is made to give notice to persons who might be adversely affected by withdrawal of these drugs from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market offered for these uses to be a new drug for which an approved new-drug application is not in effect, and will make it subject to regulatory action.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10110, and should be directed to the attention of the following appropriate office:

Requests for NAS-NRC report: Food and Drug Administration Press Relations Staff (CE-200), 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Food and Drug Administration, Special Assistant for Drug Efficacy Study Implementation (BD-201), Bureau of Drugs, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: June 9, 1970.

SAM D. FINE,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 70-8015; Filed, June 24, 1970;
8:46 a.m.]

Office of Education

EDUCATION PROFESSIONS DEVELOPMENT

Closing Date for Certain Programs During 1972 Fiscal Year

Notice of establishment of closing date for receipt of letters of interest for certain programs to be conducted during

the Fiscal Year 1972 under the Education Professions Development Act (Public Law 90-35) as amended.

The Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended) provides for programs to improve the quality of education and to help meet critical shortages of adequately trained educational personnel.

Notice is hereby given that in order to be assured of consideration, letters of interest of State and local education agencies and institutions of higher education to participate in new projects under the Education Professions Development Act during the Fiscal Year 1972 must be received in the U.S. Office of Education by September 15, 1970.

New applicants submitting letters of interest in the Teacher Corps (Title V-B-1) and Vocational Education (Title V-F) should do so immediately.

This procedure does not apply to current projects with multiyear clauses in their grant documents. Procedures for reapplying for continuing funding will be announced directly to those concerned.

Basic information is being sent to all professional personnel on the mailing roster of the programs. Further information may be obtained from the Public Information Director, Bureau of Educational Personnel Development, U.S. Office of Education, Washington, D.C. 20202.

Dated: June 19, 1970.

TERREL H. BELL,
Acting U.S. Commissioner
of Education.

[P.R. Doc. 70-8010; Filed, June 24, 1970;
8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR AND DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR METROPOLITAN DEVELOPMENT, FORT WORTH REGIONAL OFFICE

Redelegation of Authority With Respect to Basic Water and Sewer Facilities Grant Program

SECTION A. Authority redelegated. The Assistant Regional Administrator for Metropolitan Development and the Deputy Assistant Regional Administrator for Metropolitan Development, Fort Worth Regional Office, each is authorized to exercise the following authority of the Secretary of Housing and Urban Development under section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102) with respect to the basic water and sewer facilities grant program:

1. To approve applications, authorize grants, and execute grant agreements

involving grants for water and/or sewer facilities.

2. To amend or modify any such grant agreement.

Sec. B. Revocation. The redelegation of authority by the Regional Administrator to the Assistant Regional Administrator and Deputy Assistant Regional Administrator for Metropolitan Development, Region V, Fort Worth, with respect to the basic water and sewer facilities grant program, under section A, 2, of the document published at 32 F.R. 4083, March 15, 1967, is revoked as of the date of publication of this document in the FEDERAL REGISTER.

(Redelegation of authority by Assistant Secretary for Metropolitan Planning and Development effective March 31, 1970, 35 F.R. 8303, May 27, 1970.)

Effective date of redelegation of authority. This redelegation of authority shall be effective as of May 27, 1970.

W. W. COLLINS,
Regional Administrator,
Fort Worth Regional Office.

[P.R. Doc. 70-8067; Filed, June 24, 1970;
8:50 a.m.]

ATOMIC ENERGY COMMISSION

[License 04-13624-01E]

KOLLMORGEN CORP.

Notice of Issuance of Byproduct Material License

Please take notice the Atomic Energy Commission has, pursuant to § 32.22 of 10 CFR Part 32, issued to Kollmorgen Corp., 3000 North Hollywood Way, Burbank, Calif. 91502, License No. 04-13624-01E, which authorizes the distribution of Photo Research Model 1970-PR Spectra Pritchard photometer to persons exempt from the requirements for a license for byproduct material pursuant to § 30.19 of 10 CFR Part 30.

1. The photometer is a precision instrument designed to measure brightness levels. It consists of a phototube assembly, a series of lenses, and associated electronics housed in an aluminum case. A 30-microcurie, krypton-85 source positioned inside the unit behind the phototube functions as a light standard for calibration of the unit.

2. The radioactive krypton-85 gas is contained in Model SK-1001-2 source manufactured by American Atomic Corp.

3. Each exempt unit will bear a label identifying the distributor (Kollmorgen Corp.). Each radioactive source will bear a label which identifies the isotope, activity, date of manufacture, and manufacturer. A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, are available for public inspection at the

Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545.

Dated at Bethesda, Md., June 16, 1970.

For the Atomic Energy Commission,

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[P.R. Doc. 70-8013; Filed, June 24, 1970;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-5211 etc.]

CRYSTAL OIL CO.

Notice of Petition To Amend

JUNE 17, 1970.

Take notice that on February 24, 1970, Crystal Oil Co. (formerly Crystal Oil and Land Co.) filed in Docket No. G-5211, et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets to reflect a change in corporate name from Crystal Oil and Land Co., effective May 15, 1969, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 70-8004; Filed, June 24, 1970;
8:45 a.m.]

[Docket No. RI 70-1717 etc.]

LIVINGSTON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

JUNE 17, 1970.

The respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in appendix A hereof.

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

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

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such

agreements and undertakings shall be deemed to have been accepted.²

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

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

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective Date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-1717..	Livingston Oil Co., Enterprise Bldg., Tulsa, Okla.	10	5	Kansas Nebraska Natural Gas Co., Inc. (Syracuse area, Bradshaw-Wedell Field, Hamilton County, Kans.)	\$30,340	6-1-70	*7-2-70	*7-3-70	*12.5	*13.5	
RI70-1718..	Arthur N. Rupe, d.b.a. Artex Oil Co., 6300 Santa Monica Blvd., Los Angeles, Calif. 90069.	1	*10	Equitable Gas Co., (Lewis County, W. Va.)	3,000	5-18-70	*6-18-70	*6-19-70	*25.0002	*27.1038	
RI-884.....	Perry R. Bass (Operator) et al., 1200 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102	19	1 to 3	Northern Natural Gas Co. (Bass Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	Decrease \$32,882	5-25-70	*11-27-70	Accepted—Subject to refund in RI70-864.	16.5619	*15.8503	RI70-864.
RI70-1719..	Forrest B. Miller (Operator).	13	2	El Paso Natural Gas Co. (Ignacio Blanca Mesa Verde Field, La Plata County, Colo.)	121	6-1-70	*7-2-70	*7-3-70	*14.0	*15.0	RI67-243.
RI70-1720..	Harry C. Boggs, Post Office Box 25, Spencer, W. Va. 25276.	12	*1	United Fuel Gas Co. (Contract No. 6532) (Roane, Calhoun, and Braxton Counties, W. Va.)	7,300	6-3-70	*7-4-70	*7-5-70	27.0	*28.0	

¹ Basic contract dated after Sept. 28, 1960, the date of issuance of general policy No. 61-1.

² The stated effective date is the effective date requested by respondent.

³ The suspension period is limited to 1 day.

⁴ Periodic rate increase.

⁵ Pressure base is 14.65 p.s.i.a.

⁶ Subject to a downward B.I.U. adjustment.

⁷ Includes letter from buyer providing for increase for new gas delivered after May 11, 1970, from new wells on currently dedicated acreage or from old wells drilled deeper or worked over.

⁸ Additional material filed June 3, 1970.

⁹ The stated effective date is the first day after expiration of the statutory notice, or the date of initial delivery, whichever is later.

Arthur N. Rupe doing business as Artex Oil Co. (Rupe) requests that his proposed rate increase be permitted to become effective as of May 11, 1970. Harry C. Boggs (Boggs) requests an effective date of June 14, 1970, for his proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Rupe and Boggs' rate filings and such requests are denied.

The proposed rate increase filed by Rupe is a renegotiated increase for a sale of gas to Equitable Gas Co. in West Virginia. The proposed rate of 27.1038 cents per Mcf is for gas delivered from new wells on existing dedicated acreage or from worked over wells. The basic contract related to the increase is dated after September 28, 1960, the date of

issuance of the Commission's Statement of General Policy No. 61-1 and the proposed rate does not exceed the applicable area initial rate ceiling. Accordingly, we conclude that the proposed increase should be suspended for 1 day from the expiration date of the statutory notice period, or for 1 day from the date of initial delivery of the gas from the new or worked over wells, whichever is later.

The contracts related to the proposed rate increases filed by Livingston Oil Co. (Livingston), Forrest B. Miller (Operator) and Boggs were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas in-

involved. We believe, in this situation, Livingston, Miller, and Boggs' proposed rate filings should be suspended for 1 day from July 2, 1970 (Livingston and Miller), the proposed effective date, and June 14, 1970, the expiration date of the statutory notice.

Perry R. Bass (Operator), et al. (Bass) proposes a rate decrease from 16.5 cents plus applicable tax reimbursement to the quality statement rate of 15.8 cents plus applicable tax reimbursement for a sale of gas to Northern Natural Gas Co. in the Permian Basin Area of Texas. Bass was issued a certificate in Docket No. CI69-904 at a rate of 16.5 cents subject to quality adjustments pursuant to the Permian Opinions. To reflect the increase in Texas production tax from 7.0 percent to 7.5 percent Bass filed an increase from 16.5 cents to 16.5619 cents which became effective

¹⁰ Renegotiated rate increase.

¹¹ Pressure base is 15.325 p.s.i.a.

¹² Converted from 25 cents and 27 cents at a temperature base of 62° F. to a temperature base of 60° F.

¹³ The stated effective date is the date respondent's presently effective rate became effective subject to refund in Docket No. RI70-864.

¹⁴ Decrease to quality statement rate plus tax reimbursement.

¹⁵ Pressure base is 15.025 p.s.i.a.

¹⁶ Includes 1-cent minimum guarantee for liquids.

¹⁷ Includes letter from the buyer providing for the increase.

¹⁸ The stated effective date is the first day after expiration of the statutory notice period.

subject to refund on November 27, 1969, in Docket No. RI70-864. The instant filing amends the original filing in that it reflects the 15.8 cents corrected rate after deducting quality adjustments from the base rate of 16.5 cents and the corrected tax reimbursement calculated on the 15.8 cents quality statement rate. We believe that Bass' proposed rate decrease should be accepted for filing in lieu of the former tax reimbursement increase subject to the existing rate proceeding in Docket No. RI70-864, effective as of November 27, 1969, the date the former increased rate became effective subject to refund in said docket.

[F.R. Doc. 70-8005; Filed, June 24, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Wisconsin Bankshares Corp., Milwaukee, Wis., for approval of acquisition of 80 percent or more of the voting shares of First West Towne National Bank of Madison, Madison, Wis., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Wisconsin Bankshares Corp., Milwaukee, Wis., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of First West Towne National Bank of Madison, Madison, Wis., a proposed new bank.

As required by section 3(bn) of the Act, the Board notified the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on December 13, 1969 (34 F.R. 19684), 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 Statement¹ of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar

day following the date of this order or (b) later than 3 months after the date of this order; and that First West Towne National Bank of Madison shall be opened for business not later than 6 months after the date of this order. The latter time periods may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,
June 18, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8008; Filed, June 24, 1970; 8:45 a.m.]

UNITED VIRGINIA BANKSHARES, INC.

Order Making Determination Under Bank Holding Company Act

In the matter of the application of United Virginia Bankshares, Inc., Richmond, Va., pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 for a determination as to United Virginia Insurance Agency, Inc., a proposed nonbank subsidiary (Docket No. BHC-98).

United Virginia Bankshares, Inc., Richmond, Va., a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), has filed a request for a determination by the Board of Governors of the Federal Reserve System that the activities planned to be undertaken by its proposed nonbank subsidiary, United Virginia Insurance Agency, Inc., are of the kind described in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)) so as to make it unnecessary for the prohibitions of section 4(a) of the Act, respecting the ownership or control of voting shares of nonbanking companies, to apply in order to carry out the purposes of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act, and in accordance with the provisions of §§ 222.4(a) and 222.5(a) of Regulation Y (12 CFR 222.4(a) and 222.5(a)), a hearing was held on these matters on November 6, 1969. On March 12, 1970, the hearing examiner filed his report and recommended decision, a copy of which is appended hereto, wherein he recommended that the Board decline to make the requested determination; Applicant filed exceptions and a brief in support thereof. For the reasons set forth in a Statement¹ of this date, and on the basis of the entire record.

It is hereby ordered, That the activities planned to be undertaken by the

¹ Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Maisel, and Brimmer.

² Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20561, or to the Federal Reserve Bank of Richmond.

proposed subsidiary named hereinabove are determined to be so closely related to the business of banking and of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act: *Provided, however*, That this determination is subject to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the General Counsel of the Board of Governors, June 17, 1970, acting on behalf of the Board pursuant to delegated authority (12 CFR 265.2(b)(2)).

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-8007; Filed, June 24, 1970; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4341]

MACKIE CO.

Notice of Application To Withdraw From Listing and Registration

JUNE 19, 1970.

In the matter of Mackie Co.; common stock, \$1 par value.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Philadelphia-Baltimore-Washington Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The company believes that the concentration of the market solely on the New York Stock Exchange will provide better market ability and liquidity for its common shares and that the withdrawal will eliminate fees and other administrative requirements necessary to maintain its listing and registration on the Exchange. The proposed delisting was approved by shareholders at the company's annual meeting held on February 24, 1970.

Any interested person may, on or before July 8, 1970, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

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. 20561, or to the Federal Reserve Bank of Chicago. Also filed as part of the original document is a Dissenting Statement of Governors Robertson, Maisel, and Brimmer.

For the Commission (pursuant to delegated authority).

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 70-8032; Filed, June 24, 1970;
8:47 a.m.]

[File No. 24D-2069]

UNITED BERYLLIUM INDUSTRIES

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 19, 1970.

I. United Beryllium Industries (Issuer), Post Office Box 11061, 210 Boston Building, Salt Lake City, Utah, a Utah corporation, filed with the Commission on April 29, 1970, a notification on Form 1-A and an offering circular relating to an offering of 3 million shares of its \$.02 par value common stock at \$.10 per share, for an aggregate offering price of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. The officers of the issuer were designated as underwriters of the offering and were to receive no underwriting commission other than reimbursement of the direct sales expenses incurred by the officers in their sales activities, estimated to be 3 percent of the aggregate offering price. On June 1, 1970, the issuer filed a request that its notification under Regulation A be withdrawn.

The Commission has reasonable cause to believe on the basis of information reported to it by its staff that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

(1) The failure to disclose certain contingent liabilities to which the issuer may be subject arising out of the sale of its unregistered securities.

(2) In view of the representations that, to the best knowledge of the management of the issuer, the claims which the issuer has leased are valid claims, and the fact that there is some risk that the title to some of the mining claims leased by the issuer may ultimately be found to be defective, the failure to disclose the defective title to 187 of the 215 claims leased by the issuer in Teller and El Paso Counties, Colo.

(3) In view of the representations that all of the issuer's leaseholds in Colorado arise out of leases of unpatented mining claims, and that the issuer has exercised an option to lease 25 claims in El Paso County, Colo., the failure to disclose that the issuer merely holds an option to lease such 25 claims, which option has not been exercised.

(4) In light of the representation that the issuer's securities will be issued for cash only, the failure to disclose that the issuer intends to issue some of its securities in exchange for services.

(5) Failure to disclose that the proceeds to the issuer of the offering would be less than as indicated due to the issuer's intention to issue some of its securities for services.

(6) In light of the representations that certain stockholders had signed "investment letters" evidencing their investment intent, failure to disclose that some of these stockholders had not signed such "investment letters".

(7) In light of the issuer's obligation to tender securities and cash to certain individuals in exchange for cash and services previously rendered to the issuer, failure to accurately and adequately disclose the assets, liabilities, capital, and cash receipts and disbursements of the issuer.

B. The terms and conditions of Regulation A have not been complied with in that:

(1) The Form 1-A filed on behalf of the issuer fails to disclose in Item 9(b) thereof the title and amount of all unregistered securities of the issuer which were sold within one year prior to the filing of the notification by or for the account of an underwriter of the issuer's common stock; the aggregate offering price or other consideration for which they were issued and the basis for computing the amount thereof; and the names of the persons to whom those securities were issued.

(2) The Form 1-A filed on behalf of the issuer fails to set forth accurately in response to Item 9(c) the exemption from registration claimed with respect to all unregistered securities issued or sold by the issuer within one year prior to the filing of the notification, and the facts relied upon for the exemption.

(3) The aggregate offering price of the issuer's securities proposed to be offered pursuant to the issuer's filing under Regulation A, and of all securities sold by the issuer in violation of section 5(a) of the Securities Act within 1 year prior to the commencement of the proposed offering exceeded the \$300,000 limitation as prescribed in Rule 254 of Regulation A.

(4) The Form 1-A filed on behalf of the issuer fails to disclose in Item 10 that the issuer is presently offering or presently contemplating the offering of securities in the United States, in addition to those covered by the notification.

(5) The unexecuted escrow agreement filed on behalf of the issuer in response to Item 11(h) of Form 1-A fails to set forth accurately all securities issued prior to the filing of the notification, or proposed to be issued, for a consideration consisting in whole or in part of assets or services and held by the person to whom issued, while purporting to cover all such securities.

C. The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

II. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a), subparagraphs (1) and (2) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 70-8033; Filed, June 24, 1970;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

NORTH CENTRAL CAPITAL CORP.

Notice of Application for License as 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 North Central Capital Corp., 201 North Main Street, Rockford, Ill. 61101, for a license to operate in the State of Illinois as a small business investment company (SBIC) 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:

Seth G. Atwood, Chairman of the Board,
2121 Harlem Boulevard, Rockford, Ill.
61103.

Willard C. Mills, President, General Manager and Director, 304 River Drive, Appleton, Wis. 54911.

Robert B. Rosecrance, Vice President and Director, 2212 Harlem Boulevard, Rockford, Ill. 61103.

Loren M. Smith, Secretary, Treasurer and Director, 1806 National Avenue, Rockford, Ill. 61103.

The company will be a 100-percent owned subsidiary of Atwood Vacuum Machine Co. which is 100 percent owned by the Atwood family and/or trusts for their benefit.

The company proposes to commence operations with a capitalization of \$1 million.

The Atwood Vacuum Machine Co., manufactures parts for the automotive industry, mobile home parts, water heaters, castings, and fabricated sheet metal units.

Matters involved in SBA's consideration of the application include the general business reputation and character of 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 publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communication 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 Rockford, Ill.

For SBA (pursuant to delegated authority).

A. H. SINGER,
Associate Administrator
for Investment.

JUNE 15, 1970.

[F.R. Doc. 70-8070; Filed, June 24, 1970;
8:51 a.m.]

TARIFF COMMISSION

[TEA-W-27]

WORKERS' PETITION FOR DETERMINATION OF ELIGIBILITY TO APPLY FOR ADJUSTMENT ASSISTANCE

Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the automotive soft trim workers of the American Motors Corp., Wyoming, Mich., the U.S. Tariff Commission, on the 22d day of June 1970, instituted an investigation under section 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with automotive soft trim produced by the American Motors Corp. at Wyoming, Mich., are being imported into the United States in such increased

quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on July 14, 1970, in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with §201.13 of the Tariff Commission's rules of practice and procedure.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: June 22, 1970.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[F.R. Doc. 70-8077; Filed June 24, 1970;
8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 57]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 19, 1970.

The following applications are governed by Special Rule 1.247¹ 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

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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 1184 (Sub-No. 19), filed June 8, 1970. Applicant: GEORGE F. BURNETT COMPANY, INC., Post Office Box 2538, Station A, 20450 West Ireland Road, South Bend, Ind. 46413. Applicant's representatives: Robert E. Joyner and Lee F. Miller, Jr., 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers (except those designed to be drawn by passenger automobiles, in initial movements, by driveway), from Bethlehem, Pa., to Atlanta, Ga., Cincinnati, Ohio, St. Louis, Mo., and Flint, Mich. 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 Wayne, Ind., Detroit, Mich., or South Bend, Ind.

No. MC 2202 (Sub-No. 387), filed June 1, 1970. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and James W. Conner, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a common carrier, by motor vehicle,

over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Hercules, Inc., located near Terre Haute, Ind., as an off-route point in connection with applicant's regular route authority to serve Terre Haute, Ind. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 2202 (Sub-No. 388), filed June 1, 1970. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Springfield and Kansas City, Mo., from Springfield over Missouri Highway 13 to junction Missouri Highway 7, thence over U.S. Highway 71 to Kansas City, and return over the same route serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** The purpose of the route sought is to enable applicant to transport shipments between points in the States of Mississippi, Alabama, Georgia, and the Carolinas, on the one hand, and Kansas City, over the proposed route via the Nashville gateway, and in the alternative, over the Memphis gateway to the extent permitted by the authority granted in MC 2202 (Sub 342). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2229 (Sub-No. 155), filed June 1, 1970. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, Tex. 75247. Applicant's representative: J. W. Whitmore (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, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plantsite and facilities of the Lufkin State School, at or near Lufkin, Tex., as an off-route point in connection with carrier's presently authorized regular operations at Lufkin, Tex. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lufkin or Dallas, Tex.

No. MC 2860 (Sub-No. 77), filed June 1, 1970. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs* (except frozen or cold pack), from Waterloo, Egypt, Rushville, Red Creek, Lyons, Newark, Fairport, and Penn Yan, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. **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 New York, N.Y., or Washington, D.C.

No. MC 2900 (Sub-No. 198), filed May 28, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Martin Electronics, Inc., near Perry, Fla., as an off route point in connection with carrier's regular route authorized authority, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 2900 (Sub-No. 199), filed June 1, 1970. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment), (1) between Winchester, Va. and Frederick, Md.; From Winchester over Virginia Highway 7 to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, Md., and return over the same route, as an alternate route for operating convenience only, serving the termini for joinder purposes only; (2) between Frederick, Md., and Emmitsburg, Md., over U.S. Highway 15, as an alternate route for operating convenience only, serving the termini for joinder purposes only; (3) between Emmitsburg, Md., and junction U.S. Highways 15 and 30 near Gettysburg, Pa., over U.S. Highway 15, as an alternate route for operating convenience only, serving the termini for joinder purposes only; (4) between junction U.S. Highways 15 and 30 near Gettysburg and Harrisburg, Pa., over U.S. Highway 15 as an alternate route for operating convenience only, serving the termini for joinder purposes only; and (5) between Sulligent, Ala., and junction U.S. Highway 45 and Mississippi High-

way 8; From Sulligent, Ala., over U.S. Highway 278 to junction Mississippi Highway 8, thence over Mississippi Highway 8 to junction U.S. Highway 45 and return over the same route, as an alternate route for operating convenience only, serving the termini for purposes of joinder only, serving no intermediate points in connection with (1) through (5). **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 4883 (Sub-No. 42), filed June 1, 1970. Applicant: THE GUYOTT COMPANY, a corporation, 176 Forbes Avenue, New Haven, Conn. 06504. Applicant's representative: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper type vehicles, from North Haven, Conn., to Chicopee, Mass. **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 Hartford or New Haven, Conn.

No. MC 8535 (Sub-No. 31), filed May 20, 1970. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Post Office Box 3969, Baltimore, Md. 21222. Applicant's representative: John Guandolo, 1000 Northwest 16th Street, Washington, D.C. 20036. 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 plantsite of National Southwire Aluminum, Southwire Co., and National Aluminum Corp., at or near Hawesville, Ky., on the one hand, and, on the other, points in Alabama, Connecticut, Georgia, Indiana, Maine, Massachusetts, North Carolina, and South Carolina. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14702 (Sub-No. 28), filed June 1, 1970. Applicant: OHIO FAST FREIGHT, INC., Post Office Box 808, Warren, Ohio 44482. 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 those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading); (a) between Blaine, Ohio, on the one hand, and, on the other, points in West Virginia, Pennsylvania, New Jersey, Virginia, Maryland, the District of Columbia, and in that part of eastern New York east of a line extending from

the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 from Rochester to Lakeville, thence over U.S. Highway 20A from Lakeville to Leicester, thence over New York Highway 36 from Leicester to Mount Morris, thence over New York Highway 408 from Mount Morris to junction New York Highway 16, near Hinsdale, thence over New York Highway 16 from said junction to Olean, and thence over New York Highway 16A to the New York-Pennsylvania State line, traversing Delaware for operating convenience only; and (b) between Blaine, Ohio, on the one hand, and, on the other, points in Ohio. **NOTE:** Applicant states that it intends to tack the authority sought in (a) with the authority sought in (b). Applicant further states that it presently is authorized to provide all of the service sought herein under its authority in MC 14702 and subs thereto. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21866 (Sub-No. 64), filed May 28, 1970. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alfred N. Lowenstein, 1540 P.S.F.S. Building, 12 South 12th Street, Philadelphia, Pa. 19107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal articles* (except those which because of size or weight require special equipment), from Boyertown, Oaks, Norristown, Collegeville, Pottstown, Stowe, and Bally, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee; (2) *metal articles* (except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor), from the above-specified origin points, to points in Illinois, Indiana, Michigan, and Wisconsin; and (3) *metal building materials*, from the above specified origin points, to points in Kentucky, Ohio, and West Virginia. **NOTE:** Applicant states that it is presently authorized to perform all of the transportation services described above via authorized gateways of Pottsville, Pa., or the plantsite of Aetna Steel Products Corp. at that point, where applicant maintains its Pottsville terminal. The purpose of the instant application is to obtain authority to provide such transportation without being required to utilize such gateways. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 261), filed May 28, 1970. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment or

special handling and related machinery parts and related contractors' equipment, materials, and supplies when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported in trailers, between points in California and Utah, on the one hand, and, on the other, points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, Maryland, Virginia, North Carolina, Delaware, New Jersey, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Iowa, Nebraska, Missouri, and the District of Columbia. **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 San Francisco, Calif., or Washington, D.C.

No. MC 30837 (Sub-No. 397), filed June 1, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fiberglass vacation houses*, in truck-away service, from Pleasantville, N.J., to points in the United States, including Alaska but excluding Hawaii. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 398), filed June 2, 1970. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Seat cabs*, from Bettendorf, Iowa, to Racine, Wis. **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 30844 (Sub-No. 325), filed June 1, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Brentwood, Md., to points in Ohio, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Texas, and Wisconsin. **NOTE:** Applicant

states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 31600 (Sub-No. 648), filed June 2, 1970. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvery Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Niagara Falls, N.Y., to points in Maine and New Hampshire. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33037 (Sub-No. 13), filed June 3, 1970. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Atchison, Kans., to points in Iowa, Kansas, Missouri, and Nebraska. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Oklahoma City, Okla.

No. MC 41404 (Sub-No. 91), filed June 3, 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 applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Jacksonville (Morgan County), Ill., to points in Florida, North Carolina, and South Carolina. **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 St. Louis, Mo., Chicago or Springfield, Ill.

No. MC 51146 (Sub-No. 161), filed May 28, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant), and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic products, component parts, and accessories*; (a) from Portland, Ind., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota,

Tennessee, West Virginia, and Wisconsin; (b) from Durant, Miss., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin; (c) from Manchaug and Worcester, Mass., Central Falls, R.I., and Stanhope, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *containers, container ends and accessories and materials, equipment, and supplies* used in the sale, manufacture and distribution of containers and container ends, between points in those destination States as outlined in 1(c) above. **NOTE:** Applicant states that the requested authority could be tacked with various subs of MC 51146, and applicant will tack with its MC 51146 where feasible. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 162), filed May 28, 1970. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: D. F. Martin (same address as applicant) and Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by discount and department stores, from Pawtucket, and Woonsocket, R.I., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, and Wisconsin.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 57778 (Sub-No. 12), filed May 27, 1970. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Avenue, Detroit, Mich. 48209. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, the commodities classified as meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, in the appendix to the report in Modification of Permits—Packinghouse Products, 46 M.C.C. 23, 48 M.C.C. 628, and advertising materials, table sauces, condiments, and specialty food items, and fresh and frozen fish, in vehicles equipped with mechanical refrigeration, between Chicago, Ill., on the one hand,*

and, on the other, points in Michigan on and south of Michigan Highway 21. **NOTE:** Applicant states that tacking can be provided in Michigan at points on and south of Michigan Highway 21. This would permit service under carrier's existing authority from the entire State of Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 60087 (Sub-No. 14), filed April 27, 1970. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, Tex. 79105. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, (1) between Canyon, Tex., and Farwell, Tex., over U.S. Highway 60, serving all intermediate points except those between Canyon and Friona, Tex.; (2) between Canyon and Friona, Tex.; (3) between Lubbock and Farwell, Tex., over U.S. Highway 84, serving all intermediate points except Anton and Shallowater, Tex.; (4) between Denver City, Tex., and Riona, Tex., over Texas Highway 214, serving all intermediate points; (5) between Brownfield, Tex., and Dimmitt, Tex., over U.S. Highway 385, serving all intermediate points; (6) between Anton, Tex., and junction Texas Highway 1714 and U.S. Highway 87, from Anton over Texas Highway 168 to junction Texas Highway 1714, thence over Texas Highway 1714 to junction U.S. Highway 87, and return over the same route serving all intermediate points except no service at Anton; (7) between Brownfield and Plains, Tex., over U.S. Highway 380, serving all intermediate points; (8) between Smyer, Tex., and junction Texas Highway 1780 and U.S. Highway 380, from Smyer over Texas Highway 168 to Ropesville, Tex., thence over Texas Highway 41 to junction Texas Highway 303, thence over Texas Highway 303 to junction Texas Highway 301, at or near Sundown, Tex., and thence over Texas Highway 301 to junction Texas Highway 1780 and thence south over Texas Highway 1780 to junction U.S. Highway 380, and return over the same route; and*

(b) *Between Sundown, Tex., and junction Texas Highway 1585 and U.S. Highway 385, over Texas Highway 1585, and return over the same routes in (7) (a) and (b) above, serving all intermediate points; (8) between Plainview and Muleshoe, Tex., over U.S. Highway 70 serving all intermediate points; (9) between Plainview and Dimmitt, Tex., over Texas Highway 194; (10) between Hart, Tex., and junction Texas Highways 145 and 214, over Texas Highway 145, serving all intermediate points; (11) between Tulia, Tex., and Bovina, Tex., over Texas Highway 86, serving all intermediate points; (12) between Littlefield, Tex., and Spade, Tex., over Texas Highway 54, serving all intermediate points; and (13) between Sudan, Tex., and junction Texas Highway 303 and U.S. Highway 70, over Texas Highway 303, serving all intermediate points.*

NOTE: Applicant states that unless otherwise restricted, it proposes to serve all intermediate points and coordinate with all other service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Lubbock, Tex.

No. MC 61231 (Sub-No. 50), filed June 1, 1970. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulation board, and materials and accessories used in the installation of insulation and insulation board, from Kansas City, Mo., to points in South Dakota; and (2) roofing and building materials, and materials used in the installation and application of roofing and building materials (except iron and steel, and commodities in bulk), from Kansas City, Mo., to points in Nebraska and South Dakota.* **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 61592 (Sub-No. 178), filed June 1, 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: *Motor vehicles, in initial movements in drive-away service, and cabs, bodies and parts, from Garland, Tex., to points in Michigan, Pennsylvania, Ohio, Indiana, Illinois, Alabama, New Mexico, California, Texas, Louisiana, Oregon, Florida, Tennessee, Arkansas, and Wisconsin.* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 83539 (Sub-No. 279), filed May 25, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks (same address as above), and Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum fuelers, mounted or not mounted, and accessories, attachments, and parts therefor, from Kansas City, Mo., to points in the United States (except Missouri and Hawaii).* **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a

hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Kansas City, Kans.

No. MC 83539 (Sub-No. 281), filed May 28, 1970. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: Kenneth Weeks (same address as applicant), and Thomas E. James, 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tubing* (other than oilfield tubing), from Rosenberg, Tex., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 83835 (Sub-No. 70), filed June 4, 1970. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and/or tubing*, from Gerald, Mo., to points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, 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 Fort Worth, Tex., or Washington, D.C.

No. MC 89684 (Sub-No. 74), filed June 1, 1970. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, Utah 84101. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Ririe, Idaho, and Jackson, Wyo., from Ririe over U.S. Highway 26; from Swan Valley over Utah Highway 31 to Victor, Idaho, and from Victor, Idaho, over Wyoming Highway 22 to Jackson, Wyo., and return over the same route as an alternate route. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of packages or articles each weighing not more than 100 pounds. Said operations are restricted against the transportation of packages or articles weighing more than 200 pounds in the aggregate from one consignee at one location to a single consignee at one location during a single day. NOTE: Applicant already holds authority under its Certificate No. MC

89684 Sub 57 to serve between Ririe, Idaho, and Jackson, Wyo., over a more circuitous route. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 94201 (Sub-No. 87), filed May 1, 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 products*, from the plantsite, warehouses, and shipping facilities of Allied Paper, Inc., at or near Jackson, Ala., to points in Indiana and Tennessee, points 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, and 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. NOTE: Applicant states that under its existing certificates, it can transport the involved commodities from the origin to all destination points in a single line service over a circuitous route. Specifically, it holds authority to transport general commodities, with the usual exceptions, between Cedartown, Lindale, Mount Berry, Rome, and Summerville, Ga., on the one hand, and, on the other, points in Alabama. It also holds authority to transport general commodities between Chattanooga, Tenn., and Birmingham, Ala., serving Rome, Ga., as an intermediate point. It holds authority under its Sub-No. 63 to transport general commodities, with the usual exceptions, between points within a 65-mile radius of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, all of the involved destination territory. By tacking these separate grants, applicant can transport the involved commodities from the origin point to all destination points in a single line service through the gateways noted. This application would eliminate that circuit. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 255) (Amendment), filed February 24, 1970, published FEDERAL REGISTER issue of March 19, 1970, amended June 10, 1970, and republished as amended, this issue. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representatives: Mitchell King, Post Office Box

1628, Greenville, S.C. 28602 and Ames, Hill & Ames, 666 11th Street NW, McLachlen Building, Suite 705, 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*, mounted on wheeled undercarriages, from points in Georgia, to points in South Carolina and Florida and all points East of the Mississippi River, including Louisiana and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the territorial scope. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 97357 (Sub-No. 31), filed June 1, 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: (1) *Sulphuric acid*, in bulk, from points in Los Angeles County, Calif.; (2) *caustic soda*, liquid, in bulk, from points in Los Angeles County, Calif.; (3) *aqua ammonia*, liquid, in bulk, from Wilmington, Calif.; and (4) *chemicals*, liquid, in bulk, from Needles and Los Angeles, Calif., to the Mohave Steam Electric Generating Plant of Southern California Edison Co., located in Clark County, Nev., near Bullhead City, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 103993 (Sub-No. 528), filed June 3, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borgheani (same address as above) and Ralph H. Miller. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on undercarriages, from points in Atlantic County, N.J., to points in the United States (except Alaska and Hawaii). 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 Atlantic City, N.J.

No. MC 103993 (Sub-No. 529), filed June 3, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borgheani (same address as above) and Ralph H. Miller. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Vance County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant

states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103993 (Sub-No. 530), filed June 3, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgheani (same address as above) and Ralph H. Miller. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fiberglass combination tub and shower units, fiberglass bath units, and fiberglass shower units*, from Boise, Idaho, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 103993 (Sub-No. 531), filed June 3, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borgheani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials*, from International Falls, Minn., to points in Kansas, Nebraska, North Dakota, and South Dakota. 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 Duluth, Minn.

No. MC 105045 (Sub-No. 23), filed June 1, 1970. Applicant: R. L. JEFFERIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Air conditioning cooling, heating, and humidifying equipment*, from Decatur, Ala., to points in Wisconsin, Michigan, Ohio, Virginia, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Delaware. 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., or Washington, D.C.

No. MC 106398 (Sub-No. 479), filed May 28, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as above) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems and accessories* used in the installation thereof, from Tabor City, N.C., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Mon-

tana, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, North Dakota, South Dakota, Washington, West Virginia, Wisconsin, and Wyoming, and from the plants and warehouse facilities of Penn Ventilator Co., Inc., located at Keyser, W. Va., Junction City, Ky., and Philadelphia, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106389 (Sub-No. 480), Filed June 4, 1970. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representatives: Irvin Tull (same address as applicant) 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: *Trailers designed to be drawn by passenger automobiles*, in initial movements and buildings, in sections, mounted on wheeled undercarriages, from points of manufacture, from Lindsay, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106920 (Sub-No. 38), filed May 20, 1970. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe Street, Post Office Box 26, New Bremen, Ohio 45869. Applicant's representatives: Carroll V. Lewis, 122 East North Street, Sidney, Ohio 45365, and Victor J. Tambascia (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 (except commodities in bulk, in tank vehicles), from Louisville, Ky., and Evansville, Indianapolis, and Washington, Ind., to points in Pennsylvania, New York, New Jersey, Maryland, Delaware, District of Columbia, Massachusetts, Connecticut, Rhode Island, Illinois, Florida, Georgia, North Carolina, South Carolina, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 107002 (Sub-No. 393), filed June 7, 1970. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representatives: John J. Borth (same address as above), also H. D. Miller, Jr., Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in

Louisiana (except Delhi and points in Concordia, Catahoula, and Tensas Parishes) to points in Mississippi and points in Baldwin and Mobile Counties, Ala. NOTE: Applicant states that although tacking is not contemplated at this time, the authority sought could be combined with various authorities in its MC 107002 and subs thereto to render service to points in several States. 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 New Orleans, La., or Jackson, Miss.

No. MC 107295 (Sub-No. 387), filed May 21, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems, and accessories* used in the installation thereof, from Tabor City, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, 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 Philadelphia, Pa., or Washington, D.C.

No. MC 107515 (Sub-No. 697), filed May 28, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Englewood and Tiffin, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority could be tacked with its presently held authority in Sub 597, but does not contemplate tacking as it has other gateways. 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 Atlanta, Ga., or Washington, D.C.

No. MC 107544 (Sub-No. 95), filed May 28, 1970. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, Va. 24354. Applicant's representatives: Daryl J. Henry (same address as above), and Harry C. Ames, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Savannah, Ga., to

points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it holds contract carrier authority under MC 113959 and Subs 1 and 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 107839 (Sub-No. 142), filed June 4, 1970. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's Representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. 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 the plantsite of Missouri Beef Packers, Inc., near Plainview, Tex., to points in Alabama, Arizona, California, Florida, Georgia, Idaho, Louisiana, Mississippi, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, and Washington. **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. Applicant further states that the instant application duplicates in part the authority being sought in MC 107839 (Sub-No. 140). If a hearing is deemed necessary, applicant requests it be held at Lubbock, Amarillo, or Fort Worth, Tex.

No. MC 108207 (Sub-No. 298), filed May 20, 1970. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or cold storage facilities of Wilson Sinclair Co., located at Albert Lea, Minn., to points in Arkansas, Louisiana, Oklahoma, and Texas and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in

sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and/or cold storage facilities of Wilson Sinclair Co., located at Cedar Rapids, Iowa, to Memphis, Tenn., restricted to traffic originating at the above specified plantsites and storage facilities and destined to the above destinations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 108393 (Sub-No. 31) (Clarification), filed April 24, 1970, published in *FEDERAL REGISTER* issue of May 28, 1970, and republished as clarified this issue. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical and gas appliances*; (2) *parts of electrical and gas appliances*; and (3) *equipment, materials, and supplies used in the manufacture, distribution, and repair of electrical and gas appliances*; (a) between Danville, Ky., on the one hand, and, on the other, Cincinnati, Columbus, Cleveland, Marion, Clyde, and Findlay, Ohio, Chicago, Ill., Nashville and Knoxville, Tenn., Indianapolis and Evansville, Ind., and Detroit, Grand Rapids, Benton Harbor, and St. Joseph, Mich.; (b) from Danville, Ky., to Chattanooga and Memphis, Tenn., Huntington, W. Va., Peoria, Ill., Saginaw, Mich., St. Louis, Mo., and Milwaukee, Wis.; and (c) from Dayton, Canton, Mansfield, Prospect, Toledo, Middletown, and Eaton, Ohio, Murfreesboro, Tenn., Anderson, Ind., and Charlotte, Mich., to Danville, Ky., under contract with Whirlpool Corp. **NOTE:** Applicant holds common carrier authority under MC 118459, therefore, dual operations may be involved. Common control may be involved. The purpose of this republication is to more clearly describe the territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 312) (Correction), filed May 1, 1970, published in the *FEDERAL REGISTER* issue of June 4, 1970, corrected and republished in part, as corrected, this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Wallace A. Myllenbeck (same address as applicant), and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53702. **NOTE:** The purpose of this partial republication is to include Adolph J. Bieberstein, as applicant's representative, which was inadvertently omitted from the previous publication. The rest of the application remains the same.

No. MC 108449 (Sub-No. 313), filed June 4, 1970. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant), and Adolph H. Bieberstein, 121 West Doty Street,

Madison, Wis. 53702. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the storage facilities of Central Farmers Fertilizer Co. at or near Frankfort, Ind., to points in Indiana, Ohio, Illinois, and 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 Minneapolis, Minn.

No. MC 109397 (Sub-No. 227), filed June 1, 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 applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and antipollution system parts*, from Mishawaka, Ind., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies used in the manufacture and processing of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Mishawaka, Ind.* **NOTE:** Applicant states that tacking is feasible with MC 109397 (Sub-No. 195) on the commodities sought in this application which, because of size or weight, require special equipment or handling. Common control may be involved. Applicant has contract carrier authority under MC 128814 Sub 5 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 109397 (Sub-No. 228), filed June 1, 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 applicant) and Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road building machinery, contractors' equipment, truck mixers, concrete pumps, trailers, coal haulers, laundry dryers, cleaning machinery, pumps, and hide processors*, from Bryan, Ohio, and Industry, Calif., to and from points in the United States, including Alaska, excluding Hawaii. **NOTE:** Applicant states that tacking is feasible with MC 109397 (Sub-No. 195), on the commodities sought in this application which because of size or weight, require special equipment or handling. Common control may be involved. Applicant has contract carrier authority under MC 128814 (Sub-No. 5) and other subs, therefore dual

operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109658 (Sub-No. 7), filed June 8, 1970. Applicant: LYLE E. WINN, doing business as MARION MACHINE WORKS, 523 South Main Street, Marion, Ky. Applicant's representative: H. S. Melton, Jr., Box 1407, 234 Katterjohn Building, Paducah, Ky. 42001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, in pneumatic trailers, from points in Hardin County, Ill., to Calvert City, 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 Louisville, Ky., or Memphis, Tenn.

No. MC 110098 (Sub-No. 107), filed May 11, 1970. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, Tex. 78220. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and T. W. Cothren (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 109 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities of Wilson Sinclair Co. located at Albert Lea, Minn., to points in Arkansas, Louisiana, and Oklahoma, restricted to traffic originating at the above-specified plantsite and storage facilities and destined to the above destinations. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110525 (Sub-No. 976), filed June 1, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036, and Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, and West Virginia. 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. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110525 (Sub-No. 977), filed June 8, 1970. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Thomas J. O'Brien (same address as applicant), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Exeter, N.H., to Malden, Reading, Revere, Lawrence, Danvers, Salem, Gloucester, Northampton, Southbridge, Norwood, and Leominster, Mass. 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 New York, N.Y., or Boston, Mass.

No. MC 111401 (Sub-No. 303), filed June 1, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representatives: Victor R. Comstock and Alvin L. Hamilton (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Long Reach, W. Va., to ports of entry on the international boundary line between the United States and Mexico located in Texas. Note: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 112822 (Sub-No. 160), filed June 4, 1970. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar, syrups, and blends thereof*, from Kansas City, Kans.-Mo., commercial zone, to points in Arkansas, Iowa, Nebraska, and Oklahoma. 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 Oklahoma City, Okla.

No. MC 113267 (Sub-No. 239), filed June 9, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of the Pills-

bury Co. at or near Denison, Tex., to points in Arkansas, Louisiana, Mississippi, Missouri, Tennessee, Mobile, Ala., and Pensacola, Fla., restricted to traffic originating at the plantsite and warehouse facilities of the Pillsbury Co. at or near Denison, Tex., and destined to the destination points above. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113624 (Sub-No. 54) (Amendment), filed May 13, 1970, published in FEDERAL REGISTER issue of June 4, 1970, amended June 2, 1970, republished as amended this issue. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from Laramie, Wyo., to points in Colorado, Idaho, Kansas, Nebraska, South Dakota, Utah, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to broaden the scope of territory. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 161), filed June 4, 1970. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (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 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities utilized by Oscar Mayer & Co., Inc., at Davenport, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restricted to traffic originating at the above-named plantsite and cold storage facilities utilized by Oscar Mayer & Co., Inc., and destined to the above-specified destination points. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113843 (Sub-No. 162), filed June 4, 1970. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate

as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. Applicant does not specify a place for a hearing.

No. MC 114211 (Sub-No. 138), filed May 20, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural implements and farm machinery* (except farm tractors), *attachments for tractors, and parts of the foregoing mentioned commodities* when moving in mixed loads with such commodities, from Grandview, Mo., to points in Arizona, Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Utah, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 114211 (Sub-No. 139), filed May 28, 1970. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cooling towers and/or fluid coolers and parts and lumber*, from points in San Joaquin County, Calif., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority if being sought. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 114284 (Sub-No. 43), filed May 26, 1970. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. 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 Oklahoma, Arkansas, Missouri, Kansas, Nebraska, South Dakota, and New Mexico. 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 Kansas City, Mo.

No. MC 114457 (Sub-No. 87), filed June 1, 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: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Minnesota and Wisconsin, to points in Connecticut, Delaware, Illinois, 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 Chicago, Ill., or Minneapolis, Minn.

No. MC 115311 (Sub-No. 109), filed June 2, 1970. 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: (1) *Plywood, paneling, and moulding*; (2) *materials, supplies, and accessories* (except commodities in bulk) used in the installation of plywood paneling, and moulding when moving at the same time and in the same vehicle with plywood, paneling, and moulding, from points in Manatee County, Fla., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, and Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 115814 (Sub-No. 6), filed May 25, 1970. Applicant: MARK TRUCKING, INC., Trella Street, Belleville, Pa. 17004. Applicant's representative: R. Lee Ziegler, 5 North Main Street, Lewistown, Pa. 17044. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dairy case products*, by refrigerated box and paper cartons, from the plant of Abbotts Dairies Division of Fairmont Foods Corp., Belleville, Pa., to Florence, and Perth Amboy, N.J., and *refrigerated box and paper cartons*, from St. Joe Paper Co., New Castle, Del., to said plant; under contract with Abbotts Dairies Division of Fairmont Foods Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Lewistown, Harrisburg, or Altoona, Pa.

No. MC 115840 (Sub-No. 58), filed June 1, 1970. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: E. Stephen Heisley, 666 11th Street NW, Washington, D.C. 20001, and C. E. Wesley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Louisiana and points in Texas, Arkansas, Oklahoma, and Missouri. 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 Mobile, Montgomery, or Birmingham, Ala.

No. MC 115841 (Sub-No. 380), filed June 1, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street NW, Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials, supplies, and products used in or produced by the food processing industry* (except in bulk, or commodities which because of size or weight require the use of special equipment); (1) between Springdale, Ark., on the one hand, and, on the other, points in Missouri, Iowa, Illinois, Kentucky, Kansas, Nebraska, Oklahoma, Colorado, New Mexico, Arizona, California, and points in Texas, west of U.S. Highway 281; and (2) between Lawton, Mich., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Kentucky, Missouri, Iowa, Kansas, Nebraska, Arkansas, and Oklahoma. Note: Applicant states it intends to tack the requested authority with its existing authority, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Memphis, Tenn., or Washington, D.C.

No. MC 115841 (Sub-No. 381), filed May 28, 1970. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street

NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities of Wilson Sinclair Co. located at or near Monmouth, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, restricted to traffic originating at the above specified plantsite and storage facilities and destined to the above destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., Washington, D.C., or Chicago, Ill.

No. MC 115955 (Sub-No. 18), filed May 6, 1970. Applicant: SCAR'S DELIVERY SERVICE, INC., Post Office Box 2627, Wilmington, Del. 19804. Applicant's representative: Albert F. Beitel, 905 American Security Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unaccompanied baggage*, between Dover, Del.; and New York, N.Y.; Newark, Port Newark, McGuire Air Force Base, and Fort Dix, N.J.; Washington, D.C.; Fort George G. Meade, and Fort Holabird, Md.; and Alexandria, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.

No. MC 116073 (Sub-No. 111), filed May 25, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, from points in Atlantic County, N.J., to points in the United States (except Hawaii). 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 Atlantic City, N.J.

No. MC 116073 (Sub-No. 112), filed May 25, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, from points in Warren County, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is

deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 116073 (Sub-No. 113), filed May 25, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, from Idaho to 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 Boise, Idaho.

No. MC 116073 (Sub-No. 116), filed June 1, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* in sections mounted on wheeled undercarriages, from points in Morris County, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 116073 (Sub-No. 117), filed June 4, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings* in sections, mounted on wheeled undercarriages, from points of manufacture; from points in Washington County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 116282 (Sub-No. 22), filed May 15, 1970. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., a corporation, 246 Broad Street, Auburn, Maine. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Belmont, Mansfield, and Middleton, Mass., Greenwich and Norwalk, Conn., to points in Maine, New Hampshire, and Vermont; and (2) *containers* used in transporting bakery products and returned bakery products, from points in Maine, New Hampshire, and Vermont to Belmont, Mansfield, and Middleton, Mass., and Greenwich and Norwalk, Conn., under contract with Borden's, Inc., Pepperidge Farm, Inc., and Arnold Baker, Inc. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Boston, Mass.

No. MC-116915 (Sub-No. 5), filed May 25, 1970. Applicant: ECK-MILLER TRANSPORTATION CORPORATION, 1125 Sweeney Street, Post Office Box 1279, Owensboro, Ky. 42301. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products*, from the plantsite of Harvey Aluminum Corp., Hancock County, Ky., to Minneapolis and St. Paul, Minn., and points in their respective commercial zones with the right to perform partial drop-off at points in Iowa 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 Louisville, Ky., or Nashville, Tenn.

No. MC 117384 (Sub-No. 2), filed June 8, 1970. Applicant: PAUL E. DAVIDSON, MAHLON E. DAVIDSON, AND HAROLD DAVIDSON, JR., a partnership, doing business as DAVIDSON BROTHERS, Rural Delivery 3, Bellefonte, Pa. 16823. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from points in Centre County, Pa., south of Interstate Highway 80, to points in Maine, Michigan, New Hampshire, and Vermont. 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 117765 (Sub-No. 104), filed May 25, 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: *Composition or mineral wool, boards, blocks or sheets, materials, supplies and accessories used in installation thereof*, from the plantsite or storage facilities of the United States Gypsum Co. at Greenville, Miss., to points in Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Wisconsin, and Wyoming; and (2) *mineral wool, boards, blocks or sheets*, from the plantsite or storage facilities of the United States Gypsum Co. at Greenville, Miss., to points in Kansas, 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 117883 (Sub-No. 137), filed June 8, 1970. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, Ohio 45380. Applicant's representatives: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380, and

Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Clarinda, Postville, and Storm Lake, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the authority pending under MC 117883 Sub 129 duplicates in part the instant application, and that Sub 129 will be amended to eliminate the territory sought in this application. If a hearing is deemed necessary, applicant does not specify the location.

No. MC 119391 (Sub-No. 6), filed June 4, 1970. Applicant: AJAX TRANSPORT COMPANY, a corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and liquid commodities, in bulk), *frozen foodstuffs* (to the extent indicated); (1) between Eau Claire, Wis., and Fairmont, Minn.; (2) from Portage and Monroe, Wis., to Fairmont, Minn., and to Minneapolis-St. Paul, Minn., commercial zone as defined in Ex Parte MC No. 37, as amended; and (3) from Eau Claire, Wis., to Minneapolis-St. Paul, Minn., commercial zone as defined in Ex Parte MC No. 37, as amended, under contract with Armour & Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 119493 (Sub-No. 56), filed June 1, 1970. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal products, hickory chips and accessories and advertising material used in the sale and distribution of charcoal, charcoal products, and hickory chips* (except liquid in bulk); and (2) *materials and supplies used in the manufacture and distribution of charcoal, charcoal products, and hickory chips* (except liquid in bulk), from (1) (a) Jacksonville, Tex., to points in Arkansas, Oklahoma, Missouri, Iowa, Kansas, Nebraska, Colorado, California, Illinois, Texas, New Mexico, Arizona, Utah, and

Nevada; (b) from Paris, Ark., to points in Oklahoma, Colorado, Kansas, Iowa, Missouri, Minnesota, North Dakota, South Dakota, Arkansas, California, Nebraska, Illinois, Louisiana, New Mexico, Arizona, Utah, and Nevada; (2) from destination States in (a) above to Jacksonville, Tex., and from destination States in (b) above to Paris, Ark. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant does not specify a place for a hearing to be held.

No. MC 119522 (Sub-No. 16), filed May 25, 1970. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, Anderson, Ind. 46011. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television cabinets and parts thereof*, from Bryan, Ohio, to the plants of RCA Corp. in Bloomington, Ind., and *returned shipments*, on return. **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.

No. MC 119619 (Sub-No. 30), filed May 18, 1970. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and related articles*, from the plantsite and warehouse facilities of R. T. French Co. at Rochester, N.Y., and Souderton, Pa., to points in Michigan. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 247), filed June 1, 1970. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst, 100 South Calumet Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chicago, Ill., to points in Wisconsin 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 Chicago, Ill.

No. MC 123048 (Sub-No. 175), filed June 1, 1970. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul L. Martinson (same address as above), and Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Car and truck wash equipment*, from points in Waukesha County, Wis., and from the port of entry at New York, N.Y., and Milwaukee, Wis., to points in the United States (except

Alaska and Hawaii). **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123329 (Sub-No. 18), filed May 20, 1970. Applicant: H. M. TRIMBLE & SONS LTD., a corporation, 4056 Ogden Road South East, Calgary, Alberta, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluorosilicic acid*, in bulk, from all State of Washington ports of entry on the United States-Canada international boundary line, to points in King County, Wash. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at any location in the State of Washington at the Commission's discretion.

No. MC 124070 (Sub-No. 16), filed June 4, 1970. Applicant: CHEMICAL HAULERS, INC., Post Office Box 2038, Hammond, Ind. 46323. 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: *Feed ingredients*, in bulk, from points in Jefferson County, Ind., to points in Indiana, Kentucky, Ohio, Illinois, southern Peninsula of Michigan, and points in that part of Pennsylvania on and west of U.S. Highway 219. **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 124078 (Sub-No. 439), filed June 4, 1970. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Mount Pleasant, Tenn., to Bayport, Tex. **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 Nashville, Tenn.

No. MC 124174 (Sub-No. 79), filed May 18, 1970. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Momen, 6801 L Street, Omaha, Nebr. 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Hides, skins, chromes, and pieces thereof, from points in Texas, Oklahoma, and Kansas to Bolivar, Tenn. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124692 (Sub-No. 66), filed May 28, 1970. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. 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: (1) *Lumber and lumber products*, from points in Wyoming to points in Minnesota, North Dakota, and South Dakota; and (2) *bentonite*, from points in Big Horn and Crook Counties, Wyo., and Valley County, Mont., to points in Idaho, Illinois, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah, Washington, 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 Minneapolis, Minn., or Fargo, N. Dak.

No. MC 124701 (Sub-No. 5), filed May 25, 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: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Boston and Braintree, Mass., to Barre, Bradford, Montpelier, Burlington, and St. Johnsbury, Vt., and Berlin, N.H., under contract with Bradford Oil Co., Inc., Bradford, Vt. **NOTE:** Application is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Montpelier, Vt.

No. MC 124947 (Sub-No. 10), filed June 3, 1970. Applicant: MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, and fittings*, between points in Grayson County, Tex., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, 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 Dallas, Tex.

No. MC 124957 (Sub-No. 4) (Correction), filed May 7, 1970, published in the FEDERAL REGISTER issue of June 4, 1970, republished as corrected this issue. Applicant: KENNETH KOHLS, Post Office

Box 442, Mankato, Minn. 56002. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. 55415. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete conduit*, from Janesville, Wis., to points in Illinois, Iowa, Minnesota, North Dakota, and South Dakota, and from Mankato, Minn., to points in Illinois, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin; under contract with Elmore Concrete Products Co. **NOTE:** The purpose of this republication is to correct name of applicant as Kenneth Kohls in lieu of Kenneth Kolhs. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125120 (Sub-No. 3), filed May 7, 1970. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebanon, N.H. 03784. Applicant's representative: W. F. Taylor (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*; (1) from Chester, Vt., to points in New Hampshire; (2) from Burlington, Vt., to points in New York; (3) from New Haven, Vt., to points in New York; and (4) from Bennington, Vt., to points in New York, under contract with International Salt Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 125230 (Sub-No. 2), filed May 25, 1970. Applicant: TIPPECANOE TRUCKING, INC., 1414 Lawton Street, New Castle, Ind. 47362. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated metal buildings, sections and accessories*, knocked down, in bundles, outbound, from Greenfield, Ind., to points in Illinois, Kentucky, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin; and (2) *materials and supplies* used in the manufacture of prefabricated buildings, accessories and supplies, from the above named destination States to Greenfield, Ind., under a continuing contract or contracts with Ajax Metal Buildings Division of the American Ship Building Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 125403 (Sub-No. 6) (Correction), filed April 13, 1970, published in the FEDERAL REGISTER, issue of May 14, 1970, and May 28, 1970, republished in part, as corrected, this issue. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Post Office Box 9796, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. The purpose of this partial republication is solely to correctly show the correct spelling of one of the origin points as "Shortsville," N.Y., inadvertently shown as "Shorts," N.Y., in the previous publication. The rest of the application re-

mains as previously published on May 28, 1970.

No. MC 125521 (Sub-No. 11), filed June 8, 1970. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Detroit, Mich., to St. Henry, Ohio; and (2) *empty containers or other such incidental facilities* used in transporting such commodities in (1) above, on return, under contract with Fullenkamp Distributing Co., St. Henry, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Lansing, or Detroit, Mich.

No. MC 125785 (Sub-No. 9), filed June 4, 1970. Applicant: SATURN EXPRESS, INC., The Plaza 90 Building, Room 206, 90th and L Street, Omaha, Nebr. Applicant's representative: Charles J. Kimball, 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: *Ceramic tile*, from the plantsite and storage facilities utilized by Mosaic Tile Co. at or near Florence, Ala., and Jackson, Miss., to points in Wisconsin, Michigan, Ohio, Illinois, Indiana, Colorado, Texas, Oklahoma, Kansas, South Dakota, Wyoming, Missouri, Minnesota, Nebraska, and Iowa, under contract with Mosaic Tile Co., a division of Stylon Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 126049 (Sub-No. 8), filed May 18, 1970. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa, 50484. Applicant's representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice milk and sherbert, and ice cream, ice milk, sherbet, and fruit flavored novelty items*, from Chicago, Ill., to Cedar Rapids, Des Moines, Mason City, and Waterloo, Iowa. **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 Mason City or Des Moines, Iowa.

No. MC 126489 (Sub-No. 5), filed May 14, 1970. Applicant: GASTON FEED TRANSPORTS, INC., 708 Wiley Building, Hutchinson, Kans. 67501. 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*; (1) from points in Galveston, Chambers, Jefferson, Orange, Hardin, Matagorda, Brazori, and Harris Counties, Tex., to points in Oklahoma, Kansas, Missouri, Arkansas, Colorado, Nebraska, Minnesota, South Dakota,

Louisiana, New Mexico, Iowa, and Mississippi; and (2) 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 126514 (Sub-No. 23), filed June 9, 1970. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, Ariz. 85301. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen daiquiri mix* (except in bulk), from Los Angeles, Calif., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, Wisconsin, 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 New York, N.Y., or Washington, D.C.

No. MC 127030 (Sub-No. 2), filed June 4, 1970. Applicant: MATTHEW J. DEPALMA, INC., 1700 Orthodox Street, Philadelphia, Pa. 19124. Applicant's representative: Robert B. Einhorn, 12 South 12th Street, 1540 PSFS Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite ore*, from Newark, N.J., to Southampton, Pa. **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 Philadelphia, Pa., or Washington, D.C.

No. MC 128657 (Sub-No. 1), filed June 1, 1970. Applicant: RUSSELL E. SCOTT, 1623 West Main Street, Zanesville, Ohio 43701. Applicant's representative: James W. Muldoon, Suite 2500, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum smelting residue, and materials* used in the formation of aluminum smelting residue, between Newark, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan, New York, Pennsylvania, Tennessee, and West Virginia, under contract with The Newark Processing Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128878 (Sub-No. 19), filed April 27, 1970. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, La. 71103. Applicant's representative: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium nitrate, urea, fertilizer, and fertilizer ingredients*, in bulk and in bags from the plantsites or storage facilities

of Arkla Chemical Corp. located in Calhoun and Little River Counties, Ark., to points in Kansas, Louisiana, Missouri, Oklahoma, and Texas (except bulk movements to points in Texas within 50 miles of Houston and including the counties of Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller); (2) *dry feed and dry feed ingredients*, from Shreveport, La., to points in Texas (except bulk movements to points in Texas within 50 miles of Houston and including the counties of Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller); (3) *fertilizer, fertilizer ingredients*, dry, from at/or near Liberty, Stowall, and Winnie, Tex., to points in Louisiana; and (4) *urea*, dry, from Gulf Oil Corp., Faustina Works, near Donaldsonville, La., to Liberty, Tex. **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 Shreveport, Baton Rouge, or New Orleans, La.

No. MC 128879 (Sub-No. 12) (Correction), filed May 21, 1970, published in the FEDERAL REGISTER issue of June 11, 1970, and republished in part, as corrected, this issue. Applicant: C-B TRUCK LINES, INC., 1034 Humble Place, El Paso, Tex. 79915. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, N. Mex. 87108. **NOTE:** The sole purpose of this partial republication is to redescribe the commodity description because of the omission of a portion of the wording through inadvertence in the previous publication. The commodity description should read as follows: "*General commodities* except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities because of size or weight require special equipment". The rest of the application remains as previously published on June 11, 1970.

No. MC 128944 (Sub-No. 6), filed May 11, 1970. Applicant: RELIABLE TRUCK LINES, INC., 4201 Jackson Highway, Sheffield, Ala. 35660. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, Tenn., and that part of Louisville, Ky., and its commercial zone lying entirely within the State of Kentucky, over U.S. Highway 31W (also over Interstate Highway 65), serving no intermediate points on the above described routes, but serving Nashville for purposes of joinder with applicant's present authority. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Florence, Ala.

No. MC 129087 (Sub-No. 1), filed May 19, 1970. Applicant: LORAIN A. BELL, doing business as L. A. BELL MOTOR LINES, Post Office Box 475,

Chesterton, Ind. 46304. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk and explosives), between Porter and Chesterton, Ind., on the one hand, and, on the other, points in Cook, Lake, and Du Page Counties, 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 129226 (Sub-No. 2), filed June 3, 1970. Applicant: TO-JON TRUCKING, INC., 6 Verly Court, Bethpage, N.Y. 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: *Stationery, and filing materials, supplies, and equipment*, between East Rutherford, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau County, N.Y. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129282 (Sub-No. 7), filed June 5, 1970. Applicant: FRED S. BERRY, doing business as BERRY TRANSPORTATION COMPANY, 305 Lancaster, Post Office Box 1824, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and supplies* ordinarily dealt in by malt beverage distributors, from (1) Houston, Tex., to Alexandria and Shreveport, La.; (2) from New Orleans, La., to points in Texas; and (3) from Houston, Tex., to Longview, Tex. **NOTE:** Applicant states that tacking is possible at Longview, Tex., to points in Louisiana and Texas-arkana, Ark. If a hearing is deemed necessary, applicant requests it be held at Longview, Tex., or Shreveport, La.

No. MC 129459 (Sub-No. 6), filed March 25, 1970. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Route Alternate 611, Portland, Pa. 18331. 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: *Salt*, from Carteret, N.J., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, Massachusetts, and Rhode Island under a continuing contract or contracts with Diamond Crystal Salt Co., St. Clair, Mich. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129645 (Sub-No. 21), filed June 1, 1970. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING COMPANY, 1330 South Jackson Street, Iron Mountain, Mich. 49801. 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: *Gypsum building products* (except in bulk), *building, roofing and insulating board*; *composition board*; and *related materials, supplies, and accessories*, from plant and warehouse sites of Grand Rapids Gypsum Co. at/or near Grand Rapids, Mich., to points in Illinois, Indiana, Ohio, and Wisconsin. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract authority under MC 127093 Sub 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 129747 (Sub-No. 1), filed June 9, 1970. Applicant: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, N.J. 07023. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, in containers, or trailers, having a prior or subsequent movement by water in interstate or foreign commerce, between points in New York, N.Y., commercial zone. **NOTE:** Applicant states that the requested authority can be tacked at New York, N.Y., with presently held authority under MC 129747. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133093 (Sub-No. 1) (Amendment), filed April 14, 1970, published in the *FEDERAL REGISTER* issue of May 14, 1970, amended June 1, 1970, and republished as amended this issue. Applicant: CLIFFORD JONES, doing business as JONES TRUCK LINES, 2010 McNutt Road, Sunland Park, N. Mex. 88063. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products* from Laredo and El Paso, Tex., to points in Texas, New Mexico, Arizona, California, Nevada, Oregon, Washington, Colorado, Louisiana, Mississippi, Alabama, Georgia, Oklahoma, Arkansas, Tennessee, and Kentucky, and from all points in the aforementioned States to El Paso, Laredo, and Brownsville, Tex., under contract with International Meat and Food Products Co., Dallas, Tex.; and (2) *canned animal food*, from Los Angeles, Calif., to points in Texas, Oklahoma, Arkansas, and Louisiana, and *meat and meat products* from points in Texas, Oklahoma, Arkansas, and Louisiana to Los Angeles, Calif., under contract with Kal-Kan Foods, Inc., Los Angeles, Calif. **NOTE:** The purpose of this republication is to redescribe authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 133231 (Sub-No. 3), filed June 9, 1970. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, N.J. 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Organs, equipment, and component parts thereof*, between Norwich, Conn., on the one hand, and, on the other, Linden and Woodbridge, N.J., under contract with Magnus Organ Corp., Linden, N.J. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133330 (Sub-No. 2), filed June 1, 1970. Applicant: HALVOR LINES, INC., 510 Lonsdale Building, Duluth, Minn. 55402. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Applicant sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sports wear*, from Plattsburgh, N.Y., to Duluth, Minn., under contract with Halvorson Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis or Duluth, Minn.

No. MC 133362 (Sub-No. 187), filed June 3, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Brentwood, Md., to points in Ohio, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Texas, 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 Washington, D.C., or Chicago, Ill.

No. MC 133647 (Sub-No. 2), filed June 9, 1970. Applicant: WILLIAM W. WESTON, Post Office Box 412, Saxton's River, Vt. 05154. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural insecticides and fungicides, herbicides*; (1) from the plantsite of Kerr-McGee Chemical Corp., at North Walpole, N.H., to points in Bennington, Rutland, Windham, and Windsor Counties, Vt.; to points in Andruscoggin, Cumberland, Kennebec, Oxford, and York Counties, Maine; to points in Franklin County, Mass.; and (2) between Kerr-McGee Chemical Corp., plants at Bradford, Vt., North Walpole, N.H., and South Deerfield, Mass., under contract with Kerr-McGee Chemical Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Brattleboro, Vt., or Springfield, Mass.

No. MC 133737 (Sub-No. 3), filed June 8, 1970. Applicant: ROBERT CRAWFORD, 5563 Northwest Drive, Omaha, Nebr. 68104. Applicant's repre-

sentative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass*, from Okmulgee, Okla., and Fort Smith, Ark., to Omaha, Nebr.; (2) *aluminum extrusions*, from Magnolia, Ark., McPherson, Kans., Rockwell and Terrell, Tex., to Omaha, Nebr.; and (3) *aluminum and plastic windows, window walls, front doors and frames, glass, fixtures, supplies and materials* used in construction of restaurants, kitchen equipment, building materials, and electrical appliances, equipment and parts, from Omaha, Nebr., to points in the United States, except Alaska and Hawaii, under contract with Architectural Glass Wall Co., of Omaha, Nebr. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133945 (Sub-No. 1), filed June 2, 1970. Applicant: WORLDWIDE MOVING & STORAGE, INC., 2722 Kilihaui Street, Honolulu, Hawaii 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in the State of Hawaii, restricted to traffic originating at or destined to points beyond the State of Hawaii. **NOTE:** Applicant states it proposes to enter into joint through motor-water-motor rates under section 216(c) of the Interstate Commerce Act. If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 134065 (Sub-No. 3), filed March 24, 1970. Applicant: ROSS E. JUDGE AUTO TRANSPORT, LTD., Chisholm Avenue, Halifax, Nova Scotia, Canada. Applicant's representative: Harold C. Pachios, 85 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, between Houlton, Maine, and ports of entry on the international boundary line between the United States and Canada at or near Houlton, Maine. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 134068 (Sub-No. 4), filed June 1, 1970. Applicant: KODIAK REFRIGERATED LINES, INC., 5243 San Feliciano Drive, Woodlawn Hills, Calif. 91364. Applicant's representatives: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501, and Duane W. Ackle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in California to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma,

South Dakota, Tennessee, Wisconsin, and Wyoming. **NOTE:** Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that it already holds authority in docket MC 134068 on "canned goods" in mixed loads with frozen foods or agriculture commodities as described in section 203(b)(6) of the Act as amended * * * "Within the entire scope of the present application," and the only purpose for this application is to be relieved of the mixed load restriction. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. (3 days) San Francisco, Calif. (3 days), and Kansas City, Mo. (2 days).

No. MC 134213 (Sub-No. 3), filed June 1, 1970. Applicant: SECURITIES TRANSPORT COMPANY, INC., 722 East Roosevelt, Post Office Box 1331, Phoenix, Ariz. 85006. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Business records and reports, including payroll checks, records and reports; data processing records; utility meter books and related utility records, between Phoenix, Ariz., and points in Arizona, excluding Navajo and Apache Counties, restricted to traffic having a prior or subsequent out-of-state movement by air.* **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 Phoenix, Ariz.

No. MC 134323 (Sub-No. 2), filed June 1, 1970. Applicant: JAY LINES, INC., Post Office Box 1644, 6210 River Road, Amarillo, Tex. 79109. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses, from the plant-site and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under contract with National Beef Packing Co.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Mo., or Omaha, Nebr.

No. MC 134405 (Sub-No. 1), filed June 1, 1970. Applicant: BACON TRANSPORT COMPANY, a corporation, Post Office Box 1134, Ardmore, Okla. 73401. Applicant's representative: 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: *Asphalt, in bulk, from Artesia, N. Mex., to points in Kansas on and west of U.S. Highway 281 and points in Oklahoma on and west of*

Interstate Highway 35. **NOTE:** Applicant states that no feasible tacking possibility exists. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 134443 (Sub-No. 1), filed June 1, 1970. Applicant: LESTER COGGINS TRUCKING, INC., Post Office Box 69, Fort Myers, Fla. 33902. Applicant's representative: Lester A. Coggins (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies used in growing and shipping horticultural commodities when transported with agricultural commodities; and (2) commodities, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above; (a) from points in Charlotte, Lee, and Orange Counties, Fla., to points in Alabama, Georgia, Kentucky, Mississippi, Ohio, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (b) from Ashtabula, Barberton, and Cleveland, Ohio, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Yoder Brothers, Inc., and Yoder Brothers, of Florida, Inc.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Tampa or Miami, Fla.

No. MC 134462 (Sub-No. 2), filed June 1, 1970. Applicant: AIM CONSOLIDATED DISTRIBUTION, INC., 37-30 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Clocks, watches and watch parts and bands, optical goods and parts, fine and costume jewelry, silver, silverplated and stainless steel flatware, music and jewelry boxes, and weather instruments, between points in the New York, N.Y., commercial zone as defined by the Interstate Commerce Commission and Newark, N.J., on the one hand, and, on the other, the warehouse of Sears, Roebuck and Co., located at Edison, N.J., under contract with Sears, Roebuck and Co., located at New York, N.Y.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134565 (Sub-No. 1), filed May 28, 1970. Applicant: J & W TRANSPORT INC., 2212 Hazelwood Avenue, Fort Wayne, Ind. 46805. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *(a) Iron and steel and iron and steel articles, aluminum and aluminum fasteners, resins, solder, and paints, from that part of the Chicago commercial zone, located in Illinois; (b) from Wheeling, W. Va.; Toledo, Ohio; Racine and Kenosha, Wis., including transportation from the Chicago commercial zone,*

Toledo, Ohio, Racine, and Kenosha, Wis., having a prior movement by ship, to Goshen and Topeka, Ind.; (2) *livestock tanks, watering equipment and feeders, and boats, from Goshen, Ind., to points in the United States (except Alaska and Hawaii); and (3) travel trailers, and fold-campers, from Topeka, Ind., to points in the United States (except Alaska and Hawaii), under contract with Starcraft Co., a division of Bangor Punta Co.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 134584 (Sub-No. 1), filed May 22, 1970. Applicant: PETEL TRUCKING SERVICE, INC., 42 Lighthouse Street, New York City, N.Y. 10013. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Houseware, chinaware, and antique furniture, from points in New York Harbor Area, Ex Parte 140, 49 CFR, Part 303 to Westbury and New Cassel, N.Y., having a prior movement by water, under contract with Ireb Import Export.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 134619 (Sub-No. 1), filed June 1, 1970. Applicant: CLIFFORD R. FELTON, Rural Delivery No. 2, Latrobe, Pa. 15650. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid latex, in bulk, in tank vehicles, from Louisville, Ky., Akron, Ohio, and Baltimore, Md., to points in Derry Township, Westmoreland County, Pa., under a continuing contract or contracts with Toyad Corp.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 134640, filed May 22, 1970. Applicant: DAVIS & SON, INC., 4222 South 15th Avenue, Phoenix, Ariz. 85041. Applicant's representative: Roy V. Davis (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities, (1) between points in the Hopi Indian Reservation in Arizona; and (2) between points in the Hopi Indian Reservation in Arizona, on the one hand, and, on the other, Phoenix, Ariz.* **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Phoenix or Flagstaff, Ariz.

No. MC 134651, filed May 25, 1970. Applicant: GIBSCO TRANSPORT LIMITED, 2111 Lakeshore Road East, Clarkson, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to the premises of connecting line carriers for interchange, and cement producers in Buffalo, N.Y., and returned shipments, on*

return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134661, filed June 1, 1970. Applicant: SCHILDMAN TRUCKING, INC., 501 Copeland Avenue, La Crosse, Wis. 54601. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. 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, commodities injurious or contaminating to other lading and those requiring special equipment); (1) between the Minneapolis-St. Paul International Airport, Hennepin County, Minn., on the one hand, and, on the other, points in La Crosse, Monroe, Trempealeau, and Vernon Counties, Wis., Lansing, Iowa, and Winona, Minn.; and (2) between the La Crosse Airport, La Crosse County, Wis.; on the one hand, and, on the other, points in the same territory as in (1) above, restricted to traffic having a prior or subsequent movement by air. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at La Crosse, or Madison, Wis.

No. MC 134669, Filed June 1, 1970. Applicant: DELTA MILK COMPANY, INC., R.F.D. No. 1, Box 667, Marion, Ark. 72364. 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: *Dairy products and juices*, between Memphis, Tenn., on the one hand, and, on the other, points in De Sota, Tunica, Coahoma, and Bolivar Counties, Miss. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 134673, filed June 3, 1970. Applicant: A. F. C. TRANSPORTATION COMPANY, INC., 4315 Eighth Avenue, Brooklyn, N.Y. 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: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment in containers), between points in that part of the New York, N.Y., commercial zone as defined by the Commission, within which local operations may be conducted under the exemption provided by section 203(b) (8) of the Act (the "exempt zone"). Restriction: Restricted to the transportation of traffic having an immediately prior or subsequent movement by water. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134674, filed June 3, 1970. Applicant: A. MICHAEL BROWN, 138 Sunnyside Drive, Dalton, Mass. 01226. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-stressed concrete forms, including, but not limited to, precast reinforced concrete building sections, knocked-down, including wall or roof sections, panels, or pillars*, from Pittsfield, Mass., to points in Connecticut, New York, and Vermont. **NOTE:** Applicant states that it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., Hartford, Conn., or Albany, N.Y.

No. MC 134675, filed June 1, 1970. Applicant: WINSLOW OIL CO., INC., Post Office Box 25, Hertford, N.C. 27944. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, distillate fuel oil, commercial medium fuel oil, and diesel fuel*, in bulk, in tank vehicles, from Norfolk, and Chesapeake, Va., to points in Chowan, Perquimans, Gates, Pasquotank, Camden, Currituck, and Dare Counties, N.C., under contract with Winslow Oil Co., Inc. and Union Oil Co. of California. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Richmond, Va.

No. MC 134677, filed June 4, 1970. Applicant: J. P. NOONAN TRANSPORTATION, INC., Linden Street, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Tiverton, R.I., to points in Massachusetts, under contract with P & H Trust, Abington, Mass. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Providence, R.I.

No. MC 134679, filed June 8, 1970. Applicant: THE DINGLEDINE TRUCKING CO., a corporation, 5787 Storms Creek Road, Urbana, Ohio 43078. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. 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 bulk, and those requiring special equipment), between points in Ohio, under contract with the Standard Oil Co. of Ohio and its wholly owned subsidiaries, restricted to the performance of service in shipper-owned trailers. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

MOTOR CARRIERS OF PASSENGERS

No. MC 48501 (Sub-No. 14), filed May 25, 1970. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 South Michigan Street, South Bend, Ind. 46624. Applicant's representative: Harry J. Harman, 1110 Fidelity Building, Indianapolis, Ind. 46204. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, in special operations, restricted to the transportation of traffic having a prior or subsequent movement by air: (1) Between South Bend, Ind., and O'Hare International Airport, Chicago, Ill.; and (2) between South Bend, Ind., and Indiana and Midway Airport, 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 South Bend or Indianapolis, Ind.

No. MC 107583 (Sub-No. 46), filed June 1, 1970. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, New York, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Post Office Box 348, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers limited to not more than 20 passengers in any one vehicle not including the driver, in special operations, between Wilmington, Del., and points in the Philadelphia commercial zone as defined by the Commission, on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y.; and (2) between points in Montgomery, Chester, and Delaware Counties, Pa., on the one hand, and, on the other, John F. Kennedy International Airport, New York, N.Y. **NOTE:** Applicant states that the purpose of this application is to increase the number of passengers to 20 per vehicle not including the driver and to include express and newspapers. It further 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 New York, N.Y., or Newark, N.J.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130118, filed June 1, 1970. Applicant: CALISANT TOURS, INC., 19 Lincoln Avenue, Amsterdam, N.Y. 12010. Applicant's representative: W. Norman Charles, 80 Bay Street, Glen Falls, N.Y. 12801. For a license (BMC-5) to engage in operations as a *broker* at Amsterdam, Schenectady, and Troy, N.Y., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in the same vehicle with passengers, as individuals and groups, in special and charter operations and round trip, all-expense tours, beginning and ending at points in Albany, Fulton, Montgomery, Rensselaer, Schenectady, and Schoharie Counties, N.Y., and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 28573 (Sub-No. 33), filed May 22, 1970. Applicant: BURLINGTON NORTHERN INC., 176 East Fifth Street,

St. Paul, Minn. 55101. Applicant's representative: Byron D. Olsen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk and commodities requiring special equipment); (1) serving Moore, Mont., as an off-route point on applicant's regular route operation between Great Falls, and Lewistown, Mont., over U.S. Highway 87; and (2) serving Judith Gap, Mont., as an intermediate point on applicant's alternate route operation between Great Falls, and Billings, Mont., over U.S. Highway 191. **NOTE:** Common control may be involved.

No. MC 121114 (Sub-No. 2), filed May 28, 1970. Applicant: OAKLAND VAN & STORAGE, INC., 867 Isabella Street, Oakland, Calif. 94607. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such traffic.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 70-7975; Filed, June 24, 1970;
8:45 a.m.]

[Notice 99]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 19, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52709 (Sub-No. 310 TA), filed June 11, 1970. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). 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 commodities requiring special equipment, between Casper or Gillette, Wyo. and Great Falls, Mont., serving no intermediate points: from Casper over U.S. Highway 87 to Great Falls and return over the same route. (b) From Gillette over Interstate Highway 90 to its junction with U.S. Highway 87 at or near Billings, Mont., thence over U.S. Highway 87 to Great Falls and return over the same route. Restriction: No service is authorized on traffic originating at or destined to Great Falls, Mont., on the one hand and, on the other, points in Colorado or Wyoming, for 180 days. **NOTE:** Carrier does intend to tack with its presently authorized authority at Casper or Gillette, Wyo. and also to interline at Great Falls, Mont., with carriers serving points in Montana, Idaho, Washington, and Oregon. Authority is sought to interline at Great Falls with carriers serving points in Montana, Idaho, Washington, and Oregon. Supporting shippers: There are approximately (49) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo.

No. MC 103993 (Sub-No. 532 TA), filed June 10, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, ventilator equipment, ventilator systems and accessories used in the installation thereof*, from the plantsite of Penn Ventilator Co., Inc., at Tabor City, N.C., to points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, Utah, North Dakota, South Dakota, Washington, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Penn Ventilator Co., Inc., 11th Street and Allegheny Avenue, Philadelphia, Pa. 19140. Send protests to: District Super-

visor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 783 TA), filed June 17, 1970. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, Zip 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in pneumatic tank vehicles, from Romeoville, Ill., to Palo, Iowa, for 150 days. Supporting shipper: Champion, Inc., Iron Mountain, Mich. 49801. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114290 (Sub-No. 46 TA), filed June 17, 1970. Applicant: EXLEY EXPRESS, INC., 2610 Southeast 8th Avenue, Portland, Ore. 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: *Cheese and cheese product and whey powder*, from Tillamook, Ore., to points in California, for 180 days. Supporting shipper: Tillamook County Creamery Association, Post Office Box 313, Tillamook, Ore. 97141. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest 4th Avenue, Portland, Ore. 97204.

No. MC 117823 (Sub-No. 41 TA), filed June 17, 1970. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from plantsite of Gossner's Cheese Factory, near Logan, Utah, to points in California, for 180 days. Supporting shipper: Gossner's Cheese Factory, 10th North and 10th West Streets, Logan, Utah 84321 (Edwin Gossner, Jr.). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 119567 (Sub-No. 9 TA), filed June 17, 1970. Applicant: F. H. McCURE and R. V. ESTELL, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, Idaho 83705. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Ada, Boise, and Gem Counties, Idaho, to points in Oregon, for 150 days. Supporting shippers: Del Monte Sand Co., Emmett, Idaho 83617; Porter & Co., Post Office Box 667, Boise, Idaho 83701. Send protests to: C. W. Campbell, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Court House, 550 West Fort St., Boise, Idaho 83702.

No. MC 125035 (Sub-No. 20 TA), filed June 17, 1970. Applicant: RAY E. BROWN TRUCKING, INC., 1132 55th Street NE., North Canton, Ohio 44721. Applicant's representative: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream confections, ice confections, and ice water confections*, from Wheeling, W. Va., to points in New Jersey and New York, for 180 days. Supporting shipper: The Ziegenfelder Co., Inc., 87 18th Street, Wheeling, W. Va. 26003. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Court House, 85 Marconi Boulevard, Columbus, Ohio 43215.

MOTOR CARRIER OF PASSENGERS

No. MC 134519 TA (Clarification), filed April 21, 1970, published FEDERAL REGISTER, Issues of April 30, and May 28, 1970, and republished as clarified this issue. Applicant: JAMES A. AUTREY, doing business as AUOCO TOURS, Route 7, Sevierville, Tenn. 37862. Applicant's representative: Robert E. Pryor, Valley Fidelity Bank Building, Knoxville, Tenn. 37901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, and their baggage* in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending in Knoxville, Tenn.; Sevierville, Tenn.; Pigeon Forge, Tenn.; Gatlinburg, Tenn.; with pickup rights at those points; and extending to Cherokee, N.C., over the following routes: from Knoxville, Tenn., to Cherokee, N.C., over U.S. Highway 441, through Sevierville, Tenn., with the right on trips returning from Cherokee, N.C., to Knoxville, Tenn., to operate over U.S. Highway 441 and Tennessee Highway 73, through Maryville, Tenn., and thence over U.S. Highway 411 to Knoxville. Note: The purpose of this republication is to clarify the proposed operations. Supported by: Knoxville Tourist Bureau, Knoxville, Tenn., Travel Lodge, Sevierville, Tenn., Smoky Mountain Trailways, Gatlinburg, Tenn., Manager, Andrew Johnson Hotel, Knoxville, Tenn., Mayor, City of Pigeon Forge, Pigeon Forge, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-8074; Filed, June 24, 1970;
8:51 a.m.]

[Notice 100]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 22, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of the signed original and six copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 85934 (Sub-No. 56 TA), filed June 17, 1970. Applicant: MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, Dearborn, Mich. 48120. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Dry silicate of soda*, in bulk, from Skaneateles Falls, N.Y., to Wyandotte, Mich., for 150 days. Supporting shipper: Pennwalt Corp., Tree Penn Center, Philadelphia, Pa. 19102. Send protests to: Gerald J. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 111729 (Sub-No. 297 TA), filed June 17, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed and developed plastic film used for identification badges*, between Buffalo, N.Y., on the one hand, and on the other, Rochester, N.Y., for 180 days. Note: Applicant seeks to interline with Trans Canadian Couriers Ltd., at Buffalo, N.Y., as set forth below. Supporting shipper: Identicaid Limited, 110 Yonge Street, Toronto, Ontario, Canada. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 123600 (Sub-No. 6 TA), filed June 17, 1970. Applicant: BRENNAN TRUCK LINES INCORPORATED, 1645 Stewart, Des Moines, Iowa 50316. Appli-

cant's representative: Russell H. Wilson, 3839 Merle Hay, Des Moines, Iowa 50310. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packing-house products*, from Armour plant, Des Moines, Iowa, and all public warehouses utilized by Armour and Co. at Des Moines, Iowa, to Pittsburgh, Pa., for 180 days. Supporting shipper: Armour and Co., Box 9222, Chicago, Ill. 60690. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124078 (Sub-No. 440 TA), filed June 17, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, in tank vehicles, from Bristol, Va., to points in Tennessee, for 150 days. Supporting shipper: Summers-Taylor Paving Co., Elizabethton, Tenn. (Box 628) (Harry Moore, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128698 (Sub-No. 3 TA), filed June 17, 1970. Applicant: ERDNER BROS., INC., Fow and Leahy Streets, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuff*, from Salisbury, Md., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Campbell Soup Co., 375 Memorial Avenue, Camden, N.J. 08101. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 133920 (Sub-No. 3 TA), filed June 18, 1970. Applicant: HOWARD SHEPPARD, INC., Post Office Box 755, Sandersville, Ga. 31082. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in hopper type or dump vehicles, from Gordon and Amco, Ga., to Camp Croft, S.C., for 180 days. Supporting shipper: Kohler Co., Camp Croft, S.C. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 134701 (Sub-No. 1 TA), filed June 18, 1970. Applicant: ROBERT WITHERS, doing business as ROBERT

WITHERS TRUCKING, 6045 Vine Vale, Maywood, Calif. 90270. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and bananas in mixed shipments with agricultural products*, from points in California and Arizona to the port of entry on the International Boundary, between Canada and the United States at or near Sweetgrass, Mont., for 180 days. Supporting shipper: Horne & Pitfield Foods Limited, Post Office Box 2266, Edmonton, Alberta, Canada. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134708 TA, filed June 18, 1970. Applicant: ALBERT VERNON FREDINBURG, 1003 South Vine Street, Denver, Colo. 80209. Applicant's representative: Albert Vernon Fredinburg, 1003 South Vine Street, Denver, Colo. 80209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oriental foods and food products when moving in the same*

vehicle at the same time with commodities exempt under 203(b) (6) of the ICC Act, from Sacramento and San Francisco, Calif. to Denver, Colo., for 180 days. Supporting shipper: Pacific Mercantile Co., 1946 Larimer Street, Denver, Colo. 80202. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

MOTOR CARRIERS OF PASSENGERS

No. MC 946 (Sub-No. 4 TA), filed June 17, 1970. Applicant: PAROCHIAL BUS SYSTEM, INC., 3320 Hutchinson Avenue, Bronx, N.Y. 10469. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from the Bronx, N.Y., to Liberty Bell Park Race Track, Philadelphia, Pa., for 180 days. Supporting shippers: There are 124 patrons attached to the application. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129098 (Sub-No. 2 TA), filed June 11, 1970. Applicant: GOLDEN CIRCLE TOURS, INC., 40 East Center Street, Kanab, Utah 84741. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between Las Vegas, Nev., and Kanab, Utah, restricted, however, to the transportation of not more than 10 passengers in any one vehicle, for 180 days. Note: Applicant does intend to tack the authority applied for herein with that already held under MC-129098 Sub. No. 1 and/or to interline with other carriers. Supporting shipper: Murdock Travel, Inc., 14 South Main Street, Salt Lake City, Utah 84101, Don L. Douglas, Tours Department. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 70-8075: Filed June 24, 1970; 8:51 a.m.]

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61	9980
63	9981

46 CFR—Continued

70	9981
77	9981
90	9981
96	9981
146	9981
167	9982
171	10111
309	8659
310	8553, 8890
531	9925

PROPOSED RULES:

137	8945
540	8750

47 CFR

0	8567, 8825
1	8825, 9008
2	8634, 8644, 8828, 10219, 10361
18	8644
73	8650, 8825, 10268
81	10219
83	8567, 10222
87	10013
91	8939, 10361

PROPOSED RULES:

2	10030, 10372
67	8502
73	8670
	8834, 8946, 10031, 10231, 10320, 10375-10378
74	8671
83	10378
91	10030
95	10030

49 CFR

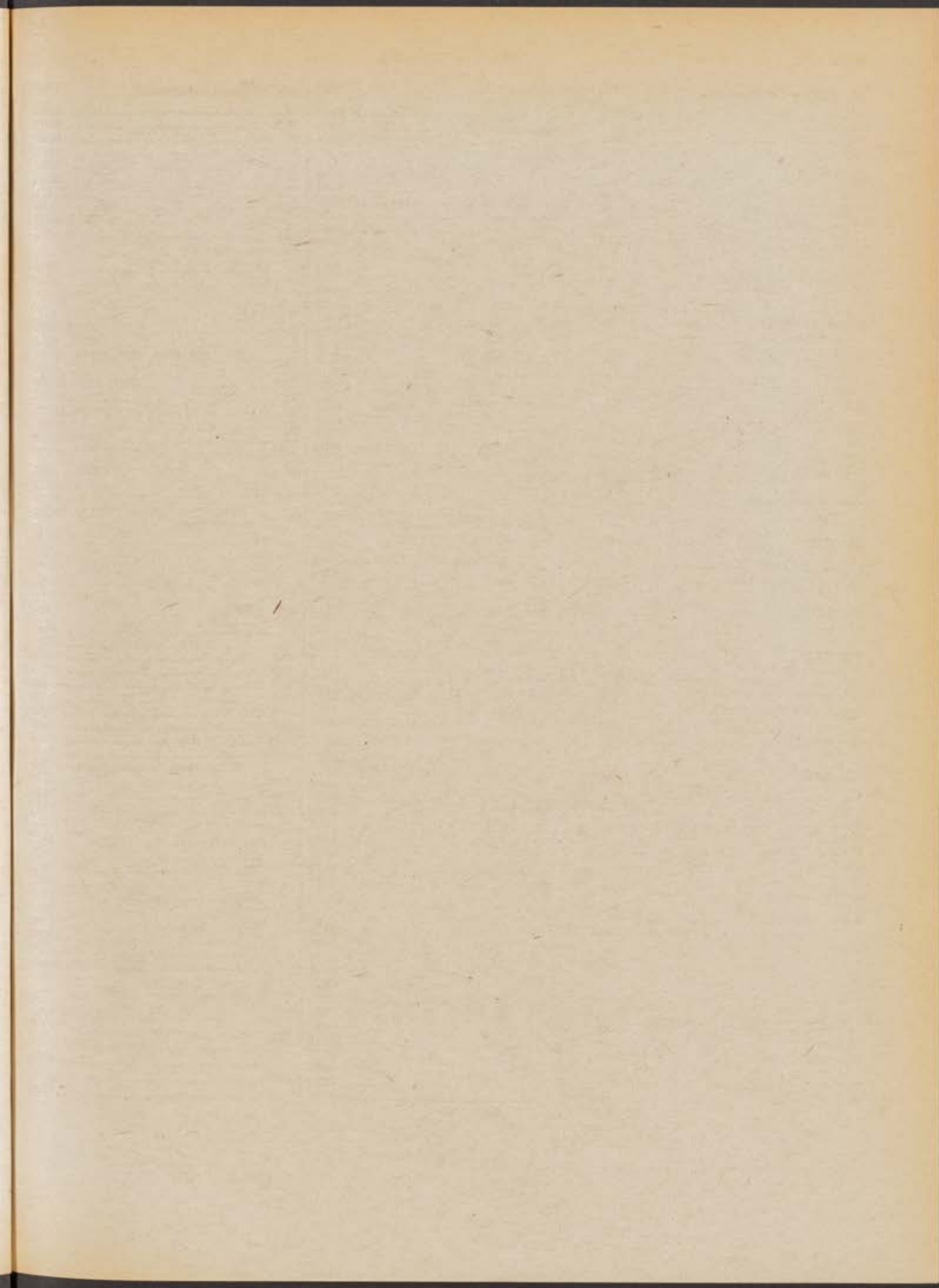
1	9857
21	10080
177	9284
230	10223
231	10149
236	9926
310	8553, 8890
389	9209
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1033	8735
	9213, 9858, 10150, 10224, 10225
1048	9213
1056	8890
1307	8736

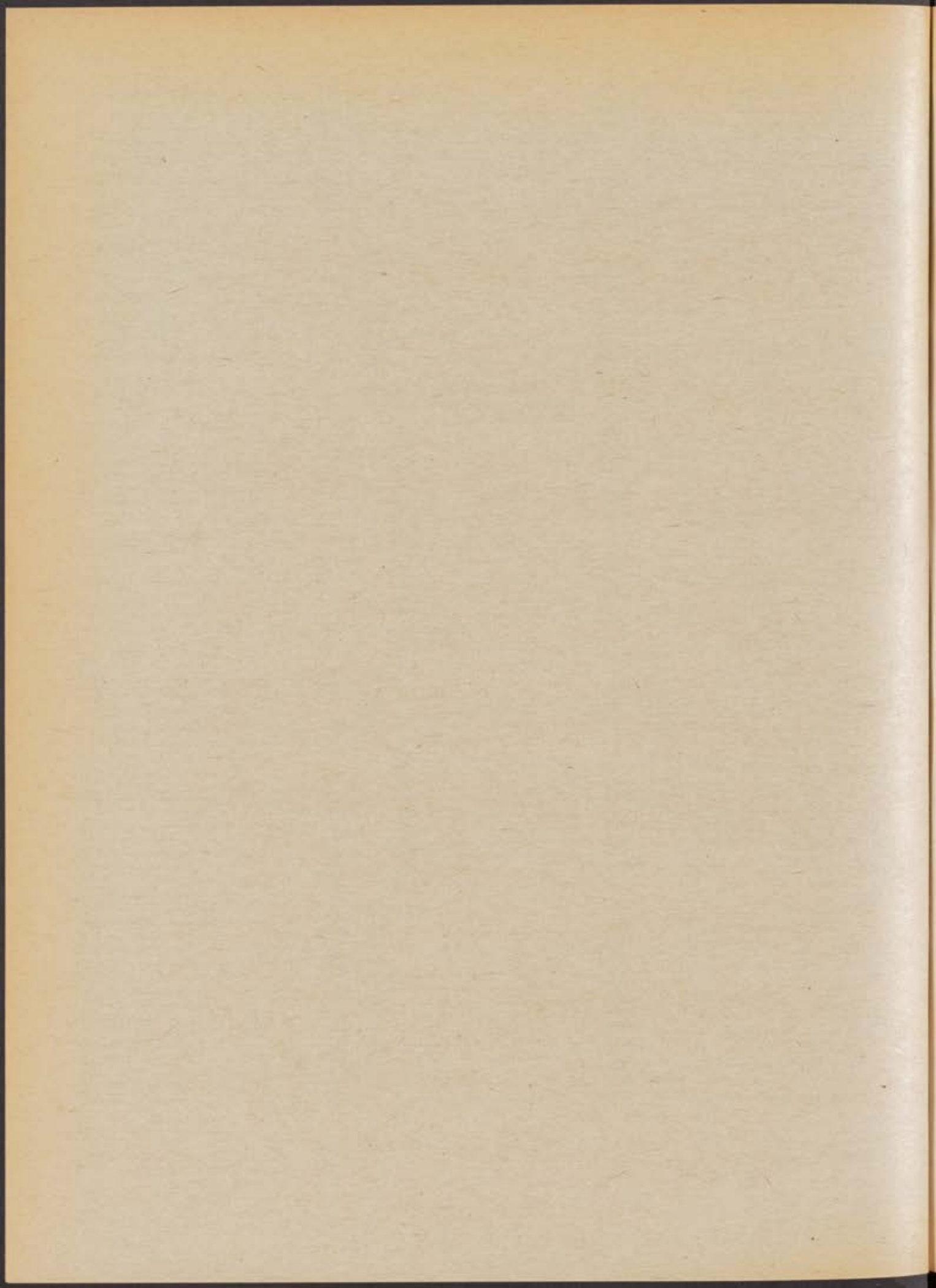
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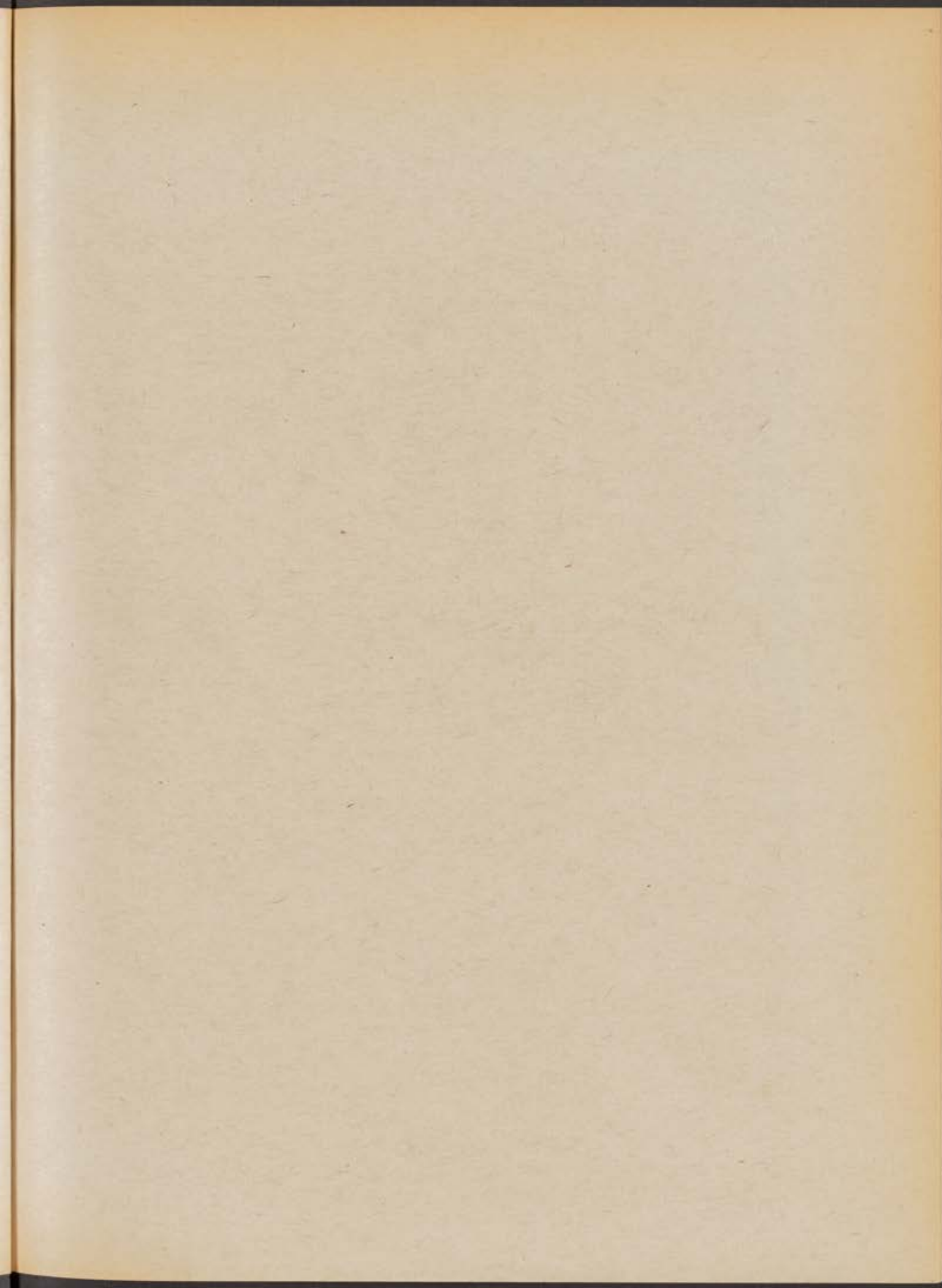
170-189	8831
172	8502
173	8502, 8946
190	8833
192	8833, 9293
393	9859
567	9293
571	10368
575	8667, 8832
1048	8594, 9932, 10380

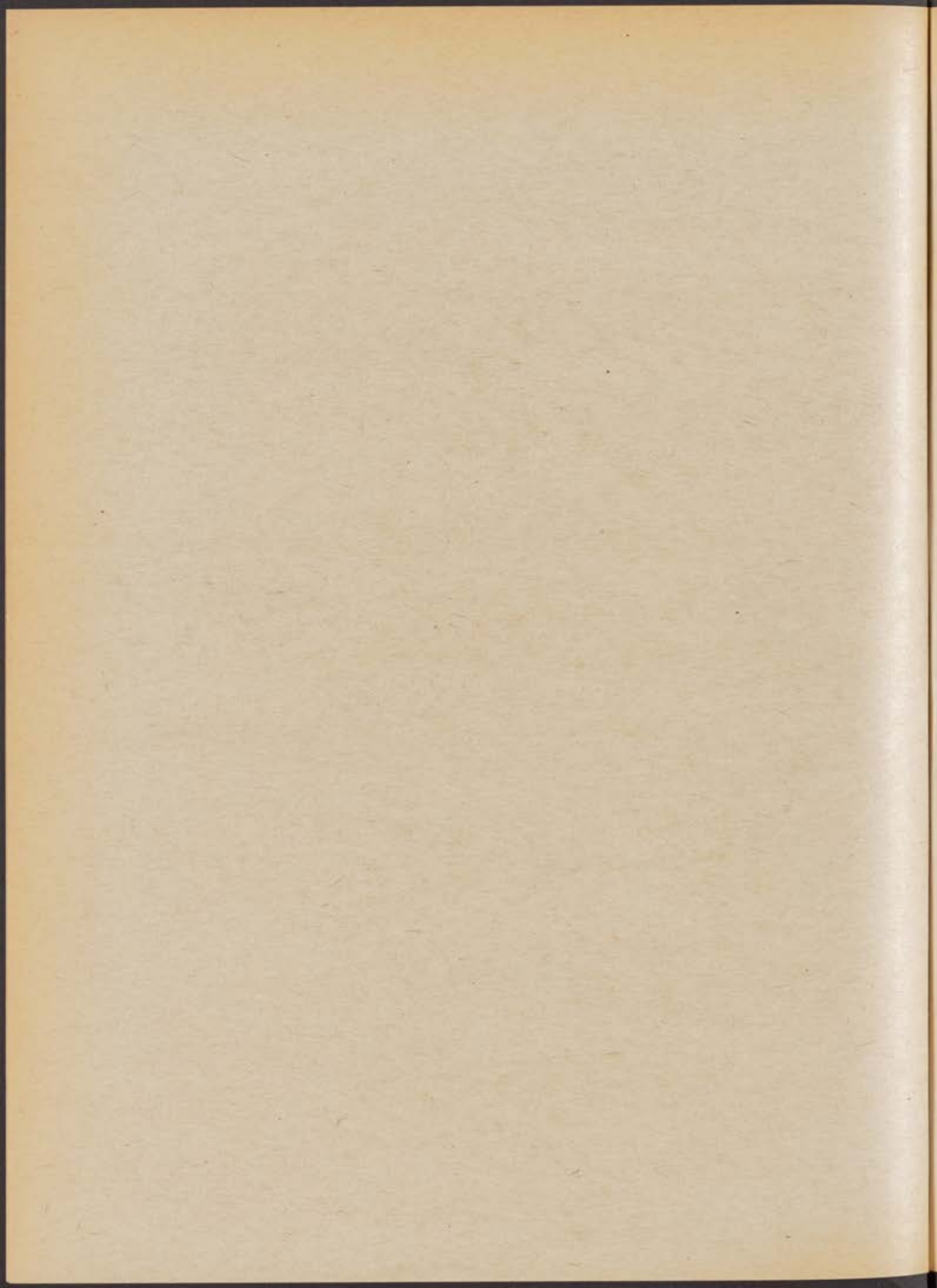
50 CFR

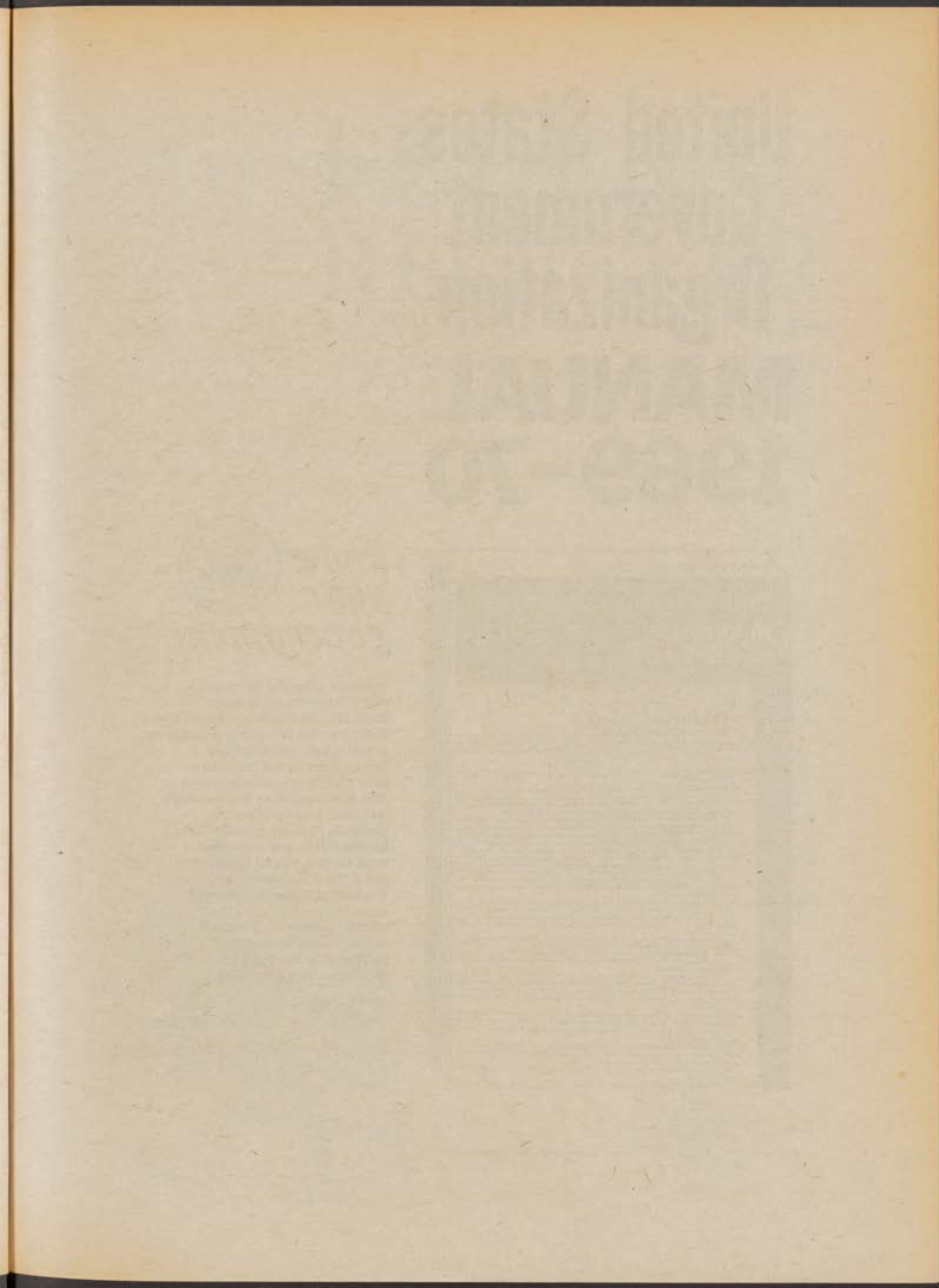
17	8491, 8736, 8941
28	10015
32	10015, 10361, 10362
33	10015
258	10151
280	8890



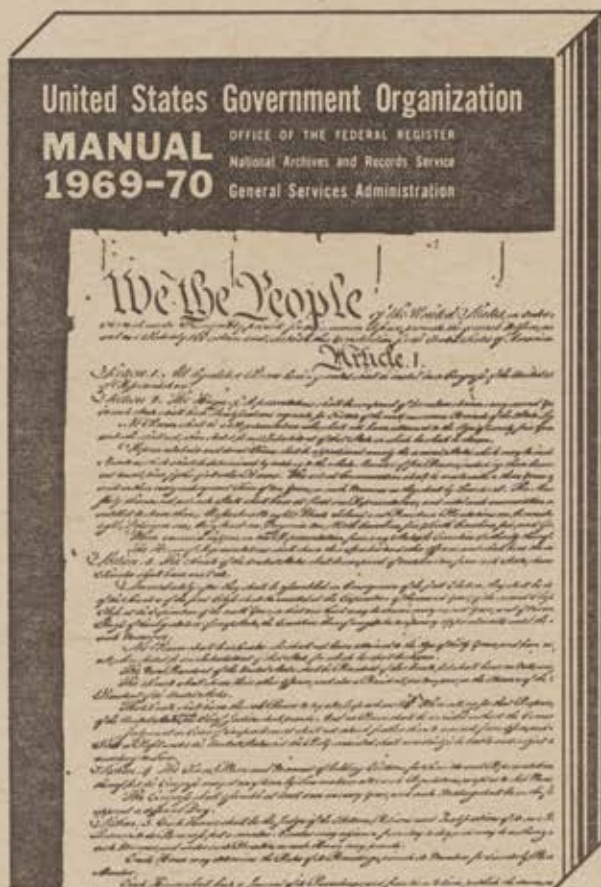








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